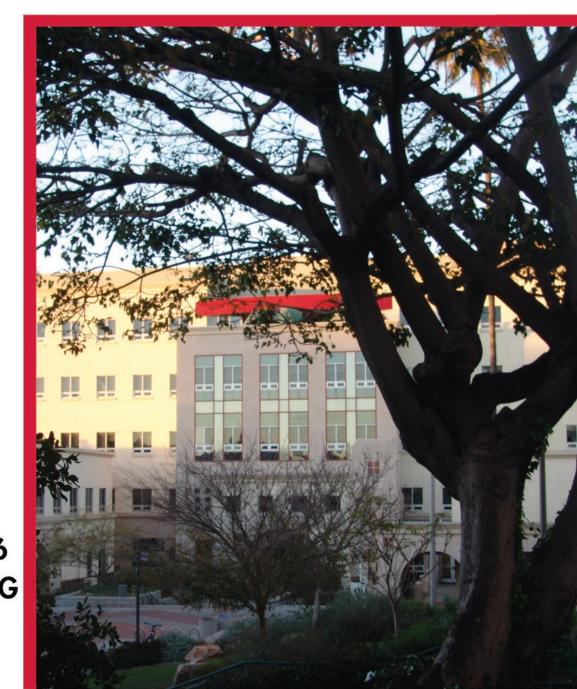# Splice

The Undergraduate Research Journal of the SDSU College of Arts and Letters

VOL. 6
SPRING
2023

Splice

The Journal of Undergraduate Scholarship at SDSU College of Arts and Letters

Splice

The Journal of Undergraduate Scholarship at SDSU College of Arts and Letters

Cover Photography: Charisse Lindsey

Cover and Interior Design: Abigail A. Jones

Interior images found through *Unsplash*

pg.0-*"A Fresh Perspective on Facist Studies": Adrian Dascal taken in Romania*
pg.12-*"Religion State Ties...": L'odyssee Belle taken in Chile*
pg.32-*"Women, STEM...": Austrian National Library taken on a shoproom floor*
pg.40-*"*The Punisher*...": Robert Linder taken in Washington D.C.*
pg.48- *"Sharia's Implementation...": Adedotun Adegborioye taken in Nigeria*
pg.56- *"Homosexuality in Western Africa": John Onaeko taken in Nigeria*
pg. 70- *"Visualizing Musical Instruments...": Massimo Virgillo taken in Rome*
pg.80 *"Dead Weight...": Jakayla Toney taken in New York City*

Splice

The Journal of Undergraduate Scholarship at SDSU College of Arts and Letters

DEVELOPMENTAL EDITORS
Chair
Fong, Amy
English

Abrajano, Arabelle
English

De Leon, Joyce Anne
English

Hegenbart, Grace
English and TV, Film & Media

Hicks, Shaeley
English

Remmers, Adam
IS3D; Political science, English, JMS

Ritter, Christopher
Public Administration

COPYEDITORS
Alred, Isabelle
English

Burrola, Chantel
Anthropology

Breitwieser, Lucy
English

Carr, Daniel
International Security and Conflict Resolution (ISCOR) and Geography

Corona, Josué
History

Koelzer, Lexi
Psychology

Karanam, Nisha
English

Karatisoglou, Evanthia
English

Pulley, Skaidra
International Security and Conflict Resolution (ISCOR)

Vidri, Amanda
Creative Writing

Owens, Renee
Political Science and Psychology

PUBLIC RELATIONS TEAM
Chair
Budnik, Eugenie
Journalism/Advertising

Cherayil, Jacob
Economics

Hernandez, Jessalyn
English

PRODUCTION TEAM
Co-Chair
Mullins, Maya
English

De Leon, Joyce Anne
English/Single subject teaching certification

FACULTY SPONSOR
EJ Sobo
Director of Undergraduate Research, College of Arts and Letters

FACULTY MENTORS

Amanda Beardsley for Jonna Wallin
Amy Wong for Toki Lee
JP Anderson for Aldo Brambila
Elizabeth Ann Pollard for Pamela Grace deVega
Cheryl O'Brien for
Sandra Resurreccion
Mitchell Mullen
Hadil Salih
Jocelyn Killmer for Kailey McHale-Vonk

REVIEWERS

Professor Reviewers

Steve Barbone

Sam Kobari

Rob Malouf

Charmane Perry

Dan Susa

Ricardo Vasconcelos

Tawny Whaley

Student Reviewers

Arabelle Abrajano

Joyce Anne De Leon

Hennah Atebar

Lucy Breitwieser

Chantel Burrola

Daniel Carr

Zachery Clow

Josue Corona

Taylor Gibbs

Grace Hegenbart

Nisha Karanam

Evanthia Karatisoglou

Nishi Khodaria

Jesse Munyoki

Renee Owens

Skaidra Pulley

Adam Remmers
Christopher Ritter
Briana Verdugo

FACULTY ADVISORY BOARD
Quentin Bailey, Professor
English and Comparative Literature

Steven Barbone, Professor
Philosophy

Tim Brown, Professor
Sociology

David Cline, Professor
History

David Kamper, Professor
American Indian Studies

Vijayanka Nair, Professor
Anthropology

Splice

The Journal of Undergraduate Scholarship at SDSU College of Arts and Letters

A Fresh Perspective on Fascist Studies: Fascism as a Transnational and Transgenerational Phenomenon

Aldo Brambila

Abstract

Historically speaking, Fascism has typically been analyzed as a purely European phenomenon. Many scholars premise their analysis on eurocentric political theory and concepts of authoritarianism that are distinct from European examples of Monarchy and traditional dictatorship. However, with the re-emergence of right-wing autocrats across the world, the Eurocentric conception of Fascism has begun to lose its relevance and scholars have begun to reexamine historical and contemporary regimes to establish a fresh understanding of Fascism beyond its Interwar European manifestations. This article contributes to this endeavor by integrating and building upon the work of established scholars on the subject such as Robert Paxton, Roger Griffin, Michael Parenti, and Zeev Sternhall. Drawing on the methods employed by Stanley Payne, I analyze Fascism in terms of its political, cultural, and economic dimensions and build on prior scholarship to examine each of these facets and how they may overlap and influence one another. The intent of the article is to provide a theoretical framework that may aid in the identification of Fascist movements across a broad range of countries and historical periods.

Key Words Fascism. Palingenesis. Contrarian Syncretism. Class Collaborationism. Proletarianization.

Part I: Introduction and Background

In 2012 the Journal of Comparative Fascist Studies published a short article by Wim van Meurs titled "The Wall in Fascism Studies". The article discusses a plethora of academics and their interpretations of "generic Fascism". Many of these academics are critiqued and van Meurs identifies a trend among the scholars that their country of origin strongly influences the way they interpret Fascist regimes and shapes their definitions of Fascism. Van Meurs goes as far as saying "Apparently, generic Fascism thrives on the in-depth knowledge and language competencies of national or area-studies experts rather than on the reductionism of generalists with some basic contextual information and a universal checklist of criteria."[1] Van Meurs concludes by motivating future scholars to move beyond the typical analysis of Interwar Germany and Italy and consider the many cases of Fascism in post-communist Eastern Europe, in order to establish a broader "European framework" for understanding Fascism. However, Van Meur does not go far enough. Considering that Fascist movements have arguably proliferated around the globe in recent decades, the purely Eurocentric

---

1 Van Meurs, Wim. "The Wall in Fascism Studies". *Journal of Comparative Fascist Studies,* (2012)

framing may overlook or misidentify these movements. Thus, following van Meurs's motivation, this article goes beyond an exclusively European understanding of Fascism by utilizing Interwar examples from Asia and Eastern Europe. Furthermore, I will extend my analysis to an American context in the contemporary political sphere. This article offers a definition of Fascism that overcomes the Eurocentric and arguably particularist limitations of the existing analysis. My intent is that Fascist movements may be more readily and accurately identified across countries, cultures, and time.

The characteristics used to understand and define Fascism as an ideology throughout the essay will revolve around multiple academic definitions of Fascism that focus specifically on cultural, political, and economic dimensions of the ideology, in order to construct a novel and cross-nationally applicable definition of Fascism. There are a plethora of definitions of Fascism proposed by scholars from across the last century.

To examine the political aspects of Fascism, I will build on the work of Roger Griffin[2] and Robert Paxton[3]. While Griffin and Paxton both clearly elucidate Fascism as a political project, we can identify clear limitations where both fail to effectively address the social-cultural dynamics or the economic relations of a Fascist society. That is, Griffin and Paxton identify some of the political trends within Fascism as politically organized militants utilizing a populist ultranationalist platform in collaboration with a sector of radical establishment elites, motivated by a cult-like obsession to radically transform the status quo from its existing position of shame, into an expansive mythic empire. Notwithstanding, exclusively examining the political dimension of Fascism risks overlooking the flagrant cultural reaction taking place building up to and within a Fascist society.

Many scholars of Fascism have stressed its reactionary nature. This reaction is often accredited to newly developed social values that derive typically from enlightenment/ modern thinking. Scholars such as Gygory Lukacs's[4] and Zeev Sternhall's[5] interpretations of Fascism are the primary reference in this work for issues concerning the Fascist reaction to modern social-cultural beliefs. By explaining Fascist social beliefs as a reaction to relatively recent cultural developments, the authors uncover a convenient scapegoat to be used by Fascist political actors to farcically explain the recent societal decline. In addition, Umberto Eco's analysis of the syncretic nature of Fascism elucidates the complex nature of Fascism's social relations and the beliefs it reacts to.

---

2 "Fascism is a political ideology whose mythic core in its various permutations is a palingenetic form of populist ultra-nationalism." Griffin, Roger. *The Nature of Fascism.* New York: St. Martin's Press, (1991).
3 "A form of political behavior marked by obsessive preoccupation with community decline, humiliation or victim-hood and by compensatory cults of unity, energy and purity, in which a mass-based party of committed nationalist militants, working in uneasy but effective collaboration with traditional elites, abandons democratic liberties and pursues with redemptive violence and without ethical or legal restraints goals of internal cleansing and external

expansion." Paxton, Robert. *The Anatomy of Fascism.* New York: Knopf Publishing, (2004).
4 Fascism is the "demagogic synthesis" of all the irrationalist trends of the 19th and early 20th centuries, such as the reaction against the ideas of the Enlightenment and the French Revolution, the Romantic critique of capitalism (Carlyle) as "indirect apologetics" of capitalism (Nietzsche), anti-democratic or "aristocratic epistemology" (Lukács' term for philosophies that considered knowledge to be the privilege of an elite), emphasis on myth and mysticism, the rejection of humanism, a cult of personality around the leader, and the subjugation of reason to instinct. Lukacs, Gyorgy. *Zur Kritik der fashisischen Ideologie, (1989).*
5 "Fascism as a reaction against modernity and a backlash against the changes it had caused to society, as a rejection of the prevailing systems: liberalism and Marxism, positivism and democracy." Sternhall, Zeev. *The Birth of Fascist Ideology from Cultural Rebellion to Political Revolution.* New Jersey: Princeton University Press,

(1994).

Scholars often get caught up in narrow specificities when detailing the intricacies of Fascist negations without acknowledging the obvious contradictions that permeate throughout those alleged negations. Identifying Fascism as outright anti-liberal, anti-communist, or anti-enlightenment ignores the reality that Fascism only purports to be so embellished in negation when in fact history demonstrates that Fascists would sooner bastardize these ideas for their own gain as soon as the opportunity presented itself.

Finally, in order to analyze and understand the economic nature of Fascism, this paper will draw upon the works of Micheal Parenti[6] and Georgi Dimitrov[7], who propose definitions that focus on the economic relations that bring about Fascist movements and regimes. It is important to note that Marxist interpretations of Fascism can be limiting due to the deterministic quality they imply of capitalism inevitably devolving into Fascism. Fascism may be capitalism in decay but plenty of countries have experienced severe economic downturns without devolving into Fascism. Rather, what is important in their analysis is an emphasis on the role economics plays in influencing and deteriorating material conditions that Marxists emphasize, and many other academics fail to mention or outright ignore.

Once the existing definitions have been analyzed and deconstructed I will propose a new definition synthesized from the aforementioned analysis. The definition will function as a benchmark moving forward and delve into a deep dive into the Interwar period demonstrating how objectively Fascist regimes fit this definition, as well as elucidate the nuances between para-Fascism, meaning not necessarily entirely Fascism proper, by lacking in its revolutionary intensity and going in more pragmatic conservative directions that were more indicative of autocratic authoritarianism rather than the much more complex socio-economic relations characteristic of Fascism. And post-Fascist regimes, which are liberal democratic governments with active far-right parties and actors vying for power in practically the same capacity as most every other party. I conclude with a case study of the contemporary American right-wing ideosphere, and its fit with the newly established definition. I close by considering whether the United States is currently facing the rise of a neo-Fascist movement with the potential to actually seize power.

Deconstructing Existing Definitions

The current scholarship exploring Fascism, while in-depth, can be quite narrow. Failure to properly address the niche characteristics of different iterations of Fascism makes it difficult to discern Fascism among other political movements on the far-right. This deficit risks allowing Fascist political movements to grow under the guise of political legitimacy. Becoming caught up with strict definitions and whether or not a political movement can be deemed Fascist because it fails to meet the standard by this or that definition, misses the point of analyzing the general trend of fascistization that material conditions are driving. The following deconstruction is intended to facilitate an analysis of the specific characteristics of Fascism as it exists within the broader concept of right-wing politics by analyzing the unique social, political, and economic

6 Fascism is the final solution to the class struggle, the totalistic submergence and exploitation of democratic forces for the benefit and profit of higher financial crises. Parenti, Micheal. *Black Shirts and Reds.* San Francisco: City Lights Books, (1997).
7 "Fascism is the open, terrorist dictatorship of the most reactionary, most chauvinistic, and most imperialist elements of finance capital. The organization of terrorist vengeance against the working class and the revolutionary section of the peasantry and intelligentsia." Dimitrov, Georgi. *VII Congress of the Communist International: Abridged Stenographic Report of Proceedings.* Moscow: Foreign Languages Publishing House, (1939).

dimensions of the ideology as it currently exists in academia and then synthesizing those to offer a new definition that can be better used across nations and time. In drawing the distinction between social, political, and economic dimensions, I do not mean to imply that these dimensions are especially distinct from one another, in fact as the essay continues—especially in parts II and III as they are applied to historical and contemporary events the division between the three will become significantly less rigid and will seemingly bleed into each other. That being said I will do my best to ensure the reader is able to clearly identify which realm(s) are being analyzed.

Political

Griffin describes Fascism as the radical changes to the political establishment through populist appeals to nationalist sentiment based on mythic beliefs about a nation. Griffin's use of the word palingenesis conveys the importance of the revolutionary rebirth of a nation from its former position of shame. This is a core aspect of Fascism's ultimate political goal to radically alter the status quo through political means. As the article continues the effects of this palingenesis will be elaborated on beyond just the political arena, but for now, it is important to understand palingenesis as a goal meant to be achieved through political means. Griffin identifies populist ultranationalism as the strategy to bring about palingenesis— deeming it the mythic core of the entire ideology. Alluding to the deep myth-making that motivates a Fascist constituency. Most academics refer, at least tangentially, to the mythic motivations of Fascist causes, however, through his word choice Griffin has tied the mythical motivations to what is effectively a political strategy to seize power. Populist ultranationalism is a fairly generic set of political motivations. The use of populism provides a vaguely economic dimension, suggesting an anti-establishment parameter, though that is hardly specific. Prefixing nationalism with 'ultra-' specifies the intensity of the nationalist fervor, aptly describing the motivations behind the diverse chauvinism so commonly associated with the right wing. It is important to note, however, that nationalism is not exclusively a right-wing tendency, and many social-political movements all over the world were motivated by intense feelings of nationalism that manifested themselves in a distinctly not right-wing fashion, including in the United States. Ultimately, Griffin is simply too general in his characterization of Fascism.

Fortunately, Robert Paxton is much more specific in identifying the political tactics and players as a mass of organized ultranationalist militants in tense alliance with radical sectors of the traditional ruling class in order to achieve Griffin's "palingenesis"— a violent internal cleansing and imperial expansion, that rebirths the nation from its existing position of shame. The specificity Paxton utilizes in describing the "obsessive preoccupation with community decline, humiliation or victimhood" effectively conveys the true mythic core of Fascism. In contrast to Griffin, Paxton suggests that the mythical motivations lie in wanting to arise from a contemporary position of shame back to its historical position of international glory. Paxton uses the terms compensatory cults of unity, action, and purity to allude to the mythical nature of the social relations between political actors and constituents. These actors contradict Griffin's characterization of populist ultranationalism. Paxton agrees with Griffin's identification of ultranationalism, going more specifically to specify the fact Fascists must be organized as a political party, but then disputes Griffin's assessment of populism, by describing an effective but uneasy collaboration with

traditional elites. This again suggests a vaguely economic dimension to the analysis if traditional elites include influential economic actors such as industry titans, financial barons, or aristocratic nobility.

This marks a major contradiction in the two interpretations, and it is extremely important to understand that both are correct to a certain degree. Fascists do not have an ideological commitment to their populist political strategy to seize power, but still purport to be anti-establishment in their rhetoric. Griffin is correct in his assessment of the populist character of Fascism, however, for now, we will focus on Paxton's description of a collaboration between Fascists and traditional elites. This collaboration implies that some amount of the existing ruling class align themselves with Fascists, even if only tangentially. In Paxton's interpretation, Fascism actually affirms a part of the political establishment, whilst still abandoning any democratic, ethical, or legal restraints. The ultimate goal of internal cleansing and external expansion offers a keen look at the social relations characteristic of exclusionary sentiments, as well as another degree of economic persuasion. Internal cleansing is ideologically consistent with an intense nationalist fervor that rests on excluding a certain sector of the population. External expansion points to the imperialist character of Fascist goals. Imperialism is often oversimplified as a purely political ambition in empire expansion, commonly associated with military conquest and domination over a foreign land. While this is a worthwhile understanding of the political aspect of imperialism, it is important to recognize the economic implications that come alongside empire expansion and integrating newly acquired territory into an economy. The economic analysis later in the article will describe in more detail the specific nature of the establishment that aligns itself with Fascists, as well as a discussion of the economic nature of Fascist imperialism.

Social-Cultural

In contrast to Griffin and Paxton, Lukacs and Sternhall focus much more on the cultural synthesis that produces the social characteristics of Fascist ideology. Lukacs emphasizes the irrationality of Fascist cultural beliefs as a reaction to the last several centuries of social ideological development. He identifies specific trends that he describes as irrational such as the indirect apologetics of the Romantic critique of capitalism, an embrace of aristocratic epistemology, an outright rejection of humanism, and subjugation of reason to instinct. Sternhall similarly suggests that Fascism is a reaction to modernity and the alleged role it has played in filling society with decadence and degeneracy. Tamas Ziegler in his essay exploring anti-enlightenment streams of thought on the far right[8] heavily relies on Sternhall's definition and identifies popular feelings of 'cultural decadence' that have only strengthened over time since the dawn of the 20th century. This decadence is often attributed to "self-destructive" liberalism and democracy, human rights, and checks and balances, all ideals commonly associated with enlightenment thinking. Furthermore, the rise of globalization and a deep interdependence on international trade and diplomacy has encouraged multiculturalism, which opponents claim leads to a loss of cultural identity and promotes intellectual nihilism.

Subsequently, the effects of globalization have led to massive international migration which only strengthens racist and xenophobic attitudes in areas that are

8 Ziegler, Tamas. "The Anti-Enlightenment Tradition as a Common Framework of Fascism and the Contemporary Far Right". *Journal of Comparative Fascist Studies*, (2021).

used to homogeneity. These are trends that have been present in the West for centuries and continue to this day. Demagogically synthesizing these reactions into one barely coherent ideology on the right grants vast sectors of the Western population that are dissatisfied with their societal living standards, an outlet to release their frustrations. However, limitations arise when using the specific case of anti-enlightenment as core to the Fascist social-cultural agenda when analyzing Fascist movements and regimes from a transnational perspective. Non-European countries that dabbled in Fascist experimentation challenge this assertion, especially the Japanese case in the Interwar period, considering that Japan remained relatively isolated as a state up until the late 19th century and all but missed the development of most enlightenment thinking that transformed European society. Furthermore, Eastern Europe and other parts of Asia had movements that could be characterized as para-Fascist that had significantly different experiences with Enlightenment thought than Western Europe. Para-Fascist, meaning not necessarily entirely Fascism proper, by lacking in its revolutionary intensity and going in more pragmatic conservative directions that were more indicative of autocratic authoritarianism rather than the much more complex socio-economic relations characteristic of Fascism.

By explaining Fascist social beliefs as a reaction to relatively recent cultural developments, the authors uncover a convenient scapegoat used by ultranationalist political militants to explain the recent societal decline. Stanley Payne[9] generalizes this concept more in his three-pronged list definition of characteristics to identify Fascism, under section B, which highlights the "Fascist Negations". Most specifically anti-liberalism, anti-communism, and anti-conservatism (though, similar to Paxton, he recognizes the fluidity of Fascist alliances whilst coming to power). These negations have commonly been identified with Fascism from early in its academic analysis. However, even a surface-level analysis of any Fascist movement or regime demonstrates that the ideologies Fascism claims to negate are often syncretically bastardized into their political strategy to achieve power. One of the clearest examples is the name of the Nazi Party in the Weimar Republic, the *National Socialist German Workers Party*, a very left-wing sounding name, it is no wonder why scholars mistakenly conflate socialism and Fascism despite the two ideologies having more differences than commonalities.

Nonetheless, the politics of negation are constantly used by ultranationalist militants and collaborationist radical elites in tandem with a populist political strategy against demonized enemies that are driving the alleged decline of society. Fueled by the chauvinist attitudes that are oftentimes a side effect of nationalist appeals, this is how Fascists create "the other"— pursuing national purity and protecting society from "the other" acts as the nation's primary motivators to resolving the crisis facing society. Who specifically "the other" actually is, is immaterial to Fascists since they are only meant to act as a scapegoat for societal woes. Oftentimes this means that the demonized "other", are Fascist political enemies, in liberals, communists, and conservatives that refuse to support fascistization. Once these political enemies are dealt with, 'the other' moves on from a political tilt and embraces a social dimension, where ethnic minorities become targeted and blamed for social problems. Such was the case in Germany, where the first victims at Dachau were communists[10] and the night of long knives purged party members not beholden to the Fascist dogma of the

9 Payne, Stanley. *A History Of Fascism: 1914-1945*. Madison: University of Wisconsin Press, (1995).

10 "Communists to be interned in Dachau". *The Guardian*, (1933).

time. Ultimately, because antisemitism was so prevalent at the time, Jewish people were an easy scapegoat that the general populace could demonize post-1933 when the Nazis had secured full political power.

The concept of negation so core to the essence of Fascism suggests the reactionary nature of Fascism is not necessarily based on any meaningful critique of modernism or engagement with ideological social evolution, as suggested by Lukacs or Sternhall. Rather, Fascism seems to simply negate the prevalent ideas of a society if they do not serve their political interests, and the scapegoat for why these beliefs should be negated just happens to be whatever influences may be dominant in the state, region, or locality, whether that be modernism, materialism, capitalism, etc. Ultimately, Fascists will sooner capitulate to any of these forces if it serves their interests. This implies that none of the negations are based on genuine ideological commitments. In actuality, the tactical negation or syncretism of popular values functions as a scapegoat for political militants to obscure economic stressors through culture wars.

The integral piece of the puzzle is the deeply syncretic and adaptable nature of Fascist ideology. Rife with contradictions, there is a wide divide between rhetorical theory and actual policy decisions. In order to make sense of the constant contradictions, it is of the utmost importance to understand what Umberto Eco conveys in his essay *Ur-Fascism*.

> This new culture had to be syncretistic. Syncretism is not only, as the dictionary says, "the combination of different forms of belief or practice"; such a combination must tolerate contradictions. Each of the original messages contains a sliver of wisdom, and whenever they seem to say different or incompatible things it is only because all are alluding, allegorically, to the same [mythic] truth.

Eco, a former member of Mussolini's Fascist Youth, understands Fascism as a universal ideology that manifests as a conglomeration of a multitude of social and cultural factors depending on the material conditions of where the ideology arises. Working from this understanding, it becomes difficult to use any hard and fast definition that encompasses all examples of historical and contemporary Fascism. In fact, because the adopted beliefs often point toward the same mythic truth it becomes harder to decipher which beliefs or practices are in fact either Fascist in nature or syncretically adopted from other ideologies or movements that Fascists claim to be opposed to.

Adopting this understanding of syncretism to the aforementioned Fascist social-cultural landscape steeped in negation as well as the claim that the negations are not a result of ideological disagreements but in fact, purely for political gain, the social nature of Fascism becomes clear through *contrarian syncretism*. That is, utilizing the politics of negation as a mobilization strategy for the populace in order to seize and secure power, whilst still adopting parts of the rhetoric or praxis of those negated belief systems despite being in open conflict with their pure ideological form.

Economic

Parenti's definition revolves around a class analysis of the late-stage capitalist character of Fascist economic relations. It suggests that social and political instability is caused by deteriorating economic conditions, allowing the politically motivated

population to embrace a revolutionary ideology that seeks to alter the status quo. An alienated populace suffering from rampant anomie creates the phenomenon of proletarianization which plays the largest role in radicalizing the populace, thus injecting Fascism into the political and cultural mainstream. This creates a ripe environment for ultranationalist party militants to use the contrarian syncretic socio-political platform to radicalize a nation's constituents in order to ascend to power. Furthermore, Parenti recognizes the bastardization of democratic principles as a final solution by the ruling class to the class tensions exacerbated by the proletarianization driven by a deteriorating capitalist society. It is important to emphasize the fact that Fascism emerges from democracy gone awry, by a demagogue that abuses existing institutions with the intention of dismantling and defanging said institutions so long as they stand in the way of power acquisition. Building upon Paxton's assessment of a collaboration between Fascists and existing ruling elites, Dimitrov identifies the specific ruling elites that align themselves with Fascists as the most reactionary, chauvinist, and imperialist elements of finance capital operating an open terrorist dictatorship over potentially revolutionary socialists that could overthrow capitalism.

The introduction of finance capital as a primary influence in the political arena identifies the specific portion of the existing ruling elites that Paxton and Payne allude to. While finance capital actors may not necessarily be the most dominant force at play within a Fascist system initially, the control these forces demand over the economy should not be underestimated. Moreover, oftentimes finance capital actors such as industrial magnates and finance barons become much more significant players in the political game as Fascists get closer and closer to actually seizing power. In the time leading up to that seizure, the economic character of Fascists embodies a much more petty-bourgeois nature rather than the big capital powers that come to dominate the economic sphere later down the road. As it is not the bourgeoisie that is threatened by failing economic policy but the lower and middle classes who suffer from anomie and alienation opening their minds to radical politics in opposite directions. However, it is specifically the petty-bourgeois upper middle classes that have the most to lose in this battle between left and right, viewing themselves as much more akin to the bourgeois elite rather than the working-class masses. In contrast, the bourgeois radicalization arises as a result of the rise or even simply the normalization of radical left ideals that challenge their universal ownership over the means of production, and become radicalized in a defensive posture as opposed to the offensive posture of the petty-bourgeoisie.

The distinction between economic collaborators and the actual economic character of Fascists is important in distinguishing between orthodox Fascists and para-Fascists. These reactionary chauvinist elites seek to overthrow the established order for their own preservation. They advocate similar if not outright the same platform as their ultranationalist militant counterparts and are best characterized as para-Fascists. Not always fully orthodox Fascists for they often lack the political capital or will to enact the palingenesis that is so characteristic of Fascist regimes. They are too entrenched in the existing political economic order to the point that they affirm its existence and need the radical politics of the legitimately (counter)revolutionary ultranationalist militants. Therefore, the neo-Fascists that embody the specific political and economic actors vying to seize power in a contemporary context— often typified by small landowners and the upper middle class that have a strong sense of national patriotism and have become radicalized as a result of economic stressors— offer themselves

as a revolutionary vehicle of change. Thus, the Italian Po Valley model in 1919[11] effectively demonstrated how petty bourgeois landowners were driven into the arms of Fascists as a result of failing liberal economic policy and pressure from socialists amassing too much power in the economy— only to relinquish economic authority to big business interests under the Italian Labour Charter of 1927. This appeasement of business interests appears as a trend among Fascist states, in Germany with Hitler's Dusseldorf speech[12] to the industrial elite and with the Japanese policy of zaibatsu[13] that integrated corporate monopolies into the state apparatus.

In order to fully understand the specific nature of Fascist economics through its foreign policy, it is important to understand that economic downturns are extremely symptomatic of the capitalist mode of production causing a demand for new markets to be exploited once enough stressors paralyze existing markets. This leads to an aggressive foreign policy that manifests as imperial conquest and domination. Which in turn produces massive profits for the arms industry as well as resource extraction, international banking, and manufacturing. This demonstrates where the existing economic elites begin to align with Fascist values. War and imperial expansion are highly profitable endeavors not only for the arms industry, which once merged with the state political apparatus can effectively print money directly into their pockets via arming the nation's army, but also once the foreign lands have been conquered primary and secondary sector business interests can seize the profits of natural resources and cheap labor.

Recognizing radical right-wing capitalists as key Fascist collaborators should elucidate some of the factors affecting workers' economic relations. In Fascist economics, capital and the state merge together and crush any sense of economic class-consciousness in order to encourage unity among the nation. The resulting prohibition of labor organizing enforces total relegation of the control of the means of production to the economic patron, demonstrating an economic rendition of the cult of the leader, where the CEO takes on a mythic role similar to the cult of personality of Il Duce, Der Fuhrer, or El Caudillo. The case study of the Interwar Fascist period will elucidate specific economic policy decisions embodying this merge of capital and the state against the forces of labor, which were most emphasized by Italian Fascism, but was also quite consistently featured in other strains of Fascism throughout the Interwar period and beyond.

A New Definition Synthesis

The aforementioned definitions of Fascism may be synthesized into a new definition utilizing a dialectic strategy which draws inferences from the contradictions which characterize prior attempts to define Fascism. This new definition clarifies Fascism's political, economic, and social-cultural dimensions.

Fascism is most accurately defined as a method of political organization revolving

11 Paxton, Robert. *The Anatomy of Fascism.* New York: Knopf Publishing, (2004). Pg. 58.

12 Trueman, C N. "The Dusseldorf Speech Of 1932". *The History Learning Site.* May 22, 2015. Accessed December 29, 2022. https://www.historylearningsite.co.uk/modern-world-history-1918-to-1980/weimar-germany/text-of-the-dusseldorf-speech-of-1932/.

13 FindLaw Attorney Writers. "Zaibatsu and 'Keiretsu' - Understanding Japanese Enterprise Groups" *Findlaw.* June 16, 2017. Accessed December 29, 2022. https://corporate.findlaw.com/corporate-governance/zaibatsu-and-keiretsu-amp-150-understanding-japanese.html.

around a contrarian syncretic socio-political platform that seeks to motivate a constituency through a cult of action with the intent to bring about a palingenetic change to cure society of its woes brought about by degrading material conditions as a result of poor economic policy. Furthermore, Fascism encourages a popular cult of unity and purity around a mythical conception of a nation that abandons any and all class analysis in favor of abstract notions of racial and ethnic homogeneity. These abstract notions are derived from myths of superiority and a vision of an empire that can only come about through radical changes to the status quo. The political and economic goal of a mythic empire requires participation from all sectors of a populace working in tandem in spite of their economic or political, but not their social divisions.

The primary method of this political organization materializing, comes about through a collaboration of politically organized ultranationalist militants and the most radically right-wing establishment elites, collaborating to bastardize existing institutions in order to secure their positions in power. This collaboration occurs across socio-economic classes effectively creating an inter-class movement that offers a sense of salvation for working and ruling classes alike. Through contrarian syncretism, Fascists are able to resolve potentially problematic contradictions by refraining from ideological commitments whilst still utilizing any rhetoric and praxis that could be advantageous in their quest to achieve domination over any given state. This is what allows Fascism to emerge across different cultures and throughout time.

This fresh perspective on Fascism synthesizes the merits of existing scholarship by building on their conclusions of generic conceptions of a universal Fascism whilst simultaneously acknowledging the structural components of how a Fascist regime emerges and seizes power. While existing attempts to define Fascism are useful in their contexts regarding the regimes scholars base most of their analysis on, a eurocentric pattern has emerged that limits application of those definitions in a transnational or transgenerational fashion. By avoiding generalities that could apply to any form of political organization or specificities that focus too much on European conceptions of culture and politics, the new definition can be much more effectively applied in a universal manner. Applying this analysis to a contemporary political environment, patterns emerge through present-day movements utilizing similar tactics and strategies that emerged in the interwar Fascist era.

A contemporary national renaissance is emerging; as countries reject globalization, they retreat into hyper-nationalist fervor that reinforces cultural chauvinisms against perceived social and political enemies. Furthermore, as the consolidation of economic power occurs across the world leading to degrading material conditions, citizens in any given country have begun to resort to extremist ideologies that they believe can resolve the problems they face in everyday life. The concept of contrarian syncretism is meant to assist in applying Fascism in a universal context so that movements and regimes that appear to be Fascistic in nature but perhaps not true to the original Fascism of the inter-war period, can be better characterized as Fascism by acknowledging that different cultures and epistemic values require varying routes to power. Ultimately, no regime will be a one-to-one duplicate of Nazi Germany or Fascist Italy, but the striking similarities in contemporary regimes and movements to those of Germany, Italy, and other right-wing Interwar dictatorships should guide scholars in how to analyze the present political ideosphere by expanding the definition rather than restricting it.

Acknowledgements

References

Anonymous. (1933). "Communists to be interned in Dachau." *The Guardian,* https://www.theguardian.com/theguardian/1933/mar/21/fromthearchive.

Dimitrov, Georgi. (1939). *VII Congress of the Communist International: Abridged Stenographic Report of Proceedings*. Moscow: Foreign Languages Publishing House.

FindLaw Attorney Writers. (2017). "Zaibatsu and 'Keiretsu' - Understanding Japanese Enterprise Groups." *FindLaw*, https://corporate.findlaw.com/corporate-governance/zaibatsu-and-keiretsu-amp-150-understanding-japanese.html. 29 Dec 2022.

Lukacs, Gyorgy. (1989). *Zur Kritik der fashisischen Ideologie*. Berlin: Aufbau-Verlag.

Parenti, Micheal. (1997). *Black Shirts and Reds.* San Francisco: City Lights Books.

Payne, Stanley. (1995). *A History Of Fascism: 1914-1945*. Madison: University of Wisconsin Press.

Paxton, Robert. (2004). *The Anatomy of Fascism.* New York: Knopf Publishing.

Sternhall, Zeev. (1994). *The Birth of Fascist Ideology from Cultural Rebellion to Political Revolution.* New Jersey: Princeton University Press.

Trueman, C N. (2015). "The Dusseldorf Speech Of 1932." *The History Learning Site*, https://www.historylearningsite.co.uk/modern-world-history-1918-to-1980/weimar-germany/text-of-the-dusseldorf-speech-of-1932/. 29 Dec 2022.

Van Meurs, Wim. (2012). "The Wall in Fascism Studies." *Journal of Comparative Fascist Studies.*

Ziegler, Tamas. (2021). "The Anti-Enlightenment Tradition as a Common Framework of Fascism and the Contemporary Far Right." *Journal of Comparative Fascist Studies.*

Religious-State Ties & the Erosion of Reproductive Rights in the U.S.: Hegemonic Protestantism & the Religious Right

Department of Political Science, San Diego State University

Sandra Resurreccion

Abstract

In a post-*Roe v. Wade* (1973) era, where women's access to reproductive justice is increasingly threatened by far-right ideologies, the influence of religion on the regressive state of reproductive politics in the U.S. requires crucial scrutiny. Using a case-study analysis of the Religious Right, its ties to various state actors, and its role in shaping reproductive policymaking, I demonstrate two central findings. I find that 1) religious-state ties in the U.S. persist under the context of a Protestant hegemony that functions both religiously and secularly to uphold patriarchal norms of gender and sexuality in society at large, and 2) the coalition of the Religious Right operates as a vehicle through which hegemonic Protestantism maintains its dominance in the realm of gender and sexuality politics specifically. Informed by these findings, I argue that state ties to the Religious Right influence reproductive policy in a conservative direction, resulting in more restrictive laws for women's reproductive healthcare at both the state and federal levels. This paper compiles the following evidence to construct this argument: an analysis of the interplay between hegemonic Protestantism, patriarchal traditionalism, and the Religious Right; a historical examination of ties between the Religious Right and six U.S. presidents in relation to their reproductive policies; and a demonstration of how ties between the Religious Right and state-level abortion policies played a central role in overturning *Roe v. Wade* (1973).

Keywords: reproductive politics, religious-state ties, Religious Right, Protestant hegemony, gendered policymaking, patriarchal traditionalism, First Amendment

Introduction

On June 22, 2022, authorities in Columbus, Ohio were made aware of a 10-year-old girl who became pregnant as the result of rape (Bruner et al., 2022). Just two days later, the Supreme Court of the United States decided in *Dobbs v. Jackson Women's Health Organization* (2022) that the Constitution does not expressly protect abortion as a fundamental right, ultimately reversing fifty years of federal abortion rights protections established by the precedents in *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992). Shortly afterward, Ohio's proposed "heartbeat bill" became implemented into law, effectively banning all abortions when a fetal heartbeat can be detected, with no exceptions for rape or incest, thus making the pregnant 10-year-old girl ineligible for receiving an abortion in her own state (Trau & Buduson, 2022). On June 30, 2022, this 10-year-old girl and her parents were left with no other

option than to cross state lines to have a legal abortion performed in Indiana (Bruner et al., 2022).

When Dr. Caitlin Bernard, who performed the abortion in Indiana, brought international attention to the case in the following month by informing journalists of the general details, conservative politicians across the country suggested that the story had been fabricated to serve political ends in the aftermath of *Dobbs* (Bella, 2022). It was not until Gerson Fuentes, a 27-year-old man, was charged with raping the 10-year-old that the story became widely accepted as factual (Bella, 2022). In a House of Representatives hearing in July 2022, anti-abortion activist Catherine Glenn Foster argued that the 10-year-old's case did not constitute an abortion because her pregnancy "was a result of rape," despite the fact that abortion is defined as a medical procedure that terminates a pregnancy (Flaherty, 2022). This is the unfortunate reality that women and girls must endure in a post-*Roe* America—a reality where a child victim of rape is faced with more political scrutiny than the adult man who committed the rape; a reality where blatant disinformation is broadcasted on national television to misinform viewers of anti-abortion impacts; a reality where access to life-saving procedures is dependent on one's geographic location; a reality where the exercise of one's fundamental rights to bodily autonomy, privacy, and life are determined by the political agendas of their state representatives.

In the aftermath of *Dobbs v. Jackson* (2022), the pursuit of reproductive justice in the United States remains dire, with the prospect of securing women's rights and autonomy pushed even further out of sight than it once was under the maintenance of *Roe v. Wade* (1973). Under such alarming conditions, exploring the factors that continue to contribute to this gradual erosion of women's reproductive rights becomes increasingly urgent. Of particular significance are the blurred lines between religion and state, which seem to become even more indistinguishable when viewed in the realm of reproductive politics. In an effort to grasp the complex intertwining between religion, the state, and reproductive rights, this paper seeks to analyze how religious state ties influence restrictive reproductive policies by exploring a series of questions: What are the underlying forces that allow religion to hold weight in secular policymaking processes? Are there religious-state ties in the U.S. despite the First Amendment's Establishment Clause? How and to what extent do religious ties influence reproductive policy?

Throughout this paper, I use a case-study analysis of the Religious Right coalition to argue that religious-state ties between the Religious Right and the Republican Party, paired with the Religious Right's successful endeavors in pressuring the Democratic Party, influence reproductive rights policy in a conservative direction, resulting in more restrictive laws on women's reproductive systems at both the federal and state levels. Essential to this argument are two findings that I uncover in this research. First, I find that religious-state ties in the U.S. persist despite the principle of church-state separation laid out in the Establishment Clause because U.S. society and culture are influenced by a Protestant hegemony that functions both religiously and secularly to uphold patriarchal norms of gender and sexuality in society at large. Along these lines, I also find that the Religious Right operates as a vehicle through which hegemonic Protestantism maintains its dominance in the realm of gender and sexuality politics. Thus, when the Religious Right forms ties with certain state actors and applies political pressures to others, it works in tandem with hegemonic

Protestantism to establish and maintain laws that uphold patriarchal interpretations of reproductive rights—this inevitably leads to harmful and restrictive policies on women's access to reproductive healthcare procedures, including but not limited to contraception and abortion.

The unfolding of this argument begins with an analysis of the Protestant hegemony, its role in shaping gender and sexuality norms around patriarchal traditionalism, and the inevitable consequence of religious-state ties. To follow, this paper will demonstrate the influence of religious-state ties at the federal level by examining three Republican presidential administrations and three Democratic administrations, along with each administration's respective reproductive rights policies. Finally, an analysis of religious-state ties at the state level and its consequent effect on the overturning of *Roe v. Wade* (1973) is then provided by examining monetary ties to the Religious Right along with religious rhetoric used by state policymakers in relation to restrictive abortion policies, particularly those leading up to *Dobbs* (2022).

Theoretical Approach and Terminology

The terminology and theoretical concepts used to inform my argument are borrowed from feminist and political science literature. Of these are religious-state ties, the Establishment Clause, the Religious Right, patriarchal traditionalism, and reproductive justice, which are defined in this section for clarification. This paper uses the term "religious-state ties" to refer to relationships and connections between religious elites and government actors that bear substantial influence over policymaking processes (O'Brien & Walsh, 2019). While this term is rarely used in the literature to describe political relations in the United States, I find that religious-state ties are indeed present in the U.S., and evidence of these ties at work is most potent in the mobilization against gender-responsive policymaking. I briefly discuss religious state ties in the U.S. in relation to the First Amendment's Establishment Clause, which expressly demands the principle of church-state separation in order to maintain the Constitution's protection of freedom of religion (U.S. Const. amend. I). With this principle in mind, this paper briefly assesses whether the use of religious-state ties to control women's reproductive healthcare is constitutional.

State ties to the Religious Right, a conservative Christian interest group and voting coalition that emerged to prominence in the 1980s, are of central significance to the development of this argument. While this coalition consists of a variety of Christian denominations (Protestant evangelicals, Catholics, Mormons, etc.) that have been historically divided on various moral and political issues, the common goal that unifies the different sects of the Religious Right is the desire to maintain conservative Christian—predominated by U.S. Protestantism—interpretations of gender relations (Bernstein & Jakobsen, 2010). As such, this paper demonstrates the pivotal role that the Religious Right has played in shaping reproductive rights policy as a method of meeting this goal. The Protestant beliefs about gender relations that the Religious Right aims to uphold are referred to in this paper as patriarchal traditionalism, which places men and masculinity at the apex of power hierarchies by maintaining traditional gender roles in private and public life (Lyons, 2018). The harmful ramifications on women's access to reproductive justice that occur as a result of these religious interpretations of gender being upheld in policymaking processes are demonstrated throughout.

Although references to "reproductive rights" often allude specifically to a pro-choice perspective on abortion rights controversies, I use this term interchangeably with the broader term "reproductive justice" to incorporate a more inclusive understanding of the stakes at hand. While reproductive justice certainly involves the protection of abortion rights and the goal of preserving a woman's right to not have children, it is often used in feminist political science literature to define a much broader desire to alleviate reproductive oppression by including other aspects of reproductive healthcare and social justice in its mission (Price, 2018). This paper is primarily concerned with the aspect of reproductive justice that aims to protect the right to not have children through access to abortion, contraception, and related healthcare services. However, it should be noted that reproductive justice also simultaneously aims to protect the right to have and raise children through activism against systemic control over the reproductive systems of underprivileged social groups (i.e., forced sterilization, eugenics, etc.) (Price, 2018). This broader term is used throughout the paper to point toward the threat that is posed to all aspects of reproductive justice when one or few aspects of it are so directly threatened by restrictive policies stemming from unjust power politics, including patriarchal religious-state ties.

Protestant Hegemony in the U.S.: Patriarchal Traditionalism & the Religious Right

In spite of the notions of religious pluralism that arise from the First Amendment's protection of religious freedom and its effect on the religious makeup of society, Protestantism continues to persist as the hegemonic religion in the United States, both demographically and culturally (Beaman, 2003). Given its hegemonic nature, any ideas, beliefs, values, or morals that fail to conform to Protestantism have been historically pushed to the margins, even when they are not explicitly religious (Beaman, 2003). Religion exists in the marketplace of ideas that, in the U.S. context, allows for the expression of both secular and various religious beliefs. Thus, it becomes inevitable that the Protestant hegemony bleeds into the realm of secular ideas in such a way that it either dominates or influences contrary ideas, regardless of whether they are religious or secular. Also inevitable in this marketplace of ideas is the presence of political beliefs, which accordingly become subject to Protestant influence despite its supposed secularism. The intertwining of religious and political beliefs ultimately manifests in public life in ways that may appear religious in some contexts while appearing secular in others, effectively blurring the lines between religion and the state (Bernstein & Jakobsen, 2010). While the principle of church-state separation is laid out clearly in the Establishment Clause, the relationship between religion and government remains undeniably present as a result of the pervasive nature of this Protestant hegemony in the U.S. (Bernstein & Jakobsen, 2010). Yet the extent to which this relationship influences policymaking processes, and an answer to the question of whether such influences are at odds with the Establishment Clause are far from reaching clarity, perhaps even as a consequence of the Protestant hegemony working to subjugate perspectives that conflict with its dominance. Further, the explicit identification of religious influences over policy in the U.S. as "religious-state ties" seems to be rarely established. As such, studies exploring these areas are urgent in the midst of reproductive justice controversies, which are often rampant with religious contentions.

In the realm of ideas that involve gender and sexuality, Protestantism pushes patriarchal traditionalism and heteronormativity to the forefront of the ideological wars. Patriarchal traditionalism "emphasizes the family as the main framework for male control over women" by confining women to the "domestic roles as wife, mother, caregiver" while elevating men to protective leadership roles (Lyons, 2018, p. 48). This manifests in both the private sphere as husband, father, and financial breadwinner, and in all facets of the public sphere as leader in politics, society, and the economy (Lyons, 2018, p. 48). These ideas derive from complementarian notions that gender roles are created by God to be "different but complementary," and work in tandem with the "belief in a masculine God," both of which "strongly relate to political conservatism" (Lyons, 2018, p. 52; Cassese & Holman, 2017). Such ideologies continue to serve as a dominant moral standard of gender and sex relations in society at large which is influenced heavily by Protestant values. Secular understandings of patriarchal traditionalism are often weaponized in politics under notions of the "nuclear family," or simply "the family" and are not always understood in religious terms. As such, patriarchal traditionalism interacts with reproductive rights policy from different angles that reinforce one another in a two-fold effort to create more restrictions on women's bodily autonomy. The first of these efforts occurs in the private sphere, where religious notions of traditional gender roles seek to confine women to the family via domestic control over female reproduction. The second involves the public sphere, where secular manifestations of these roles result in male dominance over the state and aim to maintain a masculine hegemony via state control over female reproduction. Consequently, such forces are at work when state actors form ties with religious interest groups and allow such ties to influence their policy choices, specifically those relating to reproductive rights, in spite of the Constitution's mandate of church-state separation.

Evidence of religious-state ties functioning in a supposedly secular political realm to maintain patriarchal norms and heteronormative sexuality is most potent in the emergence of the Religious Right (also known as "New Right" or "Christian Right") as a result of such norms being overtly challenged by efforts from feminist and LGBTQ+ movements to obtain legal freedoms pertaining to sexuality, reproduction, and marriage in the 1960s and 1970s (di Mauro & Joffe, 2007). While various religious conservatives began to gain notable traction in politics in the 1970s, the formal unification of the Religious Right as a powerful voting coalition did not occur until the 1980 presidential election of Ronald Reagan (Bernstein & Jakobsen, 2010). This ultimately allied secular conservatives with religious conservatives of various Christian denominations including Protestant evangelicals, Catholics, Mormons, etc., and allowed one coalition of religious actors to dominate the intersections of religion and politics (Bernstein & Jakobsen, 2010). Of particular interest is that this coalition succeeded in unifying an array of religious denominations that were previously divided on various matters, and even prompted the Protestant hegemony to embrace Christian minorities, such as those of the Catholic Church and the Church of Latter-Day Saints, that it previously excluded into its position (Bernstein & Jakobsen, 2010). While Protestantism remains the dominant religion in the U.S., the inclusion of the Catholic Church into its sphere of influence continues to play a significant role in the undermining of women's rights in the U.S., given its global influence and support (Corredor, 2019). The source of common ground that ultimately connected these religious sects to one another but also to secular conservatives was the desire to maintain patriarchal traditionalism and its gendered hierarchies, which they perceived

as being threatened by potential feminist and LGBTQ+ gains (Bernstein & Jakobsen, 2010; di Mauro & Joffe, 2007; Corredor, 2019). As such, the continuing prominence of the Religious Right has revolved around its efforts to uphold patriarchal norms through the mobilization against progressive gains in gender and sexuality policymaking, most notably through its desire to inhibit access to reproductive justice. Thus, despite being identified solely by its religious connections, the Religious Right serves as an antigender countermovement in the U.S. It mobilizes to uphold both the religious and secular privileges that result from traditional gendered hierarchies in direct reaction to feminist and LGBTQ+ mobilization that challenge such inequalities (Corredor, 2019). Given that the maintenance of privileges occurring from secular understandings of patriarchal traditionalism is of interest to this countermovement, the state and certain state actors, which already uphold patriarchal hierarchies, hold an interest in forming ties with the Religious Right to undermine reproductive rights in policymaking processes. Such ties remain persistent in spite of the First Amendment's Establishment Clause as a result of the complex intertwining of the religious and the secular under the Protestant hegemony, along with the common interest of religious and state actors to uphold gendered hierarchies, as demonstrated above.

Merging the Religious and the Secular: Religious-State Ties and Reproductive Rights Policy at the Federal Level

The Religious Right and its position in the political atmosphere of the U.S. is of central importance to an understanding of the complex church-state relationship and its role in influencing reproductive policymaking. To follow the assertions set forth in the previous section regarding Protestant hegemonic control over gender and sex norms, the Religious Right operates as a vehicle through which the Protestant hegemony upholds its dominance in secular discourse on gender and sex, using policymaking as its central battleground. At the federal level, this is evidenced by the Religious Right's establishment of close ties to Republican presidents, and its successful endeavors in pressuring Democratic presidents to serve religious interests, both of which result in the weakening of reproductive rights through restrictive federal policies.

Republican Ties to the Religious Right: From Reagan to Trump

As mentioned above, the Religious Right formed as a powerful political force in the 1980s during the election of Republican President Ronald Reagan (di Mauro & Joffe, 2007; Bernstein & Jakobsen, 2010). In recognizing the fervent power that the Religious Right displayed through his election, Reagan established an appeal to the coalition in spite of his limited personal affiliations with religion—this marked the beginning of religious-state ties between the coalition and the Republican Party that continue through the present and have tightened over time (Williams, 2008). Reagan's rhetoric around policy promises was often crafted to suit the interests of the Religious Right during his time in office, much of which embodied the coalition's desire to limit reproductive rights. Perhaps most significant is his promise to appoint federal judges with a pro-life position that would "respect…the sanctity of innocent human life,'" which ultimately set the precedent of nominating federal judges according to specific ideologies (Griffin, 2015, p. 663). This nomination method was unprecedented at the time but has continued to be followed by Republican administrations after Reagan. Such promises were ultimately fulfilled during his time in office, in which more than three hundred federal judges were appointed through a vetting process

"designed to find judges supportive of Reagan's desire to overturn *Roe*" (Sellers, 2021, p. 696). The impact of this precedent bears immense significance on the prospects of reproductive justice since the courts have served as a central force in both expanding and restricting reproductive rights throughout history.

In addition to choosing judicial nominees according to their adherence to the Religious Right's ideological view of abortion, the Reagan administration also enacted policies that directly limited reproductive rights and healthcare access both domestically and internationally. Of these policies, the Adolescent Family Life Act (AFLA) and the Mexico City Policy (MCP), otherwise known as the "global gag rule," are of particular importance (di Mauro & Joffe, 2007; Goodwin, 2020). The AFLA serves as an example of both religious-state ties between the GOP and the Religious Right and a direct violation of the Establishment Clause, as it allocated federal funds directly to religious groups specifically for the "creation of so-called chastity centers," which promoted abstinence-only sexual education programming (di Mauro & Joffe, 2007, p. 70). The Reagan administration favored religious-based abstinence-only education over comprehensive sex education programs that include vital contraceptive information and other sexual health resources in order to satisfy the interests of the Religious Right. Although the Supreme Court deemed AFLA to be unconstitutional in *Bowen v. Kendrick* (1988), state funding for similar religious abstinence-only programs continued during the Bush administration (di Mauro & Joffe, 2007). In addition to restricting reproductive policy domestically, Reagan expanded this imposition of the Religious Right's values into the international realm when it passed the MCP, or "global gag rule." The MCP blocks funding for non-governmental organizations (NGOs) that explicitly perform or support abortion procedures, thereby disqualifying them from aid for any expression of support "for abortion-related activities subsidized by non-U.S. funds" (Goodwin, 2020, p.154). As if to promote the Religious Right's view of abortion and family planning internationally, the MCP explicitly states that "the United States does not consider abortion an acceptable element of family planning programs," despite *Roe* (1973) being upheld during this time (Goodwin, 2020, pp.154–155). In this case, the Protestant hegemonic perspective of reproduction expanded itself beyond the U.S. and into the global arena through the religious-state ties between the Religious Right and the Reagan administration. Another important precedent is set by Reagan here, since every GOP president after Reagan has reinstated the MCP through executive action, with George W. Bush and Donald Trump expanding its scope even further (Goodwin, 2020, pp.155–156). As such, the Reagan presidency marked a significant shift in the major constituencies of the Republican Party by placing the Religious Right and its views on patriarchal traditionalism, the family, and other gendered norms at the forefront of the party's policy concerns, ultimately resulting in conservative reproductive policies.

While the Religious Right rose to public and political prominence during the Reagan era, its power reached unprecedented heights with the election of George W. Bush, who established incredibly close ties with the coalition and its actors throughout his term (di Mauro & Joffe, 2007; Griffin, 2015). As if to blur the lines between religion and state even further, the second Bush established religious-state ties in a manner that was "truly without precedent" by reserving key office appointments for members of the Religious Right and allocating "massive funding for its desired programs" (di Mauro & Joffe, 2007, p. 69). Expanding on Reagan's method of choosing judicial nominees on an ideological basis, Bush extended such methods

to administrative positions, ultimately working closely with the Religious Right when formulating "policies on gays, AIDS, condoms, abstinence programs, creationism, and other matters that concerned the evangelicals" (di Mauro & Joffe, 2007, p. 69). Additionally, the Bush administration violated the church-state barrier more overtly than Reagan did by not only making office appointments based on "adherence to pro-life positions," but also by punishing opponents of the Religious Right with removal from office or withdrawal of federal funding for their research and related work (di Mauro & Joffe, 2007, p. 69). Such undisguised religious-state ties inevitably translated into more restrictive reproductive policies during the Bush era.

In addition to the expansion of Reagan's global gag rule and the continuation of funding abstinence-only programs mentioned above, the Bush administration also demonstrated ties to the Religious Right through the funding of crisis pregnancy centers (CPCs) and the incorporation of an "anti-prostitution pledge" and a "conscience clause" to the President's Emergency Plan for AIDS Relief (PEPFAR) program. The Bush administration spent millions in federal funds on CPCs, which are often disguised as women's health or abortion clinics but are actually organized by conservative Christian groups for the purpose of "dissuad[ing] women from considering abortions" (di Mauro & Joffe, 2007, p. 73; Chen, 2013, p. 936). Like Reagan's ALFA, such uses of public funding for family planning alternatives that lack any scientific basis directly violate the Establishment Clause by demonstrating the state's preference for a specific religious view, which again, is the Religious Right's desire to weaken reproductive rights. In another foreign aid executive order, Bush enacted the PEPFAR program to combat the global HIV/AIDS crisis by distributing HIV antiretroviral therapy and other related relief and prevention services worldwide (Chun et al., 2023; Doonan, 2018). While this "is widely regarded as… Bush's crowning achievement," its anti-prostitution pledge and conscience clause restrictions ultimately narrowed the implementation of AIDS relief and prevention to center "on abstinence and fidelity rather than a multisectoral approach" (Doonan, 2018, pp. 323–324). These revisions to the PEPFAR plan prevented organizations from receiving PEPFAR funds unless they explicitly stated an opposition to prostitution, while simultaneously protecting the eligibility of religious groups that had "a religious or moral objection" to the multisectoral approach (Doonan, 2018, pp. 334–335). Such regulations are evidently influenced by the Religious Right's agenda on sexual relations and reproductive rights, which seeks to promote abstinence, prevent sex outside of marriage, and restrict policies that take more expansive approaches on reproductive healthcare. Similar to Reagan's global gag rule, Bush's PEPFAR policies aim to impose the interests of the Religious Right on an international scale, in addition to the administration's restrictive domestic policies. The undisguised yet unregulated nature of Republican ties to the Religious Right during the Bush administration prompted a political commentator to describe the Bush era as "the transformation of the GOP into the first religious party in U.S. history" (di Mauro & Joffe, 2007, p. 68).

Following the trends set by his party's predecessors, Donald Trump maintained close ties to the Religious Right during his time in office, particularly with Protestant evangelicals, who serve as one of the most prominent forces within the Religious Right coalition. Although Trump initially had difficulties gaining the vote of evangelicals during his 2016 presidential campaign, he ultimately solidified evangelical support by "releasing a list of people he would nominate to the Supreme

Court," as chosen according to his promise to overturn *Roe v. Wade* (1973), a promise that mirrored Reagan's in 1980 (Tandon, 2022; Sellers, 2021, p. 696). The prospect of Trump appointing federal judges that would serve the Religious Right's interest in overturning Roe seemed to garner him more evangelical support than previous Republican candidates—Trump gained 80% of the evangelical vote in 2016, compared to the 78% that Bush received in 2004 (Bailey, 2016). Given that both the evangelicals and the Religious Right at large were powerful forces among his voter base, the Trump administration worked in tandem with prominent Republicans in Congress, namely Senate party leader Mitch McConnell, to fulfill his campaign promises, ultimately culminating in the overturning of *Roe v. Wade* (1973) in *Dobbs v. Jackson* (2022) with the appointment of Justices Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett (Tandon, 2022).

While "reshaping the judiciary will be one of his most lasting legacies," the Trump administration also directly enacted restrictive reproductive rights policies in order to maintain ties to the Religious Right and evangelicals specifically (Tandon, 2022). These include Trump's rule changes to both the Title X program and the Affordable Care Act (ACA) otherwise known as "Obamacare," both of which ultimately threaten the ability of women to access contraception and other family planning services. While Title X's original purpose was to improve the accessibility of contraception and reproductive healthcare for underprivileged people by funding the distribution of these services, the Trump administration implemented a series of rule changes that shifted the implementation of Title X "to more closely align with the desires of anti-abortion proponents" (Smith et al., 2022, p. 4). As established above, the Religious Right is a central force in upholding patriarchal traditionalism amidst challenges to the Protestant hegemony, and this manifests clearly in its contribution to anti-abortion efforts. In Trump's efforts to meet these interests, his Title X changes include 1) a reversal of Obama's rule that reinforced the equitable allocation of Title X funds and services within the states, 2) a revision of the grant criteria that make abstinence-only programs and CPCs eligible for Title X funds, 3) a "gag rule" that "prohibited Title X grantees from providing or referring patients for abortion," and 4) a "physical separation rule" that "separated Title X–funded resources, facilities, and staff" from those that are "abortion-related" (Smith et al., 2022, pp. 9–10). Trump's rule changes inevitably result in the restriction of access to previously accessible reproductive health services, due to the unwillingness of major grantees such as Planned Parenthood to comply with such overtly regressive changes. As Smith et al. show, such changes contribute to the expansion of existing "contraception deserts" and the emergence of new ones, thus playing a significant role in the increasingly restrictive state of women's reproductive healthcare (2022).

Similarly, the Trump administration also implemented new rule changes to the ACA's contraception mandate that would further limit the accessibility of contraceptives. The ACA is a healthcare reform bill that was implemented into law during the Obama administration with the goal of making healthcare much more affordable and accessible to all Americans (Patient Protection and Affordable Care Act, 2010). Included in this policy is a contraception mandate that requires most healthcare plans to provide contraceptives and other related family planning services at no additional cost to the patient (U.S. Department of Health and Human Services, 2022). Similar to Title X, such policies that protect and expand reproductive freedoms remain at odds with the interests of the Religious Right, who eventually challenged

the ACA contraception mandate in the courts, resulting in the landmark Supreme Court case of *Burwell v. Hobby Lobby Stores* (2014). In *Hobby Lobby* (2014), the Supreme Court ultimately upheld the Religious Right's interests when it decided that private for-profit companies were eligible for exemptions from the ACA if the owners had religious objections to providing contraceptives, thus limiting the scope of the mandate (Griffin, 2015). Under Trump's rule changes to the ACA, however, this scope is limited even further. Trump's changes broadened exemptions to include both nonprofit and for-profit companies that opposed the provision of contraception services to their employees and also expanded the eligibility for exemptions to "not just those with religious objections, but those with moral objections, too" (Totenberg, 2020). Trump's ACA changes became the subject of litigation in *Little Sisters of the Poor v. Pennsylvania* (2020) and were upheld by the Supreme Court, ultimately expanding the precedent established in the *Hobby Lobby* (2014) case (Totenberg, 2022). In this case, the goal of the Religious Right to weaken access to reproductive justice is not only enforced by the Republican president at the time, but also reaffirmed by the federal court system. Strangely, proponents of these religious exemptions, such as the plaintiffs in *Little Sisters* (2020) and *Hobby Lobby* (2014), argue that exemptions do not inhibit women's access to contraception due to the availability of birth control and other services under Title X (Smith et al., 2022, p. 3; Totenberg, 2020). While the original purpose of Title X would affirm that such sentiments would be true, the Trump administration's simultaneous changes to both the ACA and Title X have significantly limited the availability of FDA-approved contraceptives in order to bolster the favor of his supporters on the Religious Right.

A pattern seems to emerge from the ties between the Religious Right and Republican presidents regarding their influence on their reproductive rights policies. Although these presidents publicly displayed little personal religious affiliation prior to their campaigns, they seemed to gain the ability to garner the support of the Religious Right when campaign promises involved more restrictions on reproductive rights including abortion, contraception, and comprehensive sex education programs (PBS). Once in office, these Republican presidents maintained close ties with the Religious Right by rewarding them with positions either on the courts or in administrative offices. When crafting policies relating to reproductive rights, Republican presidents place the interests of the Religious Right at the center of the secular realm of gendered policymaking. This ultimately results in restrictive policies that replace scientifically supported sexual health services, including comprehensive sex education and FDA-approved contraception, with services that center around religious interpretations of patriarchal traditionalism, namely abstinence-only programs and crisis-pregnancy centers.

Democratic Pressures from the Religious Right: Christian Influence from Carter to Obama

While the Republican presidencies starting from Reagan have held explicitly close ties with the Religious Right throughout the duration of their terms, Democratic presidents throughout the same period have refrained from doing so. Interestingly, however, the Democratic presidents from Jimmy Carter to Barack Obama have seemed to publicly express closer personal affiliations with religion than their GOP counterparts (PBS). Unlike Republican presidents, the individual religious identities of these Democratic presidents have not resulted in the establishment of

direct ties to the Religious Right, and accordingly, reproductive policies that are as overtly restrictive as those discussed in the previous section do not emerge from these administrations. At the same time, these presidents were sometimes found straying away from progressive policymaking in regard to reproductive rights. In an effort to reveal the unique relationships between the Democratic Party, religion, and reproductive justice, the section below illustrates that the Religious Right's role as the protector of hegemonic Protestantism in the realm of gendered politics still manages to influence Democratic presidents to weaken the progressive nature of their party's reproductive rights policies by applying certain pressures to their personal religious biases. When examined in tandem with the restrictive policies of Republican presidents, the effect remains the same: influence from the Religious Right results in more restrictive reproductive policies.

Given that Jimmy Carter served as president before the Religious Right officially emerged during Reagan's election, the coalition bears no influence over his administration's policymaking; as such, the brief discussion of his presidency is used in relation to the notion that the most recent Democratic presidents have not formed close religious-state ties in spite of their personal religious identities. Carter interestingly gained the vote of Protestant evangelicals "who traditionally voted Republican" in the 1976 election due to his willingness to "place Christianity at the heart of his political identity" (Griffin, 2015, pp. 662–663). However, as a result of his progressive policies that seemed to be at odds with Christian interests including restrictions on state funds for religious schools, opposition to prayer in public schools, and support of the right to abortion, his evangelical voter base shortly withdrew their support (Griffin, 2015, p. 663). In the following election, Protestant evangelicals shifted their vote back to the Republican Party with Reagan and ultimately formed the beginnings of the Religious Right (Griffin, 2015, p. 663). Unlike some of his successors, Carter seemed to avoid establishing religious-state ties with his evangelical voters despite displaying his personal religious identity "in a more open manner than previous presidents" due to his fervent belief in church-state separation (Griffin, 2015, p. 662). Hence, religious influences on his policies did not emerge to result in restrictive reproductive policies. Given that Carter was the last president to serve before the emergence of the Religious Right, his time in office also serves as a point of comparison to highlight the deep influences of the Religious Right on the presidential administrations after Carter and their respective reproductive policies.

The Democratic presidents after Carter, Bill Clinton and Barack Obama, displayed interactions between religion, state, and reproductive policy that were unique from both Carter and their Republican predecessors. The Clinton administration and its policies were undoubtedly influenced by religion, which is unsurprising given his close personal religious affiliations as a Southern Baptist (Griffin, 2015, p. 665). The two policies that seem to highlight Clinton's religious influences over his policymaking are the Defense of Marriage Act (DOMA), which restricted same-sex marriage, and the Religious Freedom Restoration Act (RFRA), which would later be used to grant religious exemptions at the expense of equal access to contraception in the landmark case *Burwell v Hobby Lobby Stores* (2014) (Griffin, 2015, p. 666). While the religious nature of these two policies encompasses the same religious understandings of patriarchal traditionalism and heteronormativity defended by the Religious Right, Clinton did not sign these bills as a result of creating or maintaining ties to the Religious Right. Instead, they were signed as a result of pressures from the

Religious Right to succumb to his religious biases in the secular realm of gender and sex policy. This is evidenced by Clinton being "an early supporter of gay and lesbian rights" yet ultimately signing DOMA due to the fear that "his reelection could be in jeopardy" if he did not appeal to certain religious groups (Griffin, 2015, p. 668). Pairing this with the fact that the Religious Right has made no efforts to establish incredibly close ties to the Democratic Party in the same fashion that it has with the Republican presidents described above, it becomes clear that Clinton and his policies were influenced by religious pressures, rather than religious-state ties. In relation to reproductive policy, the implementation of RFRA, signed by Clinton, resulted in the weakening of reproductive rights when the Supreme Court upheld in *Hobby Lobby* (2014) that for-profit corporations were "persons" capable of exercising religion and thus entitled to exemptions from the ACA contraception mandate (Griffin, 2015). The precedent set in this case is eventually upheld in *Little Sisters of the Poor* (2020), mentioned in the previous section. Thus, despite being a Democratic president that lacked close ties with the Religious Right, the Clinton administration still contributed to the same erosion of women's reproductive rights that results from explicitly restrictive Republican policies due to the dominance of the Religious Right in this policy area.

A similar force of influence by the Religious Right is also found to be effective in the Obama administration, most notably reflected in Obama's willingness to compromise with religious employers who sought exemptions from the ACA's contraception mandate under RFRA (Griffin, 2015). This ultimately led to *Hobby Lobby* (2014) reaching the Supreme Court to set a dangerous precedent over the distribution of reproductive healthcare services (Griffin, 2015). Much like his predecessors, Obama allowed his personal religious identity to play a role in his politics and even urged other politicians to do the same (PBS; Griffin, 2015, p. 665). In spite of this, Obama did not form ties with the Religious Right, nor did he make explicit efforts to weaken reproductive rights. His administration instead made important gains for reproductive healthcare access, most evidenced by his implementation of the ACA contraception mandate and his revisions of Title X, which tightened the requirements for states to receive funds (Smith et al., 2022, p. 9). However, amidst rampant religious opposition to the ACA mandate, "the Obama administration caved in to its religious critics" and "naively offered a compromise" in an effort to alleviate opposition to the policy, but to no avail, as this only led corporations such as Hobby Lobby to fight for religious exemptions in the courts (Griffin, 2015, pp.672–673). Again, the presence of the Religious Right and its proponents at the center of gendered politics succeeded in influencing Obama to succumb to religious interests at the expense of reproductive rights progress, despite his lack of ties to the Religious Right, and even amidst his administration's efforts to expand reproductive healthcare access.

The far-reaching influence of the Religious Right serves as a weapon of the Protestant hegemony as evidenced by the coalition's incredibly close ties with Republican presidents, along with its successful efforts to pressure Democratic presidents into acting upon religious interests—both of which contribute to harmful, restrictive impacts on federal reproductive rights policy to different extents. Such evidence stands in contrast with notions that the gradual decline of reproductive justice in the U.S. has occurred solely along party lines, and instead offers insight into the ability of the Religious Right to influence political actors on both ends of

the ideological spectrum. In addition to religious-state ties at the federal level, the Religious Right's influence over state-level governments played an essential role in the recent overturning of *Roe v. Wade* (1973).

Overturning *Roe*: Religious-State Ties, Religious Rhetoric, and State Abortion Bills

Amidst Donald Trump's presidency, an array of Republican state lawmakers viewed the president's promise to overturn *Roe v. Wade* (1973) with the appointment of pro-life judges as an opportunity to pass excessively restrictive abortion laws in an effort to reach the Supreme Court for that very purpose (Sellers, 2021). The year 2019 marked a particularly significant time in state-level anti-abortion policymaking in reaction to the appointment of Justice Brett Kavanaugh to the U.S. Supreme Court (Kotch, 2019). Throughout 2019, several state-level governments passed restrictive abortion bans, some of which are known as "heartbeat bills" for restricting abortion procedures for pregnancies that are in a stage where a fetal heartbeat can be detected (Lai, 2019). This section illustrates the adverse effects of ties to the Religious Right on reproductive rights policy at the state level through a close examination of state connections to religious groups for anti-abortion efforts, alongside the use of religious rhetoric by state lawmakers, in three of the states that passed restrictive abortion bans in 2019: Mississippi, Alabama, and Kentucky.

The Religious Right and State "Heartbeat Bills" Pre-Dobbs

Of particular importance in this analysis of state-level religious ties in relation to reproductive policy is the state of Mississippi, which passed the Gestational Age Act in 2018 to "ban abortions after 15 weeks of gestation," followed by an even more restrictive heartbeat bill in 2019 that bans abortions at six weeks (Gathright, 2018; Blinder, 2019). The influence of religious-state ties on reproductive policy in Mississippi bears significant implications for the nation as a whole due to the fact that its initial Gestational Age Act became the subject of litigation in *Dobbs v. Jackson* (2022), in which the Court reversed the precedent that provided federal protections for abortion procedures, effectively overturning *Roe v. Wade* (1973). Mississippi's Gestational Age Act is found to be connected to Alliance Defending Freedom (ADF), "a huge Religious Right legal group" with "a massive network of evangelical Christian lawyers who oppose abortion and LGBTQ rights" (Montgomery, 2018; Kotch, 2019). The ADF publicly expressed their "strategic plan…to challenge *Roe*" with 15-week abortion bans at the state level, and identified Mississippi's Gestational Age Act as the first of these bills (Montgomery, 2018). In addition to the ADF being a major Religious Right interest group, it also receives funding from a variety of religious donors such as the National Christian Charitable Foundation ($32,381,645 donated from 2013-2017) (Kotch, 2019). In the most direct fashion, the Religious Right's ties to Mississippi not only established incredibly restrictive abortion bans within the state itself but also created far-reaching impacts on nationwide reproductive rights policymaking in its success of fulfilling ADF's plan.

Alabama's religious-state ties also have immense ramifications on reproductive rights protections, as it passed the Alabama Human Life Protection Act (AHLP), the most restrictive abortion bill of 2019 which called for a near-total ban on abortion procedures within the state, making exceptions only if there is a health risk to the mother's life (Sellers, 2021). Much like Mississippi, Alabama was found to have

close connections with Religious Right organizations, namely the National Christian Foundation (NCF), which "delivered the most money to anti-abortion outfits from 2013 to 2017" (Kotch, 2019). Within Alabama, the Alabama Policy Institute (API), which was "involved in advocacy efforts to pass the AHLP," received 13% of all its donations from the NCF in the period between 2013-2017 (Sellers, 2021, p. 724). In the aftermath of *Dobbs*, the AHLP is now in full effect in the state of Alabama as of June 24, 2022, shedding a dim light on the prospects of such comprehensive abortion bans being implemented in more states in the overturning of *Roe* (Wherry, 2022).

The NCF also established ties in the state of Kentucky, where it donated nearly $350,000 to the Family Foundation of Kentucky, a religious organization that participated in the state's anti-abortion efforts. The Family Foundation of Kentucky made advocacy efforts to pass the state's heartbeat bill, Senate Bill 9, which criminalizes the performance of abortions as a felony when the fetal heartbeat is detectable, leaving no exceptions for pregnancies resulting from rape or incest (Kotch, 2019). Kentucky's heartbeat bill, along with the state's "trigger law" that would ban all abortions except to save the mother's life, were intended by state lawmakers to go into effect immediately following the ruling in *Dobbs* (Lovan, 2022; Stracqualursi & Riess, 2022). Amidst the *Dobbs* ruling, the implementation of these two bans was initially blocked by a Kentucky state court, but a recent ruling from the Kentucky Supreme Court has allowed the two bans to remain in effect as of February 2023 (Westhoff, 2023). As a result, Kentucky now stands as one of the many states to implement a near-total ban on abortion following the overturn of *Roe v Wade* (1973).

Religious Rhetoric by State Lawmakers

In addition to these three states' direct ties to the Religious Right through the use of funding from religious organizations for anti-abortion advocacy efforts, the lawmakers in each of these states have also been found to use religious rhetoric in relation to their state's abortion bans. Such rhetoric not only explicitly mentions God in relation to abortion and policymaking, but also alludes to religious understandings of "the protection of human life" that work in cooperation with patriarchal traditionalism to devalue the position of women in both the family and the state (Sellers, 2021, p. 719). While the ADF was not found to be directly connected to the even more restrictive Mississippi heartbeat bill of 2019, religious influence remains undeniably persistent in the use of religious rhetoric when discussing the ban (Kotch, 2019). Right before signing this bill into law, Mississippi Governor Phil Bryant wrote the following on Twitter: "We will all answer to the good Lord one day. I will say in this instance, 'I fought for the lives of innocent babies, even under threat of legal action'" (Blinder, 2019). Likewise, when signing the AHLPA into law, Alabama Governor Kay Ivey asserted that "this legislation stands as a powerful testament to Alabamians' deeply held belief that every life is precious and that every life is a sacred gift from God" (Sellers, 2021, p. 721). In Kentucky, when asked about his state's heartbeat bill, state representative Robert Goforth contended, "When that baby's heart's beating, you have to recognize that is a life there. The only person that should be the author of life is God and not man" (Barton, 2019). Such references to "life" function as one of the many beliefs upheld by the Protestant hegemony that dominate the realm of gender and sexuality discourse in both religious and secular manifestations. Given that such rhetoric is almost solely used in conversations around abortion, the religious interpretation of a fetus as a "life" ultimately serves patriarchal

ends by evoking a comparison between the value of living women and the value of fetuses and often determines that the latter is worth more. Thus, the Religious Right and its proponents often weaponize such conceptions of "life" to not only defend restrictive abortion policies that reinforce gendered hierarchies in the law, but also to fortify Protestant hegemonic ideas in secular reproductive politics that reinforce gendered hierarchies ideologically.

The religious-state ties in the three states analyzed above are revealed to persist through two different routes: 1) direct monetary funding from the Religious Right for anti-abortion advocacy, and 2) the use of religious rhetoric by lawmakers when discussing restrictive abortion bills, both of which have contributed significantly to the weakening of abortion rights specifically and reproductive justice more broadly. Given the manner in which the Religious Right's mission to overturn *Roe* occurred, the relationships between religion, state, and reproductive policy at the state level carry crucial implications for the fate of reproductive justice at the federal level and thus require further and urgent examination.

Conclusion

In an effort to uncover the complexities that arise when religion, the state, and reproductive justice interact with one another in the United States, this paper demonstrates that hegemonic Protestantism dominates the religious and secular cultures of the U.S. in a way that allows religious-state ties to persist in spite of the First Amendment's principle of church-state separation, and that these ties produce restrictive and harmful ramifications for reproductive rights policymaking. Specifically, the Religious Right has emerged as a weapon for the Protestant hegemony, whose main line of defense is within the realm of secular gendered politics, particularly in reproductive rights policy. To effectively serve its purpose in maintaining the dominance of Protestantism in this realm, ties to the Religious Right are maintained by the Republican Party at both the federal and state levels to uphold both religious and secular understandings of patriarchal traditionalism, the family, heteronormative sex, and the gendered hierarchies that result from these through state control of women's reproductive systems. Likewise, religious pressures from the Religious Right on the Democratic Party function to this same end, but to a much lesser extent.

Given the extensive complexities of these matters, the findings in this paper only scratch the surface of the broader scope of religious-state relations that remain uncovered and the influence of such on the pursuit of reproductive justice and gender equality more broadly. Missing from this research is a more comprehensive understanding of religious-state ties in the U.S. that would require a closer examination of the church-state relationship in Congress, the federal court system, and a larger number of state-level governments. Additionally, as the scope of this paper focuses more heavily on the forces that contribute to restrictive reproductive rights policy, further research invites a more extensive look into the impacts of these policies on women's rights, LGBTQ+ rights, healthcare access, religious freedom, race relations, and socioeconomic disparities. In an alarming post-*Roe* period that endangers prospects for reproductive justice in the United States, additional research in these areas is both urgent and necessary.

Acknowledgments

References

Bailey, S.P. (2016). White evangelicals voted overwhelmingly for Donald Trump, exit polls show. *The Washington Post*. https://www.washington-post.com/news/acts-offaith/wp/2016/11/09/exit-polls-show-white-evan-gelicals-voted-overwhelmingly-fordonald-trump/.

Barton, R. (2019). Kentucky lawmaker proposes heartbeat abortion bill. *WKU Public Radio*. https://www.wkyufm.org/politics/2019-01-07/ken-tucky-lawmaker-proposes-heartbeatabortion-bill.

Beaman, L.G. (2003). The myth of pluralism, diversity, and vigor: The con-stitutional privilege of Protestantism in the United States and Canada. *Journal for the Scientific Study of Religion*, 42(3), 311–325. https://doi.org/10.1111/1468-5906.00183.

Bella, T. (2022). Man charged in rape of 10-year-old girl who had to travel for abortion. *The Washington Post*. https://www.washingtonpost.com/poli-tics/2022/07/13/abortion-girlrape-victim-arrest-ohio/.

Bernstein, E. & Jakobsen, J.R. (2010). Sex, secularism and religious influence in US politics. *Third World Quarterly,* 31(6), 1023–1039. https://doi.org/10.1080/01436597.2010.502739.

Blinder, A. (2019). Federal judge blocks Mississippi abortion law. *The New York Times*. https://www.nytimes.com/2019/05/24/us/mississippi-abor-tionlaw.html?searchResultPosition=1.

Bowen v. Kendrick, 487 U.S. 589 (1988).

Bruner, B., Trombly, M., Cook, T. (2022). Arrest made in rape of Ohio girl that led to Indiana abortion drawing international attention. *The Co-lumbus Dispatch*. https://www.dispatch.com/story/news/2022/07/13/columbus-man-charged-rape-10-yearold-led-abortion-in-indi-ana/10046625002/.

Burwell v. Hobby Lobby Stores, Inc., 573 U.S. 682 (2014).

Cassese, E.C., & Holman M.R. (2016). Religion, gendered authority, and identity in American politics. *Politics and Religion*, 10(1), 31–56. https://doi.org/10.1017/s1755048316000407.

Chen, A.X. (2013). Crisis pregnancy centers: Impeding the right to informed decision making. *Cardozo Journal of Law & Gender,* 19(3), 933-960. https://heinonline.org/HOL/P?h=hein.journals/cardw19&i=985.

Chun H.M., Dirlikov E., Cox M.H., et al. (2023). Vital signs: progress toward eliminating HIV as a global public health threat through scale-up of antiretroviral therapy and health system strengthening supported by the U.S. President's Emergency Plan for AIDS Relief — worldwide, 2004–2022. *MMWR Morb Mortal Wkly Rep*. DOI: http://dx.doi.org/10.15585/mmwr.mm7212e1.

Corredor, E.S. (2019). Unpacking 'gender ideology' and the global right's antigender countermovement. *Signs: Journal of Women in Culture and Society,* 44(3), 613–638. https://doi.org/10.1086/701171.

di Mauro, D. & Joffe, C. (2007). The Religious Right and the reshaping of sexual policy: An examination of reproductive rights and sexuality education. *Sexuality Research and Social Policy,* 4(1), 67–92. https://doi.org/10.1525/srsp.2007.4.1.67.

Dobbs v. Jackson Women's Health Organization, 597 U.S. ___ (2022). https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.

Doonan, C. (2018). She's married, she's faithful, she's dying: Politicizing the President's Emergency Plan for AIDS Relief. *Politics & Gender,* 14(3), 323-349.

Faherty, A. (2022). Case of 10-year-old rape victim challenges anti-abortion rights movement. *ABC News*. https://abcnews.go.com/Politics/case-10-year-rape-victim-challenges-antiabortion/story?id=86814201.

Gathright, J. (2018). Mississippi governor signs nation's toughest abortion ban into law. *NPR*. https://www.npr.org/sections/thetwo-way/2018/03/19/595045249/mississippi-governorsigns-nations-toughest-abortion-ban-into-law.

Goodwin, M. (2020). *Policing the Womb: Invisible Women and the Criminalization of Motherhood*. Cambridge University Press.

Griffin, L.C. (2015). Hobby Lobby: The crafty case that threatens women's rights and religious freedom. *Hastings Constitutional Law Quarterly*, 42, 641-693. https://scholars.law.unlv.edu/facpub.

Kotch, A. (2019). These corporations and public charities funded the state abortion bans. *Sludge*. https://readsludge.com/2019/06/13/these-corporations-and-public-charities-funded-thestate-abortion-bans/.

Lai, R.K.K. (2019). Abortion bans: 9 states have passed bills to limit the proce-

dure this year. *The New York Times.* https://www.nytimes.com/interac-tive/2019/us/abortion-laws-states.html.

Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania, 591 U.S. ___ (2020).

Lovan, D. (2022). Appeals court reinstates Kentucky's near-total abortion ban. *Associated Press News*. https://apnews.com/article/abortion-us-su-preme-court-health-kentucky-louisvilleb75b44423500604fd8b5f22825f b38d0.

Lyons, M.N. (2022). The U.S. far right's politics of gender. *Male Supremacism in the United States: From Patriarchal Traditionalism to Misogynist Incels and the Alt-Right*, edited by Carian, E.K., diBranco, A., & Ebin, C. Routledge, 48-64.

Montgomery, P. (2018). ADF attorneys boast of plans for further restrictions, then bans on abortion. *Right Wing Watch.* https://www.rightwingwatch.org/post/adf-plans-firsttrimester-abortion-restrictions-then-total-bans-as-it-fights-roe-in-the-courts/.

O'Brien, C. & Walsh, S. (2019). Women's rights and opposition: explaining the stunted rise and sudden reversals of progressive violence against women policies in contentious contexts. *Journal of Latin American Studies*, 52, 1-25. 10.1017/S0022216X19000956.

Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111–148, 124 Stat. 119 (2010), Codified as Amended 42 U.S.C. § 18001.

Price, K. (2018). Queering reproductive justice in the Trump era: a note on po-litical intersectionality. *Politics & Gender,* 14 (2018), 581 –601.

PBS. God in the White House. PBS, American Experience. https://www.pbs.org/wgbh/americanexperience/features/godinameri-ca-white-house/.

Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833 (1992).

Roe v. Wade, 410 U.S. 113 (1973). https://tile.loc.gov/storageservices/service/ll/usrep/usrep410/usrep410113/usrep410113.pdf.

Sellers, A. (2021). How the First Amendment's commitment to religious freedom could ironically save *Roe v. Wade.*. If We Let It." *South-ern California Law Review*, vol. 94, no. 3, pp. 691-[vi]. HeinOnline, https://heinonlineorg.libproxy.sdsu.edu/HOL/P?h=hein.journals/scal94&i=753.

Smith, C.W., Kreitzer, R.J., Kane, K.A., & Saunders T.M. (2022). Contraception deserts: The effects of Title X rule changes on access to reproductive health care resources. *Politics & Gender,* 18(3), 672-707.

Stracqualursi, V. & Riess, R. (2022). Kentucky state court blocks two state laws that stopped abortion services after Roe ruling. *CNN, Cable News Network*. https://www.cnn.com/2022/06/30/politics/kentucky-abortion-

bans-blocked/index.html.

Tandon, S. (2022). With US Supreme Court abortion ruling, Trump leads Christian right to its holy grail. *The Times of Israel*. https://www.timesofisrael.com/trump-leads-christianright-to-its-holy-grail-with-us-supreme-court-abortion-ruling/.

Totenberg, N. (2020). Religious objectors v. birth control back at Supreme Court. *NPR*. https://www.npr.org/2020/05/06/848848145/religious-objectors-v-birth-control-back-atsupreme-court.

Trau, M. & Buduson, S. (2022) Ohio AG says six-week abortion ban bill is law after filing motion to dissolve injunction. *ABC News 5 Cleveland*. https://www.news5cleveland.com/news/politics/ohio-politics/ohio-ag-files-motion-todissolve-injunction-on-six-week-abortion-ban-bill.

U.S. Constitution. Amendment I.

U.S. Department of Health and Human Services. (2022). HHS, DOL, and Treasury issue guidance regarding birth control coverage. *HHS.gov*. https://www.hhs.gov/about/news/2022/07/28/hhs-dol-treasury-issue-guidance-regardingbirth-control-coverage.html

Westhoff, K. (2023). Kentucky Supreme Court ruling allows state's near-total abortion bans to remain in place for now. *CNN*. https://www.cnn.com/2023/02/16/politics/kentucky-neartotal-abortion-ban/index.html.

Wherry, X. (2022). Human Life Protection Act now in full effect in Alabama. *WAAY 31 News*. https://www.waaytv.com/news/human-life-protection-act-now-in-full-effect-inalabama/article_11e814b2-f40c-11ec-b49d-0f3fa6009935.html.

Williams, D.K. (2008). Reagan's Religious Right: The unlikely alliance between Southern Evangelicals and a California conservative. *Ronald Reagan and the 1980s,* 135–149. https://doi.org/10.1057/9780230616196_9.

Women, STEM, and the Role of Capitalism

Jonna Wallin

Abstract

The exclusion of women in STEM-related occupations; science, technology, engineering, and mathematics, also termed "the woman problem" (Mellstrom, p. 886), remains an issue despite increasing campaigns for gender equity worldwide. As of 2022, women are still globally underrepresented in the field, as they account for less than 30% of the STEM workforce (Schneegans et. al.) However, the gender gaps in STEM are not distributed equally across the world's countries, and the share of female STEM workers ranges from less than 20% to over 50% (Mastroianni and McCoy). The disparities in STEM gender gaps challenge the long-standing notion within academia that the field is universally male-dominated and suggests a possible alternative explanation. Different from previous research attempting to explain the disparities in STEM gender gaps by looking at parameters such as levels of development, income levels, geographic locations, cultural and religious climate, etc., this paper offers an alternative explanation based on economic systems and the role of capitalism. By conducting a comparative analysis of more versus less capitalist countries and the number of women in their STEM workforces, this paper sets out to prove a correlation between the role of capitalism and gender equity in STEM. I argue that the gendering of STEM derives from capitalist economic practices that have a direct negative impact on gender equity within the field, and that countries with greater numbers of women in STEM can partly accredit such inclusion to alternative economic policies.

Historiography

This paper will engage with course materials relating to the state and role of women in science, gender equality, the role of capitalism, and Western narratives of women in STEM. In my analysis, I will make use of Ulf Mellstrom's "Intersection of Gender, Race, and Cultural Boundaries", a study on women in STEM that utilizes the concept that the masculinization of the field is a Western idea. Mellstrom's study also provides an in-depth example of a country that is much less capitalistic than the U.S., which invites comparison. I will also use Mallory Pickett's "I Want What My Male Colleague Has, and That Will Cost a Few Million Dollars" as an example of a wealthy, STEM-related institution in a highly capitalistic country (the U.S.) to show how capitalist economic practices undermine gender equality and impact the representation of women in STEM.

In most recent history, there has been a persistent notion within academia that

the field of STEM is universally constructed around masculinity—that men in all countries dominate the field in terms of numbers, contributions, publications, earnings, etc. With time, this notion has been contested. Scholars like Ulf Mellstrom have proven that the "all-encompassing masculine culture of science and engineering" (p. 903), does not actually exist universally. Instead, it has been suggested that the masculinization of STEM is a Western idea, and in other parts of the world, this is much less noticeable or even nonexistent. Studies like "The Position of Women in Socialist and Capitalist Countries: A Comparative Study," by Shirley Nuss have been conducted on the relationship between capitalism and gender equality. By incorporating previously established literature on related topics, course materials, and research of my own, I set out to introduce an alternative explanation for the representation of women in STEM between countries. This paper will move away from previous research approaches on women in STEM such as "the west and the rest", developed versus developing countries, high versus low-income countries, etc., and move towards an explanation that has its base in economic systems and the role of capitalism.

1.1

To not exceed the intended scope of this project, I have limited my research to countries with the highest versus the lowest representation of women in STEM. The countries of choice either represent a geographical region where the data shows a significant pattern or represent outliers on either end of the spectrum. In terms of regions, most European countries have a high representation of women in STEM. In studies published by both the World Economic Forum and the Institute of Labor Economics, the Scandinavian countries are among the top-ranked, with statistics like 49.5% for Denmark and Sweden, 50% for Iceland, and 52% for Norway (Szmigiera). However, the outliers in terms of high representation are concentrated in Eastern Europe. The countries with the highest representation are Lithuania (57%), Georgia (55.6%), Bulgaria and Latvia (51.5%), and North Macedonia (50.7%). Besides Eastern Europe, Asian countries also score high; Mongolia (52.6%), Cambodia (51.3%), and Malaysia (49.9%) (Szmigiera). When looking at regions that have a low representation of women in STEM, Switzerland is an outlier with barely 23%, accompanied by the U.S (28%), Ireland (29%), Canada (31%), Australia (32%) Singapore (34%), New Zealand (35%), and the UK (38%) (Wadhwa).

1.2

When accounting for whether and to what extent countries practice a capitalist economic system, I am referring to the level of economic market freedom, i.e., if supply and demand freely set market prices, and private individuals or businesses own most if not all means of production with the essential goal of making a profit. There are no fully socialist countries today. Therefore, when discussing non or less-capitalist countries, I am referring to countries that maintain a larger sector of state-owned enterprises, make significant use of social welfare programs, and to at least some extent generates collectively produced wealth (Klenton). Every year, The Heritage Foundation produces a widely referenced report of the 10 most capitalist economies, according to a calculated *Index of Economic Freedom*. The index takes into consideration things like government size and limitation, property rights, business freedom, tax burden, and market openness, and gives countries a score between 0-100 where 100 is completely capitalist. Interestingly, in 2021, most of the countries

previously listed as having a low representation of women in STEM were on the list. Singapore tops the list of most capitalistic countries in the world, accompanied by the U.S., Australia, New Zealand, Switzerland, Ireland, the UK, and Canada. Perhaps more important, however, is how much lower the countries previously mentioned with higher representation of women score on the index. While all countries with a lower representation of women in STEM scored above 90 and close to 100, countries with a higher representation of women all scored around 70 or lower. The lowest scores among the countries discussed were Malaysia, North Macedonia, Bulgaria, Georgia, Lithuania, Latvia, and the UK (Heritage Foundation).

1.3

In the conclusion of their 2021 report, the Heritage Foundation states that "one of the most significant disadvantages of capitalism is that it does not promote equality of opportunity" (Heritage Foundation). While capitalism is widely accepted as a means for economic growth, several studies have been conducted to show how capitalism hinders gender equality and often widens the gender gap in multiple sectors of society. In "The position of women in socialist and capitalist countries: a comparative study.", Shirley Nuss concluded after major research that there are significant differences in the position of women in capitalist versus socialist countries. The study showed how women in capitalist countries are less equal in economic, educational, legal, social, and political status, with the most apparent evidence being greater equality in the labor force for socialist countries (Nuss, p. 11).

What countries that score high in the capitalist ranking all have in common is that the essential goal of their economies is to accumulate capital and make profits. When the endless quest for capital enters the field of academia, it takes the form of academic capitalism. Clare O'Hagan et al. describe academic capitalism as the process of "commercializing knowledge, technology transfer, and research funding" (p. 1), as an attempt to accumulate academic capital. In her study "Perpetuating academic capitalism and maintaining gender orders through career practices in STEM in universities", O'Hagan et al. examine how academic capitalism operates within the STEM field. As the practices in which academic capital is acquired are generally offered to and achieved by men, universities and companies can capitalize on the masculinization of STEM. Essentially, the STEM sector makes money by gendering the field. Since STEM is a historically gendered field, it is particularly vulnerable to mechanisms that enforce that gendered order. (O'Hagan et. al., p. 3).

The 2017 gender discrimination lawsuit case against the Salk Institute for Biomedical Research illustrates this as an example of a wealthy, STEM-related institution in a highly capitalistic country, the U.S. In her article, Pickett describes how the Salk Institute significantly and consistently marginalized its female researchers. Since 2010, the Salk Institute had hired 3.75 men for every woman, keeping their faculty male dominated. Furthermore, the Salk Institute provided women with significantly less research funding and fewer technological resources. This supports O'Hagan et al.'s argument about offering career practices and advancements that acquire academic capital predominantly to men. Pickett's article also examines other elite American scientific institutions that reflect similar numbers (Pickett).

1.4

Contrary to the barriers capitalism might create for inclusivity in STEM, many studies have shown how socialism or socialist practices can, to some extent, promote gender equality and narrow the gender gap in academic and professional settings. The Scandinavian countries are established as leading the world in terms of gender equality. They also have some of the higher representations of women in STEM. This can be accredited largely to the wide use of ambitious welfare programs and socialist state policies, including regulated publicly owned services, somewhat regulated markets, income distribution, higher taxation, and state pensions. Social benefits like paid maternity leave, mandatory vacation, and childcare provisions further promote gender equality by helping women in the workplace (McWhinney).

In addition to the Scandinavian countries, some of the world's most gender-balanced workforces are in former socialist Eastern European countries. Studies conducted on the legacies of the socialist policies imposed under the Soviet Union rule all reach the same conclusion; countries that previously have or continuously are imposing socialist practices have significantly smaller gender gaps. The 2018 study "Math, Girls, and Socialism" examined the historical effects of capitalist versus state-socialist education and found that the gender gap in math was significantly smaller in European countries that used to be part of the Soviet bloc, as opposed to the rest of Europe. In some former socialist countries, the gender gap in mathematics aptitude had disappeared altogether (Quentin & Senik, p. 25). Kristen Ghodsee's article on employment in science and technology provides similar statistics. In the sectors of technology and engineering, 8 of the top 10 countries with the highest proportion of women are located in Eastern Europe, with former socialist countries Bulgaria, Lithuania, and Latvia having the highest representation (Ghodsee).

As an alternative to the Salk Institute and other American science-related institutions with noticeable gender imbalances, discrimination, and poor attitudes towards women in science, we can look at Ulf Mellstrom's case study of Malaysian women in STEM. Mellstrom provides an empirical study of gender ratios in the computer science and IT sectors of Malaysian academic and professional industries. Interestingly, women in computer science in Malaysia are not just well-represented, they dominate the field. Mellstrom provides empirical data showing how women in Malaysia comprise 65% of students and 44% of professionals in computer and IT-associated studies and occupations (Mellstrom, p. 889). These numbers indisputably confirm Mellstrom's argument that the gendering of science and inequality in STEM is indeed not universal.

As previously established in this paper, Malaysia is one of the countries measuring as less capitalistic than the U.S. Thus, Mellstrom's findings that the gendering of science is less or non-present in a less capitalistic country supports my claim that alternative economic approaches positively impact gender equity in STEM.

Conclusion

This paper has conducted a comparative analysis of countries with different economic systems and their respective representation of women in STEM. This was done by selecting a few countries that have relatively high or low representation of women in STEM-related occupations. This was followed by an examination of

to what extent each country's economic system is capitalistic, using the Heritage's Foundations Index to rank countries based on levels of market freedom. The empirical research was followed by a discussion on the impact of capitalism versus alternatives on gender equality in general. Plenty of cited literature supports the notion that capitalism can have a direct negative impact on gender equality, and vice versa how socialist practices can assist in narrowing gender gaps. This study establishes two things. Firstly, the variation of women's participation in STEM across the globe reaffirms the notion introduced by Ulf Melstrom that the field of science and engineering is not universally gendered, and so large gender gaps in STEM should not be excused by claiming that the field is decidedly masculine. Secondly, this study establishes that larger gender gaps in STEM presumably derive from capitalism, and countries with greater numbers of women in STEM can partly accredit such inclusion to alternative economic policies.

The combination of the STEM field being historically gendered and male-dominated, with the commercial potential of science and scientific research, makes it particularly vulnerable to discrimination and bias. This paper does not argue that one economic system is superior to another, nor that a socialist ideology is in general favorable over a capitalist one. Rather, it accounts exclusively for what economic policies have more positive or negative impacts on female representation in STEM. It implies that academic and professional institutions that take the approach of maximizing profits fall behind on inclusivity and equity, and that institutions that adopt more socialist-oriented policies in some way will have significantly better gender ratios. Consequently, this study suggests that altering a country's economic policies has the potential to institute change in STEM gender gaps, resulting in more equitable gender ratios.

References

Ghodsee, Kristen R. "What the US Can Learn from Women in the Soviet Workforce". *Quartz, Nov. 13, 2019.* https://qz.com/1746284/socialist-countries-employ-more-women-in-math-and-science/. Accessed April 29, 2022.

Klenton, Michael. "What is Socialism?". *Investopedia*, January 31, 2022. https://www.investopedia.com/terms/s/socialism.asp. Accessed May 2, 2022.

Lippmann, Quentin & Senik, Claudia. "Math, Girls and Socialism". *Journal of Comparative Economics,* May 2018. https://www.iza.org/publications/dp/11532/math-girls-and-socialism. Accessed May 3, 2022.

Mellstrom, Ulf. "The Intersection of Gender, Race and Cultural Boundaries, or Why Is Computer Science in Malaysia Dominated by Women?" *Social Studies of Science*, vol. 39, no. 6, 2009, pp. 885–907. JSTOR, http://www.jstor.org/stable/27793329.

Mastroianni, Adam and McCoy, Dakota. "Countries with Less Gender Equity Have More Women in STEM—Huh?". *Scientific American*, May 17, 2018. https://blogs.scientificamerican.com/voices/countries-with-less-gender-equity-have-more-women-in-stem-huh/. Accessed May 2, 2022.

Nuss, A. Shirley. "What the US Can Learn from Women in the Soviet Workforce-the Position of Women in Socialist and Capitalist Countries: A Comparative Study." *International Journal of Sociology of the Family,* Vol. 10, No. 1, January-June 1980. https://www.jstor.org/stable/23028036?seq=. Accessed April 28, 2022.

O'Hagan, Clare et.al. "Perpetuating Academic Capitalism and Maintaining Gender Orders through Career Practices in Stem in Universities". *Critical Studies in Education,* Vol. 60, Iss. 2, April 2019, p. 205-225. https://www.tandfonline.com/doi/abs/10.1080/17508487.2016.1238403. Accessed April 28, 2022.

Pickett, Mallory. "I Want What My Male Colleague Has, and That Will Cost a Few Million Dollars". *The New York Times,* April 2019. https://sdsu.instructure.com/courses/91701/files/5104362?module_item_id=1742446. Accessed May 3, 2022.

S. Schneegans, T. Straza and J. Lewis. *UNESCO Science Report: The race against time for smarter development. United Nations Educational, Scientific and Cultural Organization*, 2021. Accessed April 27, 2022.

Szmigiera, M. "Share of Women Working in STEM Fields 2021, by Country" *Statista*, Feb 24, 2022. https://www.statista.com/statistics/1116527/share-women-stem-country/. Accessed April 27, 2022.

The Heritage Foundation. "2021 Index of Economic Freedom", 2021. https://www.heritage.org/index/ranking. Accessed May 3, 2022.

Wadhwa, Divyanshi. "There Are Fewer Female than Male Stem Graduates in 107 of 114 Economies". *World Bank Gender Statistics*, MAY 17, 2019. Accessed May 3, 2022.

McWhinney, James. "The Nordic Model: Pros and Cons". *Investopedia*, January 6, 2022. https://www.investopedia.com/articles/investing/100714/nordic-model-pros-and-cons.as. Accessed May 4, 2022.

The Punisher: Media Depictions of Veterans and PTSD

Department of Anthropology, San Diego State University

Kailey A. McHale-Vonk

Abstract

The depiction of veterans in popular media impacts and is impacted by public perceptions of the military and war. Marvel's The Punisher is a character whose depiction has been consistently connected to these perceptions since the Vietnam War, making him an ideal lens through which to examine both veteran's struggles as well as public attitudes toward them. This paper explores how the Netflix TV Show *The Punisher* has attempted to use this to change the perception of PTSD in military veterans and how it functions as a reflection of the current social ambivalence towards real-life veterans, despite stated reverence for the military and the idea of veterans.

Keywords: The Punisher, Marvel Comics, US Military, PTSD, popular culture, veterans

The portrayal of superheroes in comics and on-screen has always reflected the prevalent attitudes of the time in which they were created. The enemies Captain America fights or the experiences that the X-Men struggle with are intrinsically linked to and influenced by public perception of current events. Captain America's identity as a Nazi-fighting super soldier in the '40s got a rebrand in the '50s, as America's fears turned from fascism to communism, and he became the "Commie Smasher" (Gonzalez, 2020). On the other side of things, the X-Men have come to represent minority communities over the decades, especially the queer community, with storylines that are relevant to those communities at the time, such as the Legacy virus, a blood-borne, mutant-only virus that appeared in the 90's during the height of the AIDS epidemic (Ayres, 2016).

One specific area that has always been present throughout many popular comics and has become increasingly prominent since the turn of the century, is a theme surrounding the military. Many superheroes were created to have direct military ties, starting all the way back in World War II when Captain America first appeared to fight off Nazi forces as part of the US Army. However, most of these characters are primarily associated with their superhero persona, while their military origins are overlooked or outright ignored. Frank Castle, also known as The Punisher, by contrast, is primarily a soldier and a highly decorated war veteran, and regardless of his other identities as a vigilante and assassin, he is predominantly defined by his military background. His behavior and struggles reflect that fact. The character of Frank Castle was created in 1974 when he first appeared as an assassin in *The Amazing Spider-Man #129.* His identity as The Punisher was formed when he began

his one-man war on the criminals of New York City following the deaths of his wife and children at the hands of the mob (Conway, 1975). Before becoming a vigilante, however, he was a Marine Corps sniper and, in his original comics, a veteran of the Vietnam War. This identity as a veteran resulted in the character appearing in several war themed comics in the early years, most notably a series called *The 'Nam,* which acted as a quasi-historical visual chronology of the Vietnam War.

The American perception of the military shifted massively in the aftermath of the Vietnam War, when initial issues of *The 'Nam* were being published. While soldiers coming home from WW2 had been seen as heroes that defeated fascism and protected their country, soldiers that came home from Vietnam had lost the heroic image civilians had previously associated with the American soldier (Cooper, 2021). The atrocities the United States committed in Vietnam, combined with an increasingly lacking support for the war, meant that these soldiers, while not necessarily seen in a negative light, were no longer seen in a positive one.

As time passed, and America's perceived enemy shifted from the communists to the Middle East, attitudes towards the military began to become less overtly hostile, a change almost certainly aided by the United States' success in the first Gulf War. As a result of this change, several comic book creators took the opportunity to attempt to retroactively justify, or modify, the events of the Vietnam War. Even *The 'Nam*, which had previously been popular for its mostly accurate depiction of the war, took the opportunity to retcon events. The authors introduced several popular Marvel superheroes to the book in an attempt to provide a more satisfying outcome to a war that many Americans had never entirely understood (Scott, 2011). During this period, The Punisher received a much larger role in his own graphic novel as part of the series titled *The Punisher Invades The Nam'*.

Then, in the aftermath of September 11th, 2001, the way Americans felt about the military once again shifted dramatically. The Global War on Terrorism changed everything. From a superficial perspective, it would seem that Americans once again viewed soldiers as heroes protecting America against foreign enemies. However, the destruction of the good standing of the American military in the aftermath of the Vietnam War had never truly gone away. Even though the country once again found itself in the midst of what was generally seen as a 'just war,' it was too late to change the fact that "American society [had] started not only to heroize its veterans as a vivid symbol of its ambition, ideals, and accomplishments, but also to vilify them" (Gruszczyk, 2020, pg. 35).

This complicated relationship with the military has only worsened as the War on Terror slowly morphed into over two decades of what is now sometimes referred to as 'the forever wars,' More than ever, Americans are captivated by military might, and view active duty as impressive and honorable. Still, these feelings aren't often applied to the actual war veterans that come home, but rather, the idealized patriotic vision of a soldier that may or may not exist. Soldiers returning from war may be welcomed home as heroes, but it often doesn't take long for them to end up alone and feeling abandoned by the society they fought to protect. There is an ambivalence to how veterans are treated that doesn't reflect the supposed patriotic admiration that the American public has for its military. This ambivalence is partly the result of the idea that modernly, in a society where joining the military is something that is chosen rather than obligatory, those that join know the risks of their chosen profession. This

leaves American civilians to believe that they have no obligations to veterans once they come home, since they were 'just doing their job' (Gruszczyk, 2020). If society views military participation as 'just a profession,' then this is a problem for veterans, not for society as a whole, allowing most people to remain ambivalent towards veterans and their needs. The portrayal of the Punisher, more than any other comic book character, emphasizes this ambivalence.

In the most recent on-screen adaptation of the character in the Netflix TV series, *The Punisher*, the writers attempt to use the character of Frank Castle to influence the public's perception of the military, specifically of veterans. In the Netflix series, the story arc that defines the character is adapted to the modern day. Frank Castle is now a veteran of the war on terror rather than the Vietnam War. This makes him the perfect character to act as a representation of both the struggles of current veterans and the way that society treats them. This was intentional on the part of the showrunner, Steve Lightfoot, who, in an interview in 2017 described his desire to create a realistic and human portrayal of the difficulties experienced by many veterans (Illing, 2017). Because of this, a large part of the show —especially of the first season— made a point to focus on the struggles of not just Frank but also the other veterans that appear in the show, of which there are quite a few.

One of the most prominent struggles portrayed is post-traumatic stress disorder, or PTSD. As an issue that commonly affects veterans, it is estimated to develop in around 30% of people who have spent time in war zones. PTSD results from exposure to traumatic or overwhelmingly stressful situations, be they singular or recurring events. Not everyone who is exposed to traumatic events will develop PTSD, but for those that do, it is defined as creating "significant distress or an inability to function in normal life" (Finley, 2011, pg. 5). According to the American Psychological Association, there are three symptom clusters that characterize PTSD: reexperiencing, avoidance, and hyperarousal symptoms.

While there have been many portrayals of combat PTSD in various media pieces over the years, they are generally problematic and focus almost solely on hyperarousal symptoms, most prominently those of hypervigilance and anger, which is not representative of the true scope of symptoms that characterize the disorder. By focusing on this small section of symptoms, media creators paint a portrait of someone who exists constantly in "combat mode", and unsafe to be around. This can be seen in characters such as Travis Bickle in *Taxi Driver*, who is portrayed as being primarily defined by his aggressive and erratic behavior following his discharge from the military (Phillips et al.,1976). Depictions like these can push the idea that veterans experiencing PTSD are psychotic or unstable leading to a negative public perception of the disorder, as well as affecting the self-esteem of those suffering from PTSD. Lightfoot wanted *The Punisher* to challenge these stereotypes and create a better understanding of the disorder in viewers. So, as opposed to other popular media, *The Punisher* both represents and accurately portrays specific PTSD symptoms across all of the symptom clusters, both through the character of Frank Castle and the characters of other veterans in the show, who are often shown in the context of a support group led by Castle's friend Curtis Hoyle (Wilson, 2020).

In the Netflix show, it is established as early as the first episode, "3AM,"that Castle struggles with involuntary flashbacks to the murder of his family. While he does experience some noticeable distress over his experiences and actions in Afghanistan,

his PTSD is more closely tied to witnessing the deaths of his family. He has nightmares repeatedly wherein he re-experiences and reimagines their deaths, even sometimes seeing himself as the murderer. These dreams reinforce his guilt and his feelings of responsibility for his family's death. This guilt and pain often manifest as physical aggression, which he uses his work in construction as an outlet for smashing through walls with a sledgehammer with a force that leaves his palms bloodied by the end of the day.

Along with these flashbacks, Castle also attempts to isolate himself from everyone around him. Any attempts to interact made by other workers at his construction job are shut down immediately or resolutely ignored. He also physically isolates himself by almost solely going between his workplace and apartment, rarely going anywhere else. This, in a way, is an example of avoidance, as he literally attempts to render himself invisible to the world around him. The one exception to this is his friend Curtis Hoyle, who, at least at the beginning of the show, is the only person that knows that he's alive, and the only person he willingly talks to. Hoyle repeatedly attempts to convince Castle to join his support group in an effort to help him but is always rejected.

Castle isn't the only character shown as having visible PTSD symptoms in the show. One of Hoyle's support group members, Lewis Wilson, also experiences frequent involuntary flashbacks and nightmares. In the episode "Kandahar," he is shown describing to the group an incident in which several members of his squad were killed by friendly fire, which the press subsequently covered up. This event took a psychological toll on him, and he has nightmares about it, in which he continually relives the experience. At one point, when his father accidentally wakes him during one of these nightmares, Wilson instinctively draws his gun and fires it before he is fully conscious, only narrowly missing his father, which causes him extreme distress after the fact. While this depicts the adverse effects of hyperarousal symptoms, it is treated in a way that leaves the viewer sympathetic to his character rather than viewing him as psychotic or dangerous.

Lewis Wilson is, in many ways, actually an ideal character through which to view the effects of society's treatment of, and general ambivalence towards veterans who are no longer "newly returned heroes." His struggles with PTSD leave him feeling isolated and uncertain of where he stands outside of the military. In the episode "3AM," he makes these feelings clear, saying, "I just know that I fought for this country and that it's got no place for me. I don't know what the rules are anymore, you know?" (Lightfoot & Shankland, 2017). These feelings of isolation and ostracization lead him to eventually abandon the support group, and fall down a rapid path towards extremism, supported by the influence of a fellow "veteran," O'Connor, who had also been a member of the support group. O'Connor turns out to have been lying about his military service, leading Wilson to separate from him. Unfortunately, this happens too late to stop Wilson from continuing down the path that eventually leads him to become a domestic terrorist and later to commit suicide.

Wilson's story is dramatized for television, but the core of it, his feelings of isolation and invisibility in a society that doesn't understand or care about him, reflect what many veterans experience upon returning home. While most veterans don't turn to extremism, many do end up where Wilson eventually did after giving up on any other options, committing suicide. Suicide is a massive concern for veterans, with research

showing that as many as 30,177 active-duty soldiers and veterans who served in the military after 9/11 have died by suicide, making it the second leading cause of death among veterans. They have a suicide risk that is 57% higher than the national average (Veteran Suicide Stats, n.d.).

This astronomically high rate of suicide is the result of a combination of factors. PTSD on its own has a higher risk of suicide than any other anxiety disorder, but the lack of support upon return from deployment, as well as the military culture that inhibits veterans from seeking help, create what is, in effect, a perfect storm for high suicide rates (Wilson, 2020). In the episode "Resupply," the character of Lewis Wilson is once again an example of this, as he abandons the group therapy sessions that had been helping him despite Hoyle's attempts to reach out to him. He refuses to recognize that Hoyle has experienced many of the same issues as him, even as Hoyle tells him that, "You see, when you look in a mirror, you still see a soldier. And out on these streets, that soldier is invisible to everyone else," a statement that is a direct mirror of the feelings he is struggling with (Lightfoot & Skogland, 2017). As a result, he continues to fall further into a hole that he can't get out of, and as previously mentioned, he eventually commits suicide.

Group therapy is shown as a positive force throughout the show and is represented through Curtis Hoyle's support group. The support group is a prominent feature of *The Punisher* and, in many ways, is the primary lens through which the struggles that veterans face and how society's treatment of them affects them is depicted in the show. It is where viewers first see Lewis Wilson's struggles with PTSD and his feelings of societal abandonment and ostracization, and where eventually, in the season 1 finale "Memento Mori," Frank Castle begins to work through his own issues and trauma. Through this, *The Punisher* promotes the acknowledgment and discussion of PTSD and other issues and condemns the practice of suppressing trauma (Wilson, 2020).

The depictions of Frank Castle, Lewis Wilson, and Curtis Hoyle in *The Punisher* each display different aspects of PTSD and the consequences of social ambivalence towards veterans. Castle displays avoidance symptoms as he isolates himself from the world and reexperiences his trauma in involuntary flashbacks. Wilson has repeated nightmares where he relives a traumatizing experience and displays the signs of hyperarousal when he unconsciously almost shoots his father upon being woken. Hoyle and his support group exhibit the effects of the social ambivalence that many veterans are subjected to in sharing stories and feelings in his group. Altogether, this shows an accurate version of how PTSD often actually manifests in a way that doesn't demonize those struggling with it.

References

Ayres, J. (2016, September 21st). *The X-Men and the Legacy of AIDS*. Los Angeles Review of Books. Retrieved November 23, 2022, https://lareviewofbooks.org/article/x-men-legacy-aids/.

Conway, G., Wein, L. (1975). *Marvel Preview #2*. Marvel Publishing.

Cooper, S. (2021, February 10th). *After Vietnam, American Society's relationship with its military was badly frayed. After twenty years of post-9/11 wars, it is again.* Modern War Institute. Retrieved November 23, 2022, from https://mwi.usma.edu/after-vietnam-american- societys-relationship-with-its-military-was-badly-frayed-after-twenty-years-of-post-9-11-wars-it-is-again/.

Finley, E. P. (2012). *Fields of Combat: Understanding PTSD Among Veterans of Iraq and Afghanistan.* Cornell University Press.

Gonzalez, E. (2020, February 13). Captain america…Commie Smasher. BOOK RIOT. Retrieved March 8, 2023, from https://bookriot.com/captain-america-commie-smasher/.

Gruszczyk, A. (2020). The Punisher: A Cultural Image of the 'Moral Wound.' *Cultural Analysis*, 17(2), 24-50.

Here to answer the call. Stop Soldier Suicide. (n.d.). Retrieved November 29, 2022, https://stopsoldiersuicide.org/.

Illing, S. (2017, December 11). *The Punisher is the best pop culture depiction of PTSD in America.* Vox. Retrieved November 24, 2022, https://www.vox.com/culture/2017/12/11/16714526/marvel-the-punisher-ptsd-veterans.

Kraft, D. A. (1989). *Comics Interview #75.* Fictioneer Books.

Lee, S. & Lightfoot, S. (Executive Producers) (2017). *The Punisher* [Television broadcast]. ABC Studios & Marvel Television.

Lightfoot, S (Writer), & Shankland, T. (Director). (2017, November 17). 3AM (Season 1, Episode 1) [Television series episode]. In Lee, S. & Lightfoot, S. (Executive producers), *The Punisher.* ABC Studios & Marvel Television.

Lightfoot, S. (Writer), & Skogland, K. (Director). (2017, November 17). Resupply (Season 1, Episode 4) [Television series episode]. In Lee, S. & Lightfoot, S. (Executive producers), *The Punisher*. ABC Studios & Marvel Television.

Phillips, M. (Producer), Schrader, P. (Writer), & Scorsese, M. (Director) (1976). *Taxi Driver* [Film]. Columbia Pictures.

Potts, C., Wellington, J., Lee, J., & Daley, D. (1988). *The Punisher War Journal*. Marvel Publishing.

Salick, R., Dixon, C., Lomax, D., Harris, M., Kobasic, K., Saichann, A., Kwapisz, G., & Buscema, J. (2018). *Punisher invades the 'Nam*. Marvel Worldwide, Inc.

Scott, C. (2011). *War and Patriotically Themed Comics in American Cultural History From World War II Through the Iraq War* (dissertations). Loyola eCommons, Chicago, IL.

Schlund-Vials, C. A. (2022, November 7). *Comics captured America's growing ambivalence about the Vietnam War.* The Conversation. Retrieved November 24, 2022, from https://theconversation.com/comics-captured-americas-grow-

ing-ambivalence-about-the-vietnam-war-83756?xid=PS_smithsonian.

Wilson, G. J. (2020). *"When the Gunfire Ends": Deconstructing PTSD Among Military Veterans in Marvel's The Punisher.* The Popular Culture Studies Journal, 8(1), 101-118.

Sharia's Implementation in the Zamfara State of Nigeria, Navigating Gender Norms, and Leaving Room for Interpretation

Hadil Salih

Abstract:

The Zamfara state of Nigeria was the first Nigerian state to implement Sharia into its criminal system in 1999. Ahmad Sani Yermi was governor then, and his decision fueled eleven other Muslim-majority Nigerian states to follow suit. The failure of Nigeria to prosper post-independence was blamed on the institutions the British have left in place. Many advocates of Sharia asserted that the legal system was not built for Nigerians and, therefore, it was not fitting. Similarly, the codification of religious text and law was supported due to the idea it would lead to less corruption. However, modern-day critics state that the application of Sharia is unconstitutional in Nigeria, as it is a secular country, and that it violates international humanitarian laws. They fear that adopting Sharia will only exacerbate the pre-existing conflicts between Christians and Muslims across Nigeria and limit women's access to public life due to rigid religious interpretations. Criticisms not only come from international humanitarian organizations and the West, but they also come from Muslim legal scholars and African feminist organizations operating within Nigeria. This includes the work of Intisar Rabb, Abdullahi Ahmed An-Na'im, and Ayesha Imam, who are highlighted in this paper. By acknowledging that Islamic law is not fixed or stagnant and by amplifying the voices of progressive Muslim scholars and jurists, the application and interpretation of Sharia can be drastically changed to abide by federal and international human rights laws. I argue that feminist or progressive Muslim legal scholars can find common ground for Sharia and women's rights, as they challenge harsh and misogynistic interpretations of Sharia.

Keywords: Sharia, Islam, gender mainstreaming, Zamfara Nigeria, human rights, gender norms, feminist, Muslim organizations and scholars.

Introduction:

Women's movements are a vital source of progression toward women's rights and democratization. The mobilization and organization of women have led to noticeable and drastic changes in social norms and descriptive representation. When navigating religious-state ties and feminism, women's rights are often opposed by the far right based on their desire to uphold societal standards. However, various interpretations of religious texts exist, and cultures are known to evolve throughout time. Gender mainstreaming, the application of strategic plans and proposals implemented to achieve gender equality, is used to accomplish such goals (UN Women). Utilizing gender mainstreaming and the diffusion of gender-inclusive and positive norms, I

argue that feminist Muslim legal scholars can find common ground for Sharia and women's rights. Following, I first discuss the distinction between Sharia and Islamic law to establish a common understanding among scholars. After setting up this distinction, I examine how Sharia was implemented in Zamfara and the various reasons for its implementation , thereby revealing half-truths and political motivations behind this process in Zamfara State, Nigeria. Then, I draw on the constitutional and humanitarian critics of the implementation of Sharia to illuminate the disconnection between Sharia and both the Nigerian Constitution and the International Covenant on Civil and Political Rights. Following this background on the implementation of Sharia in Nigeria, I analyze the work of feminist Muslim scholars to support my argument that common ground on Sharia and women's rights can be achieved.

Toward a common understanding of Sharia

It is essential to clear misconceptions about Sharia in order to have a productive conversation on its politicization and implementation. While often used interchangeably in academia, Sharia is different from Islamic law. Islamic law is based on the interpretations of Sharia. Sharia is based on the Quran, the Islamic holy book, and hadith, which is the collection of the teachings and actions of Prophet Mohammed. Similarly, there are five schools of Islamic thought: the Hanafi school, the Hanbali school, the Ja'fari school, the Maliki school, and the Shafi'i school. These schools offer different methods of interpreting Sharia and are named after the scholars who found them. Hence, interpretations can differ depending on the Islamic school of thought followed and the religious scholar or jurist (Robinson). This can explain why Sharia's implementation varies across Muslim-majority countries that have adopted it. Likewise, cultural and traditional practices are often labeled as religious due to centuries of intertwinement or to validate and solidify cultural norms. For instance, Intisar Rabb, a professor of Islamic law at Harvard University, points to Saudi Arabia allowing women to drive in 2018. Rabb notes that if it were truly a sin for women to drive, then the law would not have changed. This example reflects a change in cultural norms and preferences, not in religious guidelines. Similarly, many Muslim feminists argue that Sharia is not sexist, but the people applying it are (Robinson). Due to the variety of interpretations of Islamic law, utilizing religious text and evidence to reform Sharia is an important act. It reinforces the long-practiced idea that there are multiple ways to interpret religious texts.

Revealing half-truths and political motivations of Sharia implementation: the case of Zamfara

The Zamfara state of Nigeria was the first Nigerian state to implement Sharia into its criminal system in 1999. Ahmad Sani Yerima was governor then, and his decision fueled eleven other Muslim-majority Nigerian states to follow suit. However, Islamic law was widely practiced across Northern Nigeria, and the Settlement of 1960 formally limited it to the law of personal status and family relations. The full-fledged introduction of Sharia in Zamfara and the following other Northern states was a reaction to the Settlement of 1960 between the Muslim dominant north and the Christian dominant south (Ostien et al. 3). Many Muslims opposed the effects of the settlement and viewed its undoing as a form of political resistance against Christian influence, which many associated with the West. In Northern Nigeria, there was an effort to combat Western influence: "Campaigns have been launched in the Muslim world to effectuate an 'Islamisation of modernity,' which entails subjecting

institutions borrowed from the West to Islamic critiques and reforming them along Islamic lines" (Ostien et al. 7). The failure of Nigeria to prosper post-independence was blamed on the institutions, including Christian institutions, the British had left in place. Many advocates of Sharia further asserted that the British legal system was not built for Nigerians and, therefore, it was not fitting. Similarly, the codification of Islamic text and law was promoted as a way to decrease corruption and increase morality in the community (Kendhammer 2013).

Constitutional and humanitarian disconnection with Sharia in Nigeria

When domestic and international critics stated that the application of Sharia is unconstitutional in Nigeria as a secular country, Governor Ahmed defended his decision by citing section 277 of the Nigerian Constitution that states: "The Sharia Court of Appeal of a State shall, in addition to such other jurisdiction as may be conferred upon it by the law of the State, exercise such appellate or supervisory jurisdiction in civil proceedings involving questions of Islamic personal law which the court is competent to decide in accordance with the provisions of subsection (2) of this section" (Ewoh et al. 18). The loose wording of the clause, "in addition to such other jurisdiction as may be conferred upon it by the law of the State" left room for interpretation. Governor Ahmed claimed that this clause allowed him to implement Sharia within his state. His fight to implement Sharia was supported by many, as the government was failing people within the legal and social sphere (Human Rights Watch). The post-independence era in Nigeria brought corruption, political unrest, and uncertainty. There was a sense that the lingering effects of colonization were not only systemic but ideological. The codification of religious text and the imposition of moral laws upon citizens was an attempt by proponents of Sharia to resist the impact of colonization and counteract civil and political unrest.

Critiques also came from international humanitarian organizations, which claimed that the implementation of Sharia violates international human rights laws. Nigeria, a member of the International Covenant on Civil and Political Rights (ICCPR) since 1993, agreed to abide by various human rights standards, including: the right to life, the right to a fair hearing, the right to be free from torture and cruel, inhumane, or degrading treatment, the right not to be discriminated against on the grounds of sex and religion, and the right to privacy (Human Rights Watch). However, the current implementation of Sharia in Zamfara and across northern Nigeria violates these rights. For instance, the death penalty under Sharia violates the right to life, especially in cases where it is a punishment for consensual sexual relationships. Due to the lack of systematic change after adopting Sharia, many police departments remain corrupt and use torture to obtain confessions (Human Rights Watch). Moreover, the right to not be discriminated against on the grounds of sex and religion is a main concern for human rights activists. They fear that adopting Sharia will only exacerbate the pre-existing conflicts between Christians and Muslims across Nigeria and limit women's access to public life due to rigid religious interpretations. Notably, the criticisms not only come from international humanitarian organizations and the West, but also from Muslim legal scholars and African feminist organizations operating within Nigeria.

Finding common ground for Sharia and women's rights

Intisar Rabb highlights valuable lessons and insight into the historical implementation of Sharia in her book *Doubt in Islamic Law*. She tells the story of a

murder being presented to Ali, one of the four Rightly Guided Caliphs and the cousin of Prophet Muhammed. In this story, a man is found holding an ax with blood on his clothes and looking over a dead man's body. When captured, he immediately confesses that he committed the murder. When taken to Ali, he confesses again. According to Sharia, the punishment for intentional murder is death. However, before his trial, he is found to be a butcher and someone else confesses to the murder. Due to doubt on who is responsible for killing the man and due to the gravity of the punishment, both men are acquitted (HarvardLawSchool). Rabb recalls how tenth and eleventh-century Muslim jurists spoke of the Prophetic directive to "avoid criminal punishments in the cases of doubt" and how this became a well-practiced procedure when enforcing Sharia. This explains why harsh physical punishments were not enforced in most cases in the premodern era. However, this procedure of applying doubt is not understood by modern enforcers of the law. Rabb states, "So now modern countries, or modern Islamist politicians who are keen on demonstrating how Islamic they are, go back to these early manuals that have all the text, none of the procedure, [including the application of doubt,] and institute Islamic criminal law codes based on that text" (HarvardLawSchool 12:29). In other words, modern enforcers of Sharia are not applying historical practices, like the application of doubt, because it was not written in certain historical texts. Thus, this lack of application fails to protect citizens in line with Intisar Rabb's findings on Sharia, and this can be applied to women as citizens of Nigeria.

Moreover, building off of Rabb's conversation allows one to analyze Sharia's implementation within the political sphere. It is challenging to have a well-functioning democracy with ill-intentioned self-proclaimed democrats in countries with widespread corruption and instability. In the past, the implementation of Sharia in Zamfara first gained a lot of support due to what it promised. It promised stability, prosperity, and social order in a time when poverty and corruption were widespread, as Sharia emphasizes the government's responsibility to support its populace by providing resources and social welfare (Human Rights Watch). Similarly, due to the rate of crime increasing and the inefficiency of the police departments, people liked that Sharia offered guidelines and what appeared to be a faster track to justice. However, the public soon became disappointed by its application: "They doubted the sincerity of state governors introducing Shari'a and complained about politicians' failure to implement the economic and social aspects, pointing to the continuing poverty across northern Nigeria and the absence of visible improvements in their daily lives" (Human Rights Watch). The adoption of Sharia was politically motivated, as evidenced by the Human Rights Watch research. Governors in northern Nigeria used religion as a political tool to promise change and utilized the excitement for change to push the legislation forward. However, they failed to deliver.

Sudanese Islamic and legal scholar Abdullahi Ahmed An-Na'im argues that the modern state cannot adequately enforce and implement Sharia based on religious grounds (Kendhammer 472). In an interview with the United Nations Educational, Scientific and Cultural Organization (UNESCO), scholar An-Na'im expands on how forceful implementation of Sharia can undermine the intentionality behind Islam. An-Na'im states, "I argue that the coercive enforcement of Sharia by the state betrays the Koran's [Quran's] insistence on the voluntary acceptance of Islam. Individual piety can be reconciled with collective religious identity – in order to be a Muslim by conviction and free choice, which is the only way one can be a Muslim…." (Sidhva).

The ability and willingness to abide by religious guidelines due to personal belief and restraint are much more powerful than state-enforced rules. Likewise, according to the Commentary on Imam Nawawi's Forty Hadith, the first hadith mentions intentionality when Prophet Muhammed states, "Actions are (judged) by motives (niyyah), so each man will have what he intended…" (Badi 4). In other words, one should act for the sake or intention of Allah, the Islamic word for God. Through the forceful implementation of Islamic law, one can argue that this sense of intentionality is no longer a mindful act of submission but one that is state mandated and enforced.

In Nigeria, many women-led Muslim organizations recognize that revoking Sharia law will not lead to positive outcomes and likely more political and social strife. Instead, they propose that the flexibility of interpreting Islamic law needs to be considered when addressing international and humanitarian law. Dr. Ayesha Imam and her organization BAOBAB, a prominent women's organization in Nigeria, advocate for Sharia reform as they believe Sharia is being used as a political tool to legalize sexism and inequality present in Nigerian culture. They are neither anti-religious nor anti-Islamic. Dr. Ayesha Imam publicly identifies herself as Muslim, yet she constantly needs to defend her religious identity in the media, like when she "felt compelled to write a letter to the editors of This Day, protesting that, despite their headline ("Woman Wins Award for Anti-sharia Campaign, Gets $25,000"), she was a defender of Sharia, exercising her 'duty…to ensure that laws which claim to be based on Islam do not violate women's rights' as a result of their adulteration with personal and cultural gender biases" (Edomaruse). Like other feminist Muslim women, Imam is using her knowledge to advocate for Sharia reform based on religious grounds and acknowledging Nigeria's current political and social climate.

In an interview with the Wilson Center, Imam expands on the different schools of Islamic thought and how interpretation can affect women's rights. For instance, pregnancy out of wedlock is regarded as evidence of zina—unlawful sexual intercourse outside of marriage punishable with stoning or lashes depending on the circumstances—which is not the dominant view across the schools. This view is the primary practice of the Maliki school, the main school of thought in Nigeria, yet there are differing opinions even within the Maliki school. Likewise, most Muslim jurists accept contraceptive use and abortion within a forty-day span (Imam). As such, there is a false idea propelled that Islamic law and women's rights are supposedly incompatible, and that Islamic law and thought are fixed and unchangeable. This idea is upheld by misogynistic right-wing political figures operating within the continent and Western media and organizations. Imam states, "the 'West' supports the Muslim right wing's claims to speak the truth for the Muslim world against progressive scholars and rights activists of Muslim communities who point out that Muslim laws (like other laws – including Christian-influenced, secular or customary laws) are historically specific, and influenced by the dominant power relations of culture and gender, and that they have in the past and may in the future be developed to protect rights" (Imam). Frequently, Western media or scholars propose the abolition of state-enforced Sharia and the separation of religion and state. While this is also supported by African Muslim scholars like Abdullahi Ahmed An-Na'im, it stems from different reasons. The separation of religion and state should be promoted for the security and peace of a country, not due to the belief that the religion being enforced is inherently sexist or violent.

The work of Intisar Rabb, Abdullahi Ahmed An-Na'im, and Ayesha Imam exposes the variety of interpretations and the dense underexplored and underreported history of Islamic thought and law. Exposure to such progressive Muslim ideas allows one to explore Islamic thought further and ask questions. It also presents a valuable opportunity to diffuse positive gender norms that align with religious texts. By acknowledging that Islamic law is not fixed or stagnant and by amplifying the voices of progressive Muslim scholars and jurists, the application and interpretation of Sharia can be drastically changed to abide by federal and international human rights laws, including women's rights.

Conclusion

In this research paper, I first illustrated that Sharia implementation in Nigeria needs to be improved, as evidenced by the case study of Zamfara State, Nigeria. I discussed the half-truths and political motivations of Sharia implementation. I then presented constitutional and humanitarian critiques against its implementation in Nigeria. It is important to consider the social, economic, and political state of Zamfara and other Nigerian states that adopted Sharia. Weaponizing religious texts and promising drastic social changes to a populace desperate for government aid and mobilization places political electees in an advantageous position to manipulate and dominate Islamic practice and implementation. Moreover, beyond the reformation of Sharia, other institutions need to be reconstructed as well, because corruption, violence, and gender inequality predate the implementation of Sharia in the criminal codes in Zamfara. In Nigeria and elsewhere, women's inclusion in decision-making is necessary to move us toward institutionalization of justice and gender equality and prevent abuses of power by patriarchal elites in political, religious, and other spheres.

Finally, I drew upon Muslim scholarship to argue for common ground on Sharia and women's rights in Nigeria. To clarify, Sharia should not be used as a tool against women's rights. Indeed, Intisar Rabb's work, which remains underexplored and underreported, critiques harsh interpretations of Sharia as a whole. From a feminist perspective, I connect Rabb's critiques to women's rights and those of other progressive Muslim scholars, such as Abdullahi Ahmed An-Na'im who stresses that Sharia, which is religious in intent, cannot be implemented in a political system. Ayesha Imam, a feminist scholar-activist, challenges misogynistic right-wing political elites and media. Imam's work – like other progressive or feminist Muslim African scholars – shows that it is not the essence of Islam that is sexist or limiting but the interpretation of those who are implementing it in historically unjust institutions.

Acknowledgements

References

Badi, Jamal Ahmed. "Sharh Arba'een an Nawawî Commentary of Forty Hadiths on An Nawawi." OPENMAKTABA, 7 Sept. 2022, https://openmaktaba.com/commentary-on-the-forty-hadith-of-nawawi/. Accessed 10 Dec. 2022.

Edomaruse, Collins. (2002, June 23) I'm not anti-Sharia, says woman award winner. *This Day* Lagos. https://allafrica.com/stories/200206230054.html. Accessed 6 Dec. 2022

Ewoh, Andrew I. E., and Chinelo Okekeocha. "Questioning the Constitutionality of Sharia Law in Some Nigerian States." *African Social Science Review*, vol. 6, no. 1, 2013. https://digitalscholarship.tsu.edu/cgi/viewcontent.cgi?article=1001&context=assr. Accessed 10 Dec. 2022.

UN Women. "Gender Mainstreaming." *UN Women – Headquarters*, https://www.un-women.org/en/how-we-work/un-system-coordination/gender-mainstreaming. Accessed 5 Dec. 2022.

HarvardLawSchool, director. "HLS Library Book Talk | Intisar Rabb's 'Doubt in Islamic Law" *YouTube* , YouTube, 10 Apr. 2015, https://www.youtube.com/watch?v=kq4mNLgocv8. Accessed 11 Dec. 2022.

HUMAN RIGHTS WATCH. "Political Sharia?: Human rights and Islamic law in Northern Nigeria. *Human Rights Watch Report* (New York: Human Rights Watch), 2004 https://www.hrw.org/report/2004/09/21/political-sharia/human-rights-and-islamic-law-northern-nigeria. Accessed 12 Dec. 2022.

Imam, Ayesha. "Women, Muslim Laws and Human Rights in Nigeria." *Wilson Center*, https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria. Accessed 12 Dec. 2022.

Kendhammer, B "Islam and the Language of Human Rights in Nigeria: "Rights Talk" and Religion in Domestic Politics." *Journal of Human Rights*, 12(4), 2013, Accessed 5 Dec. 2022.

Ostien, Philip, and Sati Fwatshak. Northern Nigeria's Settlement of 1960 and Why it Still Matters Today. 2007, http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria/vol_2_4_chapter_2_part_III.pdf. Accessed 7 Dec. 2022.

Robinson, Kali. "Understanding Sharia: The Intersection of Islam and the Law." Council on Foreign Relations, *Council on Foreign Relations*, 2021, https://www.cfr.org/backgrounder/understanding-sharia-intersection-islam-and-law. Accessed 11 Dec. 2022.

Sidhva, Shiraz. "Abdullahi Ahmed An-Na'im: On Human Rights, the Secular State and Sharia Today." *UNESCO*, 15 Mar. 2019, https://en.unesco.org/courier/2019-1/Abdullahi-ahmed-naim-human-rights-secular-state-and-sharia-today. Accessed 8 Dec. 2022.

Homosexuality in Western Africa

Mitchell Mullen

Abstract:

Understanding the impacts of colonial legacies is imperative to tracing why homophobia is prevalent on the continent of Africa following decolonization. Various African cultures and societies practiced same-sex relations and expressed gender in ways that differ from Western views of homosexuality and gender norms. Before colonization, African religion, history, and spirituality show variation that includes tolerant or embracive attitudes toward same-sex relationships or unique gender expression. Evidence from Egyptian cosmology and various tribal rituals or norms disproves colonial arguments that same-sex relations never existed or that Africans needed "saving from" homosexuality. Once European colonial powers began conquering and diffusing ideas of rigid heteronormativity upon Africans, especially by Christian missionaries, it led to the government adopting of anti-LGBTQ+ laws and norms that discriminated against LGBTQ+ individuals. These colonial imports instituted homophobia in many African countries and altered the historical norms of accepting homosexuality; colonial legacies led to discriminating and criminalizing diverse gender and sexual identities based on religious or moral arguments. The impacts of colonial-instituted homophobia continue today, with many former African colonies criminalizing same-sex relations or individuals who express gender fluidity or those who adhere to heteronormativity. To counter colonial myths about Africa, this paper highlights historical findings of LGBTQ+ friendly spaces in Africa pre-dating colonialism. Colonial powers claimed they were "civilizing" and "modernizing" African peoples; not only was colonialism racist, but it also imposed anti-LGBTQ+ rights on the continent. Christian missionary's rhetoric enforced by colonial powers led to the homophobic attitudes that many Africans share today, as they have adopted colonial-spread religious beliefs. What are the impacts of homophobic colonial legacies? What are the histories of African cultures prior to colonization? This research paper explores these questions and provides solutions to institutionalized homophobia rooted in colonial homophobia.

Keywords: Colonial Legacies, Religion, Public Policy, Africa, Gender, Homosexuality, LGBTQ+

INTRODUCTION

In modern African society, homophobia is rampant even within countries that do not legislate laws discriminating against LGBTQ+ individuals. European colonizers and their Christian missionaries' intolerant doctrines influenced African opinions

towards LGBTQ+ individuals. Many of today's missionaries still carry a similar rhetoric of purging and purifying "corrupt" African spirituality, religion, or cultural beliefs that do not adhere to Western Christian religious doctrine. This form of neocolonialism that condemns any practices outside their standpoints, mainly by attributing these practices as wicked and sinful, has its consequences. Moreover, far-right religious Western institutions espouse anti-LGBTQ+ norms, which can spread amongst people and influence government officials. This paper does not conflate all missionaries as anti-LGBTQ+, nor does this paper assume that any particular faith is anti-LGBTQ+. To clarify, this paper critiques anti-LGBTQ+ norms from colonialism to today, as well as far-right religious institutions preaching anti-LGBTQ+ beliefs in modern Africa. As such, far-right religious in this paper refers to anti-LGBTQ+ religious perspectives, while acknowledging that the far-right can be conservative on other issues beyond the scope of this paper. For example, in the documentary film *God Loves Uganda*, far-right religious institutions from the West diffuse hateful interpretations of their sacred text, the Bible, and evangelize their ideas to people, including government officials, in a developing nation context. This kind of norm diffusion is powerful, as it comes from religious representatives who proclaim that they can help people gain entry into heaven, and they have access to pulpits to further spread their ideas. In impoverished countries like on the continent of Africa, people are more vulnerable to accepting far-right Christian missionary norms on the conditional basis of receiving financial aid or benefits, such as Christian schools being built by missionaries. In addition, governments in developing nations are more vulnerable to the creation of religious-state ties that bind the far-right religious to government officials. According to the literature, religious state ties are ties between religious elites/institutions and the government. Thus, I expect religious-state ties, including government connections to heteronormative Christian missionaries in the past and present, to hinder progress for LGBTQ+ persons (O'Brien and Walsh 2020; O'Brien 2015).

Heteronormative prescriptions, whether historically from colonial powers or contemporary religious or political institutions, endanger LGBTQ+ individuals living in Africa. Increased intolerance, legal discrimination, or hateful attitudes can lead to anti-LGBTQ+ violence and even death of non heteronormative persons. Unfortunately, LGBTQ+ individuals may feel forced to hide their identities, flee to another country as refugees, or are brutally murdered or beaten because of their intrinsic nature. Anti-LGBTQ+ behavior contributes to a loss of African ancestral connections and histories because of colonial legacies and modern religious-state ties, especially from the far-right religious institutions.

Research implies that Africans were not always intolerant of LGBTQ+ persons. Thus, there is a compelling interest in revitalizing an understanding of African ancestral history and practices as a solution to break away from imported homophobia. This research project contributes to an ongoing effort to dismantle imported hegemonies, which have led to miscarriages of justice and disconnection from valuable and culturally diverse histories and practices on the continent of Africa. Taking an intersectional approach in this paper, I explore how sexual and gender minorities have been impacted over time by colonial legacies and religious-state ties (Crenshaw 2017). Following that, I will provide the theoretical approach of gender mainstreaming and intersectionality and apply it to this research.

THEORETICAL APPROACH

Firstly, it is crucial to understand what gender mainstreaming entails and why an intersectional approach can prevent disparages of LGBTQ+ rights in Africa. According to UN WOMEN, the United Nations defines gender mainstreaming as, "The process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and levels…in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality." (United Nations Women 2020) note that within the gender mainstreaming approach, there is recognition that gender analysis goes beyond the binary of women and men. Gender mainstreaming is essential when reviewing LGBTQ+ rights because having gendered perspectives in all policy-making and programs helps further equal protection amongst every gender identity in the LGBTQ+ community.

Furthermore, intersectionality is needed because, despite the diverse identities on the continent of Africa, inequalities across and within social groups often overlap. Intersectional Justice describes intersectionality as "[how] systems of inequality based on gender, race, ethnicity, sexual orientation, gender identity, disability, class and other forms of discrimination 'intersect' to create unique dynamics and effects." (1) An intersectional approach combined with gender mainstreaming can illuminate gaps in public policy and advocacy, including LGBTQ+ rights. Through solidarity across social groups to combat inequalities, LGBTQ+ and other marginalized social groups can better transform systems and institutions. Informed by these two approaches, gender mainstreaming and intersectionality, I later include strategies for LGBTQ+ minorities to overcome the entrenchments of inequalities enforced by homophobic policies in western Africa.

METHODS

I conduct a case study between the country of Nigeria, a former British colony, and the Republic of Niger, a former French colony, with additional analysis of subnational, national, and international levels of government and social movements that influence LGBTQ+ discourse and litigation. This case selection allows comparisons between each colonial legacy (French and British) and its impact on LGBTQ+ people in western Africa. This case selection is also useful, because these two countries border each other and so one may expect similarities with cross-border diffusion of ideas and proximity to each other through trade and other relations. However, their different colonial legacies combined with their bordering geographic locations provide an interesting cross-national case study to dissect both differences and similarities in their attitudes, as influenced by their different colonizers and histories. I select the countries of Niger and Nigeria for multiple reasons. First, they allow me to compare French and British former colonies. Second, they are neighbors, so it would be interesting if there is a diffusion of norms across borders, given their proximity to each other and trade relations. Further, Table 1 below shows that Niger has legalized homosexuality at their national level of governance, while Nigeria is a federal system of government that provides subnational autonomy, including northern Nigeria's death penalty for homosexuals. This diversity despite proximity between Niger and Nigeria makes for an interesting case study comparison.

Table 1. Status of Homosexual Activity in Africa

	Illegal	**Death Penalty**	**Legal**
State of Region	Algeria, Angola, Botswana, Bu-rundi, Cameroon, Comoros, Egypt	Northern Nigeria, Mauritania, Su-dan, and South-ern Soma	Niger, Benin, Burkina Faso, Cape Verde, Central African Republic, Chad

Source: Amnesty Internation UK

In this research, I explore whether there are contemporary impacts from colonial legacies and how they have altered LGBTQ+ individuals' lives. This research also suggests implications for whether neocolonialism and historical colonialism co-exist. By drawing from primary and secondary sources from academia, governmental, and human rights organizations, I support my claims and findings from relevant and credible resources. This research relies primarily on qualitative data but institutes quantitative data when applicable.

Research Roadmap

Colonial legacies impact LGBTQ+ rights and highlight the differences between two West African nations, the Republic of Niger and the country of Nigeria. I compare political, legal, and social influences that inhibit or progress LGBTQ+ persons across national and subnational levels of government. I also review the importance of how social movements can either inhibit or advance LGBTQ+ rights within these countries. Drawing upon political science and various African research, I trace colonial legacies and their impact on attitudes that influenced today's policies.

In the remainder of this paper, I first review homophobic policy and social movements in the Republic of Niger and Nigeria (two national levels of governance) as well as the subnational state of Niger (a subnational level of governance in northern Nigeria). This includes a review of progressive and regressive social movements as well as international norms. Then, I explore the colonial legacy's influence on policy in contrast to African history before colonization. Finally, I review potential solutions for rampant homophobia in West Africa.

RESEARCH FINDINGS

The Republic of Niger: Anti-LGBTQ+ Policy, Norms, and Politics

The Republic of Niger, according to Amnesty International UK's "Mapping Anti-gay Laws in Africa," is categorized as a state in which homosexuality is legal and not criminalized. However, legal policy does not translate to acceptance within society. Equaldex's "LGBTQ Rights In Niger" highlights social norms statistics that "perceived acceptance of Gay people" is "not [in] a good place" according to 95% of the random sample survey used to collect data on attitudes towards LGBTQ+ individuals in the Republic of Niger. Currently, LGBTQ+ persons are not protected against discrimination in employment, housing, same-sex adopting, or equal age of consent. Similarly, Foreign Travel Advice Niger exposes the penal code of 1993, which includes "'public outrage against modesty' and 'immodest/unnatural acts' [as]

An 'unnatural act' with a person of the same sex who is under the age of 21 can be punishable by a fine of 10,000 to 100,000 francs and up to 3 years imprisonment." Despite the legal affirmation of homosexuality, the penal code of 1993 discriminates against public displays of affection of homosexual relationships and attributes, labels, and criminalizes homosexual activity as "immodest" and "unnatural" acts, placing a financial and expressive burden on citizens' right to love and freedom of expression.

The Republic of Niger's policy and enforcement is antithetical in that they permit homosexuality but cunningly criminalize the intimacy between homosexual individuals, thus clearly reflecting homophobic social attitudes. Despite its discriminatory laws, an opportunity arises to change social attitudes and increase protections towards LGBTQ+ individuals in the Republic of Niger. However, we should not be surprised as the overwhelming homophobic attitudes, as evidenced in the statistics, present a hurdle and substantial risk to being outspoken. Therefore, activists in the Republic of Niger have to engage in what Ashley Currier (2012) calls *invisibility politics* (i.e., avoiding public visibility for safety or other strategic reasons) and rely on foreign aid for their social movements or on covert support for LGBTQ+ individuals.

One organization, established and based in San Francisco, provides funds and raises awareness for the plight of LBGTQ+ people and others in the Republic of Niger. Author Ian Armstong Elwood of "Rainbow Fund Seeks Relief for Niger " describes Niger's "future of peace, security, and development" in assisting UN plans for relief. Elwood states, our "mission is to promote LGBT philanthropy for global relief and humanitarian service. (2005) In addition to helping people, the organization's charitable efforts serve to build with other oppressed groups, to advocate for a greater global understanding of the LGBT community, and "to educate the LGBT community about world issues." (Elwood 2005) Despite the difficulties for LBGTQ+ people in the Republic of Niger to raise their public consciousness on the discrimination they face, foreign help, such as through the Rainbow Fund, can assist in norm change. With persistent funds and dedication to educating the world about LGBTQ+ people, Elwood and the organization can help the Republic of Niger and its LGBTQ+ people and allies to engage publicly (rather than solely through invisibility politics, which makes queerness invisible) to challenge heteronormative political discourse (Currier 2010).

The Rainbow Fund is committed to achieving its "cross-culture" approach of spreading awareness and emphasizes that empathy and compassion are essential for the Republic of Niger. Ellwood argues, "[The Rainbow Fund's] cross-cultural reciprocity stems in part from the belief that in order to work against stereotypes about LGBT people that it is important to illustrate the higher connection of people across the globe. Eliminat[ing] the patterns of oppression that affect not only queer people but other minority groups as well." The Rainbow Fund aims to educate people worldwide by "[b]uilding a world network of people who seek to end human suffering and promote peace." By slowly building alliances with different people and movements worldwide, the Rainbow Fund is attempting to ameliorate the discrimination of LGBTQ+ people in a way that reflects an intersectional approach; the fund continues the efforts for networking, norm diffusion, and positive attitudes that intersect across identities. Given the slow process of an international organization trying to raise awareness worldwide to help LGBTQ+ persons in the Republic of

Niger, the need for LGBTQ+ activists and allies to protest or otherwise enter the public sphere in their advocacy is critical. However, invisibility politics, which my research suggests is occurring in the Republic of Niger, results from dangerous contexts for activists. Indeed, the penal codes of the Republic of Niger dampen the likelihood that LGBTQ+ persons can be more outspoken at this time in the Republic of Niger.

Nigeria: LGBTQ+ Issues in a Federal System of Government and International Norms

Nigeria shares similar social attitudes with the Republic of Niger but has explicit laws discriminating against LGBTQ+ people. According to Philip P. Rodenbough, Nigeria's "official criminal code provides punishment of 14 years in prison for 'carnal knowledge of any person against the order of nature'" (54). This piece of legislature was furthered in 2014 when President Jonathan Goodluck signed the Same-Sex Marriage Prohibition (SSMP) bill. The bill criminalizes "'public show[s]' of same-sex relationships, and the imposition [of] a 10-year sentence on all those who' register, operate, or participate in gay clubs, societies, and organizations,' including supporters of those groups'"(54). Nigeria has legalized anti-LGBTQ+ laws and further punishes any organization or social movement petitioning for a change in society's laws and norms. Nigeria continues to affirm its position on same-sex relations by refusing human rights petitions from the United Nations, especially with its bill advocating for human rights regardless of sexual orientation in 2008. Rodenbough exposes Nigeria's stance, revealing they "did not sign the December 2008 UN declaration [supporting] LGBT rights. It is a signatory to the opposition statement which expresses disapproval towards the idea of LGBT rights. Nigeria was part of the committee that decided whether the UN should commission a study on global LGBT rights in 2011. It voted no." (Rodenbough 2015) Prominent Nigerian religious officials, an influential civil society sector, further argue that it will not tolerate foreign interference with its laws. These regressive religious and social movements sternly claim their stance, "We want to make it abundantly clear, be it America or Britain or any country that sends a gay diplomat to Nigeria; we will mobilize to chase him out of the country." (Rodenbough 2015) Such religious and social movements hold power and influence over the Nigerian government and continue to threaten any foreign diplomats attempting to raise awareness of international norms that protect the human rights LGBTQ+ people.

Behavior in the Niger State, a subnational state in northern Nigeria, adopts similar attitudes and adheres to legislation adopted by the national government of Nigeria. U.S. Department of Justice's "Response to Information requests - Immigration and Refugee Board of Canada" compares the southern states of Nigeria to the northern states, such as Niger State, finding: "In southern Nigeria, well-organized vigilante groups engage in anti-LGBT violence" and "don't have the quasi-legitimacy of northern hisbahs" (1). Vigilantes in the northern Niger State "enforc[e] Islamic law," and their "prejudice [is] rooted in certain interpretations of culture and religion" (1). In addition, in Niger State, "they [are] made up of a network of radical patriarchal men" (3). Nigeria's SSMP bill justifies their hate crimes, and the U.S. Department of Justice exposes that "the Executive Director of an NGO in Minna in Niger state as indicating that vigilante groups are organized by community members, [who have been] given authorization by the community to maintain some sort of order and security.'" The Vigilante groups of Niger State attribute homosexual activity as a

threat to security and order. In order to enforce their version of security, they engage in catfishing tactics through social media apps, or what the LGBTQ+ community of Nigeria calls "KITO" (U.S. Department of Justice, 3). This queer-baiting tactic is a method for a vigilante to deceptively lure LGBTQ+ individuals to meet in real time. The KITO is a tactic to "humiliate and expose them by videotaping them naked [and] putting dildos in their private parts and in some cases exposing their anus or telling a lesbian victim to penetrate herself or her partner. They also use women to lure lesbian and bisexual women and then rape and brutalize them in the name of curing them of 'lesbianism' (3). Such behavior of sexual violence should not be surprising within a heteropatriarchal system, which attacks LGBTQ+ individuals because they do not adhere to heteronormativity, an essential social construct used to reinforce patriarchy. This is also evidenced when analyzing heteropatriarchal "corrective rape" to supposedly reverse African lesbians back into a false heterosexual nature. Whether attacking lesbians or gay men, such rapes or sexual assaults are meant to humiliate and condemn homosexual nature, violating the intrinsic nature of LGBTQ+ people. Based on this research, these types of violence are primarily documented in the northern Nigerian states. Such sexual violence perpetuates harmful norms of LGBTQ+ "cleansings" of homosexuality and adheres to the principles of patriarchy with aspirations of killing, humiliating, or force-reversing individuals to heteronormativity.

The Importation of Homophobia: Comparing British and French Colonization

Thus far, I have exposed LGBTQ+ concerns in western Africa and how religious institutions, subnational and national governments, and vigilantes/groups perpetuate homophobia socially and politically. I have also highlighted some positive factors, either from international norms and pressures or from foreign aid and social movements attempting to end human rights violations against LGBTQ+ individuals. In this section, I investigate the origin of the predominant ideology of homophobia: colonization. In this exploration, I research whether there are variations in homophobia in Niger, a former French colony, and Nigeria, a former British colony, and discover differences in their homophobic colonial legacies.

Writing on British colonialism's criminalization of homosexuality, Enze Han et al. find that former British colonies are substantially responsible for anti-LGBTQ+ legislation compared to other European colonies. Han et al. first explore British legal codes copied from their colonies in India and Queensland, which criminalized homosexual relations, specifically male-male relationships. Han et al. describe the Queensland Penal Code of 1899 in "Section 377 of the IPC… Unnatural offenses—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal shall be punished with imprisonment for life, or with imprisonment for a term which may extend to 10 years, and shall be liable to fine. Explanation—Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this Section." This instituted law is rooted in fears that "soldiers and colonial administrators—particularly those without wives at hand—would turn to sodomy in these decadent, hot surroundings," and thus prevent Christians from 'corruption' as well as correcting and Christianizing 'native' custom. Such findings reveal two crucial facts: The British are responsible for leaving a homophobic legacy in their colonies, and two, prior to colonization, there were already "native customs" that were tolerant of homosexual behavior. However, it is essential to note

another valuable finding from Han et al.'s research, which highlights, "However, our findings also indicate that the speed of decriminalization of homosexual conduct is not systematically slower for former British colonies than other former European colonies. This finding suggests that if a country has such a law, the longevity of the law is not dependent upon a particular type of colonialism." (17-18). In other words, although British colonies are responsible for homophobic legacies, decriminalization is not necessarily slower for British colonies and can vary among the European colonies. Essentially, even if Britain had older homophobic laws on the books in their colonies, it could decriminalize homosexuality faster or slower when compared to other former colonies.

Regardless of the varying speed of decriminalization, Great Britain is not relieved from the detriments of its homophobic legacies, especially with its impacts on Nigeria, the most populous nation on the African continent. We also must compare French colonies, as the Republic of Niger is a former colony of France. Han et al. exposes a stark contrast between the French and British colonies: "Due to developments in Enlightenment concepts of liberty and rights after the French Revolution, the French Penal Code of 1791 decriminalized sodomy between over-age consenting adults in private. Napoleon's conquests subsequently spread this code in continental Europe and through the French Empire (Frank et al. 2009, 533). Therefore, the French presumably did not leave such an institutional legacy in its colonies as the British." (6). The French had different political philosophies highlighted in the Enlightenment, such as liberty, which attributes one's autonomous action free from governmental intrusion. Therefore, France did not leave as substantial a homophobic legacy in its former colonies, such as Niger, as the British did in Nigeria or other British colonies. This may help to explain why Niger has legalized homosexuality in comparison to Nigeria. Nonetheless, France's colonization is not excused by this comparison.

Pre-Colonization: African Attitudes Towards Homosexuality

The effects of colonization concerning homophobic policies have been disastrous for LGBTQ+ persons living in western Africa. While this paper focuses on Nigeria and the Republic of Niger, homosexual tolerance and acceptance differ prior to the colonization of Africa by the European powers. Researching pre-colonization culture is imperative to view the essential attitudes that Africans once had and then lost from colonization. Scholars note that "no traditional African beliefs systems have singled out same-sex relations as sinful or as mental illness" (Bertlolt and Massé 2019, 29). For example, in Nigeria, indigenous Igbo spirituality includes queer identities in their complex cosmology belief system, thereby challenging binary and heteronormative Western ways of being (Magaqa and Makombe 2021). Bertlolt and Massé (2019) write about a historically revered group in Senegal, which was colonized by the French:

> 'In Senegal, the Goor-Jigeen embodied same-sex sexuality…[T]he notion of Goor-Jigeen referred in Senegal to two types of realities: the existence of men who engaged in homosexual practices; and the existence of men who were not necessarily involved in same-sex sexual relations but adopted feminine attributes. Hence, the Goor-Jigeen was both a sexual figure and a social identity. This latter dimension reflected the position that Goor-Jigeen occupied in society. Particularly appreciated by women, they often accompanied them to

> the fields, advised them, and more generally spent time with them. …
> Goor-Jigeens could also marry a man, although it did not necessarily
> mean that the couple had to share the same household." (23-25)

These Goor-Jigeens are particularly interesting in that same-sex marriage was acceptable in their society. Africans should know their diverse histories before colonialism and challenge colonial legacies of homophobic (and other hateful) policies and ideas. Primarily, European colonial powers viewed African tribesmen and clans as primitive, offering no value to society and needing "saving." European colonizers claimed moral superiority and plundered and exploited diverse peoples and natural resources on the continent. European imperialist powers imported Christian education, including ideas of condemning homosexual behavior.

Interestingly, relevant anthropological research on homosexuality reveals distorted and falsified data. In post-colonial periods, anthropologists failed to report evidence of homosexual behavior, thus furthering gaps in awareness and tolerance of homosexuality. This deliberate action of falsifying evidence had homophobic roots; if anthropologists did not report homosexuality, they could more easily push colonized ideals of heteronormativity and perpetuate the myth that African cultures were homophobic. The following research disproves that African cultures were homophobic and explains how African cultures accepted homosexuality but interpreted sexuality from different viewpoints than a western perception of homosexuality.

African researcher and professor, Busangokwakhe Dlamini argues for the existence and visibility of homosexuality in African culture and history on the continent of Africa in his paper, "Homosexuality in the African context." Dlamini argues that in the destruction of African culture and values, "missionaries never bothered about what was found to be of value to Africans. According to them, missionaries brought a new system that was bound to replace the old. A common goal of all evangelization, they assert, was the provision of basic education, including literacy, as a means of inculcating Christian values and standards of behaviour, including prohibitions against homosexuality" (130-131). Dlamini discusses how Christian missionaries aimed to destroy African ideals and values by criminalizing or deconstructing their behaviors, such as homosexuality, and enforcing Christian norms through laws. Dlamni then further proves the existence of non-heteronormative behavior prior to missionary exportation of homophobia: "Kendall cites Mpho Nthunya's description of the 'wedding-like feasts' that were held when a woman committed herself to another woman. These wedding-like rituals were observed by themselves, their husbands and all the people they knew as a validation of the commitment they made to each other. Mpho Nthunya remarks that when a woman loves another woman, she can love with her whole heart'... relationships between women were normative in rural Lesotho at that time and were publicly acknowledged and honoured" (131). Dlamni highlights Kendall to prove that norms and attitudes were tolerant of non-heteronormative practices, and even "acknowledged and honored" by their local communities.

Besides the colonial importation of homophobia, Dlamni also critiques the deliberate anthropological negligence that further advanced homophobia. Regarding Evan Pritchard, a prominent anthropologist in 1937, Dlamni writes, "[O]ne of the most widely respected authorities on indigenous African cultures said nothing about male homosexuality in his classic study…Decades later, however, he provided evidence that homosexuality always existed when he finally reported what he had

learned about male homosexuality among the Azande of northern Congo. It was only in 1957, in a relatively obscure journal, and then in more accessible venues in 1970 and 1971, that he related how Azande warriors routinely married boys who functioned as temporary wives" (133). Dlamni further highlights a heteronormative commonality in anthropological research: "Some anthropologists have suggested that the collapse of tribal order results in a new immorality. Many non-anthropologists have taken the next step in such a line of argument by naming homosexuality as one of the 'immoralities' to be blamed on the effects of colonialism" (134). Dlamni exposes significant findings: homosexuality existed before colonization, and imperial conquests of Africa enforced homophobia through norms and institutionalization. In order to comply with homophobic norms and laws, anthropologists ignored prior behavior and falsified evidence, claiming that homosexual behavior resulted from colonization. This falsification of evidence highlights their hypocrisy in that despite European colonization's false creation of homosexuality, European colonization is also said to bring a new "moral" order to African countries. On the one hand, homosexuality prior to colonization is made invisible, and homosexuality is blamed on colonization; yet colonization is also viewed as a saving force by European anthropologists who did not critique the colonizers' homophobic norms. Dlamni argues the dangers of this false rhetoric: homosexuality is not a consequence of colonialism–it existed prior to these conquests. The invisibility of homosexuality rhetoric, perpetuated by anthropologists, adheres to colonial homophobia. Dlamni concludes that, to counter this dangerous rhetoric, it is important to make visible LGBTQ+ people in history and modern society. Dlamni passionately claims, "The existence of homosexuality has evoked denials attributing it to alien sources. What began with denial has ended in a near taboo - a taboo nonetheless based on European, not African morality…Only when native people began to forget that same-sex patterns were ever part of their culture did homosexuality become truly stigmatized" (135). Notably, it is due to the colonial imports of homophobia that led to homophobia in modern Africa. Dlamni implies a straightforward solution: education on the true history of African culture prior to colonization can be a strong argument against homophobia. In African culture, homosexuality has always existed. It was only after colonial powers invaded Africa that we find the invisibility and denial of non-heteronormative practices as well as social and legal discrimination against LGBTQ+ people in Africa.

Bright Alozie shares these similar aspirations and arguments in his piece, "Did Europe Bring Homophobia to Africa?" Alozie investigates African culture's history, cosmology, spirituality, and history before colonization imported homophobia. Alozie reveals, "So, to understand same-sex relations in traditional Africa, one must understand African cosmology. There is a close relationship between spirituality and sexuality in African cosmology [and] the different types of spiritual power associated with each sex. This worldview not only gave rise to male and female gendered spiritual forces but also allowed for the practice of same-sex relations." (Alozie 2021) Prior to the rigid heteronormativity that colonial powers enforced upon Africa, Africans had practiced sexual activities and had more gender-fluid identities free from discrimination. Alozie further investigates African history and religion: "Several instances in oral histories, critical texts, folklore, and ethnographic reports confirm that traditional Africa recognized same-sex relations. Thousands of years ago, evidence from rock paintings show the prevalence of anal sex between San men in present-day Zimbabwe. In *Tommy Boys, Lesbian Men*, the authors identified several

same-sex practices in ancient and contemporary Africa while in Egypt, as far back as 2400 BCE, excavated bodies of two men, Niankhkhnum and Khnumhotep, showed them apparently cuddled to each other as lovers." Historical findings prove same-sex relationships existed outside rigid sexual norms and show advanced African sexuality and gender ideas pre-colonization. Lastly, Alozie highlights, "African metaphors for God do not necessarily reflect [how] theologians and religious historians of Africa write about God," and "[in] ancient African societies, many deities were portrayed as having both male and female characteristics and being neither distinguishably masculine nor feminine."(Alozie 2021) Such findings prove that not only same-sex behavior existed, but various gender expressions outside of the confines outlined in Abrahamic religions have existed prior to colonization in Africa.

The Consequences of Homophobia in African Countries

The history of colonial legacies and imported homophobia has dire consequences for LGBTQ+ persons living in African countries that criminalize homosexuality. Besides human rights consequences and violations, the enforcement of homophobic norms and laws extends to complications in public health, increased refugee frequency, hate crimes, unjust legal implications, and forced conformity with heteronormative norms and attitudes. In Nyeck's research titled, "Sexual diversity in Africa: politics, theory, and citizenship," she expands on refugees from Africa fleeing because of homophobic legislation. Drawing on qualitative and quantitative studies, Nyeck cites statistical evidence of increased LGBTQ+ refugees and also provides qualitative evidence, such as interviews with LGBTQ+ African refugees in Canada. Nyeck states that "lesbian, gay bisexual, and transgender Africans cross borders and unfold their lives in diasporic spaces. Those who come to Canada are not alone. Approximately 69,000 transnational community members of African origin reside in Ontario, the most popular Canadian destination for members of these communities, making up 6.9 percent of the immigrant population for the province (Statistics Canada 2006)." This reveals a dramatic proportion of LGBTQ+ people searching for refuge from African countries that still adhere to the laws of their colonial rulers.

Conclusions and Solution to Homophobic Colonial Legacies

This research shows that European colonies, especially British ones, are responsible for leaving homophobic legacies in West Africa. Due to their penal codes implemented in the 19th and 20th century, especially during imperialist conquests, African countries abandoned their culture and history for these enforced ideas. So, are Africans responsible for the origins of homophobia on their continent? No, the European governments coerced these ideals, and any person or group refuting these penal codes was faced with prison or, in the extreme, death penalties. History reveals West Africa's forced disconnection from their traditional practices, beliefs, and histories, and that European norms, primarily rooted in rigid interpretations of the Bible, were implemented in African colonies. Despite such indoctrination and cultural eradication, researchers expose that prior to colonization, non-heteronormative practices have always existed and thus disprove and expose homophobia importation from European colonies rather than as a creation by Africa.

Although these findings are gruesome and bleak, there are opportunities for change in western Africa. First, it would be wise for prominent African activists, anthropological professors, and others in academia to be outspoken on colonialism

and the truth of African history in religion, spirituality, and culture towards homosexuality and gender expression. Although West Africa's connection to their ancestry has been severed by no doing of their own, through education, West Africans can revitalize their culture prior to colonization. In such exploration, West Africans can eliminate homophobic legacies and recall their old reverence for LGBTQ+ people. Lastly, in modern contexts, intersectionality can help further this educative solution. Discrimination against LGBTQ+ people vary across the genders in the LGBTQ+ spectrum, from African lesbian women, homosexual men, and various queer people who have unique gender expressions. Combining history, such as Egyptian cosmology, that of the gods depicted as both gender binaries, can be used to dismantle rigid heteronormativity and discrimination perpetuated by colonial legacies. Lesbian African women and homosexual men can also draw upon African diaspora research to further argue that their identity has always existed. They can also argue that colonialism made their identity invisible from political discourse and attempted to erase their unique existence.

It is thus most important to learn our colonial histories when reviewing forms of discrimination that a modern society or group may be enduring. Even countries outside the scope of this research of West Africa should review their ancestral histories, especially if they have colonial legacies and histories. A true history exposes the suppression of diverse peoples and the falsification of data by former powers who bear responsibility for the suppression. This research illuminates the need for West Africans to rewrite LGBTQ+ policies and social attitudes and to make visible the past and present experiences of LGBTQ+ people. In challenging the consequences of colonial legacies responsible for the demise of LGBTQ+ people in West Africa, a new norm of respect can be instituted in West Africa and potentially serve as a model to dismantle other homophobic colonial legacies across the globe.

Acknowledgements

References

Alozie, Bright. "Did Europe Bring Homophobia to Africa?" *AAIHS*, 20 Oct. 2021, https://www.aaihs.org/did-europe-bring-homophobia-to-africa/.

Amnesty International UK. "Mapping Anti-Gay Laws in Africa." https://www.amnesty.org.uk/lgbti-lgbt-gay-human-rights-law-africa-uganda-kenya-nigeria-cameroon.

Currier, Ashley. *Out in Africa: LGBT Organizing in Namibia and South Africa.* (2012).

Currier, Ashley. "Behind the Mask: Developing LGBTI visibility in Africa 1." *Development, sexual rights and global governance.* Routledge, 2010. 155-168.

Dlamini, Busangokwak. *Homosexuality in the African Context* - JSTOR. https://www.jstor.org/stable/4066801.

Elwood, Ian. "Rainbow Fund Seeks Relief for Niger." *Bay Area Reporter*, https://www.ebar.com/story.php?236301.

Equaldex. "LGBT Rights in Niger: Equaldex." LGBT Rights by Country & Travel Guide, https://www.equaldex.com/region/niger.

Foreign, Commonwealth & Development Office. "Local Laws and Customs - Niger Travel Advice." *GOV.UK,* GOV.UK, 8 Oct. 2022, https://www.gov.uk/foreign-travel-advice/niger/local-laws-and-customs

Han, Enze, and Joseph P. A. O'Mahoney. British Colonialism and the Criminaliztion of Homosexuality: Queens, Crime and Empire / Enze Han and Joseph O'Mahoney. London ;: Routledge, 2018. Print.

Human Rights Watch. "UN: General Assembly Statement Affirms Rights for All." 28 Oct. 2020, https://www.hrw.org/news/2008/12/18/un-general-assembly-statement-affirms-rights-all.

Intersectional Justice. "What Is Intersectionality." *What Is Intersectionality,* https://www.intersectionaljustice.org/what-is-intersectionality.

Nyeck, S.N. "Sexual Diversity in Africa: Politics, Theory, and Citizenship on JSTOR." *Sexual Diversity in Africa: Politics, Theory, and Citizenship*, https://www.jstor.org/stable/j.ctt32b7tk.

O'Brien, C. (2015) "Transnational issue-specific expert networking: A pathway to local policy change." *Social Science & Medicine,* 146: 285-291.

O'Brien, C., & Walsh, S. D. (2020). Women's Rights and Opposition: Explaining the Stunted Rise and Sudden Reversals of Progressive Violence against Women Policies in Contentious Contexts. *Journal of Latin American Studies*, 52(1), 107-131.

Pride Legal. "Niger LGBT Laws." https://pridelegal.com/niger-lgbt-laws/.

Rodenbough, Philip. "On Being LGBT in West Africa." *RightsViews*, 21 Mar. 2016, https://blogs.cuit.columbia.edu/rightsviews/2015/03/06/the-being-lgbt-in-west-africa-project/.

United Nations. "Gender Mainstreaming." *UN Women – Headquarters*, https://www.unwomen.org/en/how-we-work/un-system-coordination/gender-mainstreaming.

United States Department of Justice. "Nga200343.e - United States Department of Justice." *Response to Information Requests- Immigration and Refugee Board of Canada*, 2018, https://www.justice.gov/eoir/page/file/1342151/download.

Visualizing Musical Instruments in Roman and Etruscan Sequential Art

Pamela Grace deVega

Abstract:

Depictions of music in artwork from Ancient Rome and Etruria play a key role in portraying these two Mediterranean societies' political and cultural life. Pieces of sequential art commonly depict ritual and procession in various musical contexts. In these pieces, the musicians' body movements and their placement in the composition of the pieces establish the setting of the events. In addition, the body movements of the musicians and performers reflect the vitality and energy of the events that each piece represents. This paper argues that depictions of musical instruments in ancient Roman and Etruscan sequential art serve two critical purposes within religious, military, and gladiatorial contexts: establishing procession and conveying emotion. The paper relies on visual analysis of ancient Roman and Etruscan sequential artwork and contextual analysis of the creation and consumption of these pieces. In addition, the study of Etruscan artwork draws on in-person fieldwork in museums and historical sites in the Tuscany region of Italy, which allowed the researcher to examine these pieces within their original contexts. These conclusions about the role of music in different events further current knowledge about life in the Etruscan and Roman civilizations, including belief systems, notions of the afterlife, military power and conquests, and forms of entertainment. Such research reveals the interconnectedness of music and its depiction of different areas of Etruscan and Roman society through its union of visual and aural art forms.

Keywords: Ancient Rome, Ancient Etruria, Sequential Art, Music, Musical Instrument

Tucked into the corners of a vibrant, chaotic, and unending sequence of gory gladiatorial fights, there stand several musicians playing musical instruments. Their location along the outer edges of this artwork, known as the Zliten Mosaic from modern-day Libya (Fig. 1), might suggest their superfluousness, but careful examination of the piece reveals that of the dozens of animals, soldiers, and other figures in the scenes, these musicians are the only performers to appear more than once. The question then becomes: Why, of all of the figures, did the artist feel it was necessary to repeat these instrumentalists? Furthermore, what does that repetition reveal about the importance of musical instruments in these events? Do musicians serve similar functions in each of their depictions? The following sections discuss all these questions, including those specific to the Zliten Mosaic. Exploring the depictions of musical instruments in religious, military, and gladiatorial contexts

demonstrates the vitality of music in establishing the proper order and procession for various rituals and evoking emotions of excitement, fear, and passion in Ancient Roman and Etruscan events s rituals and evoking emotions of excitement, fear, and passion in Ancient Roman and Etruscan events.[1]

The Zliten Maic features musicians in the upper left hand and lower right hand corners. This figure is a zoomed in image of one of these corners and showcases the various instrumentalists at the event. Musicians such as these performed during both the processions as parade members and the games as part of the arena orchestra.

Sequential depictions of Ancient Roman religious rituals contain a wide array of instruments. Music was essential to Roman religion because followers believed it was the "privileged medium between heaven and earth" and that performing and listening to music within religious contexts was the best way to experience divine intervention.[2] Most surviving, sequential artworks display instruments with Dionysian cults and other pagan sects. Several depictions feature instruments as part of a procession, or a group of figures moving forward in a particular order and fashion, often as part of a ceremony. For instance, the Sheikh Zouéde from the northern Sinai area "presents the richest repertoire of musical instruments" during a Dionysian procession in which the music playing "has an ecstatic, frenetic character."[3] The mosaic includes several stringed and wind instrumentalists interspersed in a Dionysian worship service. The performers dance amongst one another and play their instruments with exaggerated body movements, which helps establish the frenetic mood of the ritual.[4] The instruments include the aulos, the syrinx, and cymbals, all essential to Dionysiac rituals. Followers believe they symbolized the "passions of man while providing the ecstatic ambiance" of the ceremonies. The instruments create an "orgiastic rhythm" supposed to lead one to a state of ecstasy.[5] Consequently, the instruments, when paired with the figures playing them, capture the heightened emotional state of the participants. For instance, when performers play the cymbals in these artworks, they adopt fluid and energetic stances that illustrate both the exertion required to play the percussive instrument and the effort needed to reach the levels of ecstasy they desire.[6] Therefore, instruments depicted in the works serve a parallel purpose to their role during the actual events: they establish the mood and tone of the events as one full of passion, excitement, and frenzy.

1 The Etruscans were an ancient people that formed around the Arno River in Tuscany, while the Romans were an ancient civilization that formed around the Tiber River. During the 6th century BCE, they interacted through land expansion from both groups, with the Romans adopting many aspects of Etruscan culture and society as a result of these interactions.

2 Joan Goodnick Westenholz, Yossi Maurey, and Edwin Seroussi, in *Music in Antiquity: The Near East and the Mediterranean* (Berlin: W. de Gruyter Oldenbourg, 2014), p. 348.

3 Sonia Mucznik, "Musicians and Musical Instruments in Roman and Early Byzantine Mosaics of the Land of Israel: Sources, Precursors, and Significance," *Gerion* 29, no. 1 (2011): p. 273

4 One can view the Sheikh Zouéde Mosaic on page 273 of "Musicians and Musical Instruments in Roman and Early Byzantine Mosaics of the Land of Israel: Sources, Precursors, and Significance" by Sonia Mucznik.

5 Westenholz, *Music in Antiquity*, 276.

6 Westenholz, 350-351.

Before exploring more examples, it is worthwhile to explain the data set of artifacts found in the rest of this paper, mainly which objects I include in this analysis and why they offer a representative sample. I selected most of the artwork from secondary sources about Roman and Etruscan music. In addition, I chose the Etruscan Funerary Urn (Figure 3) after fieldwork and analysis of artifacts at the Guarnacci Museum in Volterra, Italy. I selected these pieces because they cover an array of instruments and occasions, which allowed me to look for trends and similarities across many types of historical events. I also found and chose these works from various contexts, including on walls, floors, tombs, arches, and columns; such context played an important role in explaining the particular use of music in each piece. Likewise, I included various types of art, not just mosaics or marble reliefs. Some of the pieces had practical functions, like containing items or serving as a form of payment, that informed their use and the kind of instruments found on them, such as with the coins and funerary objects discussed later in the paper.

Figure 3: "Etruscan Funerary Urn," Image taken at the Etruscan Guarnacci Museum of Volterra. Photo by Pamela Grace deVega, June 8th, 2022.

Figure 3 features a close-up image of an Etruscan playing a double-reeded instrument as they process across the front of the urn.

I will now return to my exploration of the purpose of music in sequential art. Depictions of Roman musical instruments in religious imagery served a variety of purposes, establishing mood or setting, which reflects their variety of purposes in the proceedings themselves. In addition to evoking emotions, playing of instruments also established order within religious rites and rituals. For example, worshipers believed cymbals initiated certain rites and served a "sacramental function in the course of the mystery ceremonies."[7] Therefore, an image of a cymbal in pagan artwork could suggest that the section featuring that particular instrument is the beginning of the narrative because followers believed cymbals started the rituals. Other depictions of religious rites also indicate the centrality of music playing in ritual processions. For example, a relief from the altar in the Temple of the Genius Augusti in Pompeii (Fig. 2) features a flute-like musical instrument called the tibia, which pagans used to set the rhythm for the procession into the temple because they believed the instrument "drown[ed] all negativity" and ensured a successful sacrifice.[8] As seen in Figure 2, the instrument is centrally located and near the altar itself, implying both its importance to the proceedings of the rite and its divine connection to the pagan gods for whom the sacrifice was dedicated.

7 Maria E. Ginsberg-Klar, "The Archaeology of Musical Instruments in Germany during the Roman Period," *World Archaeology* 12, no. 3 (1981): pp. 318, https://doi.org/10.1080/00438243.1981.9979806.
8 Westenholz, *Music in Antiquity*, 344.

This marble relief represents a sacrifice performed in the temple for which it is named. The musician playing the tibia is found in the back middle of the image and sets the rhythmic pace for the sacrifice of the bull.

For Etruscan pieces specifically, depictions of instruments in religious contexts are often found on funerary objects. Several musical instruments are located on cinerary urns of differing styles and materials, all of which ancient Etruscans used to contain the remains of the deceased. At the Etruscan Guarnacci Museum in Volterra, Italy, for instance, there are several alabaster and terracotta urns—including those in Figure 3—that depict Etruscans playing wind instruments, including curved trumpets, known as cornu, and double piped flutes, known as auloi, as the figures proceed across the front of the urn.[9] The prevalence of the instruments suggests their importance in religious events related to death. The performers stand alongside the horses and chariots that lead the deceased into the afterlife, which indicates that they played a crucial role in either the procession that the living held for the dead or the procession that the living believed the dead followed as they went on to the afterlife. Frequent depiction of these instruments on urns reveals the centrality of music within Etruscan rituals and beliefs.

Musical instruments served a similar purpose in military processions and conquests by inspiring the Roman soldiers in battle and instilling fear in their rivals. War trumpets were a standard instrument on the battlefield, and the carnyx was one of the main trumpet-like instruments that achieved this terrifying effect.[10] The horn-shaped carnyx included "cylindrical pipes that played vertically with boars' heads fixed to the tops." When advancing soldiers blew into their carnyces, they produced a "frightening sight and sound" which petrified the opposing sides while serving as a "recognizable rallying point" for Roman troops.[11] Polybius once described the sounds emanating from the instruments as "cries so loud and piercing that the noise seemed to come not from human voices and trumpets but from the whole countryside at once."[12]

9 Additionally, the repeated depiction of musical instruments on cinerary urns in Volterra reflects the fact that Volterra was the location of a workshop that mass produced identical designs of Etruscan urns, so the pattern of a funerary procession involving musical instruments is likely a scene that the workshop decided to constructrepeatedly.

10 The writings of Diodorus Siculus claim that "the trumpet is an Etruscan invention, originally conceived for military purposes" and that they were later used in Roman combat, suggesting its Etruscan roots, as well as the primary intention of the trumpet as being an instrument of war [Emiliano Li Castro, "30. Musical Instruments," *Etruscology*, 2017, pp. 509-510, https://doi.org/10.1515/9781934078495-030].

11 Bruce Gleason, "Cavalry Trumpet and Kettledrum Practice from the Time of the Celts and Romans to the Renaissance," *The Galpin Society* 61 (2008): p. 232.

12 David Swan, "The Carnyx on Celtic and Roman Republican Coinage," *The Antiquaries Journal* 98 (2018): p. 82,

Roman sequential art includes these terrifying trumpets to commemorate victories and capture warfare's excitement and high emotions. One of the most common depictions of carnyces is on Roman coinage. For example, coinage produced after the Second Punic War commemorated the Roman victory through images of the goddess of success, Victory, leading soldiers into battle.[13]mOn these coins, the soldiers ride chariots and possess carnyces; they adopt fluid, charging poses that imbue the coin with a sense of dynamism, representing the vigor Romans felt as they approached their opponents.[14] The goddess and the carnyx symbolize Roman strength, so their placement on the coin is strategic. David Swan explains that coinage is a "medium of expression" that influences "an individual on a subconscious level" because Romans produced coins in large quantities and many citizens regularly saw them. Therefore, coins evoked feelings of might and superiority in the Roman citizens who encountered this money every day, functioning as a piece of commemorative propaganda that uplifted the power of the military.

Figure 4: "Triumphal Procession." Image taken at the Arch of Titus in Rome, Italy. Photo by Pamela Grace deVega, June 4th, 2022.

This section of the Arch of Titus depicts Roman troops carrying away their spoils of war after a recent victory. The horn players are found on the right hand side of the image, and they point their instruments in forward, which draws the eye of the viewer rightward and indicates the progression of both the soldiers and the narrative on the arch.

Figure 5: "Marcus Aurelius procédant à un sacrifice - Musei Capitolini." Photograph by Jean-Pol GRANDMONT. Image from Wikimedia Commons. Available at: https://commons.wikimedia.org/wiki/File:0_Relief_-_Marcus_Aurelius_proc%C3%A9dant_%C3%A0_un_sacrifice_-_Musei_Capitolini_%281%29.JPG Accessed April 23rd 2023.

This section of the relief portrays a sacrifice as part of the triumphs for Marcus Aurelius. A musician playing the tibia stands near the center of the image in front of the bull, perhaps to set the rhythm of the ritual.

Sequential artwork also featured musical instruments in depictions of other military triumphs. The most common source of these proceedings is triumphal arches, reliefs, and columns. For example, the Arch of Titus includes figures wielding long-necked trumpets as a part of the line of soldiers carrying away the spoils from their recent

https://doi.org/10.1017/s0003581518000161.

13 Swan, 86.

14 One can view these coins in David Swan's journal article "The Carnyx on Celtic and Roman Republican Coinage" in *The Antiquaries Journal.*

victory (Fig. 4),[15] and a marble relief from 176 CE portrays a wind player participating in the procession following the triumph of Marcus Aurelius (Fig. 5).[16] Trajan's column (Fig. 6) includes several soldiers carrying cornu, a type of curved horn, as they march through the procession.[17] As with religious rites, musicians in these pieces of sequential art help frame the sequence of events because they distinguish certain events in the procession. In their chapter from A Companion to Roman Religion titled "Music and Dance: Forms of Representation in Pictorial and Written Sources," historians Fless and Moede corroborate such a point about the procession, explaining that "pictures of the Roman triumph show clearly how music was used to mark an event and to draw the attention of the viewer." This similarity between religious and military ceremonies is perhaps intentional because military rites, such as triumphs, were "first and foremost a religious ritual."[18] Thus, not only does the inclusion of musical instruments in sequential art help establish the procession of events, but it also demonstrates the interrelatedness between different aspects of Roman society, religion, and the military.

Figure 6: "079 Conrad Cichorius, Die Reliefs der Traianssäule, Tafel LXXIX" Image from Picryl.com. Available at https://picryl.com/media/079-conrad-cichorius-die-reliefs-der-traianssaule-tafel-lxxix-d18f75. Accessed April 23rd, 2023.

Musicians such as the figure found third from the left in the lower row play cornu as they perform in the military triumphs depicted on Trajan's column. Other instruments are also featured on this column, including other types of trumpets and horns.

As with religious and military ceremonies, gladiatorial games incorporated music into their events. These events, known as munera, were often day-long affairs with various forms of entertainment for Roman citizens, including a parade and an orchestra performing in the stands.[19] Several pieces of sequential art found throughout the Roman world illustrate these proceedings. For example, a relief piece found in Pompeii consists of three separate horizontal panels, with its top panel illustrating the events that preceded the games themselves and the trumpeters that led the procession.[20] The trumpeters appear to march rightward across the top panel in alignment with the rest of the procession.[21] The Zliten Mosaic (Fig. 1), which portrays

15 Inez Scott Ryberg, "Rites of the State Religion in Roman Art," *Memoirs of the American Academy in Rome* 22 (1955): p. 146, https://doi.org/10.2307/4238633.

16 Rüpke Jörg, in *A Companion to Roman Religion* (Malden, MA: Wiley-Blackwell, 2011), p. 277.

17 "Trajan's Column: The Human Figure Type," Trajans Column (University of St. Andrews), accessed April 11, 2022, https://arts.st-andrews.ac.uk/trajans-column/the-project/the-human-figure-types/.

18 Rüpke, A Companion, 286.

19 Christof Berns and H. Ali Ekinci, "Gladiatorial Games in the Greek East: A Complex of Reliefs from Cibyra," *Anatolian Studies* 65 (2015): p. 152, https://doi.org/10.1017/s0066154615000095.

20 Ryberg, "Rites of the State," 100-101.

21 One can view this tomb relief at Plate XXXII in "Rites of the State Religion in Roman Art" by Inez Ryberg. It is labeled as "Fig. 50 a. - Ludi of a Sevir – Naples, Museo Nazionale."

a series of gladiatorial vignettes and arena orchestra performers, also contains instrumentalists.[22] These two pieces are similar in their deliberate placement of the musicians in that they both use the performers to delineate the beginning of the events. For the Pompeii relief, placing the musicians in the uppermost panel signifies that those events occurred before the events in the succeeding panels. Historian Dunbabin suggests that artists made a similar stylistic choice for the Zliten Mosaic, explaining that "each section opens with a representation of the arena orchestra" because the musicians are the only repeated figures.[23]Their placement on opposing corners of the mosaic frames the piece and indicates to viewers that the musicians begin a new sequence of events in a mosaic that otherwise has no structured indication of time. As with the triumphal military processions, these instruments serve a practical purpose within the piece because they are easily identifiable objects that outline the proceedings of a typical munera and convey the passage of time.

The poses of the instrumentalists also express the energy of the games. For example, the trumpeters depicted in a tomb relief from Chieti during the Julio-Claudian or early Flavian period (now found in the Museo Nazionale Romano in Rome) adopt dynamic and expressive stances as they march into the games. Trumpeters, for instance, are found on the righthand side of the piece and add to the crowded, chaotic, and exciting nature of the events through their overlapping positions and fluid body movements. Instead of standing as static characters, their bodies bend and lean forward as they brandish their instruments upwards, inferring movement and anticipation as they near the entrance of the arena.[24] As a result, the relief appears to be a single, fleeting snapshot of the events that capture one of the many moments of excitement in the games. Writer Inez Ryberg contends that the processional group in this relief involves "a good deal of liveliness" and that all the figures, including "the groups of cheering spectators and the musicians kneeling at the left and right, are even more interesting and lively" as they begin the events.[25] The image's excitement is palpable, perhaps intended to echo the excitement the trumpeters and other musicians created as they played festive music during the procession. Therefore, the musicians, when combined with the variety of other competitors, spectators, and members of the games, energize the scene, and establish the exciting and anticipatory mood of those waiting to begin the competition.

Within the context of artwork about Ancient Roman and Etruscan religious, military, and gladiatorial ceremonies, pieces depict musical instruments to delineate procession and convey the emotions of the events. This investigation into historical depictions of music and musical instruments is essential because it builds upon current understandings of classical art to better understand religion, customs, and rituals in Etruria and Rome, particularly in the areas of belief systems, notions of the afterlife, military power and conquests, and forms of entertainment. More specifically, analysis of these pieces suggests the apparent interplay between visual and aural art forms, with visual art illustrating both the uses and impacts of auditory art. The comparisons between the three contexts also demonstrate the interconnectedness

22 Katherine M Dunbabin, in *Mosaics of the Greek and Roman World* (Cambridge i pozostałe: Cambridge University Press, 2021), p. 120.

23 Dunbabin, *Mosaics of the Greek*, 120.

24 One can view this tomb relief at Plate XXXI in "Rites of the State Religion in Roman Art" by Inez Ryberg. It is labeled as "Fig. 48a. – Pompa before Ludi of a Sevir. Rome, Museo Nazionale."

25 Ryberg, "Rite of the State," 99.

of music and its representation in different areas of these two ancient cultures and their societies. In addition, this research aligns with and builds upon the growing field of synesthetic historical research, which aims to broaden our understanding of historical events by integrating nonvisual senses into historical analysis, such as taste, smell, and hearing.[26] Therefore, this research strengthens current conceptions of art and culture in ancient societies and supports ongoing academic efforts to build a more comprehensive and multisensory understanding of history.

Acknowledgements

References

Berns, Christof, and H. Ali Ekinci. "Gladiatorial Games in the Greek East: A Complex of Reliefs from Cibyra." *Anatolian Studies* 65 (2015): 152. https://doi.org/10.1017/s0066154615000095.

Bower, Bruce. "Ancient Smells Are Wafting out of Artifacts and Old Texts." Science News, May 4, 2022. Accessed March 12, 2023. https://www.sciencenews.org/article/ancient-smell-odor-artifacts-texts-egypt-archaeology.

Bradley, Megan. "The Smell of Magic." The New York Times. The New York Times, February 2, 2023. Accessed March 12, 2023. https://www.nytimes.com/2023/02/02/t-magazine/witchcraft-supernatural-fragrances.html.

Castro, Emiliano Li. "30. Musical Instruments." *Etruscology*, 2017, 509–10. https://doi.org/10.1515/9781934078495-030.

Dunbabin, Katherine M. Essay. *In Mosaics of the Greek and Roman World,* 120. Cambridge i pozostałe: Cambridge University Press, 2021.

Ginsberg-Klar, Maria E. "The Archaeology of Musical Instruments in Germany during the Roman Period." *World Archaeology* 12, no. 3 (1981): 313–20. https://doi.org/10.1080/00438243.1981.9979806.

Gleason, Bruce. "Cavalry Trumpet and Kettledrum Practice from the Time of the Celts and Romans to the Renaissance." *The Galpin Society* 61 (2008): 232.

Mucznik, Sonia. "Musicians and Musical Instruments in Roman and Early Byzantine Mosaics of the Land of Israel: Sources, Precursors, and Significance." *Gerion* 29, no. 1 (2011): 273.

Rüpke Jörg. Essay. In *A Companion to Roman Religion,* 276-288. Malden, MA: Wiley-Blackwell, 2011.

Ryberg, Inez Scott. "Rites of the State Religion in Roman Art." *Mem-*

---

26 Both *The New York Times*' February 2nd, 2023, article titled "The Smell of Magic" by Megan Bradley and the May 4th, 2022, *Science News* article titled "Ancient 'Smellscapes' are Wafting Out of Artifacts and Old Texts" by Bruce Bower offer further information on this synesthetic field of research through their investigations into smell-based history.

oirs of the American Academy in Rome 22 (1955): 146. https://doi.
org/10.2307/4238633.

Swan, David. "The Carnyx on Celtic and Roman Republican Coinage."
The Antiquaries Journal 98 (2018): 82. https://doi.org/10.1017/
s0003581518000161.

"Trajan's Column: The Human Figure Type." Trajans Column. University of St. An-
drews. Accessed April 11, 2022. https://arts.st-andrews.ac.uk/trajans-column/
the-project/the-human-figure-types/.

Westenholz, Joan Goodnick, Yossi Maurey, and Edwin Seroussi. Essay. In *Music in
Antiquity: The Near East and the Mediterranean*, 348. Berlin: W. de Gruyter
Oldenbourg, 2014.

Dead Weight: Narratives of a Transgender Social Death

Toki Lee

Abstract

As transgender experiences become more well known, the reaction towards, and subsequent subjugation of, trans lives become more salient. The violence enacted towards transgender people is often supported by anti-trans biases present in society. These biases stem from the dehumanization and corpsification of transgender people, rooted in beliefs that propagate the heteropatriarchy. The heteropatriarchy, and the underlying sentiment of the heterosexual economy, creates the foundation for anti-trans rhetoric. The heterosexual economy was used as a tool for analyzing how transgender people are perceived by a gender-conformist, cisgender-hegemonic society, and how they violate gender conventions. The resulting dehumanization because of these violations develops a social death that furthers the normalization of transphobic violence, most noticeably through the use of language about transgender people and media representation. Transgender people are routinely denied the status of "human" through the rhetoric that they are "dead." This paper discusses to what extent trans people are thought of as "dead," and in what ways that manifests. It is vital to recognize not only the violence that occurs, but the ways wherein it is indicated and the social basis for how it forms.

Keywords: transgender, social death, necropolitics, gender, heterosexuality, biopolitics

Introduction

In Western society, the corpse is an entity beyond human. The corpse is transcendent and as a result is often dehumanized and stripped of autonomy; instead, its moral standing (or even lack thereof) is decided by the people around it. The corpse is a paradox: it is both with and without moral standing, with and without obligation, and with and without autonomy. It cannot be wronged or harmed, yet they are capable of being the victim of promises (Luper, 2018) and therefore, the perpetrator of obligation. The assumption is made that, if a promise is made with an individual before their death, their wishes carry on posthumously. There is no room for change within the cadaver. Even here, with its linguistic description, it is referred to as an object rather than an individual—the corpse is a fantastical and abstract concept to ponder upon rather than an inevitable fate.

The corpse then, despite its prior existence as a human, is regarded as a nonparticipant in society. If a societal nonparticipant is defined as one without

autonomy, then what is a societal participant? I argue that it is an individual who participates in the heterosexual economy, willingly or not; through this framework, the extent to which marginalized groups are corpsified, dehumanized, and oppressed can better be understood. The following text will explore the social death of transgender people in relation to not only a system-instituted death via the heterosexual economy, but a self-instituted death. Most importantly, it will muse on this question: what happens to the living corpse?

Heterosexual Economy & The Prison of Heterosexuality

The heterosexual economy, as described by Margaret Davies, is a set of sex and gender discourses between men and women wherein the former are labor exploiters, and the latter are exploited laborers (Davies, 1995). Davies succinctly summarizes the heterosexual economy with the following:

> Men control the means of production in the form of the
> commodity, the law and the language of sex, though they do
> not perform the majority of the labour associated with the
> production and maintenance of sexed subjects. The relations of the
> reproduction of heterosexuality, the relations forming the category
> of sex, are held in place by the dominant sex. Within this economy
> 'woman' and 'man' as classes are constituted by their relationship to
> the means of exploitation. (p. 41)

Under the heterosexual economy, women (or those who are perceived as women) are imposed the career of reproductive labor—therefore, it is the utmost priority of the hegemony to denote these individuals as sexual entities inherently working in favor of this economy and propagate heterosexuality as necessary (Wittig, 1982). Heterosexuality and the gender binary work in a mutualistic relationship: heterosexuality reinforces the gender binary, and the gender binary generates the necessity of heterosexuality. The gender binary, more specifically, is created out of the discourses of heterosexuality (Schippers, 2007). A man is seen only as a man because he is antithetical to a woman; conversely, a woman is seen only as a woman because she is antithetical to a man.

It is important to mention that while the heterosexual economy itself is not an institution, it is institutionalized. Davies explicitly states that her work explores the heterosexual economy as a "metaphorical and ideological construct." However, the sentiment of the heterosexual economy, if not the heterosexual economy outright, is embedded within many institutions; for example, prisons in the United States are sex-segregated and reinforce the binary notions of male and female. Often, they replicate the exploitation model of the heterosexual economy; imprisoned women, for example, are still subject to strip searches and internal cavity searches, often by male guards (Davis, 2003). The heterosexual economy, henceforth, will be treated as the underlying political sentiment in a large, systemic network of institutions.

Multiple groups are subjugated to the heterosexual economy as prisoners, privy to the gazes of the patriarchy; one such example would be the population of gender-conforming lesbians. Their unique positions as homosexual women create a perception typically unseen in homosexual men; the heterosexual economy, much like the capitalist economy, is dependent on exploited labor. Because women are seen as

sexual laborers in the heterosexual economy, the hegemony will see every woman in relation to a man or a man's benefit. Similar to labor, women are unable to be seen in the overarching hegemony without the lens of exploitation. Lesbians, for example, are seen as sexual fantasies for men rather than individuals who are simply attracted to women. 33% of male participants in a study found women making love to women as erotic, compared to 10% of female participants. In contrast, only 7% of both groups found men making love to men erotic (Louderback & Whitley, 1997).

As noted before, heterosexuality reinforces the gender binary, and vice versa. The quest of "converting" a lesbian into a straight woman is appealing to hegemonic masculinity, as it reinforces both heterosexuality and the gender binary. A man is seen as "masculine," the envy of other hegemonic men, if he is able to "correct" a dissenter of heterosexuality. Women, regardless of their sexuality, are perpetual sexual beings for the benefit of men under the cisheteropatriarchy.

If violating the norms of heterosexuality is not enough to fully oust one from the heterosexual economy, the only viable option is to violate the norms of the gender binary. To be a gender dissenter is the only way to escape the cisheteropatriarchy and the heterosexual economy. However, doing so renders you dead in the eyes of society; because one is unable to produce labor in the current capitalist economy, one is thus useless. Capitalism, and by extension, the heterosexual economy, defines members of its society by their relation to labor; if an individual is unable to participate, society sees them as subhuman, no more significant than a corpse. Similarly, an individual who escapes the heterosexual economy by refusing to contribute to the labor market, either as "exploited" or "exploiter," is considered deceased.

It is vital to recognize that the work of gender dissent is not always conscious, nor desired. The gender binary as we know it in the West is built largely on White supremacy—therefore, those who are not able to appeal to the white supremacist system are automatically unable to participate in the heterosexual economy and gender binary to the extent that system-conforming individuals are able to. Some groups are excluded from the consideration of the gender binary and, by relation, the heterosexual economy, due to their lack of eurocentric features or behaviors. While gender will be discussed with respect to race, I will talk more broadly about the *conscious* forms of gender dissent, specifically in the transgender community. For many groups, because of their previous status as ill-fit in the gender binary, being trans and non-White is doubly violative against heterosexuality.

Gender Dissent

By being gender non-conforming, an individual becomes a non-participant who blurs the lines of exploitation and labor. The transgender individual may participate in both labor exploitation and exploited labor—a "passing" trans man, for example, may appear to exploit labor through social conceptions (benefiting from misogynistic institutions, for example) while being able to still produce exploited labor (becoming pregnant). The existence of trans people obliterate the preconceived notions of the labor/labor exploiter binary—what is a man who is unable to profit from the oppressive dynamic? What is a woman who is unable to have her labor exploited? Where does this economy place nonbinary people, who transgress this binary entirely? Transgender people not only violate the heterosexual economy, but utterly desecrate it.

Trans people are seen as undesirable in the heterosexual economy, which is largely conceptualized and conceived as cisgender. When trans people are included in the institutionalized narrative, they are not seen as their gender—instead, their identity becomes a fetish. A transgender woman, instead of being seen as a transgender woman, is viewed instead as a man with a crossdressing fetish, or a man who is able to be "negotiated" out of transgenderism. These conclusions are made to mold transgender people into an identity that adheres more to cisgender preconceptions and cisgender heterosexual relationships. Transgender individuals, when they are visible and included, are subjugated into fitting into the heterosexual economy. They are not seen as trans; rather, they are seen as cisgender people who are "lost" or "misguided." Notably, the emphasis on power dynamics during trans fetishism should not be ignored.

Transgender identities do not exist in the heterosexual economy. Anyone who is regarded as trans, in this lens, is instead a delusional cis individual. Without the work of the heterosexual economy determining who is male and who is female, the non-participant becomes invisible and, to the broader society, dead. The trans individual, put simply, is regarded as deceased due to their lack of cisgender conformity to heterosexual sex. To continue expressing gender dissent requires conscious efforts. A transgender person, while victim to the exclusive nature of the heterosexual economy, has autonomy within their expression. It is vital to recognize that while cisgender society may mark a trans individual as socially dead, said trans individual, in part, perpetuates this belief unconsciously and unknowingly, simply on account of *being* transgender. Anything a trans person does after being labelled as a gender dissenter becomes the actions of a trans person rather than the actions of a single individual. In other words, while continuing to present in rebellion to gender is a conscious choice, it should never be extrapolated that it is a trans person's fault that they are socially dead. The label "trans" is immortal the same way the label "dead" is immortal: neither is escapable.

Of course, to partake in the ritualistic, heterosexual funeral, a transgender person must first "come out," both to themselves and to broader society.

Coming Out

The language used during "coming out" rituals is important and often indicative of the current social attitudes towards transgender communities. In transgender "coming out" narratives, there are two main components: performative utterance and the use of death as a linguistic device. Performative utterance is described as speech that institutes an action as much as it does language (Austin & Urmson, 1962). In the context of coming out, a trans person is not only saying they are coming out, but also coming out as trans. For example, the simple phrase of 'I am coming out as transgender' inserts a change within reality without being a truth-evaluable sentence. A person cannot question the legitimacy of this statement. It is simply a fact that the speaker is coming out as transgender, regardless of any personal beliefs about the legitimacy of transgender people in the first place. The politics of the existence of trans people is not up to debate with this kind of non-truth-evaluable statement. As Judith Butler posits in *Excitable Speech: A Politics of the Performative*, any performative utterance is allowed the privilege of performance only through a history of repeated authority (Butler, 2013). In this context, then, what permits the linguistic performativity of coming out? Speech, without prior authority or authorization,

may incur authority through its self-authorization. Notably, Butler also states that the performative is a ritualistic act—to come out, then, is a specialized ritual, often individualized and intimate. An individual who does not have the social authority to come out as trans will gain such during the ritual of coming out; an individual who does this ritual repeatedly will eventually gain a form of authorization that was entirely *self-granted*. To be transgender is to accumulate power outside of institutions.

In this language of coming out, however, there is also a pretense of abandonment of the cisgender self. While asserting a transgender identity, it is often easier for the cisgender conscious to accept an old (cisgender) versus a new (transgender) self. In the process of coming out, a cisgender audience does not accept that a person has always been transgender—rather, a person *becomes* transgender. Even rhetoric that acknowledges a "hidden" consciousness does not involve the language of being transgender (e.g., the "wrong body" narrative: a transgender man has never been a *transgender* man his entire life, he has been a *man* inside of a *woman's* body. Genders here are suspiciously non-denoted as cisgender *or* transgender).

There is an undercurrent of violence and, specifically, death in current narratives. The cisgender self is not only abandoned, but killed and utterly annihilated. This is expressed even through minor acts of language: the name assigned to a trans individual at birth who no longer attaches to it is a "deadname." The cisgender self is already recognized as dead from the second the transgender self exists. While both the audience and the trans community propagate this narrative, it is vital to acknowledge that both come from different contexts. The former sees the death of the cisgender self as a neoliberal method to show shallow acceptance; rather than put in the work to recontextualize (and "trans") previous conceptions of the transgender individual, the neoliberal audience chooses to see the current individual as utterly devoid of any non-trans characteristics. Any individual before their transgender identity no longer exists. The latter, however, conceives the death of their cisgender self as a defense mechanism and survival skill against transphobic harassment and conceptions. To abandon their cisgender self is to ward off misgendering and other targeted violence, as well as to stave off dysphoria. While both proliferate the death of the cisgender self (and thus, the perspective of the transgender individual as exclusively transgender), one party may be more culpable to blame than the other.

Not only is a trans person demarcated as dead by society for an inability to participate in the heterosexual economy, but the language used in coming out narratives perpetuate this belief. The wider, cisgender society not only writes the death certificate, but forces the socially dead trans person to authenticate it.

Social Death and Necropolitics

Social death is regarded as a specific kind of death that occurs within society, despite the physical body being without decay. A person regarded as socially dead loses all personal identity, unable to assert themselves as an individual through meaningful discourses with others. This is most associated with slavery due to Orlando Patterson's seminal work *Slavery and Social Death*; in this publication, Patterson connects social death and power (Patterson, 2018). A social death is typically instituted through dynamics of power; in fact, social death and who is regarded as socially dead works to reaffirm power. This reinforcement of power is seen in relation to transgender people and heterosexuality. The subjugation against

transgender people reinforces the power of cisgender and, by relation, heterosexual institutions. The exclusion of gender dissenters strengthen cisgender heterosexual institutions by reaffirming *who* is male and female and, similarly, *who* wields power. It is only because of this power dynamic, wherein trans people are oppressed under the cis-heterosexual system, that trans people are able to become socially dead. Additionally, transgender people wield the ability to self-inflict social death through previously discussed linguistic patterns. While less directly impactful in the broader political sphere, the self-identification serves as a precedent for how the state views transgender individuals and issues.

By being subjugated and pronounced dead by cisgender hegemony (and by affirming this by coming out as "dead" themselves), transgender people are seen in the conscious of society as undead creatures rather than living societal participants. The transgender individual is seen as a corpse that is, inexplicably, unable to die solely of their own accord. This is not dissimilar to Stephanie Marek Muller's critique of slaughterhouses and the "zombification" of slaughterhouse workers; in her paper, she states that colonial understandings of the world are privileged by defining, explicitly, who is human and who is non-human. Those who are "non-human" are inferior to the hegemonic "ideal" human, comparable to animals, and thus, are of lesser value (Muller, 2018). It is for this dehumanizing reason that the transgender deaths are easily ignored. It is common to see the deaths of the socially dead be disregarded. This is most easily identifiable when looking at the perceptions of homeless individuals; violence against this population becomes "banal, disavowed, depoliticized, and normalized" (Rothe & Collins, 2016) when recontextualized as against the *homeless* population. That is to say violence towards the socially dead— those who are seen as burdensome or otherwise deemed useless in society, which we have defined by the heterosexual economy—is normalized and is unimportant compared to the murder of a socially alive group. The violence, in some cases, is even *encouraged* and perpetuated. This phenomenon is seen with media coverage of transgender violence: transphobia-driven murder specifically.

Dehumanization & Media Expression

Dehumanization is a potent actor in social death. The following section will discuss the extent to which trans people are dehumanized and, thus, are culpable to social death. Dehumanization is embedded within microaggressions—in fact, microaggressions are socially structured upon dehumanization (Dover, 2016). The negative stereotypes against transgender people reinforce the socially dead perception, and thus, perpetuate the violence against them. Transgender individuals are seen less warmly in the LGBTQ+ community compared to gays and lesbians, often having less support in anti-discrimination laws (Lewis et al., 2017). Multiple themes occurred, however, in specific instances of transphobic microaggressions wherein trans people were dehumanized. One theme in nearly all accounts of transphobic microaggressions in Nadal, Skolnik, and Wong's paper was the "use of denigrating language and incorrect gender pronouns" (Nadal et al., 2012). Another theme was exoticization; a particular example can be seen in the following text:

> [Men often tell me], "You're not girlfriend material. All I want
> from you is that sexual asset and that whole thrill of being with a
> transsexual and go on with my life and act like you never exist."
> Now, not only am I being objectified and sensationalized, I'm

being less than human. (p. 66)

Other microaggressive statements in the piece were discussed, ranging from physical threats and harassment to "denial of the existence of transphobia" and "assumption of sexual pathology or abnormality." Based on each of these examples, it can be reasoned that all have a level of dehumanization present *because* of their gender dissent. Transgender people sit outside the male/female dichotomy the heterosexual economy has set up and, as a result, face large amounts of microaggressive and macroaggressive violence, which contributes to dehumanization.

Besides interpersonal interactions, dehumanization of trans people—and the normalization of such—is present in current events and fictitious media. Many news outlets, for example, despite the appearance of acceptance through use of the correct gendered pronouns and titles, have been found to be dismissive in the face of transphobia-motivated violence. Multiple samples showcased in "U.S. News Coverage of Transgender Victims of Fatal Violence: An Exploratory Content Analysis" reveal that, despite positive language, many trans victims were misgendered or deadnamed post-mortem, to the extent wherein their identity as transgender was erased (Osborn, 2021). It would be remiss not to mention the revelation that Black transgender women are frequently marginalized and stereotyped as "aggressive" or "petty" more than their White counterparts—again, we see that Black transgender individuals are doubly violative against the current gender system and, in return, doubly have violence enacted on them.

One salient example of this phenomenon is the death of Tyra Hunter, a black trans woman who faced multiple acts of transphobic violence preceding her death. Firefighters were witnessed to have made transphobic remarks that halted her treatment process after her fatal car accident (Snorton & Haritaworn, 2022). Not only did previous perceptions allow her to be mistreated and eventually die via medical transphobia, it is through her body and her death that the neglect of transgender individuals became "acceptable." If authorities, such as firefighters and doctors, are able to joke in the time of her death, commit medical malpractice, and receive no consequences for it (Bowles, 1995), what is truly unacceptable? Vitally, Snorton & Haritaworn comment on the biopolitics of Hunter's death:

> ... a broader politico-theoretical framework allows us to understand Tyra's body (before and after the accident) as a site where the medical establishment enacted what Henry Giroux calls a "biopolitics of disposability," a "new kind of politics … in which entire populations are now considered disposable, an unnecessary burden on state coffers, and cosigned to fend for themselves" (Giroux 2006: 174). Thus neoliberal ideologies provide biopower with new ammunition in the creation of life-enhancing and death-making worlds, and offer an insidious addendum to rationales for population control. The consequence of this logic effaces the way power and life are maintained and reproduced through the deaths of certain others. (p. 308)

Social death, necropolitics, and biopolitics are inextricably intertwined with each other. The foundations of social death within perceptions of transgender individuals allow biopolitical actions, such as the medical neglect of Tyra Hunter, to occur. It is

vital to recognize Hunter's existence as a Black trans woman put her more at risk for transphobic violence due to previously established doubly violative identities. Hunter's identity was often misinterpreted post-mortem. She is misgendered multiple times in the Washington Post article memorializing her:

> No one, however, disputes this: Tyra Hunter has become a cause celebre for myriad groups from the gay and straight communities enraged that he was ridiculed in his final moments by rescue workers caring for him … by the time he was 17, Tyrone unofficially had changed his name to Tyra and, although he never had a sex change, lived as a woman. He discarded men's clothing, opting for dresses, lipstick and a highlighted wig. […] When he shopped for clothes with his mother, he jokingly scolded her for calling him by his male name [emphasis added].

The second quote is particularly ironic. Despite acknowledging Tyra's preference for her lived name (Tyra vs. Tyrone) and her desire to present as a woman, Washington Post has a difficult time contending with this. Additionally, several times throughout the article, there is no explicit reference to her being a transgender woman—only, potentially, being a gay man.

Another article documenting her death does a better job at acknowledging her as trans, using the term "transsexual" explicitly; however, it is not without its mishandlings. In the Gender Centre article, there is a reference to her "male genitalia (The Gender Centre Inc., 2013)." This fuels biological essentialist notions that the presence of a penis suggests a man (and, conversely, a vagina suggests a woman) and gives power to the idea that there was an obvious disconnect between Hunter's gender identity and her genitalia, one that is beyond societal conceptions. The idea that every man has a penis (and every penis belongs to a man) gives biological weight to the social construct of gender.

Tyra Hunter, and how she was depicted after her death, shows the failure of the media to respectfully portray a transgender woman. Not only was she patently dehumanized during her death and rendered a spectacle, but the same was done to her post-mortem. Rather than a person who once lived with desires—desires to be seen as and live as a woman—Hunter's distorted identity lives on as a fantastical and abstract concept.

Other practices of normalized dehumanization are prevalent in fictitious media. In scholar Jessica N. Jobe's honors thesis *Transgender Representation in Media*, she makes the claim that much mainstream media, although better in its representation than previous decades, reinforces transphobic rhetoric and "makes light of transgender struggles" (Jobe, 2013). Movies such as *Boys Don't Cry* and *Soldier's Girl* enforces the notion that coming out as trans, or otherwise being visibly trans, results in tragedy. In being trans, according to these movies, people are inherently vulnerable to brutalities such as rape and murder. While not inaccurate, as trans communities are often targets of gender-based violence and harassment (2015 U.S. Transgender Survey Report, 2019), the aforementioned films insinuate that there is no room for joy or safety in being trans. Therefore, the best possible scenario in being transgender would be to keep quiet about it.

Multiple sitcoms portray transgender people as comedic tools. This is seen in

Friends, as Jobe points out, but is also salient in animated sitcoms such as *Family Guy* and *South Park*, the former of which received a public demand from LGBTQ+ organization Gay and Lesbian Alliance Against Defamation (GLAAD) to stop airing the episode (Jobe, 2013). Within these TV shows, the message is clear: transgender people, when they exist, exist to be the butt of a joke. They exist for cisgender consumption. Their identities exist to be skewed into comedy, effectively dehumanizing them. The proliferation of these jokes across several decades of television cement Jobe's following statement: "If the key demographic did not respond positively to jokes that reaffirm transphobia, then those jokes would not be aired."

It is this very dehumanization so prevalent in the public's eye that legal defenses, such as the trans panic defense, exist (Tilleman, 2010). The trans panic defense exists as a way to excuse violence against transgender people under the pretense of alarm or fear. This defense is typically used in cases of heterosexual, cisgender men against transgender women, who upon realizing their intimate partner was transgender, lashed out. Without previous narratives of transgender people being "deceptive" or otherwise invalidated, claims of provocation and "temporary insanity" would not be socially supported. It is imperative to acknowledge that dehumanization of transgender people contributes to social death, and vice versa, both of which having tangible effects on how transgender people are treated socially, medically, and legally. Even presumed ambivalent institutions such as the law and hospitals are not without transphobia, whether it be microaggressive or macroaggressive, due to the violation of the heterosexual economy.

Conclusion

The heterosexual economy, as the sentiment underlying several institutions, serves as the basis for dehumanization and subsequent social death of transgender individuals. Social death is propagated by the systems in place; however, the language used when describing transgender experiences and individuals in interpersonal communications both express the social death of trans people and further dehumanizes them. This dehumanization manifests in material ways, contributing to transphobic violence and further proliferating the notion that the deaths of trans people are unimportant and ignorable. Because society is based upon this heterosexual economy and gorges itself on the oppression of trans people, it is important now more than ever to not only acknowledge transgender experiences, but to platform and champion them. This may be imagined as lobbying for legal protections and advocating for trans people within inherently hostile institutions, such as the prison system, but it may also be imagined within individual contexts. Trans people deserve the right to exist in joy, not simply survive, and the allyship of cisgender people should reflect this. Trans people *must* be defended, even in conversations where they are not present, and the deaths of trans individuals should not be seen as inevitable nor banal. Communities should invest in the livelihood of their transgender members and support them in whichever way possible—assisting them emotionally is as important as assisting them financially. It is also essential to recognize the resiliency and strength of trans people, and understand that it is cruel to predicate their protection on their accordance to cisgender standards. A non-passing, non-binary trans man deserves as much protection as a passing, binary trans man. All transgender individuals not only deserve to be treated as living people but are entitled to it.

Acknowledgements

References

2015 U.S. Transgender Survey Report. (2019, May 13). VAWnet.org. https://vawnet.org/material/2015-us-transgender-survey-report

Austin, J. L., & Urmson, J. O. (1962). *How to do things with words: The William James lectures delivered at Harvard university in 1955* (First American Edition). Clarendon Press.

Bowles, S. (1995, December 10). *A DEATH ROBBED OF DIGNITY MOBILIZES A COMMUNITY.* Washington Post. https://www.washingtonpost.com/archive/local/1995/12/10/a-death-robbed-of-dignity-mo bilizes-a-community/2ca40566 -9d67-47a2-80f2-e5756b2753a6/

Butler, J. (2013). *Excitable speech: A politics of the performative*. Routledge. https://doi.org/10.4324/9780203948682

Davies, M. (1995). The Heterosexual Economy. *Australian Feminist Law Journal,* 5(1), 27–46. https://doi.org/10.1080/13200968.1995.11077172

Davis, A. Y. (2003). *Are Prisons Obsolete?* Seven Stories Press.

Dover, M. A. (2016). The moment of microaggression: The experience of acts of oppression, dehumanization, and exploitation. *Journal of Human Behavior in the Social Environment, 26*(7 8), 575–586. https://doi.org/10.1080/10911359.2016 .1237920

Jobe, J. N. (2013). *Transgender Representation in the Media* [Honors Thesis]. Eastern Kentucky University.

Lewis, D. C., Flores, A. R., Haider-Markel, D. P., Miller, P. R., Tadlock, B. L., & Taylor, J. K. (2017). Degrees of acceptance: Variation in public attitudes toward segments of the LGBT community. *Political Research Quarterly*, 70(4), 861–875.http://www.jstor.org/stable/26384822

Louderback, L. A., & Whitley, B. E. (1997). Perceived erotic value of homosexuality and sex-role attitudes as mediators of sex differences in heterosexual college students' attitudes toward lesbians and gay men. *The Journal of Sex Research, 34*(2), 175–182. http://www.jstor.org/stable/3813565

Luper, S. (2018). The moral standing of the dead. *Philosophical Transactions: Biological Sciences*, 373(1754), 1–6. https://www.jstor.org/stable/26486394

Muller, S. M. (2018). Zombification, social death, and the slaughterhouse U.S industrial practices of livestock slaughter. *American Studies*, 57(3), 81–101. http://www.jstor.org/stable/45217115

Nadal, K. L., Skolnik, A., & Wong, Y. (2012). Interpersonal and systemic microaggressions toward transgender people: Implications for counseling. *Journal of LGBT Issues in Counseling, 6*(1), 55–82. https://doi.org/10.1080/15538605.2012.648 583

Osborn, M. (2021). U.S. news coverage of transgender victims of fatal violence: An exploratory content analysis. *Violence Against Women*, 28(9), 2033–2056. https://doi.org/10.1177/10778012211025995

Patterson, O. (2018). *Slavery and Social Death: A Comparative Study, With a New Preface (2nd ed.)*. Harvard University Press.

Rothe, D. L., & Collins, V. E. (2016). The integrated spectacle: Neoliberalism and the socially dead. *Social Justice*, 43(2 (144)), 1–20. http://www.jstor.org/stable/26380300

Schippers, M. (2007). Recovering the feminine other: Masculinity, femininity, and gender hegemony. *Theory and Society*, 36(1), 85–102. http://www.jstor.org/stable/4501776

Snorton, C. R., & Haritaworn, J. (2022). Trans necropolitics. *The Transgender Studies Reader Remix*, 305–316. https://doi.org/10.4324/9781003206255-33

Tilleman, M. (2010). (Trans)forming the provocation defense. *The Journal of Criminal Law and Criminology (1973-), 100(4)*, 1659–1688. http://www.jstor.org/stable/25766132

The Gender Centre Inc. (2013, June 1). *Polare 27: Damages Awarded after Transsexual Woman's Death | The Gender Centre Inc.* The Gender Centre Inc. https://web.archive.org/web/20140324052938/http://www.gendercentre.org.au/resources/ polare-archive/archived-articles/damages-awarded-after-transsexual-womans-death.htm

Wittig, M. (1982). The category of sex. *Feminist Issues*, 2(2), 63–68. https://doi.org/10.1007/bf02685553