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About the Contributors

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A Letter from the Editor

“Each of us carries around those growing up places, the institutions, a sort of backdrop, a stage set. So often we act out the present against the backdrop of the past, within a frame of perception that is so familiar, so safe that it is terrifying to risk changing it even when we know our perceptions are distorted, limited, constricted by that old view.” - Chandra Talpade Mohanty

Recent reports describing intellectual isolation of undergraduate gender studies students, the defunding of departments, and increasing pressures from forces outside the academy have been troubling. Though a number of systemic issues lie at the heart of these institutional failures, I conceptualized and launched *The Virginia Journal of Gender Studies* to celebrate the scholarly contributions of young activists and researchers, make the path to academic publication easier to navigate, and create an outlet for communities to share ideas and build solidarity. As of this publication, *The Virginia Journal of Gender Studies* remains the only active undergraduate publication dedicated to the field of gender studies, though I hope this will change in the future. Most importantly, I hope this *Journal* will help make the study of women, gender, and sexuality a more collective, accessible endeavor.

To solicit manuscripts, the *Journal's* editors asked over 200 academic departments and professors across 70 different universities to inform their students of our journal, our mission, and our submission processes. We received over 90 submissions, among which we selected six to publish – about seven percent of the total – making the *Journal* one of the most selective undergraduate publications in the country. We were astonished by the enthusiastic response to our first-ever call for submissions, and we believe these numbers speak to the love and passion many young scholars have for the subject.

In selecting the six pieces for publication, our editors took special notice of papers which presented unique research questions, nuanced and persuasive arguments, elegant prose, and a complex understanding of how issues of women, gender, and sexuality connect to other phenomena in our world. In this issue, our featured

contributors explore the ways in which gender and sexuality shape issues of policing, community safety, Rawlsian theory, professional athletics, the American medical system, reproductive rights, religious expression, art, and state-sponsored surveillance. In each of these pieces, you will find the maintenance of order, the process of change, the making of structures, and the imposition of power lie at the core of gendered inquiry.

Asserting the importance of gender studies beyond the walls of the academy is needed at this moment, especially as the COVID-19 pandemic, environmental destruction, and capitalistic dominance highlight the ways in which our systems fail our most vulnerable populations. We believe that launching an undergraduate gender studies journal is not only timely and useful, but that asserting the value and power of gender research is a pressing necessity. My hope is that these papers reinstate a faith in progress and provide guidance on how young people can cultivate abundance, happiness, and justice in a world that fails to deliver it in an equitable manner. We cannot escape gender, nor can we safely ignore it. Gender issues must not be forgotten, but rather studied, questioned, and reinterpreted, so that we may comprehend our world and build a better one.

I would like to thank Apoorva, Deimy, Isabelle, Angélica, Kahlo, and Matthew for their patience throughout this process. I would also like to thank our editors and advisors for their hard work and commitment. It was a pleasure to work with you, as you are all incredibly insightful and vigilant. I am proud to be part of such a dedicated team.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sasha Duckworth', written in a cursive style.

Sasha Duckworth

Editor-in-Chief

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“Investing into a Fallacy”: The Demand for an Abolitionist Critique and Restructuring of Safety

Apoorva Krishnan

Introduction

In 2016, Chicago Alderman Ed Burke sought to establish an ordinance that would extend hate-crime protections to law enforcement officials. The ordinance—popularly referred to as the “Blue Lives Matter” ordinance, in reference to its affront to Black Lives Matter—is one example among many that shows the entanglements of power, privilege, and vulnerability that inhere in group claims for legal protection from the state on the basis of marginalized status. Even legislation that is initially created under the guise of protecting those most vulnerable—rather than protecting policemen who wield power over such vulnerable groups—is often enforced by punitive state forces. This creates hierarchies of risk and violence as opposed to methods of harm prevention and response. The tendency to rely on harsher punishments to deter harm effectively results in an expansion of the system of law enforcement. This system disproportionately targets those who are most likely to experience violence, either at the hands of police or otherwise. In other words, the legal system is viewed as the sole avenue through which wrongs may be remedied, yet its powers are disproportionately used against marginalized communities regardless of their own relationships to harm. This tension—between the state’s purported role as protector, on the one hand, and *enforcer*, on the other—gives rise to a lack of options for marginalized groups seeking safety.

In fact, the counterproductive nature of using harsh punishment as a supposed solution for violence pervades the criminal legal system as a whole. From a prison abolitionist standpoint—which is one that seeks the elimination of the prison industrial complex, or the network of government and industry parties that utilize and reinforce prisons to serve their own interests—harm is not reduced, but rather multiplied by punishment-based responses. Moreover, the existence of the prison as an institution functions to preclude strategies to address the actual social realities that engender violence. An institution that aims to isolate those considered “undesirable” necessarily prioritizes the lives and wellbeing of socioeconomically dominant groups at the expense of marginalized ones. Meanwhile, privileged individuals are led to simultaneously take prisons for granted and view them as vastly separated from their own lives. In the context of hate crimes or otherwise, the communities that are routinely disadvantaged by a reliance on the legal system as a mode of conflict resolution are those from which political institutions have already divested.

Certain abolitionist and left-radical understandings of safety do not exclusively adopt individualized notions of responsibility and accountability, but rather acknowledge systemic realities that make harm more likely in certain contexts as opposed to others. The dominant, carceral understandings of safety—carcerality referring to the reliance on the penal system’s methods of criminalization, punishment, and surveillance as a response to an individualized conception of harm¹—uniformly espouse a notion of protection that is inseparable from that of retribution. Conversely, anti-carceral thought challenges the ties between healing and punishment, acknowledging the collective and complicated nature of harm that exists even in individual instances of violence. Given that carceral logics are inextricably tied to a legal system that routinely subjects racial and sexual minorities to violence, it is uniquely troubling when they are reified within these marginalized communities.

¹ Elizabeth L. Sweet, “Carceral Feminism: Linking State, Intersectional Bodies, and the Dichotomy of Place,” *Dialogues in Human Geography* 6, no. (2016): 202.

What this calls for is an examination of alternatives to hate-crime laws and other fundamentally punitive measures as responses to interpersonal and state-based forms of violence. When we divert attention from a politics grounded in carceral logics, our focus shifts away from what obligations oppressed citizens have towards the state and brings into view what obligations they might have to one another. In other words, de-centering the institution of the law allows us to interrogate how it is that individuals are accountable to one another and to their communities in ways that challenge the law's purported monopoly on adjudicating instances of social injustice.

Abolitionist groups in Chicago, for example, are creating environments and relationships that aim to reject these normative perceptions. While safe space is a culturally pervasive and nebulous term that will be discussed in further detail, some examples of related practices range from peace circles to community meeting spaces for Black and brown youth. Since this work is being done within a society that is structured around punitive responses to harm that disproportionately target marginalized groups, an analysis of processes of transformative imagination along with concrete practices is crucial.²

This work of transformative imagination paired with structural rejections of carceral systems is at the core of many left-radical political groups. Given the relevance of safe space to queer and anti-carceral organizations today, it is necessary to examine *how safety itself is being reimaged in the creation of alternative avenues for protection and accountability within marginalized groups*. This paper argues that the ways in which conflict resolution is practiced by abolitionist organizations exhibit a diverse yet fundamentally consistent understanding of safety as a necessary value as well as a futile political project when it is conceived through the lens of the law.

After analyzing the existing literature surrounding extralegal responses to harm and criticisms of the punitive system, I introduce data from interviews with members

² Vikki Law, "Where abolition meets action: women organizing against gender violence," *Contemporary Justice Review* 14, no. 1 (2011): 85.

of prominent abolitionist organizations in Chicago to ground my analysis in current organizing work. The data serves to acknowledge abolitionist spaces and alternative accountability structures as an existing reality, especially in cities such as Chicago, which have a history of unreliable or hyper-violent police forces. This unreliability gives rise to various modes of resistance that are not focused on “speaking to power” or trying to reform state power, but rather on making state power obsolete.

Research Methods and Logic of Intervention

This project partially focuses on the limitations that arise when people from a marginalized status seek safety or protection from a discriminatory apparatus. It also presents an alternative framework based on existing notions of transformative justice and underlying theories of safety that can be found in the conflict resolution, harm reduction, and power redistribution practices of abolitionist organizations, most of which are led by Black people and queer feminists of color.

The overarching theoretical question draws from literature from a Black queer feminist standpoint and analyzes how dominant conceptions of safety legitimize and reproduce pervasive systems of sexual and racial oppression. In doing so, I analyze the relevance of the concept of safety itself to abolitionist goals. Underlying alternative conceptions of safety are the notions of self-respect and an appeal to dignity for individuals with limited agency, rather than a pathologizing approach to marginalized communities. Synthesizing these ideas with anti-carceral approaches to violence will aid in achieving the aim of identifying factors that are crucial to constructing a value of safety that prioritizes harm reduction and healing rather than punishment and isolation.

The other portion of this project will focus on how this alternative framework may already be functioning within organizing spheres. Individuals in Chicago working in radical queer movements or abolitionist organizing—especially people of color and

queer feminists of color—possess a unique perspective on how communities are affected by being the objects of false perceptions of danger and exploitative relationships with state institutions. This project makes use of semi-structured qualitative interviews, with the goal of gathering perspectives from organizers about the limits to dominant conceptions of safety and respectability as well as the potential they might see to refigure what safety consists of in an anti-carceral context. This method is fitting for a project concerned with experiences of harm, remedy, marginalization, and mutual obligation within organizing spaces. Interviews aim to (1) illustrate the concrete structures that organizations have created for purposes of conflict resolution and survivor support, and (2) highlight the important work of envisioning and reimagining harm and safety given that this work still occurs within the constraints of a racialized, heterosexist society.³

I conducted four in-depth interviews in total over the course of this project, two of which were conducted in person and two of which were conducted over video call. They were all around an hour long, and were conducted between December 2019 and April 2020. I selected a set of individuals to reach out to for interviews based on their participation in prevalent anti-carceral organizations in Chicago. All of the interviews were voice recorded and transcribed. When offered the choice of using a pseudonym, all of my interviewees opted to use their first names.

The content of these interviews will most likely bolster the premise that the carceral state is an inherently unviable provider of safety from harm. It may also reveal potential roadblocks faced by organizers in their efforts to create notions of safety that uphold abolitionist values, or may offer examples of how mutual obligation creates alternative understandings of community and harm reduction. Finally, this analysis will support a set of suggestions surrounding what concepts must be incorporated into an understanding of safety in order to serve radical queer and abolitionist goals.

³ A more detailed interview guide may be found in the Appendix (38).

Theoretical Framework

In order to fully examine what an anti-carceral approach entails, one must first understand questions of race and associated proximity to power. Black feminist literature as well as works of queer theory offer a robust understanding of topics such as carcerality and harm.⁴ Additionally, certain political science studies reveal much about the problems that arise when marginalized groups seek safety from the state in a United States context.⁵

The analytic framework of intersectionality highlights how subjects who exist within several marginalized categories have differing access to opportunity and respect, and is a necessary lens through which to analyze efforts of resistance by those at the margins. Kimberlé Crenshaw argues that the problem with identity politics is not that it fails to transcend difference, but that it frequently conflates or ignores intragroup differences. Importantly, Crenshaw stipulates that social categorization is not unilateral; subordinated people participate in and sometimes subvert systems of power under which they are nevertheless disadvantaged.⁶

In order to recognize the different ways in which harm and struggle are experienced within marginalized groups, issues of deviance and resistance,⁷ as well as those of self-respect and civic duty,⁸ must also be contended with. Cohen argues that individuals who are considered deviant, such as Black queer or gender nonconforming people, should be the focus of efforts of resistance rather than be dismissed due to their deviant status. According to Cohen, by centering the most vulnerable individuals within an already disadvantaged community—such as queer Black individuals or Black

⁴ Charlene A. Carruthers, *Unapologetic: A Black, Queer, and Feminist Mandate for Radical Movements* (Boston, MA: Beacon Press, 2018).

⁵ Lincoln Quillian and Devah Pager, "Black Neighbors, Higher Crime? The Role of Racial Stereotypes In Evaluations of Neighborhood Crime," *AJS* 107, no. 3 (2001): 717–767.

⁶ Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1297.

⁷ Cathy J. Cohen, "DEVIANCE AS RESISTANCE: A New Research Agenda for the Study of Black Politics," *Du Bois Review: Social Science Research on Race* 1, no. 1 (2004): 27–45.

⁸ Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform* (The Belknap Press of Harvard University Press, 2016).

women—it becomes evident that a politics of deviance is incredibly conducive to striking a balance between the reduction of harm and the legitimation of forms of deviance that may not directly result in increased social wellbeing on an individual basis.⁹ Through the process of secondary marginalization, “those members of marginal communities most in need and reportedly extreme in their ‘nonconformist behavior’ are defined as standing outside the norms and behavior agreed upon by the community.”¹⁰ This intragroup stratification diminishes the likelihood of group unity and coordination. While individuals within a community ought not to perpetuate harmful stigmatization against other community members, the fact that they sometimes do does not represent a moral failing on their part as much as it reflects the conditions of the unjust social structure within which the obligation to conform to respectable behavior takes precedence over measures to meet people’s basic needs.

Alternatively, Tommie Shelby offers a theory of self-respect, defined as a belief in self-worthiness despite a lack of imminent justice, and the obligations to which oppressed individuals can legitimately be held. Shelby argues that inhabitants of poor, predominantly Black neighborhoods are not simply passive victims of their circumstances, but rather moral agents functioning under conditions of injustice. Shelby identifies “reciprocity” as a necessary component of civic obligation and collective welfare, and stipulates that the way in which civic obligation is outlined under the current system “does not ensure genuine conditions of reciprocity for the most disadvantaged in the scheme.”¹¹ Given varying levels of blame and privilege, individuals have varying levels of obligation to disrupt and address existing injustices. However, there still exists, in Shelby’s view, a universal duty not to inhibit others’ efforts of resistance. While Shelby focuses on deviance within isolated, economically disadvantaged Black communities, Cohen focuses on subjects on the margins of society in a broader sense. In making a connection between these two pieces of literature, the

⁹ Cohen, “DEVIANCE AS RESISTANCE,” 30.

¹⁰ Cohen, *The Boundaries of Blackness: AIDS and the Breakdown of Black Politics* (Chicago, IL: University of Chicago Press, 1999), 75.

¹¹ Shelby, *Dark Ghettos*.

underlying framework of this project aims to examine the ways in which dominant notions of safety are tied to race, gender, and sexuality, and mobilized to suppress individuals who are secondarily marginalized.¹²

Beyond the impact this has on understandings of power and privilege, similar concepts come into play when considering knowledge production and feelings of safety and immunity that are tied to facets of identity. For instance, Charles Mills describes the implications of the reduction of individuals to the social implications of their race. White memory has historically been edited and revised to serve certain purposes, which both allows for a cohesive self-representation of whiteness as well as a continued ability to reframe real events through a similar lens.¹³ An understanding of this distorted knowledge production must “be expansive enough to include both straightforward racist motivation and more impersonal social-structural causation, which may be operative even if the cognizer in question is not racist.”¹⁴ Mills notes how all parties—not just white Americans—are incentivized to reproduce this system of group-based miscognition. For example, Black people often have to understand white people as a matter of adaptability, while white people have less of an incentive to do the same. This process produces a robust form of ignorance that results in white people’s understandings of threat and danger to be determined more by racial categorization than by immediate empirical fact. Take, for example, the imperialist creation of the term “savage.” The term did not refer to any distinguishing, essential feature possessed by colonized groups of people, but rather was created as a reciprocal of the category of “civilian.” This effectually abstracted racial and cultural realities from factual truth, placing them instead in the context of a politically driven myth.¹⁵ In the context of the criminal legal system, Mills’ argument connects to the ways in which varying proximities to racial privilege shape both safety

¹² Cohen, *The Boundaries of Blackness*.

¹³ Charles W. Mills, “White Ignorance,” in *Race and Epistemologies of Ignorance*, ed. Nancy Tuana and Shannon Sullivan (Albany, NY: SUNY Press, 2007), 31.

¹⁴ *Ibid*, 21.

¹⁵ *Ibid*, 26.

and perceptions of safety.

Additionally, perceptions of safety affect the ways in which harm is taken into account and processed through the legal system, a trend that is well-documented in various quantitative political science studies. Quillian and Pager's study on racial stereotypes and perceptions of crime, for instance, found that the concentration of young black men in a given neighborhood was the largest predictor of widespread perceptions about neighborhood crime rates when controlling for actual crime levels.¹⁶ This speaks to the dominant understanding of safety as a racialized and gendered concept, informed by a fear of Black men and often justified by the protection of white women. This literature thus raises questions surrounding the perception of safety as dependent on proximity to whiteness, although it centers on broad identity categories while remaining less attuned to multiple levels of marginalization.

Intragroup differences are indeed quite important to questions of privilege and safety. Hanhardt specifically addresses questions of public space and zoning laws.¹⁷ She writes that homosexuality has become a regulatory category rather than a radical one, as oppressive state forms are appealed to by white, "respectable" queer people to gain social capital. This results in policies such as discriminatory zoning laws that target the racialized crime categories of loitering and lewdness in the name of public safety. Safety conceived of by these white LGBT individuals is pursued in a way that reinforces rigid identity categories and alienates those who are multiply marginalized. While Hanhardt affirms the worth of seeking environments in which violence is less likely, she also notes that the pursuit of a fixed notion of safety adopts "protectionist" or "isolationist" values that conflict with the gay movement's touting of liberation.¹⁸ Hanhardt advocates a politics that ties self-interest to group-interest and does not define safety as hurting those who commit the specific harmful acts that are deemed

¹⁶ Quillian and Pager, "Black Neighbors, Higher Crime?"

¹⁷ Christina B. Hanhardt, "Introduction," in *Safe Space: Gay Neighborhood History and the Politics of Violence* (Durham, NC: Duke University Press, 2013), 1-33.

¹⁸ *Ibid*, 30.

societally unacceptable.

A similar analysis can be drawn out from the example of the National Defense Authorization Act, which paired LGBT hate-crime legislation with a massive expansion of military power.¹⁹ This expansion of military power ultimately compounded harm for vulnerable groups of people on a global scale²⁰—a consequence that is at odds with notions of queer liberation, which rejects forces of subjection that seek to devalue the lives of those considered deviant. The hate-crime classification of sexuality-based discrimination worked to uphold the pernicious notion that the law, rather than community care or equitable resource distribution, are the avenues through which marginalized groups can obtain protection. Similarly, the feminist anti-violence movement relied heavily on law enforcement to curb domestic violence. An externality of this reliance is the threat to the safety of queer women and women of color due to the risks inherent in police intervention.²¹ These risks often involve the incarceration of these women or their partners. This set of literature acknowledges the issues of petitioning state protection from groups and communities commonly perceived to be threatening, demanding an investigation into alternative modes of conceiving of safety and community.

In a more insular sense, the harmful interactions that can occur within movements and activist organizations—such as sexual assault, violence, or otherwise discriminatory behavior—raise questions of how to create counter-institutions that do not rely on dominant ideas of punitive or retributive recourses to harm.²² Crucial to these more focused accounts are the ways in which Black queer feminism functions as a liberatory lens and site of transformative resistance in the face of multiple systems of

¹⁹ Chandan Reddy, “Introduction: Freedom’s Amendments: Race, Sexuality, and Disposability under the State Form,” in *Freedom with Violence: Race, Sexuality, and the US State* (Durham, NC: Duke University Press, 2011), 1–55.

²⁰ *Ibid.*, 9.

²¹ Beth E. Richie, “A Black Feminist Reflection on the Antiviolence Movement,” *Signs: Journal of Women in Culture and Society* 25 no. 4 (2000): 1136.

²² Carruthers, *Unapologetic: A Black, Queer, and Feminist Mandate for Radical Movements*.

oppression.²³ For example, restorative projects such as peace circles, which focus on fostering dialogue that acknowledges past instances of harm and considers methods to curb future instances, exist throughout numerous organizations in Chicago. The creation of harm-free zones and spaces where community responses are utilized is not a new phenomenon, yet the literature often does not contend with the ways in which these pursuits directly inform communities' conceptions of safety both in and out of these spaces.

Building upon existing literature, this paper maps the ways in which the theoretical concepts of deviance, respect, and safety function within Chicago-based organizing spaces. As abolitionist work transcends state borders in many cases, I hope the findings will be relevant beyond the scope of Chicago. Especially when the carceral state concurrently exists as a massive perpetrator of injustice, I posit that a successful framework of resistance is one that prioritizes intragroup respect and deprioritizes the state's punitive, paternalistic intervention. This does not entail a lack of demands on the state entirely, but rather rejects a singular focus on appealing to political institutions and officials. Abolitionist work is not only highly complicated given the challenge of opposing deep-seated cultural logics and incentive structures, but also promises to give rise to innovative and constantly evolving frameworks of relationships and conflict.

Case Studies

While many abolitionist organizations share common methods and tactics, the focus of this project will be on organizations whose work is illustrative of the overlap between police violence, safe space, and gender. One example of this is *The #LetUsBreathe Collective* and their Freedom Square occupation in 2016. The occupation lasted for 41 days and was held in opposition to Homan Square, where thousands of

²³ Jenn M. Jackson, "Private Selves as Public Property: Black Women's Self-Making in the Contemporary Moment," *Public Culture* 32 no. 1 (2020): 107–131.

Chicagoans underwent illegal detainment and torture. Interview data from this organization focuses heavily on the political theory of abolition and the importance of world building to efforts of transformative resistance.

Assata's Daughters is another organization that provides similar political education to Black youth in Chicago. They are Black woman-led and center the voices of young people. The organization follows in radical Black feminist traditions, and further recognizes the frequency with which Black women in domestic violence situations are criminalized for taking self-defense measures. My interview with a member of this organization primarily concerned how abolitionist organizations might curb the internal reification of systems like misogyny and elitism.

The third main case study is the Chicago branch of *Black and Pink*, an organization made up of LGBTQ+ incarcerated folks and free world allies. *Black and Pink: Chicago* operates from an abolitionist standpoint and engages in advocacy for the rights of incarcerated people. Interview data from this organization involves discussions about the benefits and complexities of organizing from a queer standpoint as well as with people from vastly different social strata.

The final case study I present pertains to *Dissenters*, a national anti-war movement organization.²⁴ While this organization has local teams of young people in various locations around the country, it has roots in Chicago and contributes significantly to the organizing landscape within the city. Their goals involve reclaiming resources from the war industry to be reinvested into communities and power-building efforts at the grassroots level. Data from this interview focuses on the connection between community building and questioning larger systems, as well as the role of identity in individuals' relationships to left-radical organizing work.

Although the interviews I conducted focus on experiences within these individual organizations, it is important to note that they are all involved in multiple

²⁴ "About Us." Dissenters, <https://wearedissenters.org/about-us/>

campaigns, all of which involve a concerted effort to reimagine safety, address the gendered nature of prolific forms of harm, and construct various iterations of safe space. There is no singular practice of conflict resolution that can be applied to all situations, but a thorough examination of the efforts being made in abolitionist organizations can uncover commonalities in their analyses of harm and safety.

Interview Data and Analysis

The interviews for this project were semi-structured, and thematically informed the focus of my analysis. There were four main themes that arose during these interviews that are particularly relevant to the question of abolitionist conceptions of safety: policing, space, marginalized identity, and imagination and envisioning.

Policing

Policing is an institution that is often associated—both positively and negatively—with safety. This entrenched association is symbolically exemplified by what my interviewee from *The #LetUsBreathe Collective*, Damon, refers to as a kind of “doublespeak”. He noted that “the Chicago Police Department's headquarters is not called the Chicago Police Department Headquarters, it’s called the Public Safety Headquarters. Which I think is like, vile. Our investment nationally and globally into militarism is not into ‘militarism’ it’s into ‘security.’” This conflation of law enforcement with safety is particularly pernicious when taking into account the pervasive nature of police violence perpetrated against marginalized communities.

There are three main attributes of the mobilization of police under the guise of safety that were cited in the interviews as being central to these organizations’ respective demands for anti-carceral approaches to harm. These are (1) the nature of policing as a white supremacist system of control, (2) vastly disparate experiences with law enforcement depending on one’s positionality within the existing social structure, and (3) an effective distraction from more substantive approaches to harm prevention

and response.

Indeed, the establishment of the institution of policing was directly tied to efforts to protect the property and social status of the ruling class.²⁵ The increasing wellbeing of Black individuals and those considered to be external to norms of whiteness and heteronormativity was thereby perceived as a threat to the status quo that had to be subdued by force.²⁶ This history was summarized quite succinctly by Asha, who is a member of *Assata's Daughters* and an anti-militarism group called *Dissenters*:

I believe the abolition of police and prisons is a necessity, because the police, they're a relatively new structure. They came out of controlling slaves, catching runaway slaves, and also to suppress labor movements. So their very purpose is to maintain an imperialist nation that has destroyed much of the world and contributes to ways that don't actually address harm. [...] Most people are in jail for bonds or for crimes of survival. Jails make people money.

Asha explained that senior members of the organizations she is involved in have shared their understanding of the police as a means of controlling those who pose a threat to established hierarchies. This can take the form of the police subduing protesters and activists, or utilizing racialized criteria to justify the use of armed force and incarceration. Ultimately, the power of law enforcement is imbued with the ability to determine which groups and individuals are targeted so as to maintain the arrangement of socioeconomic relations in the service of the ruling class.

The result of this is that one's positionality in relationship to state power or social norms of respectability both informs and is informed by policing and criminalization. State protection for certain privileged groups comes at the expense of violence perpetuated against marginalized ones when threat and danger exist as racialized concepts. In my interview with Emma, a coordinator of *Black and Pink*:

²⁵ Sweet, "Carceral Feminism."

²⁶ Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (1993): 1707-1791.

Chicago's research team, she noted that the accessibility of their meeting spaces is sometimes affected by police presence within their proximity.

Something that we're working on is recognizing that a lot of the spaces we occupy are not safe for all of our members. So particularly, we had a [pen-pal] matching in the basement [...] But the... there was not super clear signs indicating where to go. And every month we always kind of laugh about how [...] like, we really gotta get more clear signs, it's kind of confusing. And then a Black person came to one of the matchings and you know, in kind of good faith made a joke about like, yeah, didn't look awesome, a Black person poking around a church in an incredibly wealthy white neighborhood in Chicago. And all of us were like, okay, fuck, yeah. Okay, good point. It is not just, like, funny and inconvenient, it actually puts people's safety at risk because somebody could have called the cops on that person. We're really dedicated to not calling the cops.

The story Emma recounts here reflects the ways in which race and positionality can be predictive of one's relationship to the law, both in terms of run-ins with law enforcement and the conditions necessary for feeling a sense of safety and belonging. Essentially, "criminal justice institutions have come to play a socializing role in the lives of a substantial subset of Americans, fundamentally influencing how they come to conceptualize the democratic state and their place in it."²⁷ Even as someone who subscribes to abolitionist politics, Emma's experience as a white woman offers her a perspective of the police that likely resulted in her initial assessment of the cops in the church as ironic as opposed to threatening, or of the lack of signage as "inconvenient" rather than a more impactful obstacle to navigating the meeting space. There are similar obstacles in the broader context of Boystown, a neighborhood considered to be an LGBT hub where some pen-pal matching events take place. Indeed, demands for

²⁷ Vesla M. Weaver and Amy Lerman, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (Chicago, IL: University of Chicago Press, 2014), 2.

safety within the neighborhood often reinforce the reality that “[p]olice profile LGBT people of color, particularly youth, as potential perpetrators of hate crimes in predominantly white, gay urban enclaves.”²⁸ The work Emma is actively dedicated to doing—that of interrogating the ways in which *Black and Pink* is differentially accessible to different groups of people—is therefore both internal and structural. Evidently, even within abolitionist organizations, policing poses tangible barriers to participation that must intentionally be accounted for in order to avoid internally reifying the effects of the prison industrial complex as much as possible.

The third way in which policing was presented in these interviews is effectively as a distraction from more productive avenues of change. Policing offers a falsely universal promise of safety and, in doing so, stifles our ability to conceive of alternative manners of conflict resolution or harm reduction. As a member of *The #LetUsBreathe Collective*, Damon was also involved in the Freedom Square occupation, which existed in direct opposition to police torture. Damon acknowledged several links between policing and the harms that are perpetuated against Black individuals, both in numerous individual instances and on a systemic or ideological scale. In doing so, he also acknowledged the government’s and mainstream society’s fallacious representation of the police as an adequate and beneficial solution for issues of public safety and wellbeing:

So I think one of the issues with policing is that it's a flattening of power. That reifies violence, right? So instead of having people prepared to respond to all these very different, unique instances, we're just going to smosh all of that power into a badge and a gun. So the same person who responds to a store getting robbed, the same person responds to domestic violence, and the same person responds to a protest, and the same person responds to somebody having a mental health episode, right? And what movement has taught me is that there

²⁸ Joey L. Mogul, Andrea J. Ritchie, and Katherine Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States* (Boston, MA: Beacon Press, 2011), 128.

are people who organize and learn and advocate and build strategy on all of those specific instances and harms, and police are not experts on any one of those things. And they don't have the tools, they're only equipped to fine, detain, or apply force, and that won't stop any of the addiction, abuse, hunger, mental health...

Damon acknowledges several different factors that contribute to the failure of policing to be a force for social wellbeing. He specifically cites the practice of placing unchecked power in the hands of police, tasking them with responding to situations ranging from violence and property damage to civil disobedience and mental health crises, and failing to equip them with the tools and understanding necessary to offer substantive aid. While an abolitionist analysis stipulates that an investment into police training is antithetical to anti-carceral work, it would seem that Damon is not so much suggesting otherwise as he is noting that the institution of policing is doubly flawed. It enforces and perpetuates violence against marginalized communities while also being unequipped to fulfill the needs it was purportedly created to address. A further complication is the way in which even members of marginalized communities are socialized to think that safety can only be granted by the police, leading some to advocate for a greater police presence in their neighborhoods. Overall, the singular faith placed in policing to solve such societal issues precludes mainstream validation of transformative and innovative approaches to dealing with violence.

So what does this understanding of the effect of policing mean for an abolitionist conceptualization of safety? In one sense, it claims that safety, when used to justify policing as an ongoing political project under a carceral system, is ultimately harmful. As Damon puts it, “the investment in police is this investment in safety. And I believe safety is a fallacy. So if we keep investing into a fallacy, there is never a point where we can divest from it, right?” Hanhardt’s suggestion that “[s]afety is commonly imagined as a condition of no challenge or stakes” similarly highlights the popular, unrealistic

desire for safety as infallible protection.²⁹ This notion is precisely the one from which the push for increasingly harsh law enforcement stems. Rather than pouring time and resources into the false hope that this ideal of complete safety is attainable, the logic of abolition focuses on measuring harm and creating space for people to be accountable for that harm. Any anti-carceral pursuit of safety must therefore at least acknowledge the inevitability of certain kinds of harm and the reality that punitive forces multiply those harms.

Space

In addition to being a punitive force, policing acts as a manner of creating and enforcing regulations, often in what seems to be a morally arbitrary manner that seeks to preserve the status quo distribution of wealth and power. These regulations largely concern the use and organization of space. For instance, public safety laws implicitly criminalize Blackness, housing laws prioritize whiteness and wealth, and the majority of police violence that gets covered in the media occurs in the streets. In Damon's words, "[o]ur oppression has been spatial. Mike Brown was killed on the street. Laquan McDonald was killed on the street. Eric Garner was killed on the street." Public space, local dynamics, and idealistic world building are all spatial *and* ideological concerns in the long-term pursuit of abolition. This set of interview data thus surrounds understandings of space and safe space within local and organizational contexts. In relation to abolitionist conceptions of safety, I propose that space is (1) an apparatus for regulation and risk redistribution, (2) an object to be claimed or reclaimed as an act of resistance, and (3) a necessary tool for transformative politics and world building.

Regulation through the control of physical space is a key factor in the institutions of police and prisons. The concept of placing supposedly disruptive members of society into cages is one that treats public space as a privilege and relegates people to extremely confined space as a punishment, often disturbingly

²⁹ Hanhardt, "Introduction," 30.

presented as a form of rehabilitation. Not only is this notion promoted by government parties, but it can also be reified amongst incarcerated individuals themselves. Emma touched on this in the context of currently and formerly incarcerated members of *Black and Pink*, who sometimes morally distance themselves from other incarcerated folks:

I think many people have kind of the, like, holier-than-thou approach where they're like, 'some people in here are fucked up and did some dumb things and deserve to be here, and I don't'. And some people maintain that they're innocent, or some people say it was a mistake, or that they've learned or whatever. [...] And that's hard because it's like, I don't know, I don't know the dynamics. I'm not in there. But I do think that that's something that we want to talk about more in the work that we do, and I think that'll become a next step of it, is thinking about what is the alternative to this facility if we tear it down. Treatment is a big part of it. But if we strengthen the treatment that's being provided within the facility, then the facility will stay in place, because that's why... that's like how it gains funding, is because it's seen as, like, a beneficial thing.

Along with recognizing that her positionality limits her understanding of the tendency to reify this standard of deservingness or respectability within prisons, Emma's response implies that the institution and location within which transformative responses to harm are pursued heavily impact the nature of the work itself. The example she offers is how lobbying for improved mental health services can counterintuitively increase a prison's funding and bolster widespread perceptions of the criminal legal system as a valid system of harm response. Rather, this branch of abolitionist work ought to be done in communities and local organizations in a way that does not materially fortify carceral systems. Essentially, Emma presents the important consideration that prisons' use of space to regulate individuals is often reified by the individuals themselves, likely as a result of the practical and political conditions to which they are subjected in the carceral system.

Despite abolition's opposition to all forms of prisons and policing, the

relationship between space and social regulation does not cease to exist within organizing spaces. As Asha explained,

the person you want to hold accountable, you can't *make* them accountable, they have to create that accountability for themselves. That's like half the battle, is getting them to realize, hey, what I did was not beneficial. Like, say someone sexually harassed someone, and there needs to be, like, a reentry back into the community. Not in a jail but, like, if you're in an organizing space, you no longer have access to that space because you're causing harm. And then you have to work out a process of educating that person, also realizing what harm might have caused them to pass that harm onto someone else.

Indeed, while abolition does seek to challenge the ways in which space is used to prioritize the needs and wellbeing of dominant classes of people, Asha offers an abolitionist conception of safety that also entails a regulation of space and of who has access to it, though it does not involve the limitation of necessary resources or services. Rather, it promises a more collective process of accountability, the specifics of which may change in each unique scenario.

The claiming and reclaiming of physical space is a crucial part of many social movements. For example, Freedom Square was an occupation in an abandoned lot near a building in which illegal detention and police torture was taking place. While it was not intended to be a sustained campaign at first, Damon explained that it was an acknowledgment that the community was aware of what was taking place inside the building and an affirmation of people's experiences at the hands of the policemen involved. He noted that the goals of Freedom Square were "spatially being the embodiment of, one, torture happens there, love happens here. And two, we were reminding folks of the harms of state violence and how militarized policing is destructive to community." Freedom Square served a physical function (that of crafting a community that directly countered the nearby practice of torture and punishment with values of mutual care and restorative accountability) as well as a metaphysical

function (engaging community members in ideological discussions and demonstrations about militarism and abolition). What the occupation became was “a creative, generative opposition to Homan Square. It was Freedom Square right across the street.”

Finally, the notion of space is also crucial to the abolitionist practice of transformative resistance and world building. Such spaces—whether they are framed as safe spaces, community spaces, or, in the case of *#LetUsBreathe*, “brave spaces”—do not simply offer temporary shelter from a violent, militarized world. They can also serve to create alternatives to the current system without directly engaging with the system itself. For instance, Asha explained that

Assata’s has really created a safe space. Like we have a space for women, femmes, and gender non-conforming people on certain days. And on other days it’s just for, like, the guys and men, like male-identifying people. And I feel like with that distance you get to really talk about what’s going on. And then when you come back you kind of get to work on it. [...] So you can’t avoid conflict, you need to learn how to work through it.

Asha makes a crucial point when she notes that the safe space she values does not function under the guise of perfection. Rather, she acknowledges that conflict is inevitable, and that the kind of safety offered by this space is the comfort with which people are able to call out mistakes and harmful behavior as well as take accountability for them. Emma shared a similar analysis of her organization’s meeting spaces, albeit using different vocabulary. She explained that she does not consider their spaces to be “safe,” but rather “*safer*”. Emma said that the fact that she can openly speak to her experience as a queer person—the feeling of being part of an “inside joke”—does not so much speak to the organization’s queer angle as it does to the way in which queerness is almost a default part of her organizing experience. This can offer many of their members a sense of relative safety: the feeling of being in a “safer space” compared to the other spaces they occupy.

Based upon these interviews, abolitionist organizations' use of space is both oppositional and generative. Occupations are a claiming or reclaiming of space aimed at awareness or demands for a shift of power. Organizations are creating spaces in which collectivity, cooperativity, and accountability reign as defining community values. Cultural expression and creativity are other factors that contribute to spaces such as #LetUsBreathe's #BreathingRoom space³⁰. While a safe space that is devoid of harm and conflict is unlikely to exist, it is clear that the pursuit of a "safer space" continues to be prolific in varying contexts within the abolitionist movement.

Marginalized Identity

If we are to challenge the existing distribution of power and strive towards collective wellbeing, it is necessary to center the perspectives of those at the margins of society. This is partially because these individuals and groups are disproportionately socioeconomically disadvantaged while often also posing a challenge to rules of respectability and conformity. Based on the interview data, taking marginalized status into account in harm response practices (1) helps create accountability structures that are non-punitive while also prioritizing the needs of those harmed, (2) highlights the difference between organizing around a specific identity group and through lenses of intersectionality or queerness, and (3) informs the language that ought to be used within abolitionist thought to productively acknowledge complicity.

The centering of those who have experienced harm in restorative justice proceedings is often stressed by facilitators and activists. On a more abstract level, this practice stands in stark opposition to the way in which marginalized individuals are deemed to be unwanted presences in so-called safe neighborhoods. As Damon put it, "once you hear, you know, the regular middle-class white person on the news when violence happens, they'll say, 'that's not supposed to happen here. This is a safe space.' They are then implying that this is supposed to happen somewhere else." As long as

³⁰ "The #BreathingRoom Space." The #LetUsBreathe Collective, <https://www.letusbreathecollective.com/what-is-breathing-room>.

violence and harm occurs away from whiteness and wealth, people with access to privilege can continue to live in pursuit of the aspiration of complete safety. Damon explained that part of what *#LetUsBreathe* has in place to challenge these false perceptions is their idea of “brave space” as opposed to safe space, which is intended “to protect particularly the most marginalized”:

So I can respect [safety] as a personal, social need, but I don't see it as an effective collective political reality. You can never be safe. So with that there can always be this investment into violence. Because there's this psychological fear of just, like, life, and existence, and, like, our mortality, you know. I think it gets a little bit deeper. So that's where... so then the notion of bravery is that, that gives us something active to do. [...] we're trying to create better response systems, as opposed to just saying, no, that doesn't happen here, this needs to be excluded, right?

Along with Damon's observation that safety, when defined as the absence of harm, is unattainable, he also implied that an acknowledgement of its unattainability encourages those in a disadvantaged social position to adopt more of an active role in creating new systems of social relationships and harm response. This is not to say that harm, and especially *systemic* harm, ought not to be challenged, but rather that an acknowledgement of the fact that everyone harms and is harmed in various ways is crucial to forming transformative responses to it. In line with this, Damon described brave spaces as ones in which people were willing to have open discussions to confront their own implicit biases in an intentional but forgiving manner.

Organizing in a way that centers those most marginalized does not entail organizing exclusively carried out by multiple marginalized individuals. Rather, it is crucial to draw a distinction between movements that serve specific identity groups and ones that employ a lens of intersectionality, for example. While both have served, and continue to serve, important purposes, there are instances in which certain identity groups are prioritized at the expense of others. Specifically, LGBT activism

often refers to the mainstream gay movement that has tended to rely on the ability to assimilate and appeal to the government to be granted rights in return for upholding norms of respectability. Queerness, on the other hand, is a term used by certain organizations to encompass a more robust sense of collectivity based on non-normative identities and lived experiences as well as an inability or unwillingness to conform. As part of a self-described LGBTQ organization³¹, Emma described queerness as a relationship to power and the state:

I would say that anytime you're thinking through, like, an abolitionist mentality, that is going to be in some way queer because the idea of thinking in a way that's transcendent of the systems in which we live in, and thinking in a way that identifies that the systems that we currently live in are not built to serve the majority of people, and serve the interests of a small group, I think is a very queer framework to operate under. So I guess I would say that our organizing, while not always explicitly about LGBT issues, is queer in its conception.

Although some of the work that *Black and Pink: Chicago* does may not directly be tied to LGBT individuals, it *always* arises from a “queer framework” that challenges existing authority. In other words, *Black and Pink's* abolitionist analysis is aimed at transcending the carceral systems in which we live and imagining a world in which the needs of the most marginalized individuals are met.

Another important distinction exists between identity-based and issue-based organizing. The importance of recognizing the limits of identity as a singular factor around which to organize was a central theme in my interview with Byul, an organizer who started *Dissenters* and has a background in the student labor movement. Byul explained that, during college, she felt as though her experiences as a social justice organizer and as an Asian American organizer “very rarely overlapped,” which she partially attributes to the routine de-politicization of Asian American identity. Byul also shared her perspective on the role of identity in activist organizing spaces:

³¹ Black and Pink. <https://www.blackandpink.org/>

Q: How do differing identity categories like gender, race or sexuality tend to impact relationships within organizations, if at all? And, like, does that affect your relationship to organizing?

A: Hmm, yeah. So I might have a little bit of a controversial opinion on this to be totally honest. [...] while I do think that [identity] really shapes everything that we do, I think that it can also limit us sometimes when we sort of approach organizing, like, with identity as the first... the first, I guess, like, filter. And I have at times felt a little bit like things can get a little reductive, that my identity shaped what I'm allowed to, like, sort of lead on, or what I can care about. I don't actually think that's the case, because I think that we all have different leverage depending on our position in society. I think that really everybody should be organizing, or like, you know, taking action on issues that, you know, they have, like, the ability to strategically impact, if that makes sense.

While Byul importantly notes that identity greatly impacts lived experience and individual types of leverage—and thereby the differing organizing strategies available to individuals from differing identity groups—she also mentioned during the interview that she strives to organize more around values than around exclusive identity groups. Byul noted that, “especially with *Dissenters*, we talk about centering young people of color and centering, you know, young working class people. And at the same time, we're not exclusive to those people to be involved.” Although there is worth in uplifting and centering marginalized voices within an organization, there is seemingly an ideological and strategic benefit to recognizing that people with shared values but varying lived experiences all have unique roles to play. While the abolitionist movement largely continues to be spearheaded by queer women of color, Byul's perspective also reflects the importance of making abolitionist spaces accessible to as many people as possible while staying true to its principles. In the context of *Dissenters*, one of Byul's initial goals with the organization was to be able to build bridges between various communities and issues. For example, the group works to highlight

connections between domestic struggles against systems of policing and international resistance to the violence of the United States military. Rather than “diaspora organizing,” Byul engages in organizing work that recognizes both a collective struggle against the United States Empire as well as her own positionality within it as a useful strategy in solidarity efforts with people overseas.

The third point that arose within the theme of marginalized identity was that of language and acknowledging complicity. Something that was frequently mentioned in relation to this was replacing the shame of taking accountability with responsibility and a commitment to do better. In addition to uplifting forgiveness as a core value, Damon offered the analogy of anti-violence versus non-violence. While anti-violence is an active opposition to societal violence, non-violence paternalistically expects peace as a response to it.

And so similarly, particularly for Americans, to call yourself non-violent is ridiculous. Take our phones. Our phones are made by slaves. Our currency is inflated by blood. Our roads are covered with genocide. Our day-to-day life is informed and massaged and manicured through violence, even if we're not active applicants of the force.

And so then being anti-violent is accounting for that, acknowledging that, and not panicking and crying over it, but just acknowledging that responsibility, the privilege that comes from it, the harm that others and ourselves experience from it, and then working to oppose or counteract it in as peaceful of a way as possible, but also not passively allowing it, which is embedded in how non-violence is propagated. It's not what the philosophy was and not how the practice actually happened in movement spaces. But particularly the way the media repackaged it was this fucked up, Christian, biblical, turn the other cheek, which is really offensive to say to someone who's getting hit in the face. Particularly if you're the one doing the swinging.

As opposed to the zero-position of “non-violence” or “non-racist” that is often the result of shame or guilt, Damon advocates for values like anti-racism, anti-patriarchy, and anti-homophobia. Those who benefit from hegemonic systems just by way of embodying certain identities ought to acknowledge that fact while actively working to counteract the systems themselves.

Marginalized status, and its effects on vulnerabilities and privileges, must be accounted for in any abolitionist conception of safety, especially given the manner in which perceived deviance has historically been associated with socioeconomically disadvantaged groups, who are targeted and criminalized by the prison industrial complex.³² Based on these case studies, safety for those most marginalized does not simply mean the exclusion of those who act or speak in a discriminatory manner. In fact, even unintentionally discriminatory speech tends to arise in groups consisting of diverse lived experiences, especially prior to cultivating shared values. Rather, safety at least in part entails nurturing an environment in which people feel supported enough to both point out harms and take accountability for their own wrongdoings and missteps.

Imagination and Envisioning

The final theme the interviews focused on was that of imagining a world without prisons and institutions that uphold an individualistic, punishment-based response to harm. This section outlines (1) how organizations have created space for transformative imagination, (2) the role of creativity in abolition, and (3) what each of my interviewees envision when they think of abolition.

While some may argue that imagination is an abstract mode of resistance against the carceral state that only yields lofty, unattainable goals, abolitionist organizations frequently create concrete structures that allow for a hopeful yet grounded collective

³² Dean Spade, “Their Laws Will Never Make Us Safer,” in *Everyday Women’s and Gender Studies: Introductory Concepts* (New York, NY, Routledge, 2017): 156–161.

vision. For example, Asha recounted how *Assata's Daughters'* community garden serves as a space in which people can have access to nutritious food within a food desert. In addition to meeting collective material needs, the community garden is a place where cooperation and comradeship reign supreme. Asha finds hope in that environment, since it allows her to witness a real manifestation of what interpersonal relationships can be like absent forces such as racism and capitalism.

I love Assata's, because they have given me, like, the freedom to imagine better. And, like, they never limited what we kind of say we can possibly do to create a world that we actually want to be in. We complain so much about this horrific system. But I think what keeps me going is the hope that we can actually get there. This is just a pathway to liberation. And this is our, like, little part that's part of a greater movement.

Asha notably mentioned how the work being done by *Assata's Daughters* does not exist in a vacuum. This points to the fact that there can be no all-encompassing practice of transformative, abolitionist resistance, partially because one of the flaws of the prison industrial complex is precisely that it purports to be a universally appropriate system. However, as Damon also posited, the notion of bravery encourages self-protection and a constant striving for wellness. There may be multiple avenues through which that can be accomplished, but what is crucial is creating a space where marginalized people are allowed to theorize about a world in which they want to live.

This kind of theorizing often takes the form of art and other creative pursuits. It has a double effect of spurring innovative analyses of the political system and packaging a revolutionary message in a more broadly appealing form. Damon described this succinctly, saying that

creativity is the exercise of imagination. So to be able to build that muscle, you have to have some type of practice. You know, some of it is historical, whether it's hip hop, whether it's the Black Arts Movement, there's always... whether it's

spiritual and even some of the origins of gospel within the movement of resistance and liberation. There was always... that's what makes it complete, holistic. Also, you know, there's just, like, a sugar with the medicine component of, how do you popularize messaging and ideas and experience?

Not only does creativity contribute to a prolific message in his view, but it also directly opposes capitalistic tendencies. Damon explained that, since we are all trained—through schooling and capitalistic norms of success—to be skeptical, apathetic, and ambitious at the cost of others, art and mutual appreciation is an act of resistance. Abolition arguably *demand*s creative imagination as part of an overall resistance against exploitation and punishment.

In addition to art, creativity in the context of abolition can arise from the often difficult practice of thinking beyond the premises offered by dominant institutions. Not only does this foster a necessary tendency to question authority, but it also can result in innovative responses to issues that fail to be addressed through carceral avenues. Byul explained,

I think that the number one way that people in power maintain power is by limiting our imagination and by making us think that we need certain system because it feels impossible to imagine anything outside of them. [...] And so I think that, like, prison abolitionists being able to reshape what's possible and actually creating alternatives to demonstrate that it is possible to have healing without incarceration and without punishment really, like, radically pushed me to think about how that might apply on a global scale, and how, you know, we don't actually need to water down our values, and we can hold them all the way to their logical conclusion, which is abolishing prisons and police and the military.

In this sense, abolitionist creativity and imagination implies active resistance against roadblocks that have intentionally been placed in the way of our transformative

imaginings by dominant, carceral ideologies. Institutions that the public is made to accept as necessary, such as the police and the military, are not truly indispensable. As mentioned in several interview excerpts, they are made to seem so in order to protect a status quo that systemically prioritizes certain people over others. Moving beyond the constraints of carceral logics—as well as constantly building and improving alternatives—is a central pillar of abolitionist work.

Finally, I asked my interviewees what they envision safety to be from an abolitionist standpoint. Apart from what has been established throughout this section, they all mentioned forgiveness, cooperation and community care, and a heightened respect for the land as crucial shared values. Byul noted the importance of material and mental wellbeing, saying that she “would define [safety] as access to life-affirming resources, and the absence of fear that those will be taken away from you.” Emma shared her vision of abolitionist work as, in part, the daily practice of

avoiding the carceral nature of writing people off. And particularly, we have more leniency for formerly and currently incarcerated people. [...]that kind of complexity, and kind of having different expectations for the way that people have been socialized [is important].

Emma advocates for a less individualized approach to blame and a more concerted effort to understand how collective socialization and differing positionalities can affect how people interact and deal with conflict. Additionally, she shared her appreciation for being in community with other abolitionists, describing it as working together with people who share her long-term vision of abolition despite perhaps taking different steps to get to that shared goal. This paired cooperation and diversity of thought offers an intellectually rich environment with shared foundational values. Damon echoed this sentiment as well, calling for an increased respect for one another. He suggested that “we are organized towards conflict and competition. And I think we need to subvert that in almost every realm that we can and try to figure out how to be as cooperative as possible.” While this does not entail being fond of everyone or constantly sharing the

same spaces, it does entail resisting the mindset of scarcity and tethering individual wellbeing to collective wellbeing.

Indeed, the importance of imagination and envisioning is not separated from the structural work of abolition, but rather directly informs it. Such practices of theorizing are profoundly grounded in the lived experiences of Black, queer, and low-income people who are hyperaware of the pitfalls of the carceral system. Disrupting power can entail many things aside from protest and civil disobedience. Collective envisioning practices are just one method of beginning to build a better world within a non-ideal social structure.

Conclusion

The project of abolition in part arises from the observation that state violence is not the result of a flaw in our political system, but rather the product of its intended purpose—an observation that gives rise to a demand for new systems than reforms. Given the numerous communities impacted by law enforcement and the criminal legal system, it is crucial to highlight the unifying values of abolition without flattening out the diverse thought that exists in abolitionist spheres. As a frequently cited concept within abolitionist organizations, safety demands this level of analysis. Hanhardt recounts,

James Baldwin often spoke about safety and its status as an ‘illusion’ on which the dominant society depends. I, too, am not convinced that safety or safe space in their most popular usages can or even should exist. [...] This is not to say that the ideal of finding or developing environments in which one might be free of violence should not be a goal.³³

While mainstream understandings of safety and safe space are wrought with racist and

³³ Hanhardt, “Introduction,” 30.

exclusionary politics, the pursuit of a violence-free space is imperative. I reaffirm this recommendation for a view of safety that is critical of society's conceptions of who and what are considered to be threats.

To this end, my interview data gives rise to essential observations regarding the consistencies among the various abolitionist approaches to cultivating safe—or rather, *safer*—communities and organizing spaces. First, an abolitionist analysis of policing as an institution is generative in ways that exceed a critique of the carceral state. Acknowledging complete safety from harm as a fallacy that has been weaponized by the criminal legal system leads many abolitionist organizers to instead focus on harm reduction. An understanding of certain kinds of harm as inevitable is not fatalistic so much as it is empowering, since such an understanding gives rise to harm responses grounded in accountability and healing rather than punishment and isolation.

Similarly, abolitionist approaches to space as both a regulatory and transformative tool reflect the ways in which space can be a site of reclamation and community care. Indeed, space is frequently utilized as a site for oppositional resistance as well as a site of respite from discriminatory, hyper-regulated environments such as Chicago's over-policed streets. Safe spaces that are entirely devoid of harm may indeed be non-existent, yet this notion by no means diminishes the worth inherent in pursuing "safer space," particularly for marginalized individuals who so frequently experience physical and psychological violence under the carceral state.

Thirdly, marginalized status itself seems to be a factor central to anti-carceral critiques of hierarchies of risk and safety. Not only is marginalization a predictive category for an individual's relationship to the law and other regulatory institutions, but its effects also inhere in relationships within organizing spaces. An abolitionist approach to safety within such spaces necessitates a robust awareness of differing positionalities and tendencies to internally reify carceral attitudes.

Finally, and most importantly, my analysis rejects the notion that abolitionist

imagination and envisioning practices are removed from reality. Abolition is the result of holding values of care, healing, and accountability to their logical conclusions. It is a structural project that aims to deconstruct the prison industrial complex, a goal that would be unachievable absent an concerted effort to theorize and practice social relations beyond what is possible within a carceral system. Paired with concurrent world building approaches, like The #LetUsBreathe Collective's #BreathingRoom space, such theorizing directly disrupts carceral systems while also aiming to highlight and accelerate their obsolescence.

A final note before concluding regards the spread of COVID-19 and its effects in prisons. As of May 2020, Cook County Jail in Chicago was “the nation’s largest-known source of coronavirus infections.”³⁴ The outbreak has been treated in the media as a public health and safety crisis. The incredibly high rates of infection in jails and prisons has emphasized the contradictions inherent in seeking safety by way of appealing to carceral institutions. Abolitionist groups are nationally calling for the immediate release of those being held in prisons, jails, and detention centers.³⁵ My project largely predates these currently proliferating strategies and narratives, and I therefore did not take them into account in my analysis. However, it would appear that these current circumstances only emphasize the scope and urgency of organizing work related to abolitionist conceptions of safety.

The documenting and theorizing of abolitionist work that I present in this paper is a small part of an increasingly robust movement towards a world without prisons. Despite the richly diverse landscape of abolitionist thought, I conclude that there does exist a somewhat consistent, albeit complex approach to safety. Notably, while safety as an absolute value may not serve anti-carceral ends, its pursuit is recognized within abolitionist groups as a worthy one. The pursuit of safety is both oppositional and generative, material and nonphysical, and holds the potential to be an anti-carceral

³⁴ Timothy Williams and Danielle Ivory, “Chicago’s Jail Is Top U.S. Hot Spot as Virus Spreads Behind Bars,” *New York Times*, April 8, 2020.

³⁵ E. Jason Wambsgams, “Protestors call for inmate release due to coronavirus threat,” *Chicago Tribune*, April 7, 2020.

value that demands the conditions necessary for a truly reciprocal community.

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Appendix

I. Interview Guide

- The organizations I cited were selected based on the various ways in which their missions overlap with concepts of safety and abolition. Interviewees were selected based on involvement in the organizations, and some were contacted based on prior relationships through my own organizing experience.
- Out of my four interviews, two of them were conducted in person and two were conducted over video call (one was an interview with an out-of-state member of a Chicago organization, and the other was conducted during the social distancing circumstances that resulted from the spread of COVID-19).
- All interviews were voice recorded and transcribed shortly after. Once they were transcribed, the voice recordings were deleted.
- No cash incentives were offered.
- While all interviews were semi-structured and contained variations according to varying organizational experience and areas of expertise, the following is a basic list of questions that I used to guide these conversations:
 - i. Can you introduce yourself and briefly describe your involvement with [organization(s)]?
 - ii. How did you first get involved in abolitionist work?
 - iii. What is your definition of abolition?
 - iv. Are there aspects of your identity that either benefit or complicate your experience as an organizer?
 - v. How do differing identity categories—like gender, race, or sexuality—impact relationships within your organization, if at all?
 - vi. How does the work of imagining or envisioning alternatives fit into the projects you're involved in, if at all?

- vii. What is your definition of safety, if you have one?
- viii. Can we make sense of safety from an abolitionist standpoint? If so, how?
- ix. What structures, if any, exist in your organization to engender safety?

The Fear of Women Losing: Trans Women, Fairness, and Biological Superiority

Deimy Yolanda Chavez Oropeza

Introduction

In the article "A Feminist Case Against the Feminist Case Against Trans Inclusivity," philosophers Finlayson, Jenkins, and Worsdale contend that trans inclusivity in women-only spaces need not rest on the question of whether trans women are women or not, but rather on whether, given that "women-only spaces are only a kind of best-fit measure for tackling the phenomenon of gendered and sexual violence,"¹ trans inclusivity is a more pragmatic response to these phenomena than exclusion. While the authors are writing of women-only spaces such as bathrooms and locker rooms, an analogy can be made here to women-only sport. Insofar as sex segregation in bathrooms has the intended purpose of protecting women (here understood as cis women) from harm, what is the purpose of sex-segregated sport? Simply insisting that trans women are women, while true, is not enough here. Rather, what is being avoided by having women-only sports—what is the analogue to violence?

The question of transgender women in sport requires an exploration of the arguments for the wider practice of sex segregation in sports. After a discussion on the current discourse of transgender women in sports and the appeals to fairness, I argue that the best argument for sex segregation in sports is a political one which ensures

¹ Lorna Finlayson, Katharine Jenkins, and Rosie Worsdale, "I'm Not Transphobic, but...": A Feminist Case against the Feminist Case against Trans Inclusivity," Verso, October 17, 2018, <https://www.versobooks.com/blogs/4090-i-m-not-transphobic-but-a-feminist-case-against-the-feminist-case-against-trans-inclusivity>.

that women win. I examine this as a goal and conclude that winning as we understand it now is inseparable from valuations of biological superiority. I then call into question the justness of the practice of sex segregation in sport by delineating the ways that sex segregation in sport paradoxically harms women. I conclude by arguing that the Rawlsian norm of fair equality of opportunity, which has been used to argue for sex segregation, in fact necessitates its elimination.

Regarding the inclusion of transgender women in women's sport competitions, one could theorize that roughly three different kinds of approaches can be taken:

- (1) The total exclusion of transgender women
- (2) The conditional exclusion of transgender women with the presumed goal being a women's sporting category which includes all cis women and some (often qualifying) trans women
- (3) The total inclusion of trans women

Generally speaking, the first and third approaches are most often implemented in school sports² (with exceptions) while the first and second are most often implemented in professional or elite sports (again, with exceptions). From these approaches and from a general analysis of the discourse the following two presumptions for the three approaches can be identified:

P1. Trans women are men (Total Exclusion) / Trans women are women but like men in some meaningful way (Conditional Inclusion) / Trans women are women (Total Inclusion)

P2. Men and women cannot fairly compete together in sports

This paper will not directly address P1 of Total Inclusion or Exclusion, instead taking as its first object the fragility of the first premise of Conditional Inclusion. More substantially, I will argue that the second premise, which underlies all three approaches, is false.

² "High School Transgender Athlete Policies," Transathlete, 2020, <https://www.transathlete.com/k-12>.

Discussion of Presumption 1: Trans Women in Sport

Discourses and arguments that fall into the category of Conditional Inclusion notably include various iterations of the International Olympic Committee's rules on transgender athlete eligibility, which have in the past required sex reassignment surgery, legal recognition, and hormone replacement therapy, and which are currently comprised of self-identification and a testosterone level of 10 nanomoles per liter or less.³ There is much contention specifically surrounding the exact level of testosterone that ought to be set as the cap, with World Athletics setting it at 5nmol/L⁴, as well as concerning the longevity of the effects of male puberty after hormone replacement therapy. A tension exists within Conditional Inclusion between conceptions of inclusivity and fairness: inclusivity insofar as trans women are not regarded as men from the outset, but are instead considered for inclusion in women's sports, and fairness in regarding where to draw the line. It is this second aim that gives Conditional Inclusion its character: the reliance on scientific and statistical measurements that aim to define anatomical sexual boundaries. In this aim for inclusivity and fairness, we find the following actualization of Conditional Inclusion:

(1) Trans women, while women, are to some extent male or like men in a meaningful sense

(2) The above can and should be studied, defined, and proven using anatomical science and statistics

this has result (3): Attempts at (2) have thus far resulted in cis women being excluded from competition or forced to modify themselves in some way in order to compete⁵

Given that this is reflective of the IOC's current model, it seems that many would find result (3) acceptable. After all, one could argue that advances in genetics and

³ International Olympic Committee (IOC), "PDF," November 2015, 2-3.

⁴ World Athletics, "International Federations Discuss Consensus on Establishing Rules for Transgender Athletes: News," World Athletics, October 31, 2019, <https://www.worldathletics.org/news/press-release/international-federations-rules-transgender-a>.

⁵ The case of Caster Semenya, an intersex cisgender woman, being the most well-known example.

anatomical science aid in the attainment of vital values such as fairness through the measuring and mapping of something like testosterone levels to performance, with the exclusion of some individuals, including cis, intersex, and trans women, being an appropriate cost.

However, it seems like result (3) has some problems, the main one being that the new category of eligible athletes commonly understood as “women” excludes many people we have, do, and may want to describe as such:

I. Given the importance of records, individual histories, and legacies in sport, if we find (3) acceptable there is ample reason to have some skepticism of previous women's records history, lest winners or record-makers of past years have genetic or hormonal irregularities that conferred unfair advantages, retroactively making these women's accomplishments illegitimate.

II. Men's natural abilities do not exclude them from competition⁶ with anatomical abnormalities being subsumed, along with skill and training, into their sporting excellence. It is men's artificial advantages through doping which are punished—which poses a problem for both cis and trans women athletes insofar as neither choose their body (and insofar as trans women don't choose their gender).

III. While the IOC has made attempts to distance contemporary testosterone tests from past sex and gender tests (which have historically been inaccurate and unethical), claiming that they are not meant to determine sex per se but to determine *eligibility in the women's categories*, the discourse surrounding testosterone tests is undeniably one of sex/gender.⁷ Furthermore, these tests are not applied equally, but in concert with conceptions of deviance from femininity, with lesbians and black women more often being suspected of being "ineligible",

⁶ The only exception here being weight classes, which will be discussed in more depth in a further section.

⁷ The Associated Press, “Track Officials Called Caster Semenya 'Biologically Male,' Newly Released Documents Show,” The New York Times (The New York Times, June 18, 2019), <https://www.nytimes.com/2019/06/18/sports/track-officials-called-caster-semenya-biologically-male-newly-released-documents-show.html>.

i.e., of not being women. In the specific case of Caster Semenya, an intersex woman temporarily barred from competition for higher testosterone levels, her explicit discrimination was justified by the CAS as ensuring the protection of “females” as a class, implying she does not belong to it.⁸

If one agrees result (3) is unacceptable, for any of the reasons outlined previously, it seems a problem is to be found with the actualization of the first premise of Conditional Inclusion, reproduced here:

- (1) Trans women, while women, are to some extent male or like men in a meaningful sense
- (2) The above can and should be studied, defined, and proven using anatomical science and statistics

In order for (2) to succeed and avoid some of the undesirability of (3), the following suppressed premise must also be true:

- (1.5) Cisgender women are NOT to some extent male or like men in a meaningful sense

Unfortunately, this is false. The vastness of human diversity makes it inevitable that on all meaningful measures of “sex” or sex-related anatomical phenomena we may want to use in the delineation of men’s and women’s sport categories, such as hormone levels, muscular and skeletal differences, chromosomes, and secondary sex characteristics, there exist cis men and cis women who overlap, even if only at the statistical margins. This is obviously not to say that cis men and cis women are indistinguishable—the opposite is generally true—but the fact remains that the bimodal, *not binary*, distribution of sex makes any attempts at clean delineation at the individual level, especially when dealing with elite athletes, bound to result in the undesirable circumstances described above.

⁸ Court of Arbitration for Sport (CAS), “Court of Arbitration for Sport Ruling on Caster Semenya Case,” April 2019.

If one accepts that the goal of Conditional Inclusion is to include all cis women and some qualifying trans women, then this fails. If one were to reject this as the goal of Conditional Inclusion, then it seems unclear what the original project undergirding the enterprise was. However, a workable reading of the project could be the partitioning between women who are too good, and thus effectively cannot be women, and women who are not, and thus are. In his critique of Tännsjö's argument for the abolition of sex segregation in sport, Loland contends that while "classes based on statistical differences can lead to injustice in individual cases, it might be the case that greater injustice will be done if sex classification were abandoned".⁹ It is this latter point to which we now turn.

Discussion of Presumption 2: Fairness

Discussions of fairness in sport, even within philosophy of sport, do not often include justifications of fairness as a value.¹⁰ Likewise, sex segregation as fairness is less often justified and more so assumed. In his seminal work on sportsmanship as a moral category, Keating claims that athletics require a formal fairness if the goal of an honorable victory is to be achieved.¹¹ This formal fairness, the "impartial and equal application of the rules", is based on legal conceptions of fairness and is needed for the contest to maintain validity and meaning.¹² Lenk distinguishes between informal and formal fair play, the former of which is comprised of attitudes towards persons and the game and the latter being synonymous with rule conformity.¹³ Abad, who argues that there exists an affinity between fairness, equity, and good form which is in tension with the will to win, marks a distinction between fairness and equity: "unfairness consists in gaining an unacceptable advantage by breaking rules, whereas with inequity no rules

⁹ Sigmund Loland, *Fair Play in Sport: A Moral Norm System* (New York, NY: Routledge, 2002): 58.

¹⁰ Sigmund Loland, "Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport," *Journal of Medical Ethics* 46, no. 9 (2020): 14.

¹¹ James W. Keating, "Sportsmanship as a Moral Category," *Ethics* 75, no. 1 (1964): 25-35.

¹² *Ibid.*, 35.

¹³ Hans Lenk, "Values, Aims and Reality of the Modern Olympic Games," *Gymnasion* 4 (1964): 11-17, quoted in Loland, *Fair Play in Sport: A Moral Norm System*, 14.

are broken".¹⁴ Rule breaking, it seems, is critical to some popular conceptions of unfairness within the philosophy of sport.

Regarding the notion of fairness, there are reasons to think a Rawlsian analysis may be helpful. Ciomaga argues that sports games are schemes of social cooperation in the Rawlsian sense, as they satisfy the three central aspects of such structures: they require cooperation (even through competition) in their execution, they require sacrifices through the following of rules, and their benefits are to an extent free.¹⁵ Following this, Ciomaga asserts that there is an obligation to obey the rules of a sports game, as the obtaining of the benefit without the sacrifice would constitute unfairness.¹⁶ Rawls himself explicitly mentions "games and rituals" as relevant public institutions along with markets and property systems and uses sports as simple abstractions in his discussion of justice in more complex institutions.¹⁷

In his defense of the Caster Semenya decision by the Court of Arbitration for Sport (CAS), Loland, citing Anderson and Rawls, posits that *equality of opportunity* governs notions of fairness in sport generally, while the more substantiated *fair equality of opportunity* serves as the rationale behind sex segregation in sports specifically.¹⁸ Loland describes equality of opportunity as a "means to enable evaluations of particular kinds of human inequality", in which some factors of athletic performance, such as variation in environment, are eliminated while others, namely talent and skill, are brought into relief.¹⁹ Given the statistical difference in athletic performance of ~11% between men and women, formal equality of opportunity would expectedly result in women being absent from elite sport. Loland finds this result "problematic" for reasons that will be explored shortly, and instead asserts that sex, and in some rarer cases size, are unique as genetic predispositions that should be corrected for instead of incorporated into the athletic performance as "genetically given talent," being

¹⁴ Diana Abad, "Sportsmanship," *Sport, Ethics and Philosophy* 4, no. 1 (March 10, 2010): 32.

¹⁵ Bogdan Ciomaga, "Rules and Obligations," *Journal of the Philosophy of Sport* 40, no. 1 (April 23, 2012): 29.

¹⁶ *Ibid.*, 29.

¹⁷ John Rawls, *A Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1999): 47.

¹⁸ Loland, "Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport," 3.

¹⁹ Loland, "Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport," 3.

singularly governed by Rawls' conception of fair equality of opportunity.²⁰ While there are many arguments for sex segregation, Loland's appeal to Rawls's fair equality of opportunity is the most robust, coherent, and otherwise motivated by socially progressive and even feminist values, and so shall be the focus of the following discussion.

An Argument for Sex Segregation

Loland's argument for sex segregation is mounted on the distinction between stable and dynamic human inequalities, with the relevant kind of the former being controlled for while the latter are tested through sport. According to Loland, stable inequalities are "outside of individual control and impact, and they proceed universally and in identical ways", such as sex, body size, and ability, while dynamic inequalities can be cultivated by "hard work and effort".²¹ This dichotomy is, however, fraught.

Loland acknowledges the most obvious problem with this idea: there exist many stable inequalities in the form of genetic predispositions that have an effect on performance, and yet these differences are rarely codified, certainly much less so than sex is.²² This fact is so obvious as to live in the cultural consciousness: conceptions of what it means to have the body of a football player, swimmer, or runner are salient and accessible, and refer to, at least in part, stable inequalities. It is not immediately clear why sex, itself a much less specific anatomical metric than something like height or weight and more akin to a syndrome of varying characteristics, ought to singularly interact with fair equality of opportunity. On this point, Loland invokes the ~11% performance differential between men and women.²³ Yet the magnitude of the statistical advantage alone does not substantiate the use of fair equality of opportunity as a governing norm. It may strike us presently as absurd, for example, to say that the current rules and conventions of basketball intolerably disadvantages short individuals,

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Loland, "Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport," 3.

and yet height has an immense advantage in the sport, to the point that American men with a height of 7' or more have a 1 in 7 chance of playing in the NBA.²⁴

Winners of elite sport consistently have stable anatomical inequalities which confer natural advantages in a variety of athletic disciplines.²⁵ These are neither secrets nor sources of disqualification—they are understood as being of that mysterious substance: natural talent. This poses a problem for Loland's conception of sports as largely measuring, or aiming to measure, dynamic inequalities, as well as the conception of the skill thesis in general, which posits that "a person's success in sports should be based solely on skill and not on unequal advantages or starting points between competitors".²⁶ Bianchi posits that the inclusion of trans women could be argued on precisely this point: the genetic lottery may prove to be so advantageous that the skill thesis is undermined such that trans women's *transness* could be understood as one of many genetic advantages an individual may possess.²⁷ However, in an effort to maintain the skill thesis, Bianchi prescribes a highly sensitive handicap system to replace a general gender one.²⁸ As noble as this prescription may be, it is of no relevance to what is actually currently happening in elite sport. In present actuality, dynamic inequalities reach an upper limit and through this reveal that which truly makes winners: the stable anatomical inequalities.

In an unintuitive sense, dynamic inequalities are themselves stable and so stable inequalities become dynamic. At the very elite echelons of sport, training often begins early in life, is informed by the latest advances in sports science, and is, crucially, extreme. Given enough time and excellent training, dynamic inequalities such as speed, strength, and endurance, hit an anatomical wall and effectively become stable. The only way that this can be surmounted and that performance can be improved is through the changing, the making dynamic, of the stable inequalities—doping. Given

²⁴ Bill Marsh, "So You Want to Play Pro Basketball," *New York Times*, November 2, 2013.

²⁵ Silvia Camporesi, "Who Is a Sportswoman?" *Aeon*, February 27, 2017.

²⁶ Andria Bianchi, "Something's Got to Give: Reconsidering the Justification for a Gender Divide in Sport," *Philosophies* 4, no. 2 (May 15, 2019): 6.

²⁷ Andria Bianchi, "Transgender Women in Sport," *Journal of the Philosophy of Sport* 44, no. 2 (2017): 6.

²⁸ *Ibid*, 10.

that preserving the honest-cheating athlete or otherwise natural-artificial athletic performance dichotomies necessitates the preservation of the clean-doping athlete dichotomy, we might rightly insist on the unfair and perhaps even immoral nature of doping. Its wrongness, however, has no bearing on its pervasiveness, and therefore on its status as an integral element of contemporary elite sport.

Loland identifies sex and body size as the most relevant stable inequalities, yet while body size classification in the form of weight classes is present only in a subset of sports, namely two-person combat sports, sex segregation is virtually universal. It is not clear that the inequalities that Loland characterizes as stable really are. Hormone levels, for example, are responsive to other anatomical or behavioral changes that do not “proceed universally and in identical ways”.²⁹ Furthermore, while certain aspects of body size cannot be changed, like the skeleton, the relevant measurement, weight, absolutely can. Even when body size is accounted for and classified in the form of weight classes, the fact of its instability in effect becomes a component of the sport training and competition itself.³⁰ It seems, then, combat athletes may exert control over their weight in the same way they may work on their strength or efficiency. In “Transsexuals in Sport”, Coggon et al. accept Tännsjö’s critique of the sex and body size comparison: while weight classes are specific and particular, sex differences are general and statistical, and should therefore not be considered relevant.³¹ However, they contend that a philosophically perfect system is not preferable if it disadvantages half the world.³²

The stable-dynamic and corresponding irrelevant-relevant dichotomy is critically simple, but more importantly, it is mythical. The idea that sport measures dynamic inequalities is a romantic one—it is fundamental to modern cultural narratives that drive psychic and affective investment in sport. As much as we may want to value

²⁹ Loland, “Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport,” 3.

³⁰ The practice of “cutting weight” refers to extremely rapid weight loss that athletes in combat sports may induce in the days or hours before a match so as to remain in a weight class.

³¹ John Coggon, Natasha Hammond, and Søren Holm, “Transsexuals in Sport—Fairness and Freedom, Regulation and Law,” *Sport, Ethics and Philosophy* 2, no. 1 (April 1, 2008): 4-17.

³² See footnote 30.

skill, effort, honesty, and labor, and make of sport a fundamentally moral activity, there is no overlooking the fact that by their very logic, certain sports all but demand specific stable traits. It is the belief and investment into this mythology of the body that fuels what is but a modern moral panic against a gender minority, veiled through concerns over minute quantities of hormones, at the same cultural moment as the biggest doping scandal in Olympic history.³³ This mythology is crumbling.

Fair Equality of Opportunity and Women Winning

As presented, Loland's technical argumentation for using fair equality of opportunity as a governing norm for the characteristic of sex has holes. The comparison to body size in the classification of weight classes is philosophically imperfect. Furthermore, it seems clear that many stable inequalities may have greater statistical and specific advantages than the slipperier amalgam of phenomena known as sex. This is because the real reason sex as a characteristic is to be governed by a more substantiated norm of justice is a political one. It is the "imperfect world" that demands the imperfect argument. In his elaboration of the maintenance of fair equality of opportunity, Loland asserts that "sporting games reflect values of modernity and the societies in which they found their form".³⁴ Though here these two forging fires are placed alongside the other, a tension in values concerning sex arises. The society in which modern sport found its form is one of explicit, often violent, women's subjugation. It is not difficult to understand many sports, even women's sports, as competitions in a brute and narrowly conceived masculinity.³⁵ Modern values of gender equality and the valuation of women as proper human subjects must contend with this ancient legacy in the sport field. Sex segregation being uniquely governed by fair equality of opportunity, then, is a politically motivated, even seemingly feminist,

³³ Rebecca R. Ruiz and Michael Schwartz, "Russian Insider Says State-Run Doping Fueled Olympic Gold," *New York Times*, May 12, 2016.

³⁴ Loland, "Caster Semenya, Athlete Classification, and Fair Equality of Opportunity in Sport," 4.

³⁵ Tännsjö Torbjörn, "Against Sexual Discrimination in Sports," in *Values in Sport: Elitism, Nationalism, Gender Equality, and the Scientific Manufacture of Winners*, ed. Tännsjö Torbjörn and Claudio Marcello Tamburrini (London, UK: E & FN Spon, 2000): 109.

overcorrection for the history of misogyny in sport, as well as for the pervasive refusal to allow women to have control, autonomy, rights, and knowledge of their bodies.

However, while supposedly the governing norms of sport of general equality of opportunity and, for sex, fair equality of opportunity have to do with the opportunities made available to individuals, it seems that the argument for sex segregation is more commensurate with equality of outcome. After all, the absence of sex segregation in sports would not entail women's lack of participation in sports generally, just that they would be statistically (though not necessarily specifically!) less likely to *win* non-segregated competitions and would likely be somewhat rare at the elite level. They would only be disadvantaged in the exact same way men who lose, or who do not make the cut, are—for a variety of interrelated stable and dynamic phenomena. While the argument for sex segregation proceed that its elimination would disadvantage 50% of the population, but insofar as most men are not winners or champions, it seems that the site of the grievance would not lie in the entirety of the female sex, but in the much smaller number of specific women who would otherwise win or compete at the elite level. The fact that there are losers alone does not motivate increasingly discrete classification—losing, like winning, is an integral part of competitive sport. In other words, what sex segregation in sports ensures is not the equal opportunity for women to participate, but the guarantee of women winning. It is the desirability of this specific outcome that motivates this. This then is the trumping argument for sex segregation: it is needed for women to win.

Why Do We Want Women to Win?

In Tännsjö's provocative discussion of the fascistic qualities in the admiration of elite athletes, he argues that in the celebration of winners "we cannot help but feel contempt for those who do not win".³⁶ The argument advanced here is not just one of valuation, but of feeling and valuation based on feeling. The sight or even the idea of

³⁶ Tännsjö Torbjörn, "Is It Fascistoid to Admire Sports Heroes?" in *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners* (London, UK: Spon Press, 2002): 13.

women losing, consistently and systematically, against men provokes, at least among those who believe in and strive for the equality of women, a constellation of emotional states: pity, disappointment, disbelief. It is this collection of ugly feelings that Loland misidentifies as argumentative infelicity, the conclusion that is deemed “problematic.” I propose that these reactions are borne out of an implicit, even unconscious, moral valuation of human beings on the basis of physical power. The irreconcilability between this and an egalitarian conception of human value necessitates the negation of the tension if sport as it exists now is to be played—and so segregation becomes a lesser evil.

Women’s sports are then a different kind of game—one in which men don’t exist, in which they could not step on the field and win, a permanent handicap. The immersion of this game is destroyed when non-women (in the case of intersex or trans women, women who are not read or recognized as such) enter it—we can’t play the game anymore. The skill thesis proposes to illuminate through the experiment of sport facts about winners: the fact of having worked hard, of having sacrificed for greatness, of having exerted effort to achieve excellence. These facts are understood to be moral qualities. Excellence in sports then, which we could at times understand as excellence in masculinity, has a moral character. When women lose to men, especially when great women lose to all kinds of men, we feel we learn something about them, and perhaps about the category of women as a whole—we intuit their moral inferiority. This is consistent, even inevitable, as long as the skill thesis is basically understood by spectators of sport as moral, or otherwise as long as excellence in sport is felt to hold moral weight. There are reasons to attempt to reject these moral mappings.

Winning, the Attribution of Moral Value, and Biological Superiority

There seems to be a (hopefully) uncontroversial reason to oppose this. That which is measured in sport, be it strength, speed, agility, or the disposition for it, is genetic insofar as the stable inequalities as well as the stable boundaries for dynamic

inequalities are. We would want to say then, per Tännsjö, that these are non-moral virtues.³⁷ The mapping between anatomical fact, winning at sport, and intuition of moral virtue is an instance of genetic or biological superiority, “the world’s most dangerous and deadly idea.”³⁸ While one could argue that the admiration of winners is not based in genetic fact but in the formidable feats they perform, it seems that the de-legitimizing effect of doping on the idea of winning poses a problem for this. This may be demonstrated as follows: Athlete A performs better than Athlete B, but Athlete A is found out to be doping. We cannot understand Athlete A as the winner based on his performance alone, as we suspect Athlete B may in fact be anatomically more fit to be winner than Athlete A. In this sense, fairness as guided by the skill thesis paradoxically attempts to ensure that those who are most genetically fit win.

This is also revealed in the more progressive stance on trans inclusion in sports that aims to distinguish between exogenous and endogenous testosterone and, by distancing trans women from doping athletes, legitimize their inclusion in women’s sports. Under this view, once the social construction of gender becomes naturalized then trans women’s (and some cis women’s) higher testosterone and related anatomical features become naturalized as well—they become subsumed under the category of talents gifted by the genetic lottery, and therefore, they become tolerable inequalities under the skill thesis. It is this distinction, which may be largely aesthetic and affective, between that which is natural to the human body and that which is not, which seems to dominate traits in the skill thesis that are not binary sex. There is a paranoia regarding transgender people that goes hand in hand and yet is separate from the paranoia of doping athletes—the paranoia of artificiality. The façade of naturalness is so important precisely because nothing that elite athletes do is “natural”, the nature of the pressures and the stakes of elite sport demand this. But the myth of naturalness within sport is maintained, both the myth of the natural clean body that produces excellence not through fate but through skill and effort and the myth of the natural, inviolable, and

³⁷ Tännsjö, “Is It Fascistoid to Admire Sports Heroes?”, 15.

³⁸ Andrea Dworkin, *Letters From a War Zone* (Brooklyn, NY: Lawrence Hill Books, 1993): 110.

fundamental difference between men and women. A distinction here is that doping cannot be read and inscribed on the body the way gender and sex can, so the violation of sex and gender norms of embodiment become beacons of artificiality.

In her prescription of trans inclusion through handicapping, Bianchi correctly argues that the skill thesis, which is mobilized to argue for the exclusion of trans women in sports, is already undermined because of the advantages conferred by the genetic lottery.³⁹ Bianchi identifies that in the face of this problem we have the choice of (1) abandoning the skill thesis after deeming it unrealistic and allowing trans women to compete in sports or (2) attempting to maintain the skill thesis through a variety of specific handicap systems applied across sports and sex categories.⁴⁰ Though she ultimately chooses (2), as the skill thesis is so prevalent, the arguments for (1) are compelling. In fact, I would argue they do not go far enough: the skill thesis is not simply unrealistic, or ill-fitted to contend with the phenomenon of transgender people—it is incompatible with what sports are and have been. Tännsjö argues that while we may have great admiration for those who work hard, we admire those who excel without working hard even more.⁴¹ He offers the following example: “If a middle-aged member of the audience who has never exercised unexpectedly walked down from the stadium and joined the Olympic 10,000m race and, because of superior natural talent, defeated all the finalists, the success would be formidable”.⁴² It seems that at some level, genetically derived physical prowess is what we, as spectators, want. After all, athletes are not scored on how many hours they trained or how many repetitions of a particular motion they did, they are judged by their performance at competition.

The admiration of skill as something that exists and is developed outside of the natural lottery is what we would want sports to be—what we imagine them to be in the moral society we would want to live. It is what we imagine hypothetical moral

³⁹ Bianchi, “Something’s Got to Give: Reconsidering the Justification for a Gender Divide in Sport,” 6.

⁴⁰ Tännsjö, “Is It Fascistoid to Admire Sports Heroes?” 15.

⁴¹ *Ibid.*, 18.

⁴² Bianchi, “Something’s Got to Give: Reconsidering the Justification for a Gender Divide in Sport,” 6.

spectators (presumably, us) would want to reward in sport. But it simply is the case that, by and large, that is not what sports measure.

Sex Segregation as Harm

Putting aside discussions of what outcome is actually desired in the defense of sex segregation, as well as the moral implications of such desire, a pragmatic question remains about whether we ought to sex segregate sports. We could approach this matter from the question of consent or desire. In response to Tännsjö's argument for the abolition of sex discrimination in sport, Bianchi insinuates that sex-specific categories are justifiable not only if men and women ought to be categorized differently to maintain fairness, but if women merely wish to be.⁴³ Coggon et al. also separate the question of fairness from that of consent, claiming that the consent of the athletes legitimizes the practice of segregation, with their consent being "inferred by their willingness to participate".⁴⁴ As valuable as discussions of desire and consent may be, they are wholly insufficient for the determination of whether sex segregation is just. After all, it is easy to imagine situations in which consent and/or desire are in opposition to justice—in such situations, though it may be difficult and unpleasant, we ought to do what is just. However, in the case of sex segregation in sport, what is desired and consented to by women is presupposed to be what is just for them as well. This is not necessarily a bad intuition: we may, especially in the righting of immense social and historical wrongs, preliminarily assume that the demands of disadvantaged groups are in some sense just. But this may not in fact be the case. To return to Rawls, we may ultimately decide that sex segregation is just if we find that it "improves the expectations of the least advantaged", here understood as women.⁴⁵ As attached as we may be to the notion of women winning, there are reasons to think that sex segregation is unjust.

⁴³ Bianchi, "Something's Got to Give: Reconsidering the Justification for a Gender Divide in Sport," 8.

⁴⁴ Coggon et al., "Transsexuals in Sport—Fairness and Freedom, Regulation and Law," 7, 10.

⁴⁵ Rawls, *A Theory of Justice*, 65.

Camporesi argues that sporting authorities exercise medical knowledge as power in the Foucauldian sense, and as such disciplines the bodies of athletes.⁴⁶ This is done explicitly in the case of testosterone levels that athletes must artificially lower as well as implicitly through the suspicion and targeting of women who deviate from European norms of femininity. While previous surgical prescriptions have been abandoned, hormone therapy for natural, non-clinical variations in sex, as is at times required for participation, requires medical interventions argued to be in opposition to the Hippocratic oath.⁴⁷ These interventions effectively “correct” the bodies of women who do not conform to false binary notions of sex (there is, obviously, no endogenous testosterone limit for men, who exhibit even more variation). This is not a mere unfortunate result of sex segregation, but its necessary enforcement mechanism. This is, of course, in addition to the severe social and personal consequences athletes face as a result of these interventions—from extensive social shaming, the end of careers, and even suicide attempts.⁴⁸ Even sex abnormalities completely irrelevant to athletic performance have led to stigmatization and “spurious objection” from competitive sport.⁴⁹ From this perspective, even the mere testing of athletes, let alone the “treatment” of their “conditions”, is objectionable, especially if athletes are effectively coerced, by compliance being required for competition, into consenting to it. I would additionally argue that one of the strongest justificatory aims of sex segregation in sport, the encouragement of women to feel ownership and control of their body, is undermined by this. Insofar as women are in control of their bodies, they also ought to control what, and how much, knowledge is to be extracted from them. In other words, we ought to be able to non-coercively decide how much knowledge of our bodies to have, or not to have, especially in the case of something so sensitive and tied to social position and self-conception as sex.

⁴⁶ Camporesi, “Who is a Sportswoman?”.

⁴⁷ Coggon et al., “Transsexuals in Sport—Fairness and Freedom, Regulation and Law,” 7, 10.

⁴⁸ Ruth Padawer, “The Humiliating Practice of Sex-Testing Female Athletes,” *New York Times*, June 28, 2016.

⁴⁹ United Nations, General Assembly. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, (April 4, 2016), 14.

As was previously alluded to, it may be the case that in some part the goal of women's only sport is to encourage women to claim their bodies, to feel they control them, to feel powerful and able to affect their surroundings. While this goal is surely achieved in some part, in the realm of the psychosocial sex segregation may have detrimental effects. Individual women's victories in sex-segregated sport are, definitionally, achieved in conditions of largely unnatural segregation. Women may arduously train, be extremely physically skilled, even win in competitions, but when the game is over, they again live in the world with men. Whatever positive psychological effects performing well in sport may have, they are interfered with by common occurrences of gendered violence. To women, men's strength, and the threat of it, is not a secret. In a study measuring grip strength, an indicator of overall strength, only the top 10% of women were found to be stronger than the weakest 5% of men.⁵⁰ For women athletes, this value corresponds to 25% of all men, and for elite women athletes, 50%. The invocation of these statistics is not meant to reify a natural sex binary, or to insist on women's innate physical inferiority, but to point out that violence against women by men is likely to be an unequal struggle. A dissonance exists then between the veneration of women athletes alongside men, and women's (including women athletes) actual experience of men's strength and physical power. This becomes clear when we think about the extension of the athletic performance into the world: a man who is the strongest, fastest, etc. at a sporting competition is likely to be among the best performers of that feat in the general population, while for women athletes the relative excellence of their performance would likely not extend much when compared to the general population. In a sex-segregated race, the fastest man in Chicago can outrun anyone; the fastest woman in Chicago can only be guaranteed to outrun any woman. This dissonance would seem to itself undermine women's self-conception of power and autonomy as long as this conception rests on their athletic success under sex segregation.

⁵⁰ D. Leyk et al., "Hand-Grip Strength of Young Men, Women and Highly Trained Female Athletes," *European Journal of Applied Physiology* 99, no. 4 (2006): 415-421.

The institutional segregation of men and women, despite its noble and seemingly ethical rationales, upholds an idea that we may want to reject: that men and women are, in the most meaningful sense, different. That they are perhaps opposites or in conflict, that they are different animals, that their bodies are governed by different sets of laws. In the sense that sex segregation in sport may paradoxically create in women a state of alienation from their own bodies and capabilities, so it can also alienate women from men and vice versa. Sex segregation in sport is often learned early, and, as with many other powers that order, shape social relations for the rest of our lives. The treating of men as men, of women as women, and the knowledge of the difference, with all the weight it holds, is taught, enforced, and learned. The disruption and dissolution of gender enforcing norms and practices is in the interest of women as well as men. Thus, the disruption and dissolution and institutions that serve to reinforce gender, harshly and at times violently, is in the interest of all. This does not mean that it would be painless—sex segregation, in sport and otherwise, has paid great psychic and emotional wages. But regardless of the attachment we have formed to the ultimately incompatible relationship between a cult of force and the liberation of women, sex segregation remains unjust.

The End of Sex Segregation and the Future

Though this paper has posed a challenge to the values we confer in winning, as well as the moral intuitions it reveals, sport can exist free from these burdens. Perhaps a challenge to the boundaries of sport, its culture, and its norms is due. Perhaps the invention of new sports is in order. There could be an attempt to shift the space and function that sports, and winning at them, has in the cultural and affective landscape. Here, Keating's differentiation between *sport* as a generous activity and *athletics* as a quest for victory may be useful: we may want to cultivate the former's goal of "unselfish and co-operative effort to maximize the joy of the moment".⁵¹

⁵¹ Keating, "Sportsmanship as a Moral Category," 34-35.

To once again return to Rawls, the governing norm of fair equality of opportunity with regards to sport need not be abandoned to address the moral problem laid out in this paper, and it is in fact compatible with the desegregation of sex in sport. The conditions for fair equality of opportunity to participate, train, and excel in sports may actually depend on the elimination of sex-segregated categories. In her classic essay “Throwing Like a Girl”, Young contends that female bodily comportment, including in sport and in the mundane, has its roots in female existence under patriarchal oppression:

Women in sexist society are physically handicapped. Insofar as we learn to live out our existence in accordance with the definition that patriarchal culture assigns to us, we are physically inhibited, confined, positioned, and objectified. As lived bodies we are not open and unambiguous transcendences which move out to master a world that belongs to us, a world constituted by our own intentions and projections.⁵²

Though women’s only sports categories may have in part addressed these handicaps, sex segregation in itself shapes the ways men and women (perhaps more importantly, boys and girls) think of their bodies and of what they can and ought to be able to do with them. Perhaps it is only through the dissolution of gender-reinforcing structures, of which sex segregation in sport is one, that the body can become free. After all, if we follow Young’s thesis, who are we to say, we who live in a sexist society and have for millennia yet aim to challenge it, that we know what the “women” of the future will be like? Rawls notes that members of a good society have as their aim “cooperating together to realize their own and another’s nature in ways allowed by the principles of justice”.⁵³ Perhaps in order to realize our own and each other’s “nature” a radical break with structures that order and discipline gender and sex is necessary.

⁵² Iris Marion Young, “Throwing like a Girl: A Phenomenology of Feminine Body Comportment Motility and Spatiality,” *Human Studies* 3, no. 1 (1980): 152.

⁵³ Rawls, *A Theory of Justice*, 462.

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The Corporatization And Feminization Of American Medicine

Isabelle Breier

Abstract

In recent decades, American medicine has become increasingly corporatized, meaning that smaller, private practices have been acquired by larger hospital systems, including university hospital systems. The systemic changes that corporatization involves significantly affect physicians' practices, causing a decline in autonomy and status and complicating reimbursement. Due to the financially-based motives of hospital systems, the profit has replaced the patient as the focus of clinical practice. For the first time in 2017, a majority of students entering American medical schools were women. The corporatization of medicine has coincided with the feminization of medicine. Drawing upon semi-structured ethnographic interviews with 25 physicians (16 female and 9 male) in clinical practice in privately owned hospital and university medical systems on the East Coast, this paper argues that the corporatization of medicine is accelerating the feminization of the profession. If previous scholars have shown how lower-status and lower-pay occupations become feminized, I show how corporatization makes medicine a less lucrative and attractive occupation, lowering its status and causing its feminization.

Introduction

In the past few decades, American medicine has become increasingly corporatized; smaller, private practices have been acquired by larger hospital systems, including university hospital systems. The number of private practices has greatly diminished and most doctors work for large corporate health systems or university health systems that have been incorporated; accordingly, their lives more closely resemble those of corporate employees than those of independent or self-employed workers. Marx and Engels' descriptions of the oppressiveness and impersonality of capitalist structures, as well as the prioritization of all other factors behind capital, have startlingly deep resonance in the situation and experiences of twenty-first-century doctors, even though they were written a century and a half ago.¹

So does Foucault's theory of biopolitics, which describes a disciplinary process that limits autonomy and maximizes labor power through biopower, a term he coined to describe the numerous laborers whose labor power was maximized under the thumb of a system of exploitative and powerful eighteenth-century elites. Capitalism, which emerged in full force in the nineteenth century, requires "the controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes"; in the case of biopower, the "*institutions of power*" "[ensure] the maintenance of production relations."² At a systemic and individual level, the operation of biopower bears some resemblance to the operation of corporate medical systems, which are heavily capitalistic.

More specifically, Foucault defined biopower as "numerous and diverse techniques for achieving the subjugation of bodies and the control of populations" by eighteenth-century rulers; in turn, biopolitics were created as "*techniques of power* present at every level of the social body...operated in the sphere of economic processes, their development, and the forces working to sustain them. They also acted as factors

¹ Karl Marx and Friedrich Engels, *The Communist Manifesto* (Project Gutenberg, 1888), <http://www.gutenberg.org/cache/epub/61/pg61-images.html>, 61.

² Michel Foucault, *The History of Sexuality*, trans. Robert Hurley (New York, NY: Vintage Books, 1990), 141.

of segregation and social hierarchization.”³ Physicians, in fact, have such limited autonomy in corporate practice settings that it may be illuminating to consider them as the biopolitically controlled subjects of corporate leadership.⁴ Corporations track and control physicians’ bodies by controlling their labor. As agents responsible for stewarding communities’ health and preventing deaths, physicians have always possessed biopower (though arguably they naturally exercise their biopower far more scrupulously than capitalists). Physicians possess a different kind of biopower than corporations, specifically over patients’ bodies in terms of their health. They have the (medical) knowledge and skills to control, regulate, begin, prolong, and end life, but vow to use their knowledge only for good at the beginnings of their careers. Now, physicians have arguably become cogs in the biopolitical-corporate medicine machine, which views them not as healers, but as producers of what one of my informants termed the “gross medical product.” Physicians themselves are still beholden to ethics, but corporations are driven by capital, rather than by purely and solely ethical motives.

Corporations deploy aspects of biopower over physicians in that they delimit, measure, and control their labor. Physicians have biopower over patients because they are responsible for maintaining health and preventing death. In this article, I consider the construction of this two-layered system of biopower and explore how corporate biopower far exceeds physicians’ biopower. There is a profound imbalance of power and influence between corporate and physician biopower. Further, I argue that there is an “occupational feminization” that is largely undertheorized in the medical anthropology literature. Physicians have become agents of larger biopolitical bodies, rather than retaining their own agency (to a large degree). Physicians now lack autonomy to a degree on par with any other corporate employees. This has myriad implications for patient care and the health of populations: medical care is incredibly different when it is ultimately determined not by moral actors whom patients know

³ Ibid.

⁴ Ibid, 139.

personally, but by impersonal, diffuse, and faceless corporate systems/actors whose primary concern is the bottom line.

Historically, men have occupied high-status and high-salary professions, while professions with low pay and low social prestige have been feminized.⁵ Medicine is no exception to this trend. Women were not admitted to American medical schools until the 1840s, and the first graduating class at The Johns Hopkins University School of Medicine that was 50% female was the class of 1992.⁶ In fact, their incoming class of 1994 was over 50% women for the first time in history.⁷ This trend has continued to the present day. For the first time in 2017, more women than men enrolled in U.S. medical schools.⁸ While all of medicine was historically male-dominated, cardiology was especially so.

In this article, I will focus on the corporatization-feminization nexus within medicine, and the subdiscipline of cardiology will serve as an illustrative case study. Only around 12% of cardiologists are women; fewer than 5% of interventional cardiologists are women; and only around 10% of Full Physician Members of the American College of Cardiology are women. It is important to note, however, that the numbers of female cardiologists are slowly increasing (0.3% per year).⁹ More importantly, cardiology fellows or cardiologists in training show the biggest rate of increase (only 14% of fellows were women twenty years ago, versus 26% now).¹⁰ Therefore, cardiology is a good case study for the corporatization-feminization nexus because of the gender discrimination that pervades its history. But because this discrimination is by no means limited to cardiology, it is important to consider the

⁵ Laura Jefferson, Karen Bloor, and Alan Maynard, "Women in medicine: historical perspectives and recent trends," *British Medical Bulletin* 114, no. 1 (June 2015): 5.

⁶ Rhoda Wynn, "Medicine Throughout the Ages," *Journal of the American Medical Association* 283, no. 5 (February 2000): 668-669.

⁷ Maria Blackburn, "A Timeline of Women at Hopkins," *Johns Hopkins Magazine*, November 2007.

⁸ Stuart Heiser, AAMC News, "More Women Than Men Enrolled in U.S. Medical Schools in 2017," December 18, 2017, <https://news.aamc.org/press-releases/article/applicant-enrollment-2017/>.

⁹ Sonya Burgess, Elizabeth Shaw, and Sarah Zaman, "Women in Cardiology: Underwhelming Rate of Change," *Circulation* 139, no. 8 (February 2019): 1001-1002.

¹⁰ American Board of Internal Medicine, "Percentage of First-Year Fellows By Gender and Type of Medical School Attended," <https://www.abim.org/about/statistics-data/resident-fellow-workforce-data/first-year-fellows-by-gender-type-of-medicalschool-attended.aspx>.

effects of the nexus across medical disciplines. Before delving into the corporatization-feminization nexus, further background on the structures of gender discrimination in medicine is essential.

While there are more female physicians in training, women are still earning less than men in the medical field and are less likely to reach top positions. Female cardiologists earn lower salaries (in addition to being less likely to be appointed full professors).¹¹ The gender pay gap extends beyond cardiology and it is a pervasive problem throughout medicine. The national collective wage gap for female physicians and surgeons is an estimated \$19 billion annually. In other words, female physicians and surgeons are paid 71% of what their male counterparts are paid.¹²

Women face discrimination in the workforce on both social and economic levels, and medicine is no exception. Historically, medicine has been male-dominated and female doctors were paid less; this trend persists in corporate medical systems. Let me turn to proposed theories that explain the gender pay gap. They are both sociological and economic and seek to shed light on occupational feminization. One is the human capital model, which is defined as the idea that “every person has some form of human capital.”¹³ This model has tended to emphasize the importance of traditional roles and wage structures because it assumes (when applied) that women have less education and work experience than men- and therefore less human capital.¹⁴ Therefore, women will earn less. Labor market discrimination, pay differentials, and occupational discrimination all clearly play roles in the human capital model.¹⁵

Other sociological theories on the relationship between occupational sex composition and wage rates address the causality of the phenomenon more

¹¹ Monika Sanghavi, “Women in Cardiology: Introspection Into the Under-Representation,” *Circulation: Cardiovascular Quality and Outcomes* 7, no. 1 (2014): 188; Sonya Burgess, Elizabeth Shaw, and Sarah Zaman, “Women in Cardiology: Underwhelming Rate of Change,” *Circulation* 139, no. 8 (February 2019): 1001-1002.

¹² Maryam M. Asgari, Phyllis L. Carr, and Carol K. Bates, “Closing the Gender Wage Gap and Achieving Professional Equity in Medicine,” *Journal of the American Medical Association* 321, no. 17 (April 2019): 1665-1666.

¹³ Virginija Grybaite, “Analysis of theoretical approaches to gender pay gap,” *Journal of Business Economics and Management* 7, no. 2 (October 2010): 89.

¹⁴ Ibid.

¹⁵ Ibid.

specifically; these theories include queuing and devaluation, or “allocative” and “valuative” discrimination, respectively.

In allocative discrimination, declining pay or an increase in other undesirable characteristics leads to an occupation’s feminization— due to the “relative attractiveness” of the job.¹⁶ This theory assumes that men and women prefer high-reward occupations, that occupations are arranged in a queue based on the rewards they offer, and that employers prefer men to women.¹⁷ Therefore, men are drawn to high-reward and high-pay occupations by both their employers’ and their own preferences.¹⁸

Most relevant to this study is that in the queuing theory, men flee jobs in which pay and status are declining, leaving low-pay and low-status jobs to women; however, at the same time, employers prefer male workers, putting women at a double disadvantage.¹⁹ The queuing view is not the only theory in which occupational feminization and low pay are linked. In the “valuative” theory, predominantly female jobs are devalued by both employers and potential employees due to the low status of the people filling the jobs— the theory postulates that pay in female jobs is lower because women have the jobs.²⁰ This view holds that gendered cultural beliefs cast men as more competent than women and assumes that the value assigned to work depends on the characteristics of people doing the work.²¹ Whether either, neither, or both of these theories are correct, the direction of the association between occupational feminization and low pay is unclear, but it is all too clear that the association exists.

Medicine is no longer the exclusive province of the authoritative white-coated man who maintains considerable autonomy over his practice. Physicians now practice under a corporate system; their work is controlled by biopolitical and capital-driven

¹⁶ Asif Levanon, Paula England, and Paul Allison, “Occupational Feminization and Pay: Assessing Causal Dynamics Using 1950-2000 U.S. Census Data,” *Social Forces* 88, no. 2 (December 2009): 867.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*, 868.

²¹ *Ibid.*

forces. It is possible that some occupational feminization theories, in close conjunction with physicians' rapid loss of autonomy and quality of life in corporate systems, help to explain the current feminization of medicine. There has been little work— ethnographic or otherwise— investigating or establishing a link between the corporatization and feminization of American medicine.²² Both phenomena can have enormous effects on the lives of both practitioners and patients. In addition, both are complex and intricate phenomena whose nuance and wide implications can be illuminated through ethnographic study.

Methods

Exploring the association between occupational feminization and low pay anthropologically, I conducted individual, semi-structured, ethnographic phone interviews with 25 physicians (16 female and 9 male). The physicians' ages ranged from their early thirties to their early eighties; it was important to interview physicians of all ages because younger physicians have only experienced practice in a corporate setting, whereas middle-aged and older physicians were in practice both before and after the transition. All of the physicians practice medicine in clinical settings on the East Coast. Interviews lasted from 13-45 minutes; most interviews were longer than 25 minutes. Following informed consent, interviews were audio recorded using Audacity software. All participants were given an initial that does not match their own as a pseudonym (unless otherwise specified). Looking into the differences between private and corporate practices, I was interested in how physicians' lives have changed as a result of the transition to corporate practice. To this end, I investigated physicians' experiences and perceptions of provider autonomy, patient care, and medical progress. In addition, I explored the organizational dynamics of corporate medical systems,

²² For further information about the feminization of medicine, see: Susan P. Phillips and Emily B. Austin, "The Feminization of Medicine and Population Health," *Journal of the American Medical Association* 301, no. 8 (February 2009): 863-864; Jodi Elgart Paik, "The Feminization of Medicine," *Journal of the American Medical Association* 283, no. 5 (February 2000): 666; Shelby Ross, "The Feminization of Medicine," *American Medical Association Journal of Ethics* 5, no. 9 (September 2003): 298-299; and Tracey L. Adams, "Gender and Feminization in Health Care Professions," *Sociology Compass* 4, no. 7 (July 2010): 454-465.

including gatekeeping, the administration, and bias present in the selection of new leaders. I was also curious about the recent and ongoing feminization of medicine and asked my informants why they thought it was happening and how it is changing the field of medicine. Focusing specifically on cardiology, as just under half of my informants were cardiologists, I asked about how they understood changes in medical practice, administration, and gender dynamics specifically within the context of cardiology. Let me begin with the phenomenon of the corporatization of medicine, and then in the second part of this article, I will explore the feminization of medicine. Finally, I will connect the two.

The Corporatization of Medicine

All of the physicians identified many issues relating to the corporatization of medicine. Reduced autonomy was their principal complaint; this took myriad forms, from a lack of control over scheduling and inability to spend sufficient time with patients, to an overabundance of rules more appropriate to a hospital than to a clinical practice, to the institution of grades evaluating how they delivered care, to the close tracking of hours they worked and the time spent with each patient. They spoke about the enormous amounts of time (and errors) that electronic medical records add to charting, about multilayered bureaucracies with a lack of focus on the patient, and about a lack of clinical support. The physicians broadly believed that corporate interference in medicine is negative, with one physician saying: “I don’t think corporate— corporate America— corporate anything should be involved in medicine... They’re not customers, they’re patients.” The influence of corporatization is palpable at every level, from daily practice to administrative overmanagement, which leads to physician burnout.

Doctors spoke animatedly about the disadvantages of the corporate practice of medicine— they are subject to burdensome rules and treated as second-class citizens. The hold that corporate systems have— and their profit motive— comes through in

every granular detail of their lives. A primary care physician said that in corporate systems, “there's a desire for everybody to kind of conform and follow the norm,” even when that norm is unreasonable and not feasible; she continued, “we have to see more patients in less time. We have to do more paperwork with less resources. We're responsible for more with less and for less.” Dr. Y said that “There is practically no physician autonomy”; physicians are caught at the very bottom of “three, four, up to six levels of reporting” and “may disagree with the logic of...what we are being asked to do. But there's nothing we can do because we have that lack of autonomy.” It also became clear that the ubiquitous corporate medical catchphrase “patient-centered care” is a façade— the profit has replaced the patient as the main recipient of attention, concern, and care. Dr. J observed that “everything's profit...that's one of the biggest problems with our healthcare system as a whole.” Medicine is no longer an enterprise solely involved in the business of maintaining health. Now, health must fight for priority with the main objective of corporate administrators: maintaining the bottom line.

Administrators, the participants of this study agreed, are the drivers of this shift— the prestige, pay, autonomy, and status that doctors have lost has gone to the corporate leadership. Doctors reported that there is an overabundance of administrators, who make large salaries while physicians do the medical work. Dr. Mary Jane Minkin explained: “I mean, who do you pay? You pay the administrators. They're the ones that make the big salaries. But they've never changed one person's life. They've never been up all night.” Participants also reported that the transfer of status from physicians to administrators is plainly and painfully observable in physical space; Dr. Z provided especially vivid descriptions. Administrators evicted physicians from offices; now, they only have “touchdown stations,” which are small cubbies devoid of personal effects, places to store a purse or coat, and a private workspace. The doctors' diplomas were removed from the walls, and they were told to take them home. The administrators took over, enlarged, and expensively redecorated the doctors' offices. Physicians also report that patients frequently note the removal of desks from examining rooms. They now have small, cheaply made, flimsy plastic projections from

the wall that do not function well. As papers and pens roll off, patients often ask, “why don’t you have a desk? Why are you being treated this way?”

A primary care physician noted that “There is a disconnect between what the providers want and need and how things get executed”; many physicians used the word “disconnect” to describe the dynamic at play here. Dr. Y expanded upon that physician’s description, noting that “Physicians not interested in practicing clinical medicine self-select to go into the administrative realm and gradually get disconnected from practice”; physicians who enter the administration gradually lose touch with clinicians’ needs and make “bad decisions.” The administrators are numerous; out of 137 employees in Dr. Y’s department, at least 100 are non-clinical, which, as she described, is “insanity.” Dr. Y sees corruption in the present and trouble on the horizon:

Dr. Y: I think things will come to a head eventually because if you pay 80% of the salaries to less than 1% of the people in an organization [the highest-level and most extractive administrators], then I think sooner or later you will lose the majority of your workforce... I don't think you can replace them...a physician may be dispensable in the short term, but they're not dispensable in the long term and the administrator is never indispensable...But I think morally and ethically, it's really disturbing to me to...see that my medical assistants will not get a raise of two dollars an hour...while the leadership comes and they bill every lunch to the corporate account...when I see this hypocrisy, it's very disturbing to me. And they talk about cost containment. They talk about adding clinic volume, adding the number of patients and working us really hard. But there is hypocrisy in how they are managing the resources.

IB: Yeah, this sounds like the lead-up to the French Revolution. [*Surprised by the simultaneous novelty and accuracy of my extempore analogy, Dr. Y laughs hard.*]

Dr. Y: Yeah. Are you sure you want to [hear about] this so early into your career?

IB: I'm actually not going to go into medicine myself. I'm planning on going into healthcare law.

Dr. Y: Ohhhh. That's awesome...

The administrators and corporate systems are making medicine a much less desirable profession, to the extent that doctors feel moral outrage, do not want to work under these conditions, and do not advise younger people to join the field.

Corporate and administrative policies are increasing physician burnout, dissatisfaction, and turnover. Younger doctors are becoming burned out, and older doctors, who lived through the transition to corporate medicine and have seen a significant drop in their quality of life, are retiring earlier than they otherwise might have. One physician describes the demands that the administration places upon doctors as “a little bit abusive.” One young primary care physician (two years out of residency) specifically chose to work part-time to avoid burnout. Dr. Y said that “people like me who are in their mid-forties...not old enough to retire, but not young enough to break away completely are kind of trying to bide their time and do what they need to do.” Dr. J described her burnout and decision to leave clinical medicine for research as cumulative and incurable frustration with the system that forced her to be an ineffective practitioner: “I almost feel like I'm doing more harm than good. It's like, what's the point of making a patient come to the clinic, having to pay a copay?... To have a 10 minute face-to-face? And then...did I really do what I needed to do as a physician? And the answer was becoming no every single time.” A primary care physician said that for her, “there is no pro” to corporate practice. She plans to refresh her resume and look for other options “out of desperation.” Her practice was touting its “low” burnout rates for primary care physicians, only 30% as opposed to the health-system-wide-average of 50%. She scoffed at both figures: “It's not like we have one-third the rate of cancer diagnoses...It's not good news.” These conditions explain why healthcare practitioners (specifically women) commit suicide at the

second-highest rates of any occupation in the country²³ and why health systems are hiring wellness officers to address physician dissatisfaction, burnout, and mental health.

Women in Medicine and the Feminization of Medicine

Female Physicians' Perspectives

All of the female physicians reported gender discrimination of various forms within the corporate practice of medicine, including unequal pay, pregnancy discrimination, and differential promotion within academic and corporate leadership. In what follows, I trace gender bias in corporate medical systems as it is perceived by both female and male physicians. I then connect corporatization with feminization of medicine particularly from the lens through which physicians draw the connection themselves.

The magnitude of the gender pay gap can be egregious. Dr. T is a primary care physician in practice with one other female physician, Dr. U, and two male physicians. She discovered that one of her male colleagues' annual salaries was over \$100,000 higher than her own for the same work because he had been assigned a higher relative value unit (RVU) multiplier, or the amount by which each clinical task or action that a physician completes is multiplied to calculate the physician's reimbursement. Upon further investigation, she found that Dr. U also had the lower RVU multiplier, and her other male colleague had the higher one. Tragically, the \$100,000 disparity that Dr. T quoted appears to be far from an isolated anecdote. According to a 2018 survey of 65,000 physicians, female physicians, on average, earned 27.7% less than their male counterparts in 2017. This translates to a discrepancy of \$105,000.²⁴ Dr. Y told of two of her colleagues, a husband and wife who were applying to work the same jobs in the same practice. The husband was offered a higher salary than the wife, and the husband

²³ Cora Peterson et al., "Suicide Rates by Major Occupational Group- 17 States, 2012 and 2015," *CDC Morbidity and Mortality Weekly Report* 67, no. 45 (November 2018): 1255.

²⁴ Asgari, Carr, and Bates, 1665.

had to negotiate his wife's salary to make sure that she was paid the same amount as him. As Dr. Y commented, "it's pretty disgusting that this exists to this day."

Female physicians, especially those who are mothers, face difficulties in being promoted, and corporate medical practices do not make it easier to have a family. Dr. V, a new mother, was told by a colleague that he specifically discouraged somebody else from putting her up for a promotion because she had just had a baby and he didn't think it was possible to juggle the new position and motherhood. In fact, this colleague thought he was giving her a compliment by telling her that she had been recommended for the promotion. Dr. J explained that in corporate medical systems, promotion is based on experience and number of years worked, which "punishes" women who take maternity leave and puts those who work part-time at a disadvantage. Dr. Y echoed her statements, noting that "There's absolutely no support for women who have kids and they make it really difficult and challenging." Men, she said, are recognized as better employees and "most work environments make it pretty clear." Dr. Z reports that her health system does not offer new mothers any maternity leave— they must cobble together paid time off and vacation time.

The effects of women's socially enforced lag in promotion are palpable and egregious. Obstetrics and gynecology is a heavily female-dominated field, and yet obstetrician-gynecologist Dr. O reports that her "department chair and almost all of the division directors are male and... overwhelmingly white males." Dr. V, an anesthesiologist and critical and palliative care specialist, called her department "very much a white boys in their sixties [club]," noting that the leadership has a tendency to promote people who look and think like them- there may be both conscious and unconscious gatekeeping. Dr. L echoed her words: "the department heads are men and they're a little older and basically they're putting people on their committees who remind them of themselves." These are also in keeping with Dr. T's observation that "it's not the quality of people that are getting promoted. It's kind of like a good ole guys [club], you know...It's not based on merit." The corporate system does not objectify the process of promoting and selecting new leaders; it merely places old prejudices within

the setting of an increasingly bureaucratized and hierarchical structure. While the medical profession is becoming more feminized, its leaders are not- a link that I will illustrate in what follows by describing both conscious and unconscious gender bias.

When women try to advocate for themselves or express complaints about the system, their voices are systematically degraded and ignored. Dr. Y has a difficult time obtaining personal time off, while her male colleagues do not. Women receive less respect and attention from the staff, while men are allowed to behave inappropriately without repercussions: “One of my male colleagues swears and throws things around and the staff listens to him. But you know, if one of us have a bad day, I’m sure we would get complained about, so that inequality exists.” Dr. Z, a cardiologist and the only woman in her practice, described how nurses typically ask her to supervise stress tests rather than her male colleagues because they evade this non-reimbursed and time-consuming responsibility scot-free. The same thing happened when her male colleagues did not answer their messages (another non-reimbursed and time-consuming task that female physicians would have to do instead). Dr. T described how when she and Dr. U raised concerns about the systematic workings of their newly corporatized practice, they were labeled as “complainers.” However, when their male colleagues raised similar concerns, a meeting was arranged for the next morning— at a time that was convenient for her male colleagues, but during which Dr. T was not available. Her schedule was deliberately ignored and she “just couldn’t believe it.” When she complained of sexism in relation to this incident, human resources had her speak with an attorney “about what her perception of the sexism was.” Furthermore, when she spoke with a supervisor about systemic complaints that she and Dr. U had, the supervisor said, “well, I hear it’s the girls against the guys,” making a non-gender-related complaint into a complaint about gender. Dr. T has learned that “It works against [her] to express concerns,” so she no longer does so.

It is important to note that conscious bias is not always present (especially as it is now taboo in many liberal, academic circles), but unconscious bias is still alive and well in the corporate medical context. At a meeting, Dr. L noticed that a series of

committees organized by her health system's CEO were exclusively male. She related, "I was the only one to raise my hand and say, 'OK, so where are all the women?'" There wasn't a single woman on any one of those committees, really. And, you know, he kind of looked at me- his mouth dropped open. He hadn't- it hadn't even occurred to him that he had made all-male committees." Subtle and unconscious sexism, which can be encoded and perpetuated by corporate systems and hierarchical leadership, can be just as damaging to women and their careers as overt sexism and oppression.

In sum, as Dr. T said, "I'm seeing [sexism] like all over the place now because we're in this corporate organization." Many physicians shared this perspective. Dr. Y was born and raised in a developing country in South Asia; she completed her medical training there and subsequently immigrated to the US. She observed, "I feel more sexism in the workplace in America than I did working in a developing country," noting that it was not limited to any demographic, ethnicity, or level of experience- no woman is exempt. Her remark is telling and bespeaks a horrendously sexist state of affairs. Women are still underrepresented in many subspecialties of medicine, including cardiology, and are promoted less frequently within academic and corporate leadership due in no small part to socially determined family and childcare obligations. Women in medicine face pervasive societal pressure and sexism, especially within corporate medical systems.

Male Physicians' Perspectives

While the male physicians spoke as secondhand observers rather than from personal experience, they were cognizant of some of the issues that women in medicine face, especially sexism and promotion within corporate systems. Dr. I noted that the cardiology department where he worked before his recent retirement was "absolutely wracked by gender strife." The medical school struggled to recruit female leaders because "as a whole," it had been "labeled as a place that's unfriendly to women." Dr. S had a similar observation as Drs. V and L concerning gatekeeping: "there is some gender bias to promote men more than women because men are the current

gender that's in charge, so I think there is some intrinsic bias to select people that you are more comfortable with.”

Several of the (older, white) male physicians whom I interviewed sounded palpably nervous as they answered my questions about women in medicine. They tended to stumble over their words and use more verbal fillers. When I asked Dr. G, a cardiothoracic surgeon, “How are new leaders chosen? Does gender play a role in it? Is there bias of any kind?” his answer was rather telling. He espoused no sexism and made it clear that he was not part of the problem, but he was extremely careful not to vouch for the rest of society or claim to be part of the solution:

Well, I think the official answer is that gender should never, should never be part of it. I don't know. I've- I've never- I've never been on a search committee. And I've never been part of a promotion panel, and I don't- I don't know. Looking at- I really- I- I don't know. I mean, I would hope it doesn't play any role at all...Like, are there ceilings for women and heart surgery?...I'm not part of like, the professional boards and the associations. I even rarely go to meetings. I learned my craft...But I- I've never...I pay my dues to the professional societies, but I never- I don't participate.

To blend academic and pop-culture language for illustrative effect, it may be said that Dr. G was almost equally vehement in his “performance” of “wokeness” in the following thoughts about maternity leave:

Females have to take some time off when they get pregnant because they're the one that's pregnant. And you can accommodate for that. You say, well, I get a certain number of females in my workforce. There's gonna be a certain percentage of pregnancies...It doesn't seem to me that it's rocket science to take into account that some of your trainees are gonna miss a significant period of time during their training and then come back and leave. And it's been done...just because you're a female and or you want to have a pregnancy doesn't

mean you can't become a heart surgeon, because I think that would be a really terrible thing.

Dr. G's views on this subject are irreproachable. However, there seems to be a gap between his opinion and some women's experiences; perhaps not all male physicians are of the same mind. In addition, the nervousness in Dr. G's voice belied extant social tension. It seems that there has been progress, but sexism is still a pressing issue.

In answering questions about women in medicine, these older male physicians also tended to make their language more biological/scientific, referring to men and women as "males" and "females." For example, both Dr. I and Dr. Q noted that 50% of medical students are "females" now, as opposed to roughly 15% when they were training, and cited decreased sexism as the reason. Dr. G, who also referred to "females" in his defense of maternity leave as described above, said similarly, "There's absolutely no difference in heart surgery between a male and a female when it comes down to the cutting and sewing" in the ability to perform surgery. The consistency of their use of the word "female" was curious. When confronted with messy and potentially loaded societal questions, they clung to what was for them the language of comfort and hard, objective truth. Perhaps my positionality as an interviewer- my status as a young woman and the daughter of a female physician- made these male physicians nervous. They may have been afraid to say something even mildly sexist or non-feminist and resolved to be especially careful in formulating and phrasing their replies. They could also have assumed that I was "digging" or trying to reveal hidden biases.

Some of the male physicians stated their belief that women are better physicians than men. Dr. K, whose wife Dr. L is also a physician, said that "men tend to be very aggressive in their approach to care and women tend to be a little more thoughtful and caring. Again, this is just a generalization." Dr. Q said that "as physicians, I think women are generally superior to males. They are more empathetic and better communicators. So I personally welcome the fact that there are many more women in

medicine.” It is interesting that while both men said very positive things about female physicians, their opinions had their origins in gendered stereotypes of women- and they openly acknowledged this.

While men are secondhand observers of women in medicine, they are directly involved in medicine as it becomes feminized. Dr. K paints the profession’s feminization as positive both in the case of medicine and on principle: “I think having a more balanced...number of men and women in a field can only help because you start to get things from different perspectives and have a more...comprehensive and balanced approach to care...we're going to get better care all- all around by having a more equal distribution of men and women in all fields of medicine.”

The issues conspicuously absent from the male physicians’ answers included the gender pay gap, women’s struggles to advocate for themselves, and conscious versus unconscious bias. (Regarding the latter issue, Dr. K actually noted, “I get more of a sense [these days] that women are being treated equally and regarded as- as equals in terms of being qualified to- to work in any field.”) It does seem logical, however, that one is much more likely to comment on an issue if one has experienced it firsthand.

A Troubling Synergy

All of the physicians concurred that corporatization has many harmful consequences for medical practice, and that female doctors have not enjoyed and still do not enjoy equal status with male doctors. However, four of the sixteen female physicians, as well as one of the nine male physicians, posited that a clear and explicit link exists between the corporatization and feminization of medicine. Specifically, they believe that women are entering medicine in increasing numbers not only because women have become socially empowered to do so, but because they actually remain socially disenfranchised. The corporatization of medicine has made medicine a less desirable profession; therefore, men are seeking other, higher-status occupations and medicine is becoming feminized.

Dr. D believes that there is a link between the lowering of salaries and women's increasing entrance into the profession. She also believes that the shift-worker mentality makes it easier to have a family and more convenient for women who wish to do so. Dr. N said that "as fields become more female-dominated...pay goes down and conversely, as they become more male-dominated, pay goes up," noting that male-dominated subspecialties within medicine paid more and that "society values jobs that they perceive as more male jobs versus female jobs." Dr. X said that medicine is becoming "a less attractive thing to do" and less lucrative; "as things don't look right for people in medicine, then it suddenly becomes a woman's [job]," comparing it to the feminization of the nursing profession after the Vietnam War. Dr. S, the only male physician who drew a link between corporatization and feminization, believes that "Men may be choosing other fields because there's a limit being set on how high they can earn, how high they can rise. I think that- I think fewer men are finding it attractive because they may- more of them may be more inclined entrepreneurially than women." In other words, as physicians' status and autonomy declines, men are selecting higher-status occupations.

Dr. Mary Jane Minkin, an obstetrician-gynecologist, was the fifth physician who drew a connection between the corporatization and feminization of medicine. She is the only participant who chose not to use a pseudonym; she made this choice because she speaks publicly and prominently about issues of corporatization in medicine in her blog, which is called Madame Ovary. Dr. Minkin's description of this phenomenon was particularly vivid and powerful:

IB: So why do you think more women have come into the field, and as more women are coming in, how do the dynamics of practice change?

MM: Oh, that's a really easy question. That's an easy one. [*laughs heartily*] I know the answer. No— medicine's becoming...medicine is a shit job these days. So as long as it's a shit job, it's okay for women to be in the profession, it's fine. [*both laugh*]...The issue is— if you look at Russia in the old days, the old Soviet Union,

people say— this is a perfect example...before 1989 or whatever, that 90% of the physicians were women— something like that...prestige positions were engineers and physicists...So basically here in the old Soviet Union, a doctor was a terrible job. That's why 90% of doctors were female.

It is certainly an amazing thing that women have the opportunity to pursue careers in medicine. It is disheartening, frustrating, and galling that the same societal factors that prevented them from doing so in the past— sexism and the devaluing of women's work— still influence and control their career paths in the present.

It is interesting to note that one more physician posited a connection between corporatization and feminization, but did not advance a deeper theory about its origins. Dr. I believed that there was a connection, but did not quite tie the threads together as the aforementioned five of his colleagues did. He noted that, "by and large, the demographics of medical schools is really dramatically changing, which is good...There is so much more of a heterogeneous population of doctors." He attributed this shift to increased flexibility in hours (which is a corporate shift-work reform): "the institutions of medicine have really helped the clinicians in terms of lifestyle...This lifestyle is not quite so restricted." This has "made the profession more attractive to women." He also "worr[ies] that there are not enough progressive, intelligent males going to medical school. Now they all go to get engineering degrees and they go to business school." Dr. I did not mention any positive draws for men to other professions, factors deterring men from pursuing medicine, or that medicine is becoming feminized because its status is declining- he merely noted the connection without expanding upon the underlying social forces.

Conclusion

Medicine used to be a "boys' club" in many ways. Barriers for women's participation in medicine have come down; due to social shifts and empowerment, they are now able to earn degrees and find jobs in medicine. However, the jobs that are

available today are in corporate health systems, which may promise physicians flexible and family-friendly shifts and hours, as well as benefits.

Female physicians' ethnographic accounts of their experiences in the corporate medical world demonstrate that they have walked into a spiderweb— their quality of work life has worsened in significant ways. While the administrative and political-economic systems in medicine have changed, the sociocultural and male-dominated networks have not. In the corporate medical workplace, women are still subject to such injustices as the gender pay gap and pregnancy discrimination and when they complain, the male-dominated administration drowns out and ignores their voices. The tragic irony extends further: women are prevented from being promoted by the persistence of oppressive sociocultural norms that long predates corporate medicine. Women are fighting the same informal networks they were before, but now they are doing so in a confining corporate context.

With such instruments of inequality as “relative value units” and codifiers of inequity as bureaucracy and administrators, the corporate context makes it easier to quantify and perpetuate discrimination against women. But a lack of valuing and attention to women's complaints becomes bureaucratically torturous— their oppression is written and encoded into bureaucracy. The corporate systems may maintain some women in leadership to give their business the appearance of equality, but it seems to be somewhat of a facade. At the same time, the corporate practice of medicine makes all doctors' lives harder and reduces reimbursement: the profession becomes feminized because of the profession's lower status and pay. I learned that corporate medical practices attract female physicians, and more often than not proceed to systematically disenfranchise them.

The proliferation of biopolitical-corporate structures in medicine has engineered physicians' rapid loss of autonomy and demotion to corporate employee status; this makes the profession significantly less desirable than it used to be. Physician reimbursement has also declined in the corporate system, contributing to

this effect, as the corporate systems retain additional money as capital. It also seems quite possible that occupational feminization theories, in close conjunction with the changes effected by the corporatization of medicine, lead to or explain the feminization of medicine.

If physicians' mental health is in crisis, and if female physicians are facing discrimination in the twenty-first century, what are the stories behind these issues? This ethnography has brought the untold stories of physicians' (and particularly female physicians') experiences within corporate medical systems to light. In medicine, knowledge is universally quantified, including burnout rates. In this milieu—and in a corporate mode of practice in which the need for wellness officers has become widespread—qualitative ethnographic insight is vital. The status of medicine has declined because of decreased remuneration, decreased autonomy, and increased workload. The corporatization of medicine is primarily responsible for these phenomena, and it has led to increasing unhappiness in the profession. It is not a coincidence that the corporatization and feminization of medicine are concurrent. Their synergy stems from the profession's declining status. Once a male-dominated profession, medicine is now being relinquished to women as physicians descend the socioeconomic and self-deterministic ladder.

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**Surfacing Contexts of Violence in Novel Forms of the Reproductive
Justice Framework Through Lessons from Latin America: A Study
of Brutality, Migration and Bodily Autonomy and Progressive
Solutions for Use in Public Health**

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La violación no es un acto de sexual, es un acto de poder, de dominación, es un acto político.

– Rita Segato, *antropóloga feminista*. Argentina, 2019.

Rape is not a sexual act, it is an act of power, of domination, it is a political act.

– Rita Segato, *feminist anthropologist*. Argentina, 2019.

*El patriarcado es un juez
que nos juzga por nacer,
y nuestro castigo
es la violencia que no ves.*

*El patriarcado es un juez
que nos juzga por nacer,
y nuestro castigo
es la violencia que ya ves.*

*Es femicidio.
Impunidad para mi asesino.
Es la desaparición.
Es la violación.*

*Y la culpa no era mía, ni dónde estaba ni cómo vestía.
Y la culpa no era mía, ni dónde estaba ni cómo vestía.
Y la culpa no era mía, ni dónde estaba ni cómo vestía.
Y la culpa no era mía, ni dónde estaba ni cómo vestía.*

*El violador eras tú.
El violador eres tú.*

*Son los pacos,
los jueces,
el Estado,
el Presidente.*

*El Estado opresor es un macho violador.
El Estado opresor es un macho violador.*

*El violador eras tú.
El violador eres tú.*

*Duerme tranquila, niña inocente,
sin preocuparte del bandolero,*

*que por tu sueño dulce y sonriente
vela tu amante carabinero.*

El violador eres tú.

El violador eres tú.

El violador eres tú.

El violador eres tú.

-“*Un violador en tu camino,*” Colectivo LasTesis. Valparaíso, Chile, 2019.

The patriarchy is a judge
that imprisons us at birth,
and our punishment
is the violence you can't see.

The patriarchy is a judge
that imprisons us at birth,
and our punishment
is the violence you now see.

It's femicide.
Impunity for my killer.
It's disappearances.
It's rape.

And it wasn't my fault, neither where I was, nor what I was wearing.
And it wasn't my fault, neither where I was, nor what I was wearing.
And it wasn't my fault, neither where I was, nor what I was wearing.
And it wasn't my fault, neither where I was, nor what I was wearing.

The rapist was you.
The rapist is you.

It's the police,
the judges,
the State,
the President.

The oppressive State is a macho rapist.
The oppressive State is a macho rapist.

The rapist was you.
The rapist is you.

Sleep peacefully, innocent girl,
with no worry of an assailant,

because your sweet and smiling sleep
is safeguarded by your loving cop.

The rapist is you.

The rapist is you.

The rapist is you.

The rapist is you.

- "A Rapist in Your Way," LasTesis Collective. Valparaíso, Chile, 2019.

Abstract

In the last 5 years, Latin America has witnessed a tenacious wave of *pañuelo verde* and #NiUnaMenos activism. Sparked by increasing mortality rates associated with unsafe, clandestine abortions and femicide, the praxes and fundamental elements of these social movements have proven themselves useful not only in garnering international attention on issues relating to bodily autonomy, but in the synthesis of their respective sociopolitical solutions as well. In the United States, similar efforts have been spearheaded by the lauded reproductive justice framework, which has often been credited for centering the plight of women of color in both reproduction and social justice. In the wake of the Trump administration's "zero tolerance" immigration policy, which most adversely impacts asylum seekers from Central America, the issues *pañuelo verde* and #NiUnaMenos activism have long aimed to tackle still prevail. As it stands, the "zero tolerance" policy no longer grants asylum to migrants seeking protection from threats of sexual violence, gang violence or political persecution, thereby turning a blind eye to issues of bodily autonomy altogether. Thus, this thesis proposes novel conceptions of violence against women, along with the recontextualization of immigration as an issue pertinent to reproductive justice. Further, the present study holds that the contexts of violence migrant Latinas face prior to entry into the United States are important grievances to redress in order to (i) prevent said sociopolitical ailments from replicating domestically, (ii) protect victims of violence-driven migration from potentially facing obstetric, domestic and sexual violence in the United States, and (iii) improve and deepen the commitment the reproductive justice framework makes to women of color in general.

Keywords: abortion, abuse, femicide, gender, machismo, migration, politics, reproductive justice, violence

Terminology

Due to the plethora of interpretations and common uses of key elements in this thesis, this research made use of the following words and respective definitions.

Clandestine Abortion: An induced termination of pregnancy in countries where its current legislation prohibits them. In Latin America and the Caribbean, clandestine abortions do not exist in Barbados, Belize and Cuba.¹

Domestic Violence: “Domestic violence, (also called intimate partner violence (IPV), domestic abuse or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship. Domestic violence does not discriminate. Anyone of any race, age, sexual orientation, religion or gender can be a victim – or perpetrator – of domestic violence. It can happen to people who are married, living together or who are dating. It affects people of all socioeconomic backgrounds and education levels. Domestic violence includes behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want. It includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation. Many of these different forms of domestic violence/abuse can be occurring at any one time within the same intimate relationship.”²

Femicide: “Femicide is generally understood to involve intentional murder of women because they are women, but broader definitions include any killings of women or girls. Femicide is usually perpetrated by men, but sometimes female family members may be involved. Femicide differs from male homicide in specific ways. For example, most cases of femicide are committed by partners or ex-partners, and involve ongoing

¹ J.M. Paxman, Alberto Rizo, Laura Brown, and Janie Benson, “The Clandestine Epidemic: The Practice of Unsafe Abortion in Latin America,” *Studies in Family Planning* 24, no. 4 (1993): 205-226.

² “Abuse Defined,” The National Domestic Violence Hotline, accessed June 5, 2020, <https://www.thehotline.org/is-this-abuse/abuse-defined/>.

abuse in the home, threats or intimidation, sexual violence or situations where women have less power or fewer resources than their partner.”³

Miscarriage: The death of an embryo or fetus before week 20 in gestation; 80 percent of miscarriages occur in the first trimester.⁴

Obstetric Violence: “The appropriation of the body and reproductive processes of women by health personnel, which is expressed as dehumanized treatment, an abuse of medication, and to convert the natural processes into pathological ones, bringing with it loss of autonomy and the ability to decide freely about their bodies and sexuality, negatively impacting the quality of life of women.”⁵

Sexual Battery: Per California’s 243.4 PC penal code, sexual battery is defined as the forceful touching of another person while they are unlawfully restrained by the accused or an accomplice for the purpose of sexual arousal, sexual gratification or sexual abuse.”⁶

Sexual Violence: “An all-encompassing, non-legal term that refers to crimes like sexual assault, rape and sexual abuse.”⁷

Stillbirth: “A stillbirth is the death or loss of a baby before or during delivery. Both miscarriage and stillbirth describe pregnancy loss, but they differ according to when the loss occurs. In the United States, a miscarriage is usually defined as loss of a baby before the 20th week of pregnancy, and a stillbirth is loss of a baby after 20 weeks of pregnancy. Stillbirth is further classified as either early, late, or term:

³ “WHO | Femicide,” World Health Organization, accessed June 5, 2020, https://www.who.int/reproductivehealth/publications/violence/rhr12_38/en/.

⁴ “What Is a Miscarriage? | Identifying the Causes,” Planned Parenthood, accessed June 5, 2020, <https://www.plannedparenthood.org/learn/pregnancy/miscarriage>.

⁵ *Ley orgánica sobre el derecho de las mujeres a una vida libre de violencia. República Bolivariana de Venezuela*, (New York, NY: Fondo de Población de las Naciones Unidas (UNFPA), 2007): 1–91.

⁶ “Law section,” California Legislative Information, accessed June 5, 2020, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=243.4.&lawCode=PEN.

⁷ “Types of Sexual Violence,” RAINN, accessed June 5, 2020, <https://www.rainn.org/types-sexual-violence>.

- (a) An **early** stillbirth is a fetal death occurring between 20 and 27 completed weeks of pregnancy.
- (b) A **late** stillbirth occurs between 28 and 36 completed pregnancy weeks.
- (c) A **term** stillbirth occurs between 37 or more completed pregnancy weeks.”⁸

Unsafe Abortion: “A procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards, or both.”⁹

⁸ “What is Stillbirth?” Centers for Disease Control and Prevention, accessed September 9, 2019, <https://www.cdc.gov/ncbddd/stillbirth/facts.html>.

⁹ *The Prevention and Management of Unsafe Abortion*, World Health Organization (Geneva, Switzerland: World Health Organization, 1992).

Literature Review

Abortion

On August 8, 2018, women in Argentina made international headlines after successfully carrying the bill for the Voluntary Interruption of Pregnancy (IVE) to their Chamber of Deputies only for it to be defeated in their Senate.¹⁰ Through this bill, women would have been able to terminate gestation, free of charge outside the parameters of a current law established in 1921, which only permits termination in cases of rape, grave fetal malformations or harm to the physical and/or mental health of the gestating person.¹¹ While demonstrations took place throughout Argentina, supporters of IVE quickly gained traction due to their use of the infamous *pañuelo verde* – a green handkerchief with the mantra of the National Campaign for the Right to Legal, Safe and Free Abortion: *educación sexual para decidir, contraceptivos para no abortar, aborto para no morir*.¹²

Femicide

Prior to the halted IVE bill, Argentina had already been accumulating cases of femicide. In 2015, the lauded #NiUnaMenos¹³ movement against femicide was born after the case of Chiara Páez made headlines and sparked international outrage. Páez was a pregnant, 14-year-old girl who had been beaten to death by her partner, and later buried under his house in the Santa Fe province. In pursuing justice for Páez, #NiUnaMenos organizers sustained that femicides were merely a symptom of a culture of *machismo*.¹⁴ As feminists had long been asserting, a culture of *machismo* is one in which male chauvinism and rape normalcy lead to sexist remarks or acts including, but

¹⁰ Mónica Tarducci, *Salud Colectiva* 14(3):425. Instituto de Salud Colectiva, Universidad Nacional de Lanús. 20180701. 1669-2381.

¹¹ “Expte. 230-D-2018 (encabezado por Donda),” *Maternidad Vulnerable*, accessed March 11, 2020, <https://maternidadvulnerable.com.ar/2018/03/05/proyecto-de-ley-interrupcion-voluntaria-del-embarazo-expte-230-d-2018/>

¹² “Sex education to decide, contraceptives to not abort, abortion to not die.”

¹³ “Not one (woman) less.”

¹⁴ “Argentina acts on violence against women and girls,” *Lancet* 388, no. 10044 (2016): 534.

not limited to, verbal and physical domestic violence and sexual battery.¹⁵ In the wake of the IVE decision in 2018, it became clear that the sociopolitical landscape paved by the National Campaign for the Right to Legal, Safe and Free Abortion garnered sentiments previously seen in the wave of #NiUnaMenos activism, as both coalitions denounced *machismo* and championed for bodily autonomy.

Bodily Autonomy

For the National Campaign for the Right to Legal, Safe and Free Abortion, #NiUnaMenos, community organizations, scholars and public health professionals, the 2018 data on femicide from the United Nations Economic Commission for Latin America (CEPAL), which held that El Salvador was the country with the highest rate of femicide with an index of 6.8 per 100,000 women, followed by Honduras (5.1), Bolivia (2.3), Guatemala (2.0) and the Dominican Republic (1.9),¹⁶ resonated not only with the Chiara Páez case, but also with what the World Health Organization (WHO) had estimated ten years prior: Latin America and the Caribbean was the region with the highest rate of unsafe, clandestine abortions with an index of 31 per 1,000 women between the ages of 15 and 44.¹⁷ The proposed correlation between clandestine abortions and femicide was then corroborated by the cases of Liz and Lucía – two Argentinians who bore the repercussions of a failed IVE bill. Liz was a 24-year-old woman who died just 6 days after the IVE bill was rejected. According to her doctors in the Buenos Aires province, she had attempted a clandestine abortion using parsley which subsequently provoked a septic shock and left her dead.¹⁸ International outrage was prompted again in January 2019, approximately 5 months after the IVE decision,

¹⁵ Jennifer Perez, “Women and Domestic Violence: The Influence of a Femicidal Mentality on Gender Relations in Mexico and Opportunities for Prevention,” *CMC Senior Theses* 2146 (2019).

¹⁶ “Femicide or feminicide,” United Nations Economic Commission for Latin America Gender Equality Observatory, February 11, 2016, <https://oig.cepal.org/en/indicators/femicide-or-feminicide>.

¹⁷ World Health Organization, *Unsafe abortion incidence and mortality, Global and regional levels in 2008 and trends during 1990–2008* Department of Reproductive Health and Research, 2012, https://apps.who.int/iris/bitstream/handle/10665/75173/WHO_RHR_12.01_eng.pdf.

¹⁸ “Muere primera argentina por aborto ilegal tras rechazo a ley,” *teleSUR*, accessed June 5, 2020, <https://www.telesurtv.net/news/muere-mujer-argentina-aborto-clandestino-perejil-senado-20180814-0029.html>

when Lucía, an 11 year-old girl from the Tucumán province, was forced to give birth to a child that had resulted after she was raped by her grandmother's 65 year-old partner. Here, activists accused Tucumán's health secretary of having ignored the multiple requests she made to undergo an abortion as guaranteed by the 1921 legislature, which should have provided her with abortion care following her rape.¹⁹ The realities of these two cases afforded feminist organizations and scholars the language to articulate their observations. Like Lucía's case, most victims of femicide were attacked by known perpetrators, including, but not limited to, intimate partners.²⁰ Consequently, this hinted that abortion and femicide were not standalone issues, rather they were consequences of a broader, omnipresent system where state-sanctioned violence against women took the shape of conservative and restrictive social infrastructure. Most alarmingly, said infrastructure made it so that women from precarious backgrounds, and thus most prone to domestic violence and sexual battery, the bedrock of femicide, were also likely to be negatively impacted by legislation mitigating abortion access. This was supported by the fact that Lucía was handed to her grandmother for guardianship after her two older sisters were abused by her mother's partner. This led to the public unification of abortion and anti-femicide efforts, and a general understanding that supporting *pañuelo verde* activism meant also supporting the #NiUnaMenos movement and vice versa. Thus, in the months that followed the August 2018 decision, the *pañuelo verde* became an accessory instrumental not only in the fight against restrictive abortion laws, but against femicide as well.

Brutality

Nearly a year later, in July 2019, *pañuelo verde* and #NiUnaMenos activism in El Salvador brought forth yet another dimension to the ongoing fight against abortion restrictions

¹⁹ Uki Goñi, "Girl, 11, gives birth to child of rapist after Argentina says no to abortion," *The Guardian*, March 1, 2019, <http://www.theguardian.com/global-development/2019/feb/28/girl-11-gives-birth-to-rapists-child-after-argentina-refuses-abortion>.

²⁰ Patricia Cullen, Geraldine Vaughan, Zhuoyang Li, et al., "Counting Dead Women in Australia: An In-Depth Case Review of Femicide," *Journey of Family Violence* 34, no. 1-8 (2019).

and increasing femicide rates: the carceral state. Upon the release of Evelyn Hernández, a woman charged and indicted with homicide after delivering a stillborn, pro-abortion and anti-femicide activists noted that the driving factor behind Hernández's incarceration was the fact that El Salvador's penal code actively prohibits abortion under any circumstance.²¹ The legislation was signed into federal law in April 1998, and since then, the number of women indicted by the public prosecutor has continued to increase substantially year after year.²² Article 133 of the current Salvadoran penal code holds that women who seek abortions are to be prosecuted and sentenced for 2 to 8 years of incarceration in the Ilopango Prison for Women.²³ Currently, women who, like Hernández, miscarry or deliver a stillborn child, receive sentences of upwards of 30 years for aggravated homicide.²⁴ In addition to the issue of abortion, it became known that most of the women incarcerated under Article 133 were also victims of sexual violence. Between 2011 and 2017, Amnesty International interviewed over 100 women who had been indicted, and found that the majority of them had endured sexual battery.²⁵ In addition to this, recent studies indicate that in general, an overwhelming number of women in El Salvador report having experienced sexual abuse before the age of 11, that their abusers tended to be individuals known to them, and that women who had experienced sexual abuse were twice as likely to experience interpersonal violence in their relationships as adults.²⁶ Further, 45.9 percent of women experiencing interpersonal violence were also being raped by their

²¹ H. L. McNaughton, Ellen M.H. Mitchell, Emilia G. Hernandez, Karen Padilla, and Marta Maria Blandon, "Patient Privacy and Conflicting Legal and Ethical Obligations in El Salvador: Reporting of Unlawful Abortions," *American Journal of Public Health* 96, no. 11 (2006): 1927-1933.

²² Ibid.

²³ Soledad Varela and Luisa Cabal, *Persecuted: Political process and abortion legislation in El Salvador: a human rights analysis* (New York, NY: Center for Reproductive Law and Policy, 2001). <https://www.reproductiverights.org/sites/default/files/documents/persecuted1.pdf>.

²⁴ Elisabeth Malkin, "They Were Jailed for Miscarriages. Now, Campaign Aims to End Abortion Ban," *The New York Times*, April 9, 2018, <https://www.nytimes.com/2018/04/09/world/americas/el-salvador-abortion.html>.

²⁵ *On the brink of death: Violence against women and the abortion ban in El Salvador* (London, UK: Amnesty International Publications, 2014): https://www.amnestyusa.org/wp-content/uploads/2017/04/on_the_brink_of_death.pdf.

²⁶ Ilene Speizer et al., "Dimensions of Child Sexual Abuse before Age 15 in Three Central American Countries," *Child Abuse & Neglect* 32, no. 4 (2008): 455-462.

intimate partners.²⁷ Thus, what an examination of El Salvador's carceral state unveiled, was a complex system of institutionalized violence against women that stemmed from a culture of *machismo* and spawned into what are now the most restrictive abortion policies in the world, and certainly in Latin America.

Earlier this year, in February 2020, in Mexico City, Elideth Yesenia Zamudio, the mother of 19-year-old femicide victim María de Jesús Jaime Zamudio, delivered a powerful speech protesting the violent systems that killed her daughter in 2016; Zamudio was raped and later thrown out of a window in her fifth floor apartment.²⁸ In the delivery of her speech, Zamudio affirms that she is a feminist and is seen wearing the *pañuelo verde* around her wrist.²⁹ Like the cases in Argentina, the visibility of the *pañuelo verde* in the context of femicide suggests that there is there is a fundamental connection between both issues. The repeating convergence of these issues begs the question as to why violence, femicide and reproductive agency are not all spearheaded by a single, overarching framework that centers the plight of the at-risk women most adversely affected in Argentina, El Salvador and beyond.

Migration

The propulsion of *pañuelo verde* and #NiUnaMenos activism in Latin America occurred at a time in which the United States was exhibiting similar symptoms of institutionalized violence against women, this time aimed at migrants from Central America. In 2018, the Trump administration announced their “zero tolerance” policy in which “gang and domestic-violence [would] no longer be considered grounds for asylum” in the United States, thereby violating international law.³⁰ Considering this

²⁷ Jacquelyn C. Campbell and Karen L. Soeken, “Forced Sex and Intimate Partner Violence: Effects on Women’s Risk and Women’s Health,” *Violence Against Women* 5, no. 9 (1999): 1017–1035.

²⁸ Amy Guthrie, “Mexicans march to demand safety and justice for women,” *AP News*, September 8, 2019, <https://apnews.com/3e7ba4c0fb664b11a2f35cf476ce04dd>.

²⁹ AJ+ (@AJplus), “This is the powerful speech by a mother who lost her 19-year-old daughter to femicide in Mexico.” <https://t.co/FvWUcahSG8>, Twitter, February 23, 2020, <https://twitter.com/ajplus/status/1231576771579072512>.

³⁰ Katherine Olivera, “Immigration Is a Reproductive Justice Issue,” *International Women’s Health Coalition*, August 3, 2018, <https://iwhc.org/2018/08/immigration-is-a-reproductive-justice-issue/>.

decision came merely 4 months after the suspension of the Temporary Protected Status (TPS) program that gave roughly about 195,000 Salvadorans protection and authorization to live and work in the United States on grounds of sociopolitical unrest, migrants from El Salvador were among the most adversely affected.³¹ Amidst all of this, migrant women cited “threats of rape, gang violence and political persecution” in El Salvador as the reasoning for their exodus.³² In the wake of multiple migrant caravans from Central America, most of the media attention and scrutiny fell on the separation of families, leaving the emerging connection between bodily autonomy and immigration policy unattended.

Reproductive Justice

To this regard, one of the most compelling discourses to date is that of the reproductive justice framework. Spearheaded *by* women of color and *for* women of color in the United States, reproductive justice aims to center the experiences of communities of color in relation to fertility management, pregnancy, birth, abortion and parenting, all in just conditions.³³ Because the crux of this framework further seeks to undo the systems of “privilege and violence” that coercively dictate our “reproductive destinies,” it frequently and recently has been deemed apt for the plight for women of color, especially for Latinas in the United States in the contexts of family separations and increasingly inflammatory sexual and obstetric violence as a consequence of the “zero tolerance” policy. As important as this is, the reproductive justice framework has yet to incorporate the additional the broader, sociopolitical contexts of violence that force women to seek asylum in the United States into their praxis. Considering the “threats of rape, gang violence and political persecution” cited by migrant women in Immigrations

³¹ D’Vera Cohn, Jeffrey S. Passel, and Kristen Bialik, “Many immigrants with Temporary Protected Status face uncertain future in U.S.,” *Pew Research Center*, November 27, 2019, <https://www.pewresearch.org/fact-tank/2019/11/27/immigrants-temporary-protected-status-in-us/>.

³² Amy B. Wang, “Officials blast Trump policy after visiting detained immigrants,” *Chicago Tribune*, June 10, 2018, <https://www.chicagotribune.com/nation-world/ct-trump-immigrants-policy-criticism-20180610-story.html>.

³³ Loretta Ross and Rickie Solinger, “A Reproductive Justice History,” in *Reproductive Justice: An Introduction* (Oakland, California: University of California Press, 2017), 9-57.

and Customs Enforcement (ICE) detention centers all run parallel to the issues both the National Campaign for the Right to Legal, Safe and Free Abortion and #NiUnaMenos aim to tackle, this thesis proposes the recontextualization of immigration as an issue pertinent to reproductive justice. Further, this research holds that the contexts of violence Latinas face prior to entry into the United States are important grievances to redress in order to (i) prevent said sociopolitical ailments from replicating domestically, (ii) protect Latinas with violent backgrounds from potentially facing obstetric, domestic and sexual violence in the United States, and (iii) improve and deepen the commitment the reproductive justice framework makes to women of color in general.

Methods

This body of research was conducted by way of an extensive, mixed-methods literature review. Data on femicide was collected from the United Nations Economic Commission for Latin America (CEPAL) Gender Equality Observatory for Latin America and the Caribbean. The data from the CEPAL was last updated in 2018, which coincides with the last time the bill for the Voluntary Interruption of Pregnancy (IVE) was proposed before Argentina's legislative body. Data on femicide for Cuba came directly from their 2019 report on the status of the region-wide *Agenda 2030* project. Likewise, data on unsafe, clandestine abortions was gathered from the World Health Organization (WHO); the data set focused on margins from 1990 to 2008. Qualitative information, in the form of interviews on the incidence of sexual battery was accessed via a brief from Amnesty International. Legislative information for the countries examined in this thesis was gathered from their respective penal code webpages. Additional qualitative data came from databases accessible through the Claremont Colleges Library; I particularly looked within journals of health and human rights, health equity, minority health, reproductive health and gender and politics.

Biographical and circumstantial information on the victims of failed abortion attempts, lack of abortion care, incarceration and/or of femicide was gathered via news articles in the New York Times, Al Jazeera and teleSUR, among others. Further, due to the novelty and dynamic aspect of immigration policy, relevant information came from the Department of Homeland Security and its agency for United States Citizenship and Immigration Services (USCIS), while information on the connection between reproductive justice and immigration came from the International Women's Health Coalition. For the sake of clarity, any and all terms with a medical connotation were defined using the parameters in accordance to the WHO and the United States Centers for Disease Control (CDC). Lastly, information on pro-choice and anti-femicide social movements in the Americas came from direct experience and exposure during my tenure as a Health Policy and Social Services intern in Argentina's *Ministerio de Salud de la Nación* in 2018, and as a Community Health Fellow at the *Fundación EPES: Educación Popular en Salud* in Santiago, Chile in 2019.

Current Landscape of Reproductive Justice

The foundations of reproductive justice were established as adjacent, corrective measures to the discourse on *reproductive rights* following *Roe v. Wade* in 1973. Here, the United States Supreme Court associated the termination of pregnancy with the Due Process Clause in the Fourteenth Amendment of the Constitution and its protection of an inherent right to privacy, and thus the ability to freely terminate pregnancy.³⁴ Following the landmark decision, issues pertaining to women's health were elevated and placed in the center of political agendas and social movements championed by white women of the upper middle-class. To this end, several sociological studies have concluded that there are different conceptions of *reproductive freedom*, and therefore varying levels of importance attributed to the inequities that render reproductive rights

³⁴ "Roe v. Wade," *Oyez*, <https://www.oyez.org/cases/1971/70-18>.

specific to race. Generally speaking, white women place more weight on the issue of achievement gaps between men and women in the labor force, while Black women take to issues of equal opportunity not only on the basis of gender, but on the basis of race and class as well.³⁵ In this, a focus on success and professional ascension in the workplace is but a microcosm of equal opportunity and access in the domains of education and healthcare factors influencing the degree of reproductive freedom one is afforded. Witnessing a dismissal of the social and cultural conditions that Black women and other women of color face beyond the pro-choice and pro-life dichotomies in the abortion context propelled by *Roe v. Wade*, the lauded reproductive justice framework was born. The crux of the novel discourse rests not only on a connection between reproduction and social justice, but further, on the notion that there are structural configurations that determine exactly *who* is able to assert their bodily autonomy and control their *reproductive destinies*.³⁶ Seminal work in reproductive justice has clearly articulated the fact that for women of color, issues even remotely related to bodily autonomy do not exist in a vacuum, rather they are driven by underlying social and economic unrest traced back to the mechanisms of a heteronormative patriarchy and terrorizing neoliberal economic plan all on an agenda of white supremacy.³⁷ While the reproductive justice framework has played an essential role in the amalgamation of issues like racism, poverty, sexual orientation, gender expression, educational attainment, religion, ability, language, national origin and relationship status, contexts of sociopolitical violence remain generalized and overlooked.³⁸ Contexts of violence, to this end, seem to only be regarded when associated with pregnancy, such as in cases of coercion in labor and delivery, forced sterilization and of

³⁵ Raquel Souzas and Augusta Thereza de Alvarenga, "Sexual and reproductive rights: The conceptions of black and white women regarding freedom," *Saude e Sociedade* 16, no. 2 (2007): 125-132.

³⁶ Loretta Ross, *Understanding reproductive justice* (Atlanta, GA: SisterSong Women of Color - Reproductive Health Collective, 2006).

³⁷ *Ibid.*

³⁸ Jael Silliman, Marlene Gerber Fried, Loretta Ross, and Elena R. Gutiérrez, *Undivided rights: Women of color organize for reproductive justice* (Cambridge, MA: South End Press, 2004).

tampering with birth control, thereby corroborating the fact that “most of the work done in the name of ‘reproductive justice’ [continues] to be abortion related.”³⁹ Contemporary applications of reproductive justice make the case for refurbishing and expanding the framework so as to include contexts of violence, especially for its use in the United States. In Latin America, the bounds of reproductive justice have gradually developed into a playbook for social movements set on undoing the systems that currently perpetuate brutality and only result in transgressions of bodily autonomy and reproductive destinies. For countries like Cuba, Argentina and El Salvador, a reproductive justice framework that pathologizes violence in the forms of poverty, incarceration and political turmoil in addition to obstetric, domestic and sexual abuse, is far more conducive to lasting, progressive changes to legislation and public health. Thus, in the face of migration to the United States from Central America in particular, it is imperative that the reproductive justice framework develop anti-violence mechanisms in order to deescalate and defuse the predispositions that run the risk of becoming transgressions of bodily autonomy in the forms of unsafe, clandestine abortions and/or femicide.

Lessons from Latin America

In gauging the sociopolitical landscapes of abortion, femicide and violence in Latin America and the Caribbean, recent policy scholarship has found that the successes of anti-violence sentiments, while well-organized at the grassroots level, are disproportionately halted by conservative “policy rivals...who promote a patriarchal ‘family values and unity’ approach to domestic abuse” and contexts of violence in general.⁴⁰ Most alarmingly, researchers have also corroborated the institutional

³⁹ Jessica Shaw, “Full-spectrum reproductive justice: The affinity of abortion rights and birth activism,” *Studies in Social Justice* 7, no. 1 (2013): 143-159.

⁴⁰ Cheryl O'Brien and Shannon Drysdale Walsh, "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, no. 1 (2020): 107-131.

component of violence against women that both *pañuelo verde* and #NiUnaMenos activism decried back in 2018, as they have found that “patriarchal systems favored by conservatives institutionalize and normalize violence against women across a range of contexts, including in the family, as evidenced in laws that historically or currently permit wife-beating or marital rape.”⁴¹ Because evidence has indicated that there is a correlation between political and economic conservatism and the presence and normalcy of violence against women in the public and private domains, regardless of the work done by pro-abortion, anti-femicide and anti-violence social movements, this chapter will brief the contexts of Cuba, Argentina and El Salvador in order to situate the unattended connection between reproductive justice, violence and migration for Latinas in the United States.

Case Study: Cuba

Often revered for the implementation of a highly successful universal healthcare system, the leftist regime in Cuba during the 1950s led to some of the most progressive abortion legislations to date worldwide. A post-revolution Cuba would go on to decriminalize abortion to the fullest extent in 1965 in response to increasing mortality rates associated with unsafe, clandestine abortions. Considering the success with the country’s universal healthcare system, the legalization of the termination of pregnancy at free will made cases of both unsafe *and* clandestine abortions obsolete in the country, as women would now receive legal, safe and free abortion care.⁴² Witnessing an increase in abortion procedures as common forms of fertility control tantamount to the other forms of birth control, in 1987, abortions were criminalized in cases of coercion and/or when the procedure was done in for-profit, non-medical facilities, thereby establishing a structural blockade to consumerism in abortion and violence in

⁴¹ O'Brien and Shannon Drysdale Walsh, "Women's Rights and Opposition."

⁴² Danièle Bélanger and Andrea Flynn, “The Persistence of Induced Abortion in Cuba: Exploring the Notion of an ‘Abortion Culture,’” *Studies in Family Planning* 40, no. 1 (2009): 13-26.

the form of manipulation to birth control.⁴³ For Cuba, the correlation between political and economic conservatism and violence against women was abundantly clear. In addition to the progressive measures on abortion, which already carried an inherent element of protection (from coercion), the expansion of post-revolution social services gave rise to the institutional, anti-violence mechanisms that have yet to succeed in other places in Latin America. In 1960, for example, the *Federación de Mujeres Cubanas* was formed and gave women sociopolitical ground to champion for bodily autonomy and institutional support altogether. In 1997, the *Federación de Mujeres Cubanas* secured the support for anti-violence interventions from various governmental agencies via the National Group for Prevention and Treatment of Violence in the Family. Coordinated by the *Federación de Mujeres Cubanas*, the National Group for Prevention and Treatment of Violence in the Family is still “made up of representatives of the Ministries of Education, Health, the Interior and Justice, the Office of the State Procurator, the Institute of Forensic Medicine, the National Sex Education Centre, the University of Havana, the Centre for Psychological and Sociological Research, the People’s Supreme Court and the Radio and Television Institute.”⁴⁴ The progressive, government-funded and multidimensional and interdepartmental approach to combatting violence against women by the leadership of Cuban women and for Cuban women, is what kept the country from having to report any cases of femicide. While Cuba reported annually to the United Nations (UN) Global Database on Violence Against Women for the purposes of the 2030 Agenda for Sustainable Development, an ongoing project in all of Latin America, 2019 was the first year in which the country included data on femicide in its report to the UN. Faring at 0.99 femicides per 100,000 women of ages 15 and older, the femicide rate in Cuba is still one of the lowest in all of Latin America and the Caribbean.⁴⁵ For many supporters of the global fight for bodily autonomy, Cuba’s

⁴³ Bélanger and Flynn, “The Persistence of Induced Abortion in Cuba.”

⁴⁴ “Cuba,” UN Women Global Database on Violence against Women, <https://evaw-global-database.unwomen.org/en/countries/americas/cuba?pageNumber=1>.

⁴⁵ *Cuba Informe Nacional Sobre La Implementación De La Agenda 2030* (New York, NY: United Nations Economic Commission for Latin America and the Caribbean, 2019),

success in containing mortality rates associated with unsafe, clandestine abortions and femicide has been due to the implementation of blanket anti-violence interventions under a progressive government.

Case Study: Argentina

In Argentina, the sociopolitical landscape of abortion, femicide and violence proved to be dictated by emerging legislation that ignored contexts of violence altogether. In 1921, abortion was made permissible only in cases of rape, grave fetal malformation, and/or harm to the gestating person.⁴⁶ A year later, in 1922, abortion was made punishable with 1 to 4 years in federal prison.⁴⁷ Despite this, mortality rates only seemed to rise: in 2002, the maternal mortality rate was 46.1, up from 38.1 in per 100,000 live births in 1997; in 2004, 30 percent of maternal mortalities were consequences of illegal abortions, and that same year, it was estimated that 500,000 illegal abortions occurred annually, constituting 40 percent of all pregnancies.⁴⁸ Unlike the case of Cuba, anti-femicide legislature was not introduced until 2012 and without the implementation of anti-violence programs or trainings for the country's institutions both at the provincial and national levels, with the exception of the National Supreme Court.⁴⁹ Because the Supreme Court was left as the only body that *could* and *would* provide protection for victims of obstetric, domestic and sexual violence, the issue of femicide would go on to impact Argentina in 2018 deeply. Without the legislative support for the development of anti-violence interventions, there were 255 registered cases of femicide in 2018, giving the country a rate of 1.1 femicides per 100,000

https://foroalc2030.cepal.org/2019/sites/foro2019/files/informe_nacional_voluntario_de_cuba_sobre_implementacion_de_la_agenda_2030.pdf

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ "Abortion: Argentina," Human Rights Watch: Women's Human Rights, <https://www.hrw.org/legacy/women/abortion/argentina.html>.

⁴⁹ Eugenia Rosales Matienzo, "Femicides in Argentina." *Council on Hemispheric Affairs*, March 7, 2018, <https://www.coha.org/femicides-in-argentina/>.

women.⁵⁰ Despite the country’s universal healthcare system, the 1921, 1922 and 2012 legislations posed structural barriers to the ethos *pañuelo verde* and #NiUnaMenos activism.

With political and economic conservatism peaking in 2018, amidst with the rejection of the IVE bill and a motion to take a loan from the International Monetary Fund (FMI) to help with the country’s recession, most, if not all, organizations combatting domestic, sexual and interpersonal violence – the foundations of femicide – at the grassroots level were met with legislative impediments that sought to undermine the severity of violence-driven mortality rates associated with unsafe, clandestine abortions and femicide. In response to this, *pañuelo verde* and #NiUnaMenos activism centralized any and all grievances involving transgressions of bodily autonomy, institutionalized and state-sanctioned violence against women, and began associating them to the politically, socially and fiscally conservative antics that continued to allow women to die (Fig. 1).



Figure 1. A demonstration via the National Campaign for the Right to Legal, Safe and Free Abortion in August 2018. The banner front and center reads “Not one (woman) less due to clandestine abortion. The state and governments are responsible. No to the FMI (International Monetary Fund).”⁵¹

⁵⁰ Matienzo, “Femicides in Argentina.”

⁵¹ I took this image while working with the *Ministerio de Salud de la Nación* in Córdoba, Argentina.

Case Study: El Salvador

In El Salvador, the landscape was much stricter and much deadlier. Per a 1998 legislature, abortion in the country is prohibited under any and all circumstances.⁵² In addition to this, women who miscarry or deliver a stillborn run the risk of being incarcerated, because there is no robust mechanism of differentiation between miscarriage and abortion.⁵³ A 2013 Amnesty International brief reported that of the 16 women and girls charged with the crime of abortion that year, 6 were under the age of 17 at the time of the alleged offenses, and that the country had the highest rate of teenage pregnancy in the region.⁵⁴ In addition to this, research found that of the 1,346 registered cases of rape of women and girls, two thirds were of the victims were under the age of 15.⁵⁵ Further, at the time of this study, there was only one women's refuge in the entire country, housing only 35 women and children.⁵⁶ Not much different, the 2018 UN data on femicide showed that El Salvador remained one of the most dangerous places for women and girls; the country had the highest femicide rate at 6.8 per 100,000 women and 232 registered cases in that year alone.⁵⁷

Further, research on immigration policy found that mortality rates associated with unsafe, abortions and femicide were not only symptoms of structural barriers and institutionalized violence against women, but of larger context of gang violence and political instability.⁵⁸ With roots in the country's 12 year-long Civil War in the 1980s and 1990s, gang violence in El Salvador is considered an epidemic with an average of 23

⁵² Ibid.

⁵³ Ibid.

⁵⁴ "Twelve facts about the abortion ban in El Salvador," Amnesty International, September 25, 2014, <https://www.amnesty.org/en/latest/news/2014/09/twelve-facts-about-abortion-ban-el-salvador/>.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Maureen Meyer and Elyssa Pachio, "Fact Sheet: U.S. Immigration and Central American Asylum Seekers - United States of America," March 14, 2018, <https://reliefweb.int/report/united-states-america/fact-sheet-us-immigration-and-central-american-asylum-seekers>.

murders a day.⁵⁹ Considering this, it is likely that femicides resulting from domestic/interpersonal violence are only a fraction of the total number of female homicides, as gang violence poses additional threats of extortion, recruitment and/or sexual violence, particularly on at-risk, under-resourced communities, and thus drives migration to the United States (Fig. 2).⁶⁰

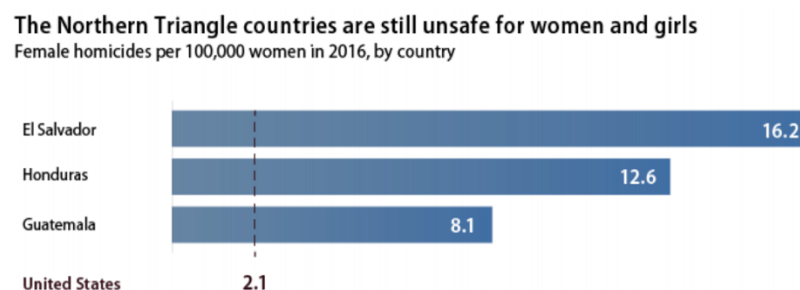


Figure 2. Female homicides per 100,000 women in 2016 by country; El Salvador (16.2), Honduras (12.6) and Guatemala (8.1).⁶¹

For the United States, violence-driven migration is not new. Historically, Salvadoran migrants were granted protection and authorization to live and work in the United States due to the sociopolitical instability in El Salvador that resulted in the aftermath of the country’s Civil War. Until January 2018, Salvadoran nationals were eligible to seek asylum on grounds of sociopolitical unrest, including gang violence and its respective threats.⁶² In May 2018, however, the Trump administration’s “zero tolerance” immigration policy in response to a wave of migrant caravans from Central America

⁵⁹ Óscar Martínez, *A History of Violence: Living and Dying in Central America*, trans. John Washington and Daniela Maria Ugaz (London, UK: Verso, 2017).

⁶⁰ Elizabeth Carlson and Anna Marie Gallagher, “Humanitarian Protection for Children Fleeing Gang-Based Violence in the Americas,” *Journal on Migration and Human Security* 3, no. 2 (2015): 129–158.

⁶¹ “Small Arms Survey,” accessed June 9, 2020, <http://www.smallarmssurvey.org/tools/interactive-map-charts-on-armed-violence.html>.

⁶² William A. Kandel, *The Trump Administration’s “Zero Tolerance” Immigration Enforcement Policy*, (Washington, D.C.: Congressional Research Service, 2018): 29. <https://crsreports.congress.gov/product/pdf/R/R45266/7>.

declared that migrants would no longer be able to seek asylum on grounds of “gang violence, sexual violence, or political persecution.”⁶³

As is the case with Argentina, despite adopting numerous legislatures in the name of anti-violence and gender equity, El Salvador has been unable to deliver tangible efforts to decrease the incidence of intimate partner violence, sexual abuse and reproductive and obstetric violence, and consequently, migration northward.⁶⁴ Rather than adopting and adapting preventative measures, governmental efforts appear to be reactive and shallow in their delivery of justice. For young women and girls fleeing brutality in the form of a medical-social-political gridlock, the “zero tolerance” policy is but another structural barrier to bodily autonomy and reproductive freedom, as an overwhelming number of single mothers and unaccompanied minors arriving at United States’ ports of entry from the Northern Triangle are funneled into Immigrations and Customs Enforcement (ICE) detention centers that notoriously replicate or inflame the contexts of violence from which they were initially escaping. Despite being on United States’ soil, a once romanticized safe haven, women and children in ICE detention centers remain at risk. Since 2007, there have been numerous reports on rape and other forms of sexual abuse, the rationing of sanitary napkins, miscarriages resulting from ignored “pleas for medical attention for profuse bleeding” and births in which women were only allowed deliver in the presence of already scarce nurse practitioners.⁶⁵ These realities of migrant women surface the need for a blanket thrust of justice that rests on anti-violence and gender equity in addition to due process in immigration and asylum-seeking.

⁶³ Ibid.

⁶⁴ Karen Musalo and Eunice Lee, “Seeking a Rational Approach to a Regional Refugee Crisis: Lessons from the Summer 2014 ‘Surge’ of Central American Women and Children at the US-Mexico Border,” *Journal on Migration and Human Security* 5, no. 1 (2017): 137–179.

⁶⁵ Michelle Brané and Lee Wang, “Women: The invisible detainees,” *Forced Migration Review* 44 (2013): 37-39.

Conclusions

All in all, this thesis found that across the contexts of Cuba, Argentina and El Salvador, varying levels of sociopolitical conservatism and differences in institutional organizations were indicative of mortality rates associated with unsafe, clandestine abortions and femicide. This is corroborated by the fact that in Latin America, Cuba has the most progressive legislature on abortion and is the country with the most expansive and thorough forms of social services, while the same cannot be said for neither Argentina nor El Salvador. Additionally, in countries with the most conservative and restrictive social infrastructure, violence against women is institutionalized by way of penal codes and the threat of incarceration. Here, women from at-risk, precarious backgrounds are disproportionately targeted, as most women indicted were in their teenage years at the time of the alleged offense and/or have been victims of obstetric, domestic and/or sexual abuse. Most importantly, this thesis confirmed that migration to the United States is violence-driven and that its state-sanctioned and institutionalized nature *is* a form of political persecution, a legitimate reason for migration and asylum-seeking legally and medically, and therefore a relevant and incumbent aspect for reproductive justice to consider. This thesis recommends an immediate inclusion of these contexts of sociopolitical violence as comorbidities into reproductive justice praxis in order to protect migrant women from potentially re-facing contexts of violence, advocate for their bodily autonomy and to better serve women of color at large.

Surfacing Contexts of Violence

While the synthesis of a novel reproductive justice framework is only possible by way of a methodical and interdisciplinary approach, the task of refurbishing it is more daunting on paper than it is in practice. The first and perhaps most salient step is one in which we reconsider and redefine the scopes of violence. Historically, reproductive

justice has served the purpose of exposing an array of needs unaddressed by the discourse on *reproductive rights*. While there has certainly been an impetus for the undoing of the structural configurations that determine exactly *who* is able to assert their bodily autonomy and control their *reproductive destinies*,⁶⁶ the reproductive justice framework now rests on narratives of violence associated with pregnancy, such as in cases of coercion in labor and delivery, forced sterilization, tampering with birth control and barriers to abortion. Given that these benchmarks have all been present in the ICE detention centers that incarcerate migrant women, it is now incumbent on reproductive justice to extrapolate these violations and further situate them as symptoms of broader contexts of violence. To this end, to reconsider and redefine the scopes of violence is to pathologize not only isolated acts of obstetric, domestic and sexual abuse, but violence in the form of poor social welfare and infrastructure as well. In surfacing contexts of (sociopolitical) violence – of normalized *machismo*, of shallow legislatures that do little to nothing for women fighting for their life, of poverty and forced migration – reproductive justice has the potential to return to one of its original conceptions: issues even remotely related to bodily autonomy do not exist in a vacuum, rather they are driven by underlying social and economic unrest traced back to the mechanisms of a heteronormative patriarchy and terrorizing neoliberal economic plan all on an agenda of white supremacy.⁶⁷ By reconsidering and redefining violence, violence becomes a lens through which reproductive justice and migration and asylum-seeking are inseparable.

Progressive Solutions for Use in Public Health

Contemporary work in public health merely regards obstetric, domestic and sexual abuse as social determinants of health. While this serves the purpose of estimating where and how access to healthcare is halted, actively pathologizing the social, political

⁶⁶ Brané and Wang, “Women: The invisible detainees.”

⁶⁷ Ibid.

and economic unrest that is often the cradle for obstetric, domestic and sexual abuse elevates violence from mere social determinants to a robust, complex and legitimate public health crisis replete with co-morbidities. Further, because the discipline currently fragments the issues spearheaded by reproductive justice from mainstream conversation and into the pockets of minority health and health equity research, public health as a whole is due for a recalibration that establishes clear and innovative spaces for judicial, educational and social work loci to work in tandem with medicine and healthcare. To this end, the case of Cuba is exemplary as their expansive and thorough coordination of justice and social services within public health have managed to deliver the most progressive legislatures on abortion in Latin America and the Caribbean, in addition to scarce mortality rates associated with unsafe, clandestine abortions and femicide. Here and now, public health in the United States must look to other leftist frameworks in addition to that of reproductive justice, that seek a blanket effort against poverty in the form of poor distribution of wealth, forced displacement and migration ignited by socially and fiscally conservative policies domestically or bilaterally with other (Latin American) countries, and most importantly, against gender-based violence and patriarchal configurations. Most importantly, the discipline of public health must not forget that social movements and grassroots work like that of the *pañuelo verde* and #NiUnaMenos activism are grounded in both qualitative and quantitative data, thereby qualifying them as indispensable and exemplary epidemiological tools. Adopting and adapting them for the public health crisis that is currently afflicting, castigating and violating migrant Latinas in ICE detention centers, would be culturally and socio-politically relevant methodology. In addition to pathologizing violence, such measures would expose the fact that protection for migrant Latinas is incumbent in order to prevent them from potentially facing obstetric, domestic and sexual violence in the United States at the hands of the United States.

Limitations and Indications for Further Study

Despite the fact that the scope of this thesis regarded cisgender women, it is important to note that violence against women should also encompass violence against transwomen. In Argentina, grassroots work against femicides also commonly includes what are called *transvesticidios* or “transvesticides” in an effort to rally against transphobia and homophobia. Additionally, among the thousands coming to the United States from Central America are queer and trans migrants fleeing the quadruple threat of gender-based violence, gang violence, barriers to reproductive justice and bodily autonomy, and homophobic and transphobic attacks. Future studies should turn special attention to data on queer and trans migrants, their reproductive freedoms and the establishment of due process in immigration affairs. Lastly, this study did not consider race and ethnic background within the population of Latinx migrant women, children and unaccompanied minors. Considering there is a significant number of Black women migrants in the exodus from Central America also facing obstetric, domestic and sexual violence in the United States at the hands of the United States in ICE detention centers, future studies should concentrate on that front.

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Lastly, I would like to share that after mentioning the parameters of my work as an academic on this year's International Women's Day to substantiate my support of Latin American feminist protests and efforts, I was called a "mala licenciada" and "mujer desastrosa." May we all continue to be malas and desastrosas. En la unión está fuerza, muxeres.

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Deacon-Sacerdotes and Scarlet Women: Queering Crowley And The OTO

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Introduction

Occult practices, especially sex-magical acts, have captured the imagination of the West for centuries. Fed by a fascination with Indian tantric practice, organizations like the Ordo Templi Orientis (OTO) sprang up as part of a network of overlapping bodies dedicated to unlocking the magical power of the human form. The OTO is best known today as the legacy of Aleister Crowley, a bisexual man committed to transgressive practice who founded his own religion: Thelema. Crowley publicly embraced his transgressive sexuality and sought to incorporate the recognition of fluid gender and sexual identities into an OTO shaped by Thelemic practice. Today, the OTO positions itself as a subversive space open to those of any identity. At the same time, it faces criticisms of male-centricity and female objectification and has received some pushback against recent policies on the gendering of public masses.¹ The organization's Queer past, its emphasis on individual freedom and self-expression, and its conception of itself as a subversive esoteric and erotic force combine to make Queerness a major facet of the OTO. The OTO's governing leadership has continued to adapt to meet the needs of its Queer adherents. Ultimately, many Queer practitioners feel that they are affirmed by their practice of Thelema and that the rituals of the OTO are fundamentally

¹ At its core, Queer theory is about elevating the marginalized and the non-normative as a path to radical change. It is not my intention to levy unfair critique at Thelema or the OTO, but to point out areas in which there are opportunities for growth in terms of promoting acceptance for Queer Thelemites. See: Kathryn Lofton, "Everything Queer?" in *Queer Christianities: Lived Religion in Transgressive Forms*, edited by Kathleen T. Talvacchia et al., (New York, NY: New York University Press, 2015), 195-204.

Queer, but some have reservations about the degree to which the modern OTO has grown from its male-dominated roots.

Certain forms of occultism have long been characterized as potentially subversive or counter-cultural forces. Occult practices make “claims to access hidden knowledge/power by the performance of specialist techniques”,² and can become a lens through which to interpret the world as a series of disparate events with hidden connections that form a larger truth.³ Many occult organizations use magical “ritual performances enacted to achieve specific results.”⁴ Traditional occultism emphasizes the transcendence of the material, including the body.⁵ The OTO incorporated sex magic into its ritual practice long before Crowley’s term as leader. Because occultism is a non-normative form of spiritual practice, it provides an arena for marginalized voices. Occultism tends to elevate the non-local by incorporating global traditions, like Indian tantra.⁶ Occult spaces also accept diverse sexualities. In the Victorian era, as spiritualism rose to prominence, supernatural phenomena like seances served as vestibular spaces in which bodily contact and homoeroticism could be elevated for their non-normativity as proof of otherworldliness.⁷ Occultism’s rejection of established norms and reliance on hidden knowledge has made it possible for women, people of color, and members of the Queer community to take on positions of religious power.⁸ Queering a subject generally entails its deconstruction, but queering can also mean bringing examples and testimonies from the margins and vestibules to the forefront of a subject.⁹ Occultism queers religious practice inasmuch as it valorizes the experience of the marginalized. As a non-normative religion in contrast to what are assumed to be

² Nile Green, “The Global Occult: An Introduction,” *History of Religions* 54, no. 4 (2015): 384.

³ J. Lawton Winslade, “Techno-Kabbalah: The Performative Language of Magick and the Production of Occult Knowledge.” *TDR* 44, no. 2 (2000): 86.

⁴ Winslade, “Techno-Kabbalah,” 87.

⁵ Cary J. Nederman and James Wray Goulding, “Popular Occultism and Critical Social Theory: Exploring Some Themes in Adorno’s Critique of Astrology and the Occult,” *Sociological Analysis* 42, no. 4 (1981): 326.

⁶ Green, “The Global Occult,” 384.

⁷ Marlene Tromp, “Queering the Seance: Bodies, Bondage, and Touching in Victorian Spiritualism,” *Handbook of Spiritualism and Channeling*, Brill Handbooks On Contemporary Religion 9 (2015), 87-115. See also: Molly McGarry, *Ghosts of Futures Past* (Berkeley, CA: University of California Press, 2008).

⁸ Green, “The Global Occult,” 388.

⁹ Karl Whittington, “QUEER,” *Studies in Iconography* 33 (2012): 163.

dogmatic monoliths of religion, like Christianity, the OTO is queered through its juxtaposition with normativity. That said, any normative concept can be queered through analysis, and the OTO's relative queerness does not prevent it from upholding restrictively normative doctrines and practices.¹⁰

Because social elites are drawn to the promise of supernatural power, some forms of popular occultism have supported existing hegemonic social structures.¹¹ Hugh Urban posits that “many new religious movements do not represent so much a rejection of modernity; rather, they are often better described as powerful *affirmations* of certain basic modern ideals, such as progress, individualism and free will.”¹² This approach would suggest that though occultism may subvert existing power structures, it aligns itself with contemporary cultural values. This can be true even when cultural norms are less high-minded than progress and individualism: tantric principles, as appropriated into new-age religion, provided support for the rejection of asceticism in favor of capitalist hedonism.¹³ Cultural values do not exist independently of hegemonic systems. Nederman and Goulding posit, drawing from Theodor Adorno, that popular occultism is simply a part of the modern commodity marketplace. Adorno's writing suggests that popular occult beliefs are not irrational per se, but are a means of attempting to interpret an irrational social structure. By virtue of assigning supernatural reason to social structures, occultism sanctions them.¹⁴ Astrology columns and other popular occult models encourage people to adhere to the status quo by predicting future norm adherence, while conceptions of fate ignore the realities of class stratification and encourage complacency.¹⁵ What may have begun as a subversive form of religious observance came to reinforce capitalist systems through marketable

¹⁰ Whittington, “QUEER,” 158.

¹¹ Green, “The Global Occult,” 389.

¹² Hugh B. Urban, “The Beast with Two Backs: Aleister Crowley, Sex Magic and the Exhaustion of Modernity,” *Nova Religio: The Journal of Alternative and Emergent Religions* 7, no. 3 (2004): 8.

¹³ Hugh B. Urban, “The Cult of Ecstasy: Tantrism, the New Age, and the Spiritual Logic of Late Capitalism,” *History of Religions* 39, no. 3 (2000): 271.

¹⁴ Nederman and Goulding, “Popular Occultism and Critical Social Theory,” 326.

¹⁵ *Ibid.*, 327.

ephemera like tarot, crystals, and star charts.¹⁶ As an esoteric initiative order, the OTO is in certain ways purposefully distinct from mass-market phenomena. Nonetheless, Nederman and Goulding present Marx's critique that occult practices "serve as forms of the domination of the spirit (inner life) in the name of the maintenance of the status quo," subjugating the self in the same way organized religion promotes adherence to social norms through outside pressures.¹⁷ The OTO, as an organization, positions itself as counter to both social and religious norms. Nevertheless, the existence of a governance system means that OTO members have regulations imposed on them that may conform to restrictive social norms.

The OTO's Transgressive Practice

The history of the OTO, like Aleister Crowley's biography, is replete with transgressive expressions of queerness. Thelemic practice has embraced diverse sexualities and expressions of gender, non-normative ritual, and the ritual embodiment of divinity. Even before Crowley helmed the organization, the OTO's most esoteric practices and doctrines centered on sex magic. OTO founder Theodor Reuss was deeply influenced by Paschal Beverly Randolph's work on sexual magic,¹⁸ which positions intercourse as a method of creating spiritual power that can be harnessed.¹⁹ The organization became still more transgressive when Crowley took the reins. An outspoken Queer figure, Crowley had relationships with both men and women as early as 1896. He was open about his bisexuality throughout his life.²⁰ Crowley later began to practice sexual magic, inspired by Indian tantra, with partner Rose Kelly. Kelly was

¹⁶ Nederman and Goulding, "Popular Occultism and Critical Social Theory," 325; Theodor W. Adorno, *The Stars Down To Earth*, Second edition (London, UK: Routledge Classics, 2002); Jeremy Carrette and Richard King, *Selling Spirituality* (London, UK: Routledge, 2005).

¹⁷ Nederman and Goulding, "Popular Occultism and Critical Social Theory," 329.

¹⁸ Henrik Bogdan, "New Perspectives on Western Esotericism," *Nova Religio: The Journal of Alternative and Emergent Religions* 13, no. 3 (2010): 103.

¹⁹ Hugh B. Urban, "'Magia Sexualis': Sex, Secrecy, and Liberation in Modern Western Esotericism," *Journal of the American Academy of Religion* 72, no. 3 (2004): 696.

²⁰ Lawrence Sutin, *Do What Thou Wilt: A Life of Aleister Crowley*, (New York, NY: St Martin's Press, 2000); Martin Booth, *A Magick Life: The Biography of Aleister Crowley* (London, UK: Coronet Books, 2000).

Crowley's first Scarlet Woman, filling a religious office modelled on the female archetype of Babalon, the Thelemic goddess representing the female sex drive.²¹ Crowley's beliefs and practices reflected a sense of the divinity of the self.²² His "ultimate goal," according to historian Hugh Urban, "was one of *transgression* on every level—to explode the boundaries of all morality and conventional models of sexuality in order to achieve an intense experience of superhuman liberation."²³ Crowley emphasized sexual transgression, especially in non-reproductive forms, as a source of power precisely because it broke taboo and rejected social norms.²⁴ Crowley drove an intentional queering of the OTO, introducing an 11th degree of initiation entailing homosexual acts and publishing writings on his own gender non-conformity.²⁵ Crowley's legacy as a Queer occult figure has been embraced by modern Thelemites, but some of his doctrines (especially those concerning female sexuality) have come under scrutiny for their latent misogyny. As I will explore later in this paper, Crowley's archetype of the Scarlet Woman, a highly sexualized manifestation of a deity, strikes some female practitioners as a reductive role that limits the religious expressions of Thelemic women to their sexuality. Women-identified Thelemites also express concerns about the ritualization of menstrual blood, which valorizes menstruation while also divorcing it from the physical reality of women's lived experience. Each of these issues is perceived and experienced differently by individual adherents of Thelema.

In order to better understand the experience of Queer Thelemites, I conducted interviews with six Thelemites whose experience with the OTO and within the Queer community varied.²⁶ Some of them are personal friends, and because my pool of

²¹ Urban March 2004, 9; Aleister Crowley, *The Vision and the Voice* (Red Wheel Weiser, 1972).

²² Urban September 2004, 698.

²³ Urban March 2004, 8.

²⁴ Urban September 2004, 714.

²⁵ R. A. D., "Breaking the Binary in the New Aeon," *Thelemic Union*, February 12, 2019; Urban September 2004, 711.

²⁶ There is an important distinction to be made between voluntary gays who openly identify as Queer or LGBTQ+ and the involuntarily queered—people and texts, past and present, examined for evidence of non-normativity. Before discussing each interview, I will contextualize my subjects by the words or labels they have chosen to identify themselves to me. See: Lofton, "Everything Queer?" 196-197.

interview subjects was limited by an inability to meet with subjects in person, I was reliant on their contact networks.²⁷ As I will discuss below, none of my interview subjects identified as female at the time of our interview. Some identified as Queer, LGBTQ+, or gay. Together, they constitute only a minute fraction of Thelema's adherents, but they represent a range of perspectives on the alternating currents of queerness and normative regulation in Thelema and the OTO.

Thelema is built around a concept of sacredness of self. Its motto is "do what thou wilt."²⁸ Subjects also referenced the refrain "love is the law, love under will." This elevation of individual agency and conception of individual calling, destiny, or "true will" was interpreted differently by each subject. Nevertheless, each interviewee noted the law of will as a foundation for Thelemic Queer acceptance. My email correspondence with L, a USGL Officer, was brief. His main comment on the Queer community in Thelema was that:

The OTO is about as broadly inclusive in its attitudes concerning human sexuality as any organization on the planet, but from a Thelemic point of view, the policies and doctrines of any society or organization can never trump the sovereignty of each individual's will as to their practical application of the art of magick (sexual or otherwise).

As other study subjects articulated in greater depth, the central belief that all individuals must act according to their inner will sanctions Queer identity and undermines judgement of any individual's personal choices. D, a straight male Thelemite practicing outside the OTO,²⁹ acknowledged the extent to which his identity

²⁷ This research was conducted during the COVID-19 pandemic. All interviews took place over phone or email in order to comply with social distancing guidelines. Currently, the practice of Thelema has been constrained by public health guidelines, primarily restrictions placed on in-person gatherings. The internet has become a new hub in recent years for the proliferation of esotericism and esoteric information. Now, as OTO lodges shift their functions into online spaces, they face a new series of challenges. See: Winstlade, "Techno-Kabbalah," p. 91.

²⁸ Urban March 2004, 16.

²⁹ He noted that in comparison to other Thelemic orders, the OTO positions itself as a social order more than an educational organization. Interview subject R agreed that "as much as I enjoyed the OTO and learned a lot from the initiations, I found quickly that it was more of a social club that included an initiatory experience and not a true teaching order."

constrained his understanding of the LGBTQ+ community in Thelema. However, he also spoke to how his practice of Thelema has shaped his response to Queer-identified people and to queerness in general. To D, Thelema clarifies that his role in any interaction is never to judge people's lifestyle choices, but to accept the identity they present as a representation of their true will. As a long-time practitioner of Thelema, he sees himself as an educator with a duty to support the journeys of other Thelemites; this applies regardless of gender or sexuality. Z, a non-OTO Thelemite and a gay man, posited that "do what thou wilt" is often misinterpreted both in Thelema and in contemporary witchcraft as license to act on whim. He feels, as do most Thelemites, that the law speaks to a deeper true will that characterizes someone's essential self and entails the core meaning of their life.³⁰ To Z, non-judgement stems from the knowledge that people of any background are "living out what they were put on this planet to do." For M, a Queer OTO member, the law of will's connotations speak explicitly to queerness. Because "the word of sin is restriction," he feels that "I could have chosen to deny who I love, to live in the closet [...] but what would it have cost me? It would have been such a sin against myself. The only sin is not engaging in your will." For M, the law of will has provided a language with which to articulate the fact that queerness is an essential part of his being. He has heard other members of the Queer community express similar sentiments, such as a trans friend who told him that "gender identity is an expression of the true will." For both Queer and non-Queer members of the OTO, the law of will provides a tool for understanding diverse genders and sexualities, as well as for articulating how queerness is an essential part of lived reality.

The Gnostic Mass

One of the OTO's central rites is the Gnostic Mass or Liber XV.³¹ The Mass incorporates two fully ordained sacerdotal clergy, the male Priest and the female

³⁰ He specified that to him a true will is not bound by evaluative moral judgements, and that even notorious criminals like Charles Manson were likely acting in accordance with their true wills.

³¹ Urban March 2004, 13.

Priestess, as well as a Deacon and two Children.³² The Mass consists of six ceremonies. During their performance the Priestess ceremonially raises the Priest from the dead, they consecrate each other, the two come together with lance and chalice to reenact sexual union, the Priest delivers a benediction, and communion is presented to the assembled congregation. The Deacon interfaces with the congregation and recites prayers throughout, as does the Priest. The two Children, one the Negative Child and one the Positive Child, carry the elements used in purification.³³ The doctrines of the mass center the divinity of the human spirit, and the ritual itself was designed by Crowley to promote a feeling of ritualistic ecstasy through the portrayal of cosmic forces. Most performances of the Mass are open to the public. However, it is also the OTO's central private rite, and there is more doctrinal flexibility in private Gnostic Masses open only to initiates.³⁴

The Gnostic Mass has been a site of conflict within the OTO because some members perceive its binary gender roles to be restrictive and heterocentric. For the most part, though, my subjects interpreted it as a flexible Queer ritual, especially in its private iterations. R, an acolyte of the Temple of the Silver Star who has served the role of Priest in many Gnostic Masses, engaged with the OTO's current policy: that only cis and transmen may serve as Priests, while cis and transwomen serve as Priestesses. To some participants, these regulations seem unnecessarily prescriptive of a gender binary. R opined that "I understand the position and also the need for there to be 'official' rules for public masses. I also understand that in a private mass, there are no rules." He articulated the flexibility of private performances as an important arena for gender fluidity. This understanding that private performances of the Gnostic Mass may reflect greater diversity did not, however, dissuade other interview subjects from critiquing what they saw as shortcomings in the regulation of public masses. In terms of personal support for current guidelines, R asked: "does having a female priest and a

³² These roles are not gendered.

³³ Aleister Crowley, *Magick: Book IV*, Second Revised Edition (York Beach, ME: Samuel Weiser, 1997).

³⁴ Tau Apiryon, "Introduction to the Gnostic Mass," *The Invisible Basilica of Sabazius*, 1995, revised 2010.

male priestess completely flip the gender roles of the Mass? I don't think so. [...] The solution is to consider the male or female aspect of the priest and priestess regardless of the actual gender or sex of the person.” This was the conclusion of many of my interview subjects: that while the power of the Gnostic Mass as a ritual is founded on the interplay of opposing gendered forces, the embodiment of those forces is possible regardless of sex or gender identity outside of the ritual. R’s understanding of the Mass’s openness for non-normativity extended mostly to the private domain. Other subjects interpret the mass as inherently Queer, and advocate for official regulations that reflect the ritual’s natural flexibility.

Queer interview subjects tended to view the Gnostic Mass not just as a Queer-friendly ritual space, but as an inherently Queer expression of spiritual practice. M understands that some Queer people may perceive the Gnostic Mass as “a really heteronormative ritual,” but personally testified that “when I first attended a gnostic mass I didn’t perceive it like that [...] to me it was still a queer ritual, because it wasn’t about them.” For M, the Gnostic Mass should be focused on the congregation and the communion, and it is only cis congregants “looking for roles to fill” that overemphasize the ritual significance of the Priest and Priestess relative to the role of the congregation. Doctrinally, he interprets the union of Priest and Priestess as “acting out the annihilation of the older [...] annihilating themselves in each other to form this third thing, the communion but also the congregation.” Of the Queer community in the OTO, M described how “A lot of us are in love with [the Gnostic Mass] as a ritual,” nevertheless adding that “there is a lot of room for critique.” His primary concern for the Mass as a Queer ritual is not centered on the ritual itself but on the shifting regulations concerning who can fill each ceremonial role. Queer theory must by nature avoid a harsh binary between what is Queer and what is not Queer; anything can be either Queer or queered depending on the position of an interpreter.³⁵ For M, the Gnostic Mass constitutes an essentially Queer practice. However, this position is not

³⁵ Whittington, “QUEER,” 165-166.

shared by all Queer OTO members. Some female Thelemites have also chafed against the passive receptivity of the Gnostic Priestess.³⁶ A, a Queer bishop in the Temple of the Silver Star, added as an aside that there is room within Thelema for new kinds of Mass. He stated that Thelema is a “dying, if not dead, tradition if it can’t evolve.” One of the ways in which the OTO’s leadership has tried to evolve in order to address concerns about the Gnostic Mass is through the introduction of a new ecclesiastical role.

Gendered Masses and the Deacon-Sacerdote

Because of conflicts over the gendering of the Priest and Priestess, the OTO recently instituted a new gender-neutral ceremonial position: the Deacon-Sacerdote. The Deacon-Sacerdote maintains the same ritual function as a traditional Deacon, beginning the Gnostic Mass and reciting prayers throughout. Instead of a lower-level assistant to the Priest and Priestess as they perform their ecclesiastical functions, the Deacon-Sacerdote is granted all the sacerdotal privileges of a Priest or Priestess and is able to perform ceremonial functions like baptisms and weddings.³⁷ This new policy was intended to provide space for non-binary trans people to fully engage with the OTO’s ceremonial rites as members of clergy. However, its reception has been mixed.

Critique of the Deacon-Sacerdote position revolves around the extent to which it has displaced more flexible standards. A, who is supportive of the new policy, recognized that “there have been some comments that instead of giving people who are identifying as non-binary equal footing, it’s trying to steer people away from Priestess or Priest.” He feels that the United States Grand Lodge (USGL) is nevertheless working towards greater inclusion of the Queer community. A had personally planned to be ordained as a Deacon-Sacerdote before the COVID-19 pandemic forced OTO Lodges to cancel in-person events. He believes that “there’s some importance that in the act of the role the person is identifying with the gender of the role,” but also that a person’s

³⁶ Psyche, “Why I Left the OTO,” *Spiral Nature Magazine* (June 2014).

³⁷ Sabazius, “Deacon-Sacerdote,” *The Invisible Basilica of Sabazius*, August 6, 2019.

performance of gender doesn't have to match any audience's vision for their identity. When M first joined the OTO, he encountered a relatively open policy for the fulfillment of ceremonial roles: individuals regardless of gender or sex could fulfill any ecclesiastical role with the support of their supervising bishop. However, USGL regulations specified that once someone was initiated into a particular position, they could serve no other role in a public mass. M had a trans friend who identified as androgynous, presented as male in their daily life, and was initiated as a novice Priestess. When the USGL elevated the ungendered Deacon role, M's friend was stripped of their novice Priestess role. On the one hand, M recognizes that the change was a well-intentioned attempt to explicitly include nonbinary individuals in the OTO's ecclesiastical ranks. Still, M agreed with A and R that gendered restrictions should be unnecessary "because every person has the full spectrum of gender inside themselves; magically, we acknowledge this." M sees both the restriction of Priest and Priestess roles based on gender identity and the impossibility of switching ecclesiastical roles to be counter to fluid conceptions of gender. He also worries that it may play into some degree of latent homophobia, that "people don't want to see male-embodied people on the altar semi-nude or nude in the role of the Priestess," and that there might not be as much public pushback against women wanting to fulfill the role of Priest. Despite his reservations, M recognizes that the Deacon-Sacerdote position has been a welcome accommodation for non-binary people with no desire to fulfill a gendered role. The OTO, on a national and local level, fosters a community of acceptance that makes space for these forms of discourse and critique.

Queer Thelemic Experience

All interview subjects noted what they saw as a remarkably open social climate in their local lodge experiences. As a gay man, Z has experienced no heteronormativity or bias from fellow Thelemites. His sexuality has never been made relevant to his practice as a result of discrimination. To him, the acceptance of queerness has changed

considerably throughout the Pagan world. He believes that despite the perceived non-normativity of traditions like wicca, they have in fact been relatively heterocentric; in recent years, the new religious community has shifted towards integration and general openness. R emphasized that the OTO and Thelema in general sanction many forms of queerness, not just fluidity in gender and sexuality. Of Thelemites, he writes that “most are social misfits or live on the fringe of society; most want to belong somewhere but don't fit in with other religious groups; most are accepting of the unusual; most are open-minded about drugs, nudity, sexuality, and gender; most question authority [...] I have felt a strong rapport with the people I met over the years, and that is a big reason why I continued on this path.” For R, it is the open-mindedness and acceptance of most Thelemites that fosters this kind of community cohesion. M attributes the welcoming community spirit he has encountered in the OTO in part to the fact that Thelemites are “within a belief system that tells people to do what they wilt and take their will and fill of love,” linking Thelemic doctrines including the law of will to tangible expressions of acceptance. A has had a similar experience as a Queer person, noting that “I personally have never run into any issues that I felt had anything to do with my gender identity, sexual identity [...]” A did however narrate one incident in the early 1990s that to him represented an outdated discomfort with queerness. An adherent of the Order of Thelema, A felt welcomed by a friendly and accepting congregation, but the group’s leader “for whatever reason felt that a queer person could not, as he phrased it, merge with their angel.” Though this incident did not cause A any problems in terms of practice, it was nevertheless an example of intolerance from a place of leadership.

The OTO’s status as a Queer-friendly organization comes not just from its social climate, but also from the perceived Queerness of its doctrines and the intentional openness of its leaders. For M, Thelemic doctrine is essentially Queer on all levels, and the OTO is just one entity expressing that queerness. M is invested in Crowley’s legacy

as a Queer figure and believes that facts about Crowley's gender expression³⁸ are neglected because the Thelemites who maintained his legacy were cishets³⁹ who read their own experience into his material. M agreed with A that his "personal experience in the OTO has been very affirming of [his] Queer identity." Noting that he has "never experienced a local body that wasn't completely amazing in their support of the Queer experience," he specifically referenced William Blake Lodge, a local lodge with a history of dispensing pronoun pins and otherwise being avowedly Queer-friendly. He explained that there are female-identified and non-binary people in governing bodies, though they are not in the majority. M believes there is a need for more Queer leadership in the OTO, including the formation of Queer enclaves to welcome new members and provide policy feedback, but he is gratified to already have "Queer representation at the highest levels of the order." The OTO's approach to Queer congregants may not be in need of a complete overhaul, but it could benefit from a more intentional accounting of the feelings of Queer members on policy initiatives.

Women in Thelema

There is much research yet to be done on the structure of the OTO in the present day. One area that certainly deserves this focus is the role of women in the OTO. My interview subjects touched on womanhood in passing, as a standing issue they didn't have the knowledge to address. Though Z admitted that older Thelemites may have male-centric perspectives, R, my oldest interviewee, guessed that practicing Thelemites were about half male and half female. I have found no research to support this figure, though I note that determining the membership of any esoteric group structured with a degree of anonymity is a complicated prospect. In noting a lack of gender-identity-based discrimination, A added that "not being cis female, I could also

³⁸ M referenced Crowley's writings entailing self-conception as androgynous, in order to identify with Bathomet's energy, and past-life memories as a priestess. See: R. A. D. 2019.

³⁹ A portmanteau of cisgender and heterosexual. Other groups that are considered part of the extended queer community, such as asexual people, may fall into this category. It is used here as a catch-all term for non-Queer Thelemites.

see where some of these things could skid right over my head.” M pointed out that the leadership of the OTO is “not just straight dudes sitting in a room making decisions for everybody ... but it is mostly.” My interview subjects tended to note with pride the female-identified community leaders who had taught them, but were unable to discuss at any length the issues faced by Thelemic women.⁴⁰ R elaborated that “the OTO and the Gnostic Mass are sometimes criticized for being male-dominated and patriarchal, for not being radical enough, for keeping women subordinated as sexual objects, for perpetuating the traditional gender roles. I think there is some truth to these criticisms, especially by today's evolving standards. When it was all conceived 105 years ago, it may have been more ground-breaking.” R pointed not only to the gender roles of the Gnostic Mass but to the archetype of the feminine in Thelema.

Thelemic doctrine has been criticized on various fronts for the ways Crowley either ignored or essentialized the perspective of women. In his personal life, Crowley identified his female partners as Scarlet Women, manifestations of the female deity Babalon, an expression of carnal female desire based partly on the biblical Whore of Babylon. When his relationships with these women ended, he described them as having ‘failed’ in their role as Scarlet Woman.⁴¹ The other central goddess in the Thelemic canon is Nuit, a maternal goddess of the heavens.⁴² As I will address below, to some female Thelemites, these doctrines promote an atmosphere of gendered essentialism that confines their religious participation. During the Gnostic Mass, the Thelemic congregation takes part in a eucharist of wine and Cakes of Light. These cakes are composed of meal, honey, oil, and traditionally some measure of blood. Instructions for their preparation are contained in *The Book of the Law*. Of the blood

⁴⁰ Phyllis Seckler, who was described as a ‘candle-bearer’ for the OTO in the years between its decline and resurgence, was often mentioned, as was Jane Wolf. My considerations of how women may be underserved by the OTO is in no way an erasure of the leadership and guidance such women have provided and continue to provide the OTO with. From Crowley’s followers to local lodges to the modern USGL, women have always been present in Thelema, and their work and writings have made important contributions to the organization.

⁴¹ Psyche, “Why I Left The OTO”; Aleister Crowley, *The Law Is for All*, Third Edition (New Falcon Publications, 1996).

⁴² Crowley, *The Law is For All*, 1938.

component, Crowley notes that: “The best blood is of the moon, monthly...”⁴³ Though modern Thelemic congregations do not utilize menstrual blood in the preparation of their cakes, this line of scripture has become infamous outside of the Thelemic community. Menstrual blood is described in the text as being superior to all other forms of sacrificial blood, including the blood of animals and children. Gordan Djurdjevic suggests in his book that Crowley’s incorporation of menstrual blood into Thelema was inspired by tantric rituals involving the mixing of semen with menstrual blood as a way to unite the male and female aspects, and that even the accompanying wine represents menstrual blood.⁴⁴ The actual consumption of the menstrual blood is almost fetishizing in that it reflects Crowley’s reduction of women—in this case, their bodily functions—to exclusively their sexual elements.

Because none of my interview subjects were women,⁴⁵ I have relied on personal online testimonies. A particularly scathing article by Sister Georgia rages against the fact that “when women demand to be taken on their own terms, to talk about menstruation (not symbolic, or magick, but blood dripping down the candidate’s leg in the middle of their I°) and childcare and sexual assault, we don’t know what to make of it. We mythologise it, hide in legends [...]”⁴⁶ The issue Sister Georgia addresses is common to many world religions: though womanhood may be elevated in a ceremonial context, in practice, the reality of menstruation tends to be received with disgust.⁴⁷ In terms of the climate of OTO lodges, she writes:

⁴³ Aleister Crowley, *The Book of the Law* (London, UK: Ordo Templi Orientis, 1938). III:24. My interview subjects roundly agreed that this was no longer public practice in the OTO, noting substitutions of a drop of blood drawn from the finger, the ash of a bloodied cake, or the omission of blood entirely. It is notable that while this ritual practice has been privatized or discontinued, women are still constrained in the roles which their full bodies can serve in the context of the Gnostic Mass.

⁴⁴ Gordan Djurdjevic, *India and the Occult: The Influence of South Asian Spirituality on Modern Western Occultism* (London, UK: Palgrave Macmillan, 2014): 43.

⁴⁵ One gave me the contact information for a woman practicing Thelema, but I was never able to reach her.

⁴⁶ Sister Georgia, “Out of the Strong Came Forth Sweetness: Women and the OTO,” *Thelemic Union*, July 13, 2018.

⁴⁷ Aru Bhartiya, “Menstruation, Religion and Society,” *International Journal of Social Science and Humanity* 3, no. 6 (2013); Tomi-Ann Roberts et al., “‘Feminine Protection’: The Effects of Menstruation on Attitudes Towards Women,” *Psychology of Women Quarterly* 26, no. 2 (2002): 131–139; Delfin A. Tan, Rohana Haththotuwa, and Ian S. Fraser, “Cultural aspects and mythologies surrounding menstruation and abnormal uterine bleeding,” *Best Practice & Research Clinical Obstetrics & Gynaecology* 40 (2017): 121–133.

The OTO claims to offer equal space for men and for women; it strives to be a vanguard of temporal society. Instead, it is an old-boys club of wannabe V gentlemen. Everywhere I get this sense of sexism being the ingrained and expected norm [...] Yes, Thelema contains within it so much potential for pandrogyny and gender swapping and all of that delicious spectrum—but not until we recognize the principles on which this formula was built, and these are the principles of biological essentialism. Our symbols are those of the womb and the phallus, and our doctrine that of the child [...].⁴⁸

Where my Queer male subjects saw in the creation of the child a renewed focus on the congregation and the erasure of gendered roles, Sister Georgia links each of these symbols to outdated elevations of binary sex. She does not wholly reject these doctrines, but rather calls for a recognition of their regressive aspects before they can be elevated as transcendent. This reinterpretation of the inherent scriptural elements of Thelema, more than any specific changes in lodge policy, appears to be at issue for dissatisfied women in Thelema. Thelemite Brandy Williams no doubt speaks for many Thelemic women when she describes how:

Crowley wrote as a man in a dual gendered system. It's just harder for women to figure out how to make it work. We each make our own way through the system, but we're not just parsing Crowley, we're leaping into the future making new Thelemic works [...] Thelema doesn't work off the rack for me, I have to tailor it by hand. Often I feel as if I'm just outside the circle of people who it was really meant to serve.⁴⁹

Again, Williams is focused on the specific ramifications of Crowley's writing, and how to symbolically interpret Thelema's central texts. As she describes, the creation of new Thelemic discourse and the discovery of a community of women Thelemites is one way

⁴⁸ Sister Georgia, par. 4,7.

⁴⁹ Brandy Williams, "Six things I learned from the O.T.O. Women's Symposium," *Star and Snake*, patheos, August 15, 2016, Section 6, "Women Are Pushing Thelema Into The 21st Century."

in which Thelema may be expanded to afford women unconfined space to do their will.

The OTO's Queer Future

There is huge potential for the OTO to serve as a non-normative space in which people of any gender identity or sexuality feel affirmed in their practice. To reach that full potential, there is work to do yet for the wider Thelemic community in terms of interpreting and problematizing Crowley's legacy and texts. Thelema is not a rigorously unified system, and its focus on individuality means that shifts in the interpretation of scripture and practice of ritual must occur both at the level of organizational policy and personal practice. Crowley was a Queer figure, and this knowledge allows many Queer Thelemites to feel connected to his legacy. Nevertheless, he was also a controversial figure prone to objectifying and essentializing women. Sister Georgia appends her article with the statement that, quite fairly, "we must be careful of being more kind with Crowley than the misogynistic old thing deserves."⁵⁰ Changing the doctrines and practices of an individualized religious practice will require Thelemites to problematize Crowley's legacy and their own interactions with women in the community, grappling with the inherent contradictions in Crowley's simultaneously transgressive and occasionally reductive works while ensuring that lodge policies create intentional space for Thelemites of all identities.

There is room for improvement in how the USGL chooses to regulate the role of gender in the Gnostic Mass and how they incorporate member feedback on policy decisions. Primarily, however, shifts in the general culture of Thelemic practice must come from local lodges and individual practitioners choosing to reexamine scripture, embody ritual practice, embrace non-normative Brothers and especially Sisters, and make space for those who still feel marginalized by shifting practices.

⁵⁰ Sister Georgia, par. 5.

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Queer Biopolitics in Authoritarian China

Matthew Haide Zheng

Introduction

It was only several years after my last trip in China that I realized my meetings with several queer men were an ethnographic encounter. It was my first time ‘returning’ to China and not traveling to my parents’ hometowns; a major first in the life of this Chinese-American. Naturally, I found myself seeking out the underground world of queer people in this urban locale. Each conversation began innocuously, but I found that each one would inevitably turn to the palpable sense of political tension that made up the virtual space between us. We discussed the differences in our lives, in our politics, in our dreams and hopes for our futures. The bittersweet mixture of pity and jealousy they felt for me, having been cordoned off from my own heritage, but given membership into the West and thus a means of escape from the chokehold of the Chinese state. The feelings of loss, alienation, and confusion we experienced from desiring one another while lacking solutions to the problem of intercultural solipsism. The sense of disillusionment at the failed expectation that our shared queer identities would provide a common ground. At the end of my travel, I understood He (read: they) and I were subjects of diaspora looking at one another’s embodiments of our collective life experiences. We recognized everything, but nothing. It was as if I had been teetering at the precipice of an abyss for my entire life and only just opened my eyes to the howling expanse beneath my feet.

I share this deeply personal story as the preface to a theoretical paper which is, ironically, titled very impersonally. In sincere honesty, it forms the basis of my critical

gaze towards China. It was my auto-ethnographic encounter with the feeling of possessing an Other within myself; an encounter which forcibly brought my attention to the gaps and spaces in between legible identities and sensible politics, between East and West, and between one queer and another. It is through these learnings of self that I was able to begin deconstructing my own lived oppression, both at 'home' and 'abroad'. As such, this paper is a theoretical extrapolation of a unifying framework for these interstitial experiences, and a road-map for an ethnographic project which imagines another possibility forwards. And, upon reflection, this paper cannot be divorced from that which is so intimately personal, as it is that very intimacy which breathes life into my argument to follow.

Mao asked, "Who are our enemies? Who are our friends? This is a primary problem of revolution."¹ For Chinese people, this qualm between alliance and enmity has been a question of life or death. The Chinese state has found its answer through developing its iteration of authoritarianism to exceed the bounds of governance and become a symbolic, epistemic, and biopolitical machine. But the challenge of envisioning the machine in its macropolitical totality, and by extension macropolitical resistance to the machine, remains in question. I will argue that the necessary epistemology for considering Chinese authoritarianism lies not in Western, liberal conceptions of neoliberal democracy or queerness, nor in valorizations of micropolitical resistance, but in the creation of a new transnational framework of resistance - one rooted in queer biopolitics as a tool for producing meaning from the authoritarian state's actions. Queer biopolitics is a producer of novel theory for *how and why* authoritarianism in China has reached this unprecedented state, and also gestures towards a framework for how resistance might be organized against these previously unencountered oppressions. Critically, it is queer biopolitics which also maps a route of resistance that diverges from the hegemonic conceptualization of a white, Western queerness.

¹ Mao Tse-Tung, *Analysis of the classes in Chinese society* (Beijing, CH: Foreign Languages Press, 1956).

This paper will first provide a cursory overview of Chinese authoritarianism and its operations. We then consider queer activism and life in China through an analysis of *tongzhi*. Using this queer theoretical framework, I argue for a novel conceptualization of China's project of mass surveillance, drawing on Uyghur oppression in Xinjiang and the state's response to COVID-19. Next, I queer the genealogy of the Chinese and Chinese-American diaspora in order to theorize a revolutionary potential for a new ontology of transnational Chinese queerness. Finally, I briefly examine the artwork of Tseng Kwong Chi to guide my theory into praxis.

A Chinese Dream

Maoism and modern Chinese communist thought emerged through central command of China's peasant economies and social dominance through politico-cultural leversto create what Zuo calls a "political religion".² From the outset, military and security dominance of political dissidence has been an essential feature of Maoism, but today the Chinese state has manifested a renewed desire for authoritarian control with an unprecedented capacity and will for coercion of civil society and political expression. As Fu writes,

Embarking upon the largest ideological campaign since Mao Zedong, Xi viewed civil society as a conduit through which dangerous Western ideas flowed into China. A 2013 internal directive known as Document No. 9 listed an independent civil society among the seven perils to the Chinese state. Placing it in the company of other Western perils such as media freedom and universal human rights, Xi's document saw civil society as both a practical threat to everyday social stability and an ideological threat, which called for a qualitatively different, stronger approach to repression.³

² Jiping Zuo, "Political Religion: The Case of the Cultural Revolution in China," *Sociological Analysis* 52, no. 1 (1991): 99-110.

³ Diana Fu and Greg Distelhorst, "Grassroots participation and repression under Hu Jintao and Xi Jinping," *The China Journal* 79, no. 1 (2018): 100-122.

This “neo-authoritarianism” is a new regime of proactive repression which aims to quash resistance thoroughly. Unprecedented during Presidents Hu Jintao and Deng Xiaoping, President Xi Jinping is promulgating a particular Chinese historical imaginary which conceptualizes the metaphysical Chinese nation-state through its militaristic, imperial past.⁴ Xi operationalizes this imaginary through a recycling of Maoism’s globalist narrative of revolution, which saw a sharp decline in popularity during Deng Xiaoping’s presidency.⁵ This narrative posits Maoism as the ideological fountain from which radical resistance to capitalism sprang forth, and thus China as most appropriate superpower.

Xi emboldened this ideology with his own mission to re-centralize power in the hands of the Central Communist Party (CCP). A key component of this plan lies in his propaganda apparatus. Domestically, state propaganda run through China’s Central Television (CCTV) dominates civil discourse and media reporting with enormous success. But an analysis of foreign propaganda is more telling of State objectives. As Brady writes,

A key goal of contemporary Chinese foreign propaganda is to ‘tell a good Chinese story’. In essence, this means promoting a selective version of traditional Chinese culture to global audiences.⁶

Brady continues that Chinese propaganda is split into two streams: one for foreign nationals and the other for “overseas Chinese” (read: members of the diaspora). CCTV has a channel (CCTV-4) primed specifically for those overseas and is watched daily by millions, screening nationalist content about festivals culture interspersed with news reports of China’s burgeoning supremacies. Intriguingly, Xi co-opted the “American Dream” as the “Chinese Dream” (中国梦) as the ideological centerpiece of his platform.⁷

⁴ Ann Anagnost and Jean L. Comaroff, *National past-times: Narrative, representation, and power in modern China* (Durham, NC: Duke University Press, 1997).

⁵ Fu and Distelhorst, “Grassroots participation and repression under Hu Jintao and Xi Jinping.”

⁶ Anne-Marie Brady, “Authoritarianism Goes Global (II): China’s Foreign Propaganda Machine,” *Journal of Democracy* 26, no. 4 (2015): 51-59.

⁷ Ibid.

In doing so, CCTV panders to a populist narrative of Chinese victimization by the West as the moral imperative for China's expansionist and repressive policies. Brady continues,

In Chinese, military propaganda focuses on China's preparedness to fight to defend its interests. In other languages, propaganda emphasizes China's desire for a peaceful rise to international power and influence.⁸

Accordingly the English language channel (CCTV-9) uses vastly different language than CCTV-4 while reporting on the same issues, differentiating Xi's narrative politics. And though there is little research on Chinese foreign propaganda's effectiveness, it is clear that the Xi's logics of expansion consider expats "overseas" to be citizen-assets which require indoctrination and control just as current citizens do.

Desire is Unstable

Weiss writes that queer anthropological projects exhibit a "[...] need [for] a dialectical queer—a queer marked at once by epistemological closure and intellectual potentiality, complicity and solidarity."⁹ But the unstable locus, whether symbolic or actual, of this 'dialectical' queer is a question with many competing answers in China. Of particular interest to many queer anthropologists are *tongzhi* (同志, meaning "comrade" and slang for "gay"¹⁰) activists, who use "guerilla tactics focusing on urban rather than national citizenship."¹¹ *Tongzhi* activism and scholarship has simultaneously embraced the semiotics of dialectical queerness and disavowed the Western reliance on identitarian frameworks. This popular term, however, is not all-inclusive. Engebretsen details networks of urban Chinese lesbians, referred to as *lalas*, who she argues pursue

⁸ Ibid.

⁹ Margot Weiss, "Always after: Desiring queerness, desiring anthropology," *Cultural Anthropology* 31, no. 4 (2016): 627-638.

¹⁰ Though most translations indicate the parallel of "gay", it is noteworthy that the term is used with total gender fluidity, and is not used in specific reference. I cite "gay" due to its usage in the literature, but the more appropriate term is likely "queer".

¹¹ Alvin K. Wong, "When Queer Theory Meets Tongzhi in 'China,'" *TSQ* 5, no. 3 (2018): 507-513.

a politics of normalcy, or “fitting-in”¹². Through her ethnographic work, she proffers that the violence of subjugation endured by *lalas* is not lessened by these strategies, but indeed made multidimensional. This, Engebretsen continues, manifests in a sometimes-clear delineation between “having fun/relaxing” and “organizing”. These are two axes of organizing which draw varied crowds at different times. As she writes,

What seems to be at stake is a negation of the Anglo-US-centric imperative of making sexual orientation and desire of primary significance to one’s partaking in a collective sociality that transcends private, invisible, tacit boundaries and thereby risk exposure, visibility [...] ¹³

In her seminal work, Rofel describes how queer Chinese subjects find themselves caught between these multiple ontological presses. As they navigate their country’s post-socialist landscape and turn towards neoliberal globalization as a means to world citizenship, the incompatible quests towards “decent homosexuality” or radical non-normativity generate a field of potent, static tension. There too is the nearly ubiquitous experience of abjection, a theorization potent with possibilities for the Western queer theorist. As Phillips writes,

[Abjection is] this liminal space where the subject experiences a crisis of meaning in which transformation is possible— the difference between internal and external becomes unclear, and in the process, conditional identity is stripped away to reveal a queer object. ¹⁴

But the predication of stripping away one’s conditional identity is problematic in the case of China, wherein the confluence of one’s identitarian position is intimately tied to the nation-state’s wider relationship to neoliberalism and exchanges with Western, liberal democracies. This is merely repeating a repetitive point - that the Chinese queer’s journey towards subjectivation is fraught with the often-competing

¹² Elisabeth L. Engebretsen, *Queer women in urban China: An ethnography* (New York, NY: Routledge, 2013).

¹³ Elisabeth L. Engebretsen, “Queer ethnography in theory and practice: Reflections on studying sexual globalization and women’s queer activism in Beijing,” *Graduate Journal of Social Science* 5, no. 2 (2008): 88-116.

¹⁴ Robert Phillips, “Abjection,” *TSQ* 1, nos. 1-2 (2014): 19-21.

desires to reject Western hegemony, survive under institutionalized abjection, organize generational resistance, and live a “normal” life. It is precisely here where the failure of the White anthropological gaze *fails* in bridging-the-gap.

For Xi, The Queer and Feminist are One

The relationship between queer theory and Foucauldian biopolitics has a lengthy and problematic history. Often, theorists of the two have collaborated on projects of Orientalism and fetishism towards the “East”. It was Foucault himself who asserted that “the East perceives sex as an art form”¹⁵ as a foil to his critique of the repression hypothesis. In this queer biopolitical approach, we must move beyond these neocolonial hegemonies of thought into a cross-sectional approach which combines the analytic of governmentality with the cultural and body studies of queer theory. As Kähkönen and Sudenkaarne write, “Queer biopolitical theories have interrogated the symbiotic relation of life and death by analyzing tensions between biopolitics and necropolitics – of death and different types of political violence.”¹⁶ By asking questions of permissibility and conditionality into states of life, death, and limbo, we can begin with this interrogation of what the lived realities of queer Chinese people actually are.

Close examination of Xi’s repression tactics reveal that eliminating queer resistance is central to his regime. Xi’s repression of radical feminist groups reveals the centrality of targeting spaces of intersectional organizing in Xi’s authoritarian tactics. As Fu continues,

The recent squelching of China’s burgeoning feminist movement is a prime example of proactive repression that targets activism supported by an organizational backbone. [...] The government proactively rounded up [activists fighting sexual harassment] even though they appeared to be lobbying for a goal the Chinese Communist Party propagated—against sexual harassment and on

¹⁵ Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (London, UK: AllenLane, 1976).

¹⁶ Lotta Kähkönen and Tiia Sudenkaarne, “Queer, Biopolitics and Bioethics,” *SQS–Suomen Queer-tutkimuksen Seuran lehti* 12, no. 1-2 (2018): XI-XIX.

behalf of “women holding up half the sky.” By proactively policing the younger generation of feminists, Xi’s government is sending a signal to other potential rabblers—especially if done in multiple localities and in conjunction with social organizations and networks outside of the Party. The feminists were also considered a serious threat because of their alliances with other civic organizations. The [feminists] did not carry out their actions in isolation. They were embedded in a broader network of NGOs and informal groups at universities that regularly exchanged information, discussed tactics, and provided mutual support.¹⁷

These radical feminists were in constant communication and collaboration with other radical groups. “Guerilla tactics” are made possible by tight-knit networks in China in which feminists, *tongzhi*, and other activists inform, cooperate, and protect one another through carefully cultivated underground networks. But the tactics of *tongzhi* activism are of particular importance in their capitalization on the gaps in China’s post-socialist landscape. *Tongzhi* frequently engage in culture hijacking, claiming the linguistics of Chinese governmentality for their own (just as their self-given name, a Communist honorific, does). This radical act of repossession deploys similar tactics to Mao’s campaign of linguistic remanufacturing as part of his bid to develop a cult of personality larger than Stalin’s.¹⁸ Cui Zi’en, one of the most well known Chinese LGBTQ+ filmmakers, employs the Chinese communist narrative form of “telling bitterness”¹⁹ (one of Xi’s favorites) to increase what Wong calls “queer audibility”.²⁰ In some remarkably similar ways to Western groups like ACT UP, *tongzhi* generate queer noise as a means of forcibly disrupting and creating tension in cisheteronormative publics. However, today’s *tongzhi* activism does not function through Western and white semiotics of queerness, which Seidman once described as how “under the undifferentiated sign of Queer are united all those heterogeneous desires

¹⁷ Fu and Distelhorst, “Grassroots participation and repression under Hu Jintao and Xi Jinping.”

¹⁸ Fengyuan Ji, *Linguistic engineering: Language and politics in Mao's China* (Honolulu, HI: University of Hawaii Press, 2004).

¹⁹ Petrus Liu, *Queer Marxism in Two Chinas*. (Durham, NC: Duke University Press, 2015).

²⁰ Wong, “When Queer Theory Meets Tongzhi in ‘China.’”

and interests that are marginalized and excluded in the straight and gay mainstream.”²¹ Rather, the radical conceptualization of *tongzhi* resulted from a conscious effort to reject the “emergence of a Western-style politicized homosexuality in Asia.”²² As such, *tongzhi* are more than an Asiatic variant of the Queer, but a rejection of hegemonic linguistics through radical semiotic construction.

This brief analysis already complicates our previous description of *tongzhi*. Is it the tendency towards public, radical activism which characterizes *tongzhi* from one another? Or does the ubiquitous experience of life as an act of resistance in a world of asymmetric domination bring all Chinese queers under the same sign? Rather, that which belongs to and is *tongzhi* as a disidentification, and thus resistant to either delimiter. The dialectical capacity of this self-categorization lies precisely in its acts of persistent refusal and usage of the *liminal* as an epistemology. It is a term of evolution, impossible to pin down yet easily gestured towards.

To divert international reporting on its repression of queer peoples, the Chinese government performs LGBTQ+ tolerance through leaving its ultra-rich, cosmopolitan queer citizenry alone.²³ More insidiously, the State also finds itself cooperating with some *tongzhi* groups. In response to the CCP’s dismissal of China’s AIDS epidemic, several grassroots *tongzhi* groups formed to provide HIV/AIDS testing, education, and prevention resources.²⁴ In the context of grassroots organizing, these groups have been enormously successful in their efforts - and thus co-opted by the State. Cao documents the work of Shen Lan, a *tongzhi* group in the city of Tianjin, which continues to work with the CCP in HIV/AIDS prevention and treatment²⁵. These are relationships founded on a calculus of pragmatism in that “the Chinese government grants some degree of tolerance to [LGBT organizations] given that they can provide services to relieve the

²¹ Steven Seidman, “Identity and politics in a ‘postmodern’ gay culture: Some historical and conceptual notes,” in *Fear of a queer planet: Queer politics and social theory*, ed. Michael Warner (Minneapolis, MN: University of Minnesota, 1993), 105-142.

²² Dennis Altman, “Global Gaze/Global Gays,” *GLQ: A Journal of Lesbian and Gay Studies* 3 (1997): 417-436.

²³ Ibid.

²⁴ Jin Cao and Lei Guo, “Chinese ‘Tongzhi’ Community, Civil Society, and Online Activism,” *Communication and the Public* 1, no. 4 (2016): 504-508.

²⁵ Ibid.

state of some of its social welfare obligations.”²⁶ Spires argues that this arrangement, dubbed “contingent symbiosis”, is typical for the Chinese state.²⁷ In exchange for supplementing state services, these organizations earn a kind of ‘political credit’ (*zhengji*) which functions as an *ad hoc* means of exchange. But *zhengji* and other currencies of contingent symbiosis are precisely that - contingent on the whims of political officials. As such, Cao concludes that,

In a heavily regulated political environment, many civil rights organizations (such as Shen Lan) choose to take a non-confrontational approach, demonstrating *a type of activism with Chinese characteristics*.²⁸

These strategic concessions are instrumental in Xi’s wider project of sublimating civil society. Unlike “traditional” authoritarians, the Chinese state is not outright striving for a silencing of queer audibility but implicitly condone the existence of *tongzhi* groups and empower them to complete specific tasks of social welfare. But these are not “true” concessions in that they cannot be considered milestones on a linear path towards liberatory acceptance for *tongzhi*. Rather, they constitute a particular biopolitical strategy which constructs an essentialized behaviorism that enables a concomitant metric of behavioral expectation. The permission of queer audibility is predicated on the *right* behavior, on performing the capacity of regulating and governing one’s own behaviors in line with the agendas and goals of the state, and thus on earning a claim to civil citizenship. Through creating an internal division within the organizing axis and sign of *tongzhi* in the same move that it co-opts radical groups into a state apparatus, the tactic of strategic concession is a move practically bursting with biopolitical potentialities.

²⁶ Ibid.

²⁷ Anthony J. Spires, “Contingent symbiosis and civil society in an authoritarian state: Understanding the survival of China’s grassroots NGOs,” *American Journal of Sociology* 117, no. 1 (2011): 1–45.

²⁸ Cao and Guo, “Chinese ‘Tongzhi’ Community, Civil Society, and Online Activism.” Emphasis added.

Plural Bodies

Hypermodern surveillance is the other side of this biopolitical coin. In 2016, the CCP passed directives requiring internet providers to comply with increased surveillance regulations including random seizure of any given data without notice or explanation.²⁹ Internet surveillance of forums, both mainstream and underground, has managed to identify, threaten, and censure digital rabblers.³⁰ In 2017, the CCP also completed the “Skynet” project with more than 176 million surveillance cameras (planned for 626 million by 2020), each capable of deep learning passerby’s gender, age, and appearance.³¹ This data is automatically matched with DNA databases and speech-recognition software which scrapes identity profiles from telecom surveillance and is then bundled with a citizens’ national ID code.³² Ultimately, this coded information is relevant in all matters ranging from taxes to business activity to healthcare provision because citizen’s ID codes are assigned “social credit” scores with incentives for high-ranking citizens and punishments for low-ranking ones.³³ I note here that this situation of governmentality is not cloaked in an affect of abject, Orwellian suffering. “Ordinary” Chinese citizens are often the “holders” of access; the winners of the algorithmic game. In a country-wide manifestation of the adage “carrot or the stick”, the affective frontispiece of China’s citizenry is a *bricolage* of fear and censorship, but also of relief, a sense of stability, and ethnonational belonging.³⁴

A great deal of surveillance studies have focused on the production of affect and the forced alignment with somatic norms that panoptic strategies entail. To compare the CCP’s program with this literature is to miss the point by several orders of magnitude. As Kathryn Conrad argues, hypermodern surveillance techniques in the ‘information age’ have created new ontologies of embodiment.³⁵ Drawing on Ploeg’s

²⁹ Xiao Qiang, “The Road to Digital Unfreedom: President Xi’s Surveillance State,” *Journal of Democracy* 30 no. 1 (2019): 53-67.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Kathryn Conrad, “Surveillance, gender, and the virtual body in the information age,” *Surveillance & Society* 6 no. 4 (2009): 380-387.

work on the virtual ‘body-as-information’³⁶, she continues that inherent to mass surveillance is an “innately conservative epistemology” which aims to put disproportionate and overwhelming “normative pressure on non-normative bodies and practices.”³⁷ The Chinese state has institutionalized this normative pressure through inescapable surveillance which forms a new mode of citizen control through creating new virtual ontologies, or bodies-as-information. The scale and speed at which these virtual ontologies are generated is simply unprecedented. But the nature of these embodiments is also novel. This virtually embodied form is both a descriptor of a life, but takes on a life *of its own* through the comprehensive assemblage of data into a doctored narrative which joins up with other narratives into a *population of virtual bodies*, each informing and altering the predictive algorithm which in turn alters and calibrates the process of virtual embodiment. In this case, it is the autonomous algorithm which breathes *life* into these populations and their colors, descriptors, appearances, and values when they would otherwise remain as inert data.

This is not the first time new ontologies of embodiment have emerged. Haraway’s analysis of modern biology describes a new meaning-production system of “recognition and misrecognition, [...] the body’s reading practices, and billion dollar projects to sequence the human genome [in a] genetic ‘library’.” As she furthers, the biomedical-biotechnical body is “a semiotic system, a complex meaning production field [...]”³⁸ The CCP’s system is also a complex field which is generating novel meanings and ways of embodiment. Combined with centralized DNA, facial and voice profiling databases, the national ID code becomes the alphanumeric sign under which citizens’ bodies and acts reside, replacing their biological and social bodies in both significance and utility. Indeed the stored information which constitutes this sign is inseparable from what the State does to a citizen’s physical body and even more important than what their body might be “actually doing”. Most importantly, the

³⁶ Irma Van der Ploeg, “Biometrics and the body as information,” in *Surveillance as social sorting: Privacy, risk and digital discrimination*, ed. David Lyon (London, UK: Routledge, 2003), 57-73.

³⁷ Ibid.

³⁸ Donna J. Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (London, UK: Free Association Books 1991).

somatic and affective acts of the physical body are not permitted the register of mundanity in the virtual bank. Conceptually, ‘surveillance’ is an insufficient descriptor of the teleologies or ramifications of the CCP’s system - it moves beyond surveillance. This *post*-surveillance landscape is modulated through monopoly of the process of virtual embodiment which the biopolitical state is able to manifest as a new *lever* of control irreducible to its components. As such I propose the concept of the virtual-biopolitical body as a novel semiotic, symbolic, and sociopolitical locus where domination is produced, a site in which the Chinese citizen’s social embodiment is reconfigured into a yet undescribed mode which resides in the authoritarian state’s databases and manifests in material exchanges between government and citizen.

The biopolitical qualia of these virtual bodies is characterized by the force of biopower in their production. As Oksala points out,

The effectiveness of biopower lies precisely in the fact that it explicitly refrains from killing and instead grounds its demands on scientific truth and the goals of wellbeing and care of the population.³⁹

Biopower here plays a naturalizing role in the development of virtual bodies precisely because it self-explicates as a practice of social welfare (ergo, the “social credit” score). Through foregrounding matters of civic wellbeing, citizenship obligations, and neo-Confucian conceptualizations of group identity⁴⁰, discourse surrounding the sinister machinations of such a post-surveillance project is more effectively scattered. Here we must ask about the end-goal of biopower. The tactic of naturalizing surveillance through biopower clues us into where this is heading – bio-sovereignty. Oksala continues that,

Bio-sovereignty does not simply exercise external control over its subjects or limit itself to the juridical regulation of social relations. Its powers are not confined to mere repression and coercion, and it does not rule solely through

³⁹ Johanna Oksala, “Violence and the Biopolitics of Modernity,” *Foucault Studies* 10 (2010): 23-43.

⁴⁰ Shanruo Ning Zhang, *Confucianism in Contemporary Chinese Politics: An Actionable Account of Authoritarian Political Culture* (Lanham, MD: Lexington Books, 2016).

legal prohibitions. It is capable of producing, administering, and managing life itself, and ultimately deciding on its value or nonvalue.⁴¹

In our case, the virtual-biopolitical body is a new form of bio-sovereignty. It is produced, administered, and managed both as a means of controlling life, but as a life unto themselves.

I note that this virtual embodiment and its machinations are distinctly *not* the same liberatory mode as, say, Haraway's Cyborg. Nor are they congruent with the virtual-social embodiment of online queer living *vis-a-vis* underground social media. Instead, the Chinese virtual body is an amalgam of panoptic fear and State desire, the manifestation of Xi's internalized and corrosive gaze. Unlike virtual bodies of individual production (on social media, video gaming, activist organizing, etc.), virtual bodies of authoritarian state production enhances state surveillance on a logarithmic scale and alter the culture of authoritarianism itself. Not only do Skynet and its accompanying databases eliminate any spatiotemporal limitations to surveillance, Lianos and Douglas explain that the incorporation of predictive algorithms into CCTV networks alters the logic of negotiation which underpinned 'old' surveillance. They write that "[predictive algorithms] radically transform the cultural register of the societies in which they operate by introducing non-negotiable contexts of interaction."⁴² Assembling China's hypermodern surveillance network not only virtualized its citizens, but imprinted authoritarian ideologies into lines of code. The algorithm is ironclad in the sense that it suffers from none of the folly of human emotion and persuadability due to its profound reductivism. At this point, the authoritarian state no longer has no reason to engage in dialectical production and destruction of values with its citizenry. As Lianos and Douglas continue, in an algorithmic society

⁴¹ Ibid.

⁴² Michalis Lianos and Mary Douglas, "Dangerization and the End of Deviance: The Institutional Environment," in *Criminology and Social Theory*, eds. David Garland and Richard Sparks (Oxford, UK: Oxford University Press, 2000), 103-126.

there are no good and bad, honest and dishonest – or for that matter, poor or less poor – individuals. There are simply holders or nonholders of valid tokens for each predetermined level of access.⁴³

In China's case this totalizing binary of permission or exclusion (desirable or undesirable) makes civil discourse and individual identity production irrelevant.

Another source of power for the virtual-biopolitical body lies in its *mimetic* faculties. As Taussig has famously remarked, “the representation takes on the power of the represented.”⁴⁴ Mimesis, a powerful tool of appropriation, has been conceptualized as a feature of countless colonial and anticolonial landscapes, but little theoretical work exists on its role in hypermodern surveillance. However, Gaines' work on political mimesis has illustrated the mimetic capacity to “manipulate reality by its image”⁴⁵, a useful tool in considering art, propaganda, and their space of convergence. Her argument focuses on “the utilization of [machines] of repetition” in both production and reception of mimesis. The virtual-biopolitical body, then, is an instance of this mimetic cycle divorced within itself. Skynet's many inputs capture and produce a composite representation, a mimetic form, which correlates with a “real” body. This image is not returned in its entirety, but is received only as an alphanumeric social credit score. Mimesis lends some power of the virtual-biopolitical body because it draws from the real and returns the summarized results of a complex, secret dialectic. Though the power of this alphanumeric sign lies in its literal control of resources in the “real”, the sign itself is anything but. Although, somehow, it still constitutes a form of overwhelming power against non-normative bodies and acts. How each person perceives themselves, and is transformed in their held images-of-self, as they stare into the depths of the black box behind each camera and censor is a question which demands urgent, global, and focused attention.

⁴³ Ibid.

⁴⁴ Michael Taussig, *Mimesis and alterity: A particular history of the senses* (New York, NY: Routledge, 2017).

⁴⁵ Jane M. Gaines, “Political mimesis,” in *Collecting Visible Evidence*, eds. Jane M. Gaines and Michael Renov (Minneapolis, MN: University of Minnesota Press, 1999), 84-102.

The problem of organizing resistance must also be considered. How can you outrun the queer basher when he lives in every camera, of which there are countless on every street and corner? In a world where machine learning has mastered the facial recognition of sexual orientation⁴⁶, deviant bodies and sexualities can be tracked and profiled alongside their social credit and punished as such - and it is horrifyingly easy to envision a China without any underground spaces of liberated desire, sexual and gender expression, and without a visible queer population altogether. Forget planning protests, sex work, or any non-normative bodily activity; congregating with a member of the same sex with a suspicious look on your face has become criminal activity - and even this is may disappear because criminality need not exist amongst China's virtual bodies. Just as files, undesirable virtual bodies can be deleted through physical disappearance. It is the first totalizing time where the matter of surveillance and punishment is not one of *if* (probability and risk) but *when and where* (a given outcome). Thus emerges Chinese state panopticism, which is the fullest realization of queer *annihilation*.

Sublimation, Elimination, and Annihilation in Xinjiang

Leaked Central Party documents from 2014 reveal Xi's protocol for "struggle against terrorism, infiltration, and separatism" using the "organs of dictatorship" with "absolutely no mercy" against ethnic minorities in China.⁴⁷ And nowhere has Xi Jinping unleashed this protocol like in Xinjiang, a state in Northwest China populated by ethnic minorities like the Uyghurs, Kazakhs, and others. The CCP has long had a relationship of antagonism with the region and its ethnic minority groups, which has manifested in various acts of reactionary politics.⁴⁸ In 2016, however, antagonism escalated into outright violence as the regime completed construction of statewide concentration

⁴⁶ Yilun Wang and Michal Kosinski, "Deep neural networks are more accurate than humans at detecting sexual orientation from facial images," *OSF*, October 23, 2018, osf.io/zn79k.

⁴⁷ Alice L. Miller, "Politburo Processes Under Xi Jinping," *China Leadership Monitor* 47 (2015): 1-13.

⁴⁸ Timothy A. Grose, "The Xinjiang class: Education, integration, and the Uyghurs," *Journal of Muslim Minority Affairs* 30 no. 1 (2010): 97-109.

camps as the centerpiece of their ethnic cleansing campaign of the Muslim Uyghurs.⁴⁹ The campaign can be described as ‘biopolitical totalitarianism’ in that the Chinese state has seized control of all public and private life in Xinjiang through biopolitical means.⁵⁰ The number of bio/necro/thanato-political ways in which the Chinese state owns the movement, expression, employment, marriage, family dynamics, medical care, births, and deaths of Uyghurs are almost too numerous to list.⁵¹ One instance where the production of the virtual-biopolitical body overflows into materiality is in the State’s establishment of a DNA database of Uyghurs through forced, mass blood acquisition while using machine learning techniques to image facial features from DNA samples alone with disturbingly high fidelity⁵². This predictive technology heralds a critical juncture in the history of surveillance wherein one’s biological trace can identify the sociopolitical image of a person without reference to pre-existing information. In this sense, the biopolitical state commands the population simply by knowing its genetic makeup. Rather than describing the oppressions faced by Uyghurs today as new, we might describe them as reflections, replications, or reinstatements of the oppression of virtual embodiments *as a pre-condition*. This is why I dub regime activities in Xinjiang as biopolitical totalitarianism, in that Xi is drawing on the widest range of medico-biological techniques to sublimate every aspect of Uyghur society and life.

⁴⁹ Roy Anthony Rogers, “The Radicalisation of Xinjiang: Its Roots and Impact on Human Rights,” *Contemporary Chinese Political Economy and Strategic Relations* 4 no. 2 (2018): 487-XI.

⁵⁰ Sean R. Roberts, “The biopolitics of China’s ‘war on terror’ and the exclusion of the Uyghurs,” *Critical Asian Studies* 50, no.2 (2018): 232-258.

⁵¹ “Throughout the region, authorities have initiated random examinations of Uyghurs’ smart phones for suspicious applications and content at checkpoints, reportedly placing spyware on the phones in the process. In Kashgar, shop owners are being required to install password-activated security doors, panic buttons, and cameras, to which security organs have full access. In the Bayingolin region of the XUAR, officials have mandated that all cars be equipped with GPS trackers and RFID (radio-frequency identification) tags that allow security organs to account for them at all times. Throughout the region, kitchen knives and other cutting instruments that could be used as weapons are etched with permanent serial numbers that can be linked to the identification numbers of those who purchase them. Furthermore, the network of surveillance cameras on streets throughout the region has widened even more than after 2009 and now employs facial recognition software to track those it records, and many large public spaces, including bazaars, now employ checkpoints complete with metal detectors and facial recognition or iris scan machines to identify known suspicious individuals” (Roberts, “The biopolitics of China’s ‘war on terror’ and the exclusion of the Uyghurs”). The Chinese state encourages ethnic Han citizens to move to Xinjiang and procreate with Uyghurs - which horrifically happens without Uyghur consent lest they face forced sterilization.

⁵² Sui-Lee Wee and Paul Mozur, “China Uses DNA to Map Faces, With Help From the West,” *New York Times* (New York, NY), Dec. 3, 2019.

Acts like the forced marriage and systematic sterilization of Uyghurs as a method of ethnic cleansing arises from the Chinese state's obsession with control of the Uyghur population. But this biopolitical tactic moves beyond the telos of biogenetic control. It also commands the ways in which citizenship into humanity and its privileges are granted. As Puar writes, "the private is a [...] nationalized construct insofar as it is granted [...] to certain citizens and withheld from many others." In this sense, the feature of heteronormative, ethno-homogenous Chinese citizenship is permission into privacy. But can privacy be genuinely won? Or is it, like *zhengji*, a currency whose value is determined at the convenience of the Party official? If the induction into privacy is an impossibility in a situation of mass surveillance, it must be degrees of privacy which can be offered to the desirable citizen. Yet the citizen who finds herself in a position of ethnonational belonging may not fully perceive or take issue with the lack of "true" privacy because of the many privileges a foregone privacy may entail. The loss of privacy points towards how the presence of hypermodern surveillance is a process of generating *affect* which occupies "the space between the actual and virtual realms"⁵³. As Ellis writes,

[...] has been identified as a "third realm" of affective activity constituting less qualified [...] 'intensities' that are partially registered in a sensing body. [...] intensities can be deeply registered in the physiology of a human body—indexed, for example, through fluctuated heart rate and respiratory system activity without yet a formal representation, but one which may or may not emerge in consciousness. [...]⁵⁴

One description of this model might be that these affective activities flow into materiality, which in turn gives control of the population. This model does not incorporate the fact of materiality defining the affective production of the surveillance presence. As Sara Ahmed argues, racialized institutions "take the shape of 'what'

⁵³ Brian Massumi, *Parables for the virtual: Movement, affect, sensation* (Durham, NC: Duke University Press, 2002).

⁵⁴ Darren Ellis, Ian Tucker, and David Harper, "The affective atmospheres of surveillance," *Theory & Psychology* 23, no. 6 (2013): 716-731.

resides within them”⁵⁵. Han-majority Chinese citizens and their bodies are somatic norms, artificially implanted into Xinjiang to make ethnic-minorities feel “out of place,’ like strangers”⁵⁶ in their own homes. While the telos of ethnic sublimation is not only external, but internal, their physical presence is not the only means of alienating Uyghurs, as the surveillance system itself takes in the somatic norms of the Han-majority and returns a sensed affect of alienation to those surveilled but failing the normative condition. Thus, a model which incorporates this knowledge more closely resembles a continuous cycle wherein each sub-process of surveillance, analysis, affective overproduction, and control blur into the other. Embodiments which arise from this cycle are amalgams of these data and their interpretations - they “take the shape of what resides within them”. The virtual-biopolitical body is not a passive repository, but an active institution of compulsory normativity through signifiers like race and sexuality.

Chinese state thinkers have ironically drawn from Agamben’s theory of revitalizing history.⁵⁷ As Agamben critiques of the modern sovereign, the once temporary state of exception can become a stable locus for state operations. He writes that “the declaration of the state of exception has gradually been replaced by an unprecedented generalization of the paradigm of security as the normal technique of government”⁵⁸, and that this moment in which the state of exception had become the sovereign power’s regular enactment is when the concentration camp emerges - “the space in which anything is possible”⁵⁹. In particular, Agamben theorized that the concentration camp was,

thus the structure in which the state of exception⁶⁰ [...] is realized *normally*. The sovereign no longer limits himself [...] to deciding on the exception on the basis of recognizing a given factual situation (danger to public safety): laying bare the

⁵⁵ Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Durham, NC: Duke University Press, 2006).

⁵⁶ Ibid.

⁵⁷ Z. H. O. U. Dan, “Agamben’s Biopolitics in China,” *International Relations* 7, no. 02 (2019): 85-92.

⁵⁸ Giorgio Agamben, *State of Exception*, trans. Kevin Attell. (Chicago, IL: University of Chicago Press, 2005).

⁵⁹ Ibid.

⁶⁰ A concept by Carl Schmitt in which the State can exceed its normal powers by declaring itself to be in a state of emergency; ergo “exception”.

inner structure of the ban that characterizes his power, he now de facto produces the situation as a consequence of his decision on the exception.⁶¹

In Agamben's terms, the Uyghur is China's *homo sacer*, the subject of sacrifice by the modern biopolitical sovereign who comes to define what it means to be "outside of the law" by being placed there themselves.⁶² This brings the range of virtual-biopolitical bodies into sharp relief through its biopolitical function: defining and designating what is subject for deletion.

The infinite detention of Uyghurs and *tongzhi* can be summed by Agamben's quote that biopolitics "is the power to decide the point at which life ceases to be politically relevant". China's state of exception allows the state to designate these two groups as socially illegible and thus designated for biopolitical elimination. The initial state of exception deployed to quell feminist rabble rousers, predicated on the need to modulate rowdy Chinese civil society, was the first to become the generalized, permanent state of the Chinese sovereign, and has poured into and concurrent with Xi's annihilation of Uyghurs in that queer silencing served as a *normalizing* act for securitization, creating room and precedence for the '*abnormalizing*' acts of Uyghur ethnic cleansing. The imposition of false exchange decorates these situations with the aesthetics of progress and concession, but only serve to further the "long-game" of bio-sovereignty.

I venture that this is the schematic proper for the Chinese state's biopolitical totalitarianism. Through striking total sovereignty over its queer citizens, Xi made it known to both his party and to Chinese publics that his authoritarian control reached down to the deepest levels of privacy. Following this symbolic act, Xi was enabled to begin his full onslaught in Xinjiang - but this onslaught also serves to retroactively reinforce his regime's claim on queer peoples. High fidelity machine learning recognition of sexual orientation⁶³, which the Chinese government has been

⁶¹ Agamben, *State of Exception*.

⁶² Ibid.

⁶³ Wang and Kosinski, "Deep neural networks are more accurate than humans at detecting sexual orientation from facial images."

particularly interested in alongside its desire to DNA profile Uyghur populations, represent the state's objective of perfecting their production of virtual-biopolitical bodies. These matrices of domination map onto one another in pragmatic shape, teleology, and semiotic productions. Virtual-biopolitical mastery is a mastery of translation, mimesis, navigation, and simulation between the "real world" of life and the "virtual world" of biopolitics unto a final emergence of indefatigable bio-sovereignty.

Infecting Virtual-Biopolitical Bodies with COVID-19

Nowhere has the virtual-biopolitical body been more widely operationalized to authoritarian ends than in response to COVID-19. As discussed, the virtual-biopolitical body exceeds the mere sum of one's somatic and affective life, but resembles a *zero-point field* because it lacks the crucial function of contestation. Its monolithic binary of permission or exclusion (desirable or undesirable) is the determinant of *access*. In the case of COVID-19, epidemiological response is wholly managed by the authoritarian algorithm. Goldman writes that the CCP mobilized its digital surveillance network to swiftly eliminate civil discourse and informal reporting of new infections, preventing effective civil and public health mobilization⁶⁴. In a counter-display of Skynet's capacities, the CCP activated its control of telecommunications giants to gather smartphone data from hundreds of millions of citizens, inputting these massive databases into predictive algorithms to decide where to channel limited healthcare resources where they "will be most effective",⁶⁵⁶⁶ including the social credit score.⁶⁷

Medical anthropologists have scrambled to describe the function of China's authoritarian response beyond public health. As Manderson and Levine argue,

⁶⁴ David P. Goldman, "China suppressed Covid-19 with AI and big data," *Asia Times* (Hong Kong, CH), March 3, 2020.

⁶⁵ Ibid.

⁶⁶ Donna Lu, *China is using mass surveillance tech to fight new coronavirus spread*, *New Scientist* (London, UK), February 19, 2020.

⁶⁷ Ibid.

China has led the way in demonstrating the value of dictatorship in containing viral spread. [...] Had the virus first been detected in a context of what James Quesada calls “structural vulnerability” (2011), our hunch is that renewed metaphorical punishments and iatrogenic discourse might have held sway. Thus, global efforts to identify a vaccine, promote “social” distancing, shut down ports, and stem wide assemblages of economic activities and public life are happening in a new context of a new restraint away from blame.⁶⁸

The Chinese state’s will and ability to institutionally mandate sweeping controls, and its relative success in doing so after a botched initial response, has been masked by the trend towards “metaphorical punishments and iatrogenic discourse” by Western liberal democracies. As the fever-pitch of the pandemic gradually cools in the coming months, a question for those organized in resistance to the Chinese state is what comes after the successful deployment of virtual-biopolitical bodies in a schema of bio-sovereignty. Or, as Weheliye asks, “What is produced in the scene of production, in excess of the product?”⁶⁹

Altogether, the affect of authoritarian governance itself was implanted into public health response through the novel fusion of social desirability (tokenized access) with *treatability*. The lived effect of this algorithmic authoritarianism is still manifesting, but its very implementation signals a new age in public health where the production of sociopolitical signifiers like worthiness, salvageability, and *utility* has been automated through incorporation into algorithmic logics of surveillance. The capture of ‘affective life’ is a subject of great interest to an agenda of bio-sovereignty. Anderson writes,

In a biopolitics, collective affective life may become an ‘object-target’ in two ways. First, populations are understood in terms of collective affects.

Regularities and irregularities in the affective life of populations can be

⁶⁸ Lenore Manderson and Susan Levine, “COVID-19, risk, fear, and fall-out,” *Medical Anthropology* 39, no. 5 (2020): 367-370.

⁶⁹ Alexander G. Weheliye, “I Am I Be’: The Subject of Sonic Afro-modernity,” *boundary 2* 30 no. 2(2003): 97-114.

compensated for and regulated by, for example, tracking the rate of affective disorders such as depression within a population [...] Second, the population is segmented into a set of differentiated affective publics. Although it has received far less discussion than his focus on population biological processes, Foucault argues that the ‘public’ is the population seen from one direction; ‘[u]nder the aspect of its opinions, ways of doing things, forms of behaviour, customs, fears, prejudices, and requirements.’⁷⁰

Not only does Anderson’s analytic describe the importance of affective life to a biopolitical state, but it suggests an alternate framework for envisioning the ‘public’ through itself. In this sense, the deployment of virtual-biopolitical bodies is a tactic aimed precisely at the Chinese public through its collective affective landscapes and regimes. The CCP may have succeeded in *sterilizing* the social production of these affective signs. This has a dual meaning - first, that the CCP has eliminated (through negation) the production of affect, using biopolitical means to cast its operational levers as naturalistic, essential aspects of Chinese governance. But this sense of sterility is itself symptomatic of the overproduction of an authoritarian affect.

For healthcare workers, a paradoxical situation of intimacy is moderated by affective biopower. The geography of healthcare intimacy resembles something like the liminality of queer and Uyghur life; Major writes that “the movement of viruses is, in part, enabled when frontline workers straddle where illness meets health or where mobile meets fixed.”⁷¹ Frontline healthcare workers are performing an extreme iteration of affect work, managing both the outcomes and affects of death, life, and limit survival in incredibly intimate conditions.⁷² In these moments of desperation, these workers resorted to extreme measures as reusing face masks and sending home

⁷⁰ Ben Anderson, “Affect and biopower: towards a politics of life,” *Transactions of the institute of British geographers* 37, no. 1(2012): 28-43.

⁷¹ Claire Major, “Affect Work and Infected Bodies: Biosecurity in an Age of Emerging Infectious Disease,” *Environment and Planning A: Economy and Space* 40, no. 7 (2008): 1633-1646.

⁷² In China, they have done so at extreme risk to themselves, with nearly 2,000 healthcare workers infected by mid-February. These dangers are in-part due to a lack of effective state support, with countless healthcare workers reporting that they had insufficient protective gear and healthcare equipment.

patients who were anything less than fatally ill.⁷³ Emotional and affective onslaughts of grief, panic, loss, pain, and helplessness meet healthcare workers as they both treat and care for individuals in the unmanaged scene of containment.⁷⁴ Thrift describes how the affective worker “understands [their] economic survival is predicated on loaning the self, personality, and affect to the employer.”⁷⁵ As Major furthers, the affective worker’s body “is neutered into being a pipe or cable [...] a conduit through which a performative engagement flows in a process of accommodating expectation.” But this affective work is complicated by the scene of *infection*. Unlike Hochschild’s service workers of whom “deep acting” of emotional connection is the performative expectation⁷⁶, the COVID-19 worker is literally and symbolically shrouded and anonymized by their role. But through this labor, they interact with infectious vectors, are potentially infected, and may still persevere in their intimate care - in this case, the embodied boundary between patient (problem) and healthcare provider (solution) is reconstructed. And the affective demand by authoritarianism on healthcare workers to devote themselves entirely locks them into a life of precarity and intimate harm at a *limit condition*⁷⁷. Within this scene, affect labor becomes qualia in which the actors of the containment *mise-en-scene* are nameless and faceless. Is one’s virtual-biopolitical body, then, the thing that lasts? The body, which in spite of its social vulnerabilities, is immune to disease? How uncanny that when Xi Jinping spoke to healthcare workers in Wuhan, he did so by webcam, noting that although “he did not know the names” of any of the workers, he “*applauded and knew*” them nonetheless.

Neoliberal globalization is what transgresses ethnonational boundaries in development of worldwide flows of profit and remittance. It bursts open boundaries of viral transmission and infection, introducing unprecedented zoonotic diseases to

⁷³ Major, “Affect Work and Infected Bodies

⁷⁴ Ibid.

⁷⁵ Nigel Thrift, “Re-inventing invention: new tendencies in capitalist commodification,” *Economy and society* 35, no. 02 (2006): 279-306.

⁷⁶ Arlie Russell Hochschild, *The managed heart: Commercialization of human feeling* (Berkeley, CA: University of California Press, 2012).

⁷⁷ I use this term as Agamben does. For more analysis, please see: Andrew Neal, “Georgio Agamben and the politics of the exception.” In Conference Paper, Sixth Pan-European International Relations Conference of the 2016 ECPR General Conference Standing Group on International Relations in Turin, pp. 12-15.

vulnerable populations with no immunity.⁷⁸ Women, migrants, and the global poor bear the brunt of this precarious labor, which often requires interfacing with ecological reservoirs of viral and zoonotic diseases⁷⁹. And in this schema, it is also women and migrants who must treat the diseases which neoliberalism created. Major continues that SARS exposed,

how neoliberal policies become grounded in the management of roles that rely on gendered and immigrant labour pools to perform immaterial labour of post-Fordism, tasks that effectively maintain and sustain life itself and which rely upon not only skill, but also the life-saving, biosecurity-establishing intuition of the workers.⁸⁰

Both globalization and COVID-19's capacity for transgressing conventional boundaries of nation-state, relationality, and economy rely on the subjugation of femininity and redeployment of neocolonial economies. Within this neoliberal schema, China's *nouveau riche* has displaced its feminized domestic and reproductive labor onto immigrant workers while its urban and rural poor have found themselves at the mercy of these self-same circuits of survival⁸¹. The neoliberal demand for a transnational migrant class is supplied by this drastic change in urban-rural and human-ecosystem dynamics. Unsurprisingly, COVID-19 likely zoonosed (jumped from animal to human) at Wuhan's Huanan seafood market⁸²; a locus of feminized and immigrant labor, precarious survival, and informal economy conglomered around profit-making in "exotic" seafood caught from closed ecosystems around the world - a feat truly only possible under neoliberal globalization. As Davis concludes, "[N]eoliberal globalization

⁷⁸ Antonio Cascio, Mirjana Bosilkovski, Alfonso Rodriguez-Morales, and Georgios Pappas, "The socio-ecology of zoonotic infections," *Clinical microbiology and infection* 17, no. 3 (2011): 336-342.

⁷⁹ Sara Glasgow and Ted Schrecker, "The double burden of neoliberalism? Noncommunicable disease policies and the global political economy of risk," *Health Place* 39 (2016): 204-211.

⁸⁰ Major, "Affect Work and Infected Bodies."

⁸¹ Alison Hulme, "The Changing Landscape of China's Consumerism," (Cambridge, UK: Chandos Publishing, 2015), 95-97.

⁸² Qun Li et al., "Early transmission dynamics in Wuhan, China, of novel coronavirus-infected pneumonia," *New England Journal of Medicine* 382 (2020): 1199-1207.

represents a fourth transition or ‘reshaping of relations between humans and microbes.’”⁸³

Leaving and Returning Home

The biopolitical strategy of populational control has been met with various forms of resistance through the history of the Chinese diaspora. Speaking to the experience of upper-middle class Chinese diaspora families which achieved high status within the global schema of neoliberalism, Ong argues that,

Diasporic Chinese family biopolitics must be seen as discontinuous with the biopolitical agenda of the nation-state. Despite attempts by host countries to regulate the productive activities of diaspora Chinese populations, family biopolitics and the elasticity in pursuing wealth-making opportunities in diverse places continue, where possible, to escape state control. Power, then, is not perceived as organizing a social base along class, ethnic, or political lines, but as a personal capacity to acquire commodities and achieve higher status.⁸⁴

As she argues, it is precisely the deployment of flexible citizenship which has made the inclusion of some Chinese immigrants into the folds of neoliberalism possible. Though this remains salient today, I challenge her narration of biological family as the central unit of analysis.

What is the “Chinese family”, and who belongs to it? Who decides when families are constructed or destroyed? Is this a stable unit of analysis, one which can withstand the ‘stripping bare’ of our queer analytic? Rofel suggests that Chinese family is a discursive site, writing that, “ongoing discursive productions of family are indispensable sites for establishing one’s humanness as well as one’s social subjectivity.”⁸⁵ The position of family in Chinese society and culture is an anchor from

⁸³ Mike Davis, *The Monster at Our Door: The Global Threat of Avian Flu* (New York, NY: The New Press, 2005).

⁸⁴ Aihwa Ong, “On the edge of empires: Flexible citizenship among Chinese in diaspora,” *positions: east asia cultures critique* 1, no. 3 (1993): 745-778.

⁸⁵ Lisa Rofel, *Desiring China: Experiments in Neoliberalism, Sexuality, and Public Culture* (Durham, NC: Duke University Press, 2007), 100.

which members of society actualize their public intelligibility. For *tongzhi*, the relational value of family is a field of continuous, embodied contestation. The language of “coming home” (回家) is a common expression which is juxtaposed (by both *tongzhi* groups and queerphobic interests) against the choice to “come out” (出去). As Huang describes,

Historically and generally, for queer subjects the everyday language of “coming home” communicates an expectation or obligation to remain close to the family and to maintain familial piety and harmony by reining in and concealing queer desires. More specifically, the model of coming home prioritizes one’s biogenetic family and familial piety (especially to one’s parents) as an ethic [...] In this model, the family is indispensable, and the reconciliation of homosexuality and heterosexual marriage in one individual is imaginable and, indeed, authorized by historical fact and tradition.⁸⁶

Choosing an ethic of reconciliation at the cost of queer audibility is a tactic along the same lines as the false exchange of *zhengji*. In the same breath, the politics of rejection found in Western characterizations of “chosen family” resist implantation into a Chinese context because of the centrality of biogenetic family in self-actualization. Family, then, is a place of many troubles.

While Ong details the persistence of Chinese diaspora families through flexible citizenship, there also exists a powerful undercurrent of queer history underpinning the diaspora. Transnational queer studies have constantly posited the need for international alliances and cooperative networks. Rather than returning to these critiques, which often valorize deployments of hegemonic whiteness, I am drawn towards considering the possibility of internationally organized resistance which finds itself situated in a *historically endogenous* transnational queerness. In her work of historical ethnography, Hsu uncovers the complex histories of sexual-social

⁸⁶ Shuzhen Huang and Daniel C. Brouwer, “Coming out, coming home, coming with: Models of queer sexuality in contemporary China,” *Journal of International & Intercultural Communication* 11, no. 2 (2018): 97-116.

relationships of these early Chinese-American migrants and finds a range of homosocial relationships and relationalities featured throughout. These relationships, typically between two male migrants, formed networks of sociality, care, sex, and intimacy. As she describes,

Rather than being viewed as a binary relationship with irreconcilable poles, sexuality ranged along a sliding scale across which individuals could move depending upon the options available to one of their socioeconomic situations.⁸⁷

These sexual relationalities were aesthetic and expressive, but also held a crucial utility function. Hsu pays particular attention to the role of *fraternity* in Chinese migrant enclaves, describing a popular structure of male friendship in which,

[...] oath bound sworn brothers not to fraternity but to the “common purpose” (*tong zhi*) or “shared heart” (*tong xin*) of friends. They often were not hierarchical and stressed equality in common relationships of subservience and loyalty to a patron or “older brother.” Their attachment to the language of friendship, which they used to create bonds of patronage and protection, is one example of the crucial function of male bonding, which enabled even the most vulnerable members of the population to survive. [...] Whereas Confucians have long viewed marriage and the production of sons to carry on the family name as the essential elements of manhood, sworn brotherhoods instead promoted a style of masculinity expressed through bold action and demonstrable commitment to the values of loyalty and righteousness.⁸⁸

Of course, these relationships often spilled over into the erotic and/or hypermasculine violence, but orbited around the homosocial premise of a focal “common purpose” (*tongzhi*⁸⁹) as the organizing principle of mutual protection and survival. I am struck by the potency in this homophone. *Tongzhi* (common purpose) and *tongzhi* (comrade) have

⁸⁷ Madeline Y. Hsu, “Unwrapping Orientalist Constraints: Restoring Homosocial Normativity to Chinese American History,” *Ameriasia Journal* 29, no. 2 (2003): 244.

⁸⁸ *Ibid.*

⁸⁹ This is an alternative pronunciation and meaning to the *tongzhi* used to describe Chinese queer peoples and groups above.

separate meanings in the Chinese lexicon, but for the English reader they are the same. As history gestures towards futurity, each term charges the other with the energy of infinite configurations of life outside the stream of normativity. Undoing the erasure of Chinese histories of homosociality reveals a stream of non-normative bodies and their entanglements, which has always been a feature of life outside of biopolitical control. But in spite of the remarkably wide range of documented homosocialities and homosexualities, these non-normative behaviors were condemned as “sexual maladjustments” to white America. As Hsu continues,

In the Orientalist binary that juxtaposed Asians against white, male, heterosexual, middle-class, family-based normalcy, the primary strategy to free Chinese of their status as irredeemable aliens was not to question the primacy of such norms but to work within them to emphasize the conformity of Chinese Americans to mainstream values.⁹⁰

Thus, the patriarchal reimagining of Chinese-Americans *by* Chinese-Americans participated in an identitarian transactionalism which exchanged deviant-femme and queer audibility for American assimilation. Adopting the aesthetics and temporalities of heteronormativity was a strategy for enculturation and survival; a choice made with the faith that “progress” would follow. It also allowed the cultural-industrial machine which Dyer calls the “ascendance of whiteness”⁹¹ to exoticize and fetishize Chinese-Americans and Asian-Americans more broadly. This structure, which we might describe as the “mind” of white supremacy, operates its fetish mechanisms by violating the self-generated image of Chinese-Americans and weaponizing feminization/emasculatation as a form of dehumanization, deriving pleasure from its hegemonic ability in doing so.⁹² This argument is not psychoanalytic; instead, white supremacy’s laying claim to and the effort of Chinese-Americans to distance themselves from the feminized, mainland Oriental created an *ontological* split in the spectrum of

⁹⁰ Hsu, “Unwrapping Orientalist Constraints,” 250.

⁹¹ Richard Dyer, “The matter of whiteness,” in *White privilege: Essential readings on the other side of racism*, ed. Paula S. Rothenberg (New York, NY: Worth Publishers, 2008), 9-14.

⁹² Heidi J. Nast, “Queer patriarchies, queer racisms, international,” *Antipode* 34, no. 5 (2002): 874-909.

embodied sexual-political lives of the Chinese diaspora. It was sacrificing the homosocial which made this ontological move possible, earning second-class membership into ‘mainstream’ society for some.

Sacrificial acts are not unusual in situations of racial hierarchy and white ascendancy. As Chow notes, sacrifice can constitute a *mimetic* act;

In the contexts in which cross-cultural encounters entail the imposition and enforcement of one group’s (typically, Westerners’) superiority over another [...] mimesis is a routine rite of initiation: those from the so called “inferior” group, the colonized or semicolonized, are bound to want to imitate their “superior” aggressors as part of their strategy for social survival and advancement. [...] the colonized is now understood, with much more suppleness and sympathy, in terms of a desire to be white that exists concurrently with the shame and resentment accompanying the inferior position to which she has been socially, culturally, and racially consigned.⁹³

Foucault might call this phenomena the “the biopolitics of intersubjective relations”. Within these relations, mimetic acts of survival require sacrificial subjects. Chow theorizes the work of Girard and Agamben together to consider how, “like sacrificial violence, sacrificial victims are surrogates, substitutes, or stand-ins whose destruction helps save others (like them) from some larger horror.”⁹⁴ Tracing the pursuance of the mimetic desire to survive within the ascendancy of whiteness, as we have done, has illustrated a problem - which is the “larger horror”, elimination or sublimation by whiteness? Chow’s analysis does not provide a firm answer, but she does suggest that “[...] the victim is [the] symptom of a group’s fundamental lack of cohesion—its fundamental nonidentity with itself.”⁹⁵ The victim, who is the queer (or Uyghur, or healthcare worker), is the focal point of the dispersive experience of ‘fundamental nonidentity’.

⁹³ Rey Chow, “Sacrifice, mimesis, and the theorizing of victimhood (A speculative essay),” *Representations* 94, no. 1 (2006): 131-149.

⁹⁴ Ibid.

⁹⁵ Ibid.

Today, this bifurcated ontology has manifested in four ways. First, it allows the Chinese state to regularly disavow queerness as “colonizing” China⁹⁶. Second, some *tongzhi* activists also disavow queerness and queer theory as a Western misinterpretation of a historically Chinese concept⁹⁷. Ironically, this disavowal typically recenters Western-centric theory and places *tongzhi* on the fringes of global queer thought because it disperses the possibility for a global body of non-normative, diasporic people. Third, queer Chinese-American activism has been, at times, subsumed by white queerness through a myopic elimination of difference. Finally, our new Western countries never consider us to fully belong to their metaphysical conceptions of nation-statehood and citizenship. In times of conflict with our “home” nations, the logic of American hegemony disavows its Asian citizens. As Eng writes,

For Asian Americans issues of ‘home’ are particularly vexing. Historically configured as either unassimilable aliens or perversely assimilated and thus ‘whiter than white’ (the sojourner thesis versus the ‘model-minority’ myth), Asian Americans have at best a dubious claim to citizenship and place within the US nation-state.⁹⁸

Home, if it exists, cannot be found through the project of ethnonational assimilation. As such, our acquired citizenships in our Western destinations of migration are dubious at best even in non-exceptional times.

And yet, as is so common with queer life, I venture that within this pain and melancholy lies a revolutionary potential in transnational queerness: I propose that the time has come for an ontological reunion of the queer and *tongzhi* Chinese diaspora. Members of the Chinese diaspora may be nationally divorced from Xi’s authoritarianism, but his deployment of global biopower projection understands us as locked to the ontology and epistemology of Chinese identity and

⁹⁶ Chou Wah-Shan, “Homosexuality and the cultural politics of Tongzhi in Chinese societies,” *Journal of Homosexuality* 40, no. 3-4 (2001): 27-46.

⁹⁷ Françoise Lionnet and Shu-mei Shih, *The Creolization of Theory*. (Durham, NC: Duke University Press, 2011).

⁹⁸ David L. Eng, “Out Here and Over There: Queerness and Diaspora in Asian American Studies,” *Social Text*, no. 52-53 (1997): 31-52.

knowledge-production, respectively. Our 'new Western homes' also continue to view us as members of the metaphysical Chinese nation-state. And the defining features of both producers of oppression are remarkably similar - unequal exchange, illusory concessions, and biopolitical control. After generations of seeking *home* and *family*, perhaps it is time to radically reorient ourselves to our homosocial histories of *fraternity* as a means of remembering what came prior to the acts of mimesis and sacrifice. The journey for a metaphysical space which we may deem our own lies not in the claim towards nation-state citizenship, but in diasporic liminality.

What does this ontological reunion look like? As Eng continues, queerness is an essential feature of Chinese/Asian-Americanness. He writes,

queerness comes to describe, affect, and encompass a much larger Asian American constituency – whatever their sexual identities or practices – whose historically disavowed status as US citizen-subjects under punitive immigration and exclusion laws renders them 'queer' as such.⁹⁹

As such, this process of ontological reunion begins with understanding that the very diasporic categories into which us immigrants were sorted present an opportunity to reclaim our tortured histories. The construction of the Chinese or Asian American, an activist attempt at fully enfranchising our demographic, has previously prioritized our regional-national similarities.¹⁰⁰ In doing so, we have merely shifted our ethnonationalisms over to ethnoregionalisms, a move which we must deem suspect for its reliance on unstable ethnic delimiters. As Butler interrogated of coalition strategies employed by gender and sexuality radicals, I am suspicious of how effective the ethnoregional production of similarity (at the cost of nuance) is at winning us this enfranchisement - and whether full enfranchisement as a homogenized group is really possible or desirable. I ask similar questions of the virtual-biopolitical body and the games it is made to play. It seems that the matrix of histories within the Chinese

⁹⁹ Ibid.

¹⁰⁰ Jane Junn and Natalie Masuoka, "Asian American identity: Shared racial status and political context," *Perspectives on Politics* 6, no. 4 (2008): 729-740.

diaspora have orbited around these problems, which are each weaponized through mimesis and sacrificing the queer, the Uyghur, and the healthcare worker in the diaspora and the mainland in the hopes of a more normative, digestible, and “real” Chinese person. Rather than engaging with the false choices which global biopolitics of family, nation-state, and migration present to us, can we make a move akin to the homosocial fraternities of our migrant ancestors? Can we go further to generate a synthetic disidentification which centers the queer heterogeneities of our diaspora and its history?

This radical and generative act is undoubtedly challenging to materialize, and one might deem it entirely imaginary. However with this theoretical foundation in mind it becomes possible to envision a transnational queer alliance rooted in this synthetic disidentification. The primary issue of Western hegemony can finally be addressed here by the queer Chinese diaspora relinquishing the tantalizing goal of full Western enfranchisement and turning back towards our *tongzhi* allies. In doing so, we simultaneously signal our total rejection of Xi Jinping’s foreign propaganda machine and reanimation of Maoism while maintaining an ontological link with our diasporic origin. Rather than pursuing the politics of transnational “allyship” which have dominated Western queer discourse, the potentiality of this relational arrangement lies in our “shared heart” (*tongxin*) and “shared cause” (*tongzhi*) which is irreducible to sexual and gender similarity. This kind of transnational bond, one which both transcends the false choice between ethnonational citizenship and the forced sameness of Western queerness, is a “fourth-space” (à la Bhabha)¹⁰¹ in which irreconcilable histories and modernities of difference are no longer the problem. Rather, this relational futurity is one in which the possibilities of life are released from the vice-grip of biopolitical control and returned to the people who possess those lives in the very first place.

¹⁰¹ Homi K. Bhabha and Jonathan Rutherford, “Third space,” *Multitudes*, no. 3 (2006): 95-107.

What defines this relational futurity is *care*. The ontological divide between *tongzhi* people and Chinese diaspora queers has a final, real, and calculated effect: we do not care for each other. We come to understand our struggles as disparate and a transnational alliance as purely fictive, when in reality our combined mass on the international stage holds revolutionary potential. When we begin to theorize our histories and experiences together, from Mao's repression of the past to Xi's sublimation of the present, as belonging to the same temporal and narrative strand the compulsion to move towards working solidarity is strengthened several times over. When we begin to consider how Western hegemonic logics of immigration and exclusion map onto Xi's authoritarian binary of desirability, our presence around the Earth feels less like an overstretched band and more like a tightly wound line carrying pulses of high-voltage electricity. The material gains of such a reunion are overwhelming to imagine; the transfer of Western resources and human capital into resistance organizing in China, the international pressure of a combined, multinational grassroots call for revolution, and the incredible intersectional breadth of the Chinese diaspora all present radical and novel opportunities based in this framework of disidentification.

I admit that, for now, these are all speculations, hopes, and gestures towards futurities and alterities. The challenge lies in pursuing the many questions this investigation has raised while navigating the delicate tensions, geographies, histories, and liminalities which make-up the spaces and times of what is made natural by biopolitics using the toolkit of the queer.

Tseng Kwong Chi: Art as Praxis

Tseng Kwong Chi (曾廣智; September 6, 1950 – March 10, 1990) was a photographer and performance artist active in the East Village art scene along with artists like Keith Haring and Cindy Scherman. His parents were Chinese nationalists forced to leave the country during Mao's ascendancy. Prior to his tragic death due to an

AIDS-related illness, Tseng took thousands of photographs and displayed his pieces in countless urban settings. His most famous collection is *East Meets West: An Expeditionary Series*, of which three photographs are analyzed here.

In a short documentary on his work titled *East Meets West: Tseng Kwong Chi*, Tseng describes how he intentionally plays to a physical hyperbole of his family's past in communist China through wearing a bland Mao suit (or, 中山裝 *zhongshan*)¹⁰². He wears sunglasses in most photos to further alienate the assumed Western audience through distancing both his expression and personhood from the camera's gaze. In producing *East Meets West*, Tseng was inspired by Richard Nixon's visit to China which he found to be performative. As he put it, "relations remained official and superficial." At this time, he found that China and America were separated by "threats of war which segregated the people of the world" and strove to use art, the "universal bridge", to present a genuine means through which peace could be attained. I find Tseng's work to be nigh-prophetic. He constantly positioned himself as queer and through his queerness, using the motif of alienation as a way to consider how diasporic peoples might find each other once again.

¹⁰² Liu, W. (2014). How Not to See (Or, How Not to Not See) the Photographs of Tseng Kwong Chi. *Amerasia Journal*, 40(2), 25-45.



"New York, New York" from "East Meets West," 1979.

Here we see a classic image of Tseng's, where the intensely stark black-and-white tones immediately cast a sense of modern enormity. Situated in an infamous urban geography, Tseng's expressionless face gazes off at a parallel with the face of the skyscrapers which compromise the former World Trade Center. His Mao suit, which would otherwise be alien to a Western urban landscape, might even be appropriate for the brutally situated background. His ID card offers him a contradictory sense of belonging and permission in spite of the other alienating features of the image. I find myself thinking about the way in which Tseng performs an exotic embodiment here; his upright stature portending his own feeling of discomfort and unfamiliarity. His figure has internalized the somatic feeling of racial non-normativity just as Ahmed described. This photograph is one of Tseng's better known pieces, and communicates his self-proclaimed byline that he, as a queer Chinese-American, is an "ambiguous ambassador, a witness of our times, and a cultural visitor". It encapsulates my theories surrounding the Chinese diaspora and our continued relationship with China and the people who remain. Though we immigrate and travel abroad, we are juxtaposed against unforgiving Western landscapes and continue to don our own versions of the Mao suit. Communist authoritarianism has not left us, nor have we left it.



"Untitled" from "East Meets West," 1981.

In this next piece, we depart from the stark black-and-white into a sea of red which both nation-state emblems of the United States and China have in common; a point made immediately by the photograph. Here, Tseng is stepping out from behind the American flag (and thus also stepping in front of the Chinese one) with a muted look of surprise. This image causes the viewer to consider Tseng's unique positionality as situated both between and outside of the projects of his nation-states, and his look of surprise contributes to the sense that something transgressive is taking place here. In his right hand he holds the aperture clicker such that we are made acutely aware that this is a self-portrait - he is alone in this venture. We also notice that his body is again postured rigidly but in an even stranger way, which speaks to the utterly uncomfortable experience of disidentification. This piece describes the complex alienation of what it means to belong to the Chinese diaspora; as a member of the floating-point community which finds itself at the junction between two oppositional superpowers whose projects are made out to be not that different. This is a moment of ontological transgression stepping into ontological reunion; of embracing this alienating experience and radically embracing a new disidentification which creates a new route forward for performing embodiment and one's conception of self.



“The Gang’s All Here (New York)” and “The Gang’s All Here (Paris/New York)” from “East Meets West,” 1980.

These final two images, which feature Tseng’s closest friends and loved ones in his artistic career and personal life, are where I conclude this paper. I am deeply moved by this piece because it features the messy, non-normative networks of care and relationality which formed Tseng’s queer community and life. Jumbled, chaotic, international, transgressive, and disorganized queer bodies are depicted with a loud, raucous conversation you can almost hear. Queer readers of this paper will know what I mean by this because we too inhabit jumbled, chaotic communities of love and care. Between state control and normative biogenetics, this chosen family is transgressing cisheteronormative and ethnonational norms about what family and fraternity ought to be. I think back to how most of the known and unknown figures in this piece, including Tseng himself and others like Keith Haring, died of AIDS-related illness. Without theorizing too much, I believe that biopolitically organized neglect caused their deaths. In this sense, their queer struggle was in entirely unlike mine, but the sense of community as a necessary component of queer resistance and queer existence in the face of biopolitical rejection remains the same.

I also believe that this image may be far more effective than theory at explaining the crucial mechanism of care within transnational queerness. This piece is one of the only from *East Meets West* where Tseng is smiling, which has the effect of completely disarming the alienated quality of the other photographs. He remains dressed in his Mao suit, sunglasses and ID badge while holding the aperture clicker and thus embodying the self-alienated subject of diaspora, but his body and the bodies of his group are nothing short of naturally and comfortably postured. For me, this image is instructive about how queer care can transgress national boundaries as theory, but also as experience, affect, and emotion. For Tseng, there was *joy* in finding a disidentification outside of the hegemonic projects of nation-states, in daring to care about the people in his transnational queer networks, and in radically interrogating the authoritarian Chinese state.

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