

**GENDER AND WOMEN'S
STUDIES '19
CONFERENCE PROCEEDINGS**

Özgür Öztürk DAKAM YAYINLARI

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ZEUS' OVERTHROW OF CRONUS WITHIN THE CONTEXT OF AN ANCIENT SYMBOLIC MATRICIDE AND ITS RELATION TO PHILOSOPHY

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Abstract

The killing of Queen Clytemnestra by her son Orestes in *Oresteia* of Aeschylus was interpreted by Luce Irigaray as the original matricide on which society and culture are founded. Cixous and Clément believe this matricide shows us the historical turning point at which sons stopped being sons of their mothers, and instead became sons of their fathers. Indeed, not only sons but also daughters became children of their fathers at this point, and this can be seen in Electra's (sister of Orestes) act of putting the idea of killing their mother into her brother's head, and in the birth story of the goddess Athena from her father Zeus' forehead. Adriana Cavarero claims that the first philosophical text in which this matricide can be seen is Parmenides' poem. The philosopher abandons the world of his birth – that is, the world of appearances (or change) – to dwell in pure thought, which is identical to the world of the immobile Being. When the relation between the philosopher's abandonment of the world of appearances (the world into which he was born through his mother) to dwell in the unchanging Being, and the killing of Clytemnestra are considered, this study will argue that symbolic matricide can be traced back to Zeus' overthrow of Cronus.

Keywords: Matricide, Feminism, Philosophy, Orestes, Parmenides

Introduction

Greek myths can give us many clues regarding the matriarchal past of Greek society. The dramatic trilogy of Aeschylus, called *Oresteia*, is a tragic play which is based on Greek myths. In the play, parental change can be seen well in god Apollo's

words when he speaks of in his defense for Orestes' matricide:

*"I'll tell you something else, to show how right
I am: the so-called mother of the child
isn't the child's begetter, but only a sort
of nursing soil for the new-sown seed.
The man, the one on top, is the true parent,
while she, a stranger, fosters a stranger's sprout,
if no god blights it. And I can prove it to you:
a father can give birth without a mother.
And here before us is our witness, child
of Olympian Zeus, daughter who never fed
and grew within the darkness of a womb,
a seedling that no goddess could bring forth"* (Aeschylus, 2004, p. 174).

This change in the Oresteia can be seen in the killing of the queen, Clytemnestra, by her son Orestes. Clytemnestra was the wife of King Agamemnon, who was the leader of the Greek army during the Trojan war.

The killing of Queen Clytemnestra symbolizes the triumph of patriarchy, and according to Luce Irigaray, *"our society and our culture operate on the basis of an original matricide"* (Irigaray, 1993, p. 11). She reiterates:

"When Freud, notably in Totem and Taboo, describes and theorizes about the murder of the father as the founding act for the primal horde, he is forgetting an even more ancient murder, that of the woman-mother, which was necessary to the foundation of a specific order in the city" (Irigaray, 1993, p. 11).

In this paper, I will offer a different interpretation for the killing of Clytemnestra, according to which her killing shows us the end of the cyclic world view of the matriarchal past of the Greek society. By considering this interpretation, I will argue that Zeus' overthrow of his father Cronus is the older representation of ancient symbolic matricide, even though it was an event between father and son, not mother. As to philosophy, the immobile, unalterable Being of Parmenides will be evaluated as the later representation of a hostile attitude towards the cyclic world view of matriarchy.

The Killing of Queen Clytemnestra as an Act Against the Cyclic World View

The killing of Queen Clytemnestra by her son, Orestes, is important because it shows us a parental change, but this killing also shows us the end of the cyclic worldview of the earlier matriarchal Greek society.

The cyclic view of the world is based on the embracing of change in the world. In the cyclic view of the world, the world consists of the endless chain of cycles between death and birth or formation and deformation. In the endless cycles of formation and deformation, it is almost impossible to draw a line between them.

How does this cyclic view of the world shape the relationship between Queen Clytemnestra and King Agamemnon? When we examine the Oresteia, we see an altered version of the killing of a king-god by a queen-goddess. That is, the killing of King Agamemnon by Queen Clytemnestra was a fertility rite, according to which the king had to be sacrificed every year to fertilize the crop by his blood and flesh (see Frazer, 1911, pp. 9–119. For Hercules' (Heracles) sacrificial rite see Graves, 2013, pp. 119–121). After his sacrificial rite, the king/god symbolically enters the womb

of the goddess to resurrect. And, when the time has come, the resurrected king/god will be sacrificed again, and this annual cycle goes on forever. So, the queen kills the king as a requirement of the fertility rite. After the sacrificial rite of the king, the queen finds a new husband for herself and makes him king.

In the dramatic trilogy of Aeschylus, the killing of King Agamemnon by Queen Clytemnestra was a deformed version of the mentioned fertility rite. We can see this well in Clytemnestra's killing (sacrifice) of her husband Agamemnon by a Labrys (double-headed axe), which was a sacrificial tool (for Labrys as a sacrificial tool see Koloski-Ostrow, N. O. & Claire L. Lyons, 2004, p. 97). When the blood of the king splashes onto the face of the queen, she says the following, which shows us that the killing of the king was indeed a sacrificial rite to fertilize the crops:

*"I struck him twice, and while he cried two cries,
his legs gave way. Then soon as he was down,
I struck him yet again, and the third stroke fell
as a votive offering for the Zeus
below the ground, the savior of the dead.
And so he fell, and panted his life away,
and breathing out a last sharp gale of blood
he drenched me in the dark red showering gore,
and I rejoiced in it, rejoiced no less
than all the plants rejoice in Zeus-given
rainfalls at the birthtime of the buds"* (Aeschylus, 2004, p. 93).

What Orestes did by killing his mother, since she killed her husband, can be seen as an act against the cyclic feature of the matriarchal tradition. By killing his mother, Orestes violated a matriarchal tradition because only mothers could have a blood tie with their children. As a result of his act, Orestes was pursued by furies (see Walker, 1988, p. 249). This blood relation between children and their mothers was the reason why the mother was seen as a parent, not the father. However, what I want to emphasise in the killing of Clytemnestra by her son is its feature against the cyclicity of the matriarchal tradition. By killing his mother, Orestes went against the sacrificial killing of kings by queens.

Being averse to the sacrificial cycle of the king/god means being averse to the cyclic worldview. Since a cyclic view of the world refers to the embracement of the change in the world, it can be said that it is not in harmony with the idea that there is an unchangeable, unalterable entity, such as Plato's ideal world. Contrarily, patriarchy underestimated the change in the world and glorified the unchangeable entities, finding a correlation between those unalterable entities and masculinity. The world we live in was defined as the world of appearance, which was seen as inferior to the world of unchangeable entities. While the world of change, that is, the world we come into, represents the matriarchal cyclicity, the world of unalterable entities represents the new understanding of patriarchy which underestimates the change in the world.

It can be said that, besides the parental change, the killing of Clytemnestra by Orestes also represents this new patriarchal view of the world. Queen Clytemnestra killed King Agamemnon in accordance with a sacrificial rite, and this ritual represents the cyclicity in the world. So, by killing his mother, Orestes also exhibited an opponent attitude towards the cyclic view of patriarchy.

Ontological Matricide and the Cyclic World View

Adriana Cavarero argues that Parmenides' immobile Being reflects the ancient matricide in the realm of philosophy (see Cavarero, 1995). According to Parmenides, the change we see in the world is an illusion caused by our senses. For him, Being is indeed changeless and unalterable. In Parmenidian ontology, the changeless Being can only be comprehended through the mind, the rational faculty of a human being. As to Plato, he accepted both the world of change and the world of immobile, unalterable entities; that is, the world of ideas, and he argued that the world of ideas is superior to the world of appearance. Besides this, Plato attributed masculinity to the world of ideas; that is, the world of changeless entities and femininity to the world of appearance.

Rejection or underestimation of changeability in nature is defined by Cavarero as an example of ancient matricide in the realm of ontology. A philosopher who denies or underestimates the changeability in nature denies femininity because nature, the world of change, is our mother who gave us birth, and by denying the world we live in since it is changeable; a philosopher rejects his mother.

Arguing that the world of change is not real, but it is just an illusion caused by our senses, is rightly interpreted by Cavarero as ancient matricide. The philosopher abandons the world of his birth to dwell in pure thought. It can be said that the world of change or the world of a philosopher's birth refers to the cyclic world view of the matriarchal culture, and besides the parental change, I argue in this paper that being opposed to the cyclic world view can also be found in the killing of Clytemnestra. To put it more explicitly, the sacrificial rite of kings, which was in harmony with the cyclicity in nature, refers to the cyclic view of the world, and the cyclicity refers to change in nature, therefore, acting against the sacrificial killing of kings can be seen as an act against the cyclic view of the world, and this hostile attitude towards the sacrificial killing of divine kings can be evaluated as the earlier form of supporting the immobile Being of Parmenides or the ideal world of Plato. It should not be neglected to notice that the source of the sacrificial rite was the cyclicity in nature; it was an imitation of the death and birth (or formation and deformation) cycles in nature.

So far, I have attempted to explain that going against the cyclic view of the world takes shape in the killing of Clytemnestra and how it is related to the Being of Parmenides when ancient matricide is considered. Now I will attempt to illustrate that the same thing can also be seen in the overthrowing of Cronus by Zeus.

Cronus was the son of the goddess, Gaia, and the god, Uranus. Cronus castrated his father and became the new king, then he married the goddess, Rhea. It should be noted that the castration of a king by his successor refers to the killing of the predecessor king in accordance with the sacrificial rite (see Walker, 1988, p. 174). So, Cronus was a successor king and he killed his father Uranus, but to escape the same end, he started to swallow his children. According to myth, it was told to Cronus that he would be overthrown by one of his children. It may be concluded, therefore, that Cronus was the one who acted against the cyclic world view of the goddess by trying to escape from being killed by his successor, but it is not true. Swallowing his own children refers to killing them, and it was goddess Rhea's death aspect. The death aspect of a goddess refers to her ability to take back all life that she gives birth to, and the goddess gives birth to all deceased again to maintain the cycle (see Walker,

2007, p. 856, and 1988, pp. 153–154). However, it seems that the death aspect of the goddess was given to Cronus as a result of patriarchal influences. Indeed, the one who was against the cyclic view of the goddess was Zeus. First, he was escaped being swallowed by his father with the help of Rhea. She tricked Cronus; instead of her baby, Zeus, she gave him a stone to swallow. Then, Zeus became an adult and overthrew his father, Cronus, and built a new order of the Olympians. So, the one who ended the cyclic view of the world was not Cronus but Zeus. Now, someone may think that Zeus must be the one who killed his predecessor, but Zeus' predecessor, that is, his father wanted to kill him, so the one who was tried to be sacrificed was Cronus, not Zeus. However, as mentioned before, the death aspect of the goddess, Rhea, was given to Cronus, so Zeus was trying to escape from the goddess' death aspect, that is to say, the sacrificial power of the goddess. This can also be seen well in Goddess Kali's necklace composed of the skulls of those who were killed by her. Since Goddess' Rhea's death aspect was given to Cronus, what Zeus did by escaping swallowing by his father was indeed escaping from sacrificial killing. Therefore, it can be said that Zeus' escape from being killed by Cronus can be interpreted as constructing a new noncyclic order which would later be a prototype for the masculine unchangeable entities, which are ontologically superior to the feminine world of change. To be more precise, ending the sacrifice of a king who represents God resulted in ruining the harmony between the cycles in nature and the cycles of God's death and rebirth, which comes to mean the separation of God from nature. Consequently, God became free from the cycles of nature; in this sense, he became free from change.

Conclusions

The killing of Queen Clytemnestra by her son, Orestes, shows us the quarrel between the matriarchal and patriarchal pasts of Greek society. Luce Irigaray argued that the killing of Clytemnestra reflected the ancient matricide on which society and culture had been established. Ancient matricide refers to the symbolic killing of a mother, which means rejecting a mother's (or woman's) role on which matriarchal societies had been established. One of these roles was the parental role of a woman. The story of Clytemnestra shows how women were excluded from being parents of their children. However, Cavarero emphasises another facet of this symbolic matricide, and that is how this matricide exhibits itself in philosophy. She argues that the poem of Parmenides is the first text in which ancient matricide can be seen and that it was rejecting the world of change into which a philosopher comes. A philosopher who rejects or underestimates the world of change tries to dwell on the world of unalterable entities which are superior to the world of appearances.

I have argued in this paper, however, that another facet of ancient symbolic matricide can be seen in the killing of Clytemnestra, and it can be defined as going against the cyclic view of the world. The cyclic view of the world refers to the world of change. Even though Parmenides' poem can be argued as being the first philosophical text in which the rejection of the world of change can be seen, when it comes to Greek myths, the rejection of the world of change can be seen in the overthrowing of Cronus by Zeus. The overthrowing of Cronus by Zeus is an act which was against the cyclic view of the world because it was against the killing of

divine kings, which was in accordance with the sacrificial rite. The same can also be seen in the *Oresteia* of Aeschylus. Queen Clytemnestra killed her husband, and this was the reason why she was killed by her son Orestes. The killing of Clytemnestra by her son was also an act which was against the sacrificial killing of kings, therefore, it was also an act which was against the cyclic world view of matriarchy.

Indeed, the signs of the cyclic view of the world had been kept after the triumph of Zeus. There were people who joined the festivals related to Dionysus, such as the Eleusinian Mysteries, to experience death and rebirth through witnessing the Dionysus rebirth from the Goddess Persephone (Demeter). Also, the seasonal cycle had still been explained through Goddess Persephone's descent to the underworld and coming back again to the earth, but there was a difference: according to the new version of this myth, she goes to the underworld by force of the god, Hades, who took the initiative for the seasonal cycle (see Baring, A. & Jules Cashford, 1993, p. 381. For a detailed explanation about the story of Demeter and Persephone see Graves, 1965, pp. 17–20. See also Stein, 2006). However, we can still argue that Zeus' attitude towards the sacrificial killing of the divine kings can be seen as an attempt to end the cyclical approach of goddesses towards the world. I have argued that Zeus' attitude towards the cyclical view of the world – which can also be seen in Orestes' matricide – can be interpreted as a prototype of Parmenides' or (mostly) Plato's attitude towards the world of change.

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THE 'EXTINCTION' OF WOMEN IN CORMAC MCCARTHY'S THE ROAD: HOW UN(DER)REPRESENTATION OF GENDERS HARMS AN ECOLOGICAL NARRATIVE

SANI CHARTUDOMDEJ

Esteemed as “the first great masterpiece of the globally warmed generation” and “the most important environmental book ever written,” the Pulitzer Prize-winning novel *The Road* by Cormac McCarthy has been widely praised for raising concerns about ecological destruction and inciting conversations surrounding human extinction. Focusing on the aspect of gender, this paper essentially argues that the author uses the antiheroic mode together with the post-apocalyptic elements in an attempt to express a post-feminist point of view. The two components are meant to work together supposedly not only to challenge traditional gender ideologies but also to suggest that the book has transcended beyond the essentialism and binary thinking of conventional feminism when it comes to gender roles and relations. However, when viewed from an ecofeminist perspective, a correlation between the author’s biased treatment of nature and women is revealed. While McCarthy expands the roles of his male characters, he under-represents, marginalizes, and victimizes both women and nature in *The Road*. By advocating and perpetuating male domination of nature and women, the author negates women’s experiences and connections to the earth while sabotaging their contributions and abilities in protecting and preserving it. The ‘extinction’ of women in the book essentially overlooks their roles and significance in shaping and crafting a sustainable ecological narrative. This ends up undermining the novel’s reputation and status as a celebrated environmental writing canon as it fails to resonate with a wider audience.

SPEAKING GENDERED TRUTHS: A HISTORY OF WOMEN'S AND GENDER STUDIES IN THE MIDDLE EAST AND NORTH AFRICA

ADRIANNA ERNSTBERGER

This paper examines the establishment of Women's and Gender Studies throughout the Middle East and North Africa with a critical eye towards theoretical and pedagogical tensions enflamed by colonial histories and post-colonial women's movements. I argue that the history of Women's and Gender Studies in the Middle East and North Africa is intrinsically tied to transnational feminist activism, academic feminism, and the role of women in independence movements throughout the region. Transnational academic feminism shaped, and continues to inform, the development of the Women's and Gender Studies in the Global South. This paper examines the important relationship between local women's movements, transnational feminist networks, and the birth of Women's and Gender Studies in the region. Through the use of extensive archival records, oral testimonies, and field interviews with scholars, politicians, activists, and students, this paper demonstrates how the history of Middle Eastern and North African Women's and Gender Studies can be examined as both a history of disciplinary institutionalization, and a history of transnational academic feminism. The debates surrounding both the discipline of Women's and Gender Studies and its feminist foundations as "western' constructs and thus imports from the Global North continue. However, my research on the history of Women's and Gender Studies in the region demonstrates that despite these tensions the discipline has continued to evolve beyond bifurcations of East and West, North and South into regionally specific articulations of the discipline. Each with theoretical and practical frameworks that focus on the creation of uniquely original platforms of analysis. This work reveals much in the way of understanding the symbiotic relationships between transnational feminism, state feminism, and the creation of a new academic field; moreover, it presents areas for further inquiry into the role of transnational feminism in the development of Women's and Gender Studies throughout the Global South.

WOMEN'S SPACES IN THE CONTEMPORARY MOSQUES: A CASE STUDY IN İSTANBUL

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Abstract

The mosque is the general name of the place where people worship together in Islamic religion. Although there is no rule in the Qur'an about the development and formation of the mosque space; for centuries, Muslim societies have designed mosques with their own places of worship in accordance with the needs, social and religious necessities.

It can be said that the majority of mosques in Turkey are designed for male users unlike women users, it is seen that women are excluded from this design. Not enough thought or state of being sloppy in their use of space allocated to women in the mosque to be built in Turkey, was also reflected in research and publications addressing these issues. One of the aims of this study is to fill this gap in the literature. In this context, the hypothesis of the research: "Mosques are designed for men in Turkey / not designed for women. The sub-research questions identified in the study within the hypothesis determined are: "What are the spaces for women users in mosques designed in recent years?, Are the designers given these places necessary attention?", "What is the difference between spatial parameters of male and female users in contemporary mosques in Turkey?".

The research was carried out using qualitative research methods. Within this approach, a research design was developed. First of all, general scope research and literature review were conducted. The scope is limited to the selected contemporary mosques built in the 2000s in Istanbul. Simultaneous research tools were developed. In this study, observation survey and spatial analysis were chosen as research tools. After analyzing the data set collected in the research with the appropriate research tools, the findings are as follows: The usage areas of female users in selected contemporary mosques, which are separate from the main space, which are not in accordance with the uniformity of space, are smaller in terms of square meters than men, and are sloppy in terms of lighting, material and the other

spatial elements.

As a result of the evaluation of the findings, it was concluded that the mosques built in 2000s were male privileged design approaches, as in traditional mosques. Physical arrangements should be made to make it easier for women to be found in mosques. Considering the criteria mentioned in the new mosques, it is important for women users in mosques.

Introduction

The concept of architecture is the process of creating spaces and structures for people to live, worship, learn, have fun and do other things within. In this sense, it can be said that a special sub-category of architecture which covers all areas of life, is mosque architecture, which is the physical reflection of the Islamic culture.

The mosque has been an institution of worship and education for people of all ages and levels. Today, there are some remarkable differences between men and women in mosques or masjids. One of these is the male priority that is clearly seen in mosques, especially in Turkey. According to this, the main place of worship or central space is allocated to men. In this context, women are obliged to perform their prayers in secondary places (either in the upper section, or in a relatively narrow space, hidden behind the curtains). Today, we know it is the tradition and not the religion itself that limits the number of women using the mosques. Women, when they go to the mosque to pray usually can't find a decent place for them to use. The existing places that are reserved for them are mostly cold, damp places and even inappropriate places where excess goods and cleaning materials are kept (Ağçoban, 2013). More importantly, women cannot find toilets or places to practice their ritual ablutions. These are some of the reasons why women avoid going to the mosques in the first place.

In this study, it will be provided information on the literature and a brief discussion on the history of women's place in the mosque architecture. Five mosques in İstanbul were selected and examined, in the context of the study in order to see how these spaces have been interpreted, and to see if they have been given the adequate importance or not. The selected mosques are some of the important examples of the contemporary mosque architecture designs from Turkey, which aim to improve upon the contemporary designs.

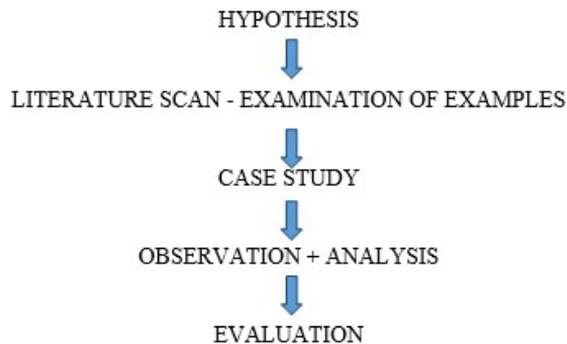


Figure 1. The method of study.

The Place of Women in Mosques in History and Definitions

The word "mosque" (cami) which is derived from the Arabic root of "cem", -which means gathering, getting together- and is the abbreviated form of the term "masjid al-mosque" (mescidu'l cami) which is the word used for large masjids. Masjid al-mosque, which means the place of worship for collective prayers, has ever increasingly been used as in its abbreviated form "the mosque" (cami) (Hasol, 2002). In Arabic, the word masjid is used as a place name and it means "the place in which you kowtow" which means putting one's forehead to the ground with humility. In fact, the origin of the word mosque comes from the word "masjid" (Hasol, 2002). If one needs to understand the interior structure of a mosque and the definitions of different parts of it, a mosque consists of;

A mihrab: A recess (niche) on the Qibla wall, usually in the shape of a hollow cell where the imam stands while leading the prayer. Mihrab is also like a direction sign indicating the direction of the Kaaba.

A minbar: It is the higher place with stairs going up, on the right side of the mihrab, where the imam reads the sermons on Friday and Eid prayers.

A mahfil (the gathering place): These are places created depending on the height of the interior walls via columns on various facades of the mosques in order to utilize the wall spaces and to create a secondary place of gathering for the collective prayers in the mosques.

The religion of Islam gives freedom of worship to all Muslims regardless of gender and does not discriminate between men and women. There also is no restriction in the holy books about women going to mosques and praying. During the period of the Prophet, it was made easy for women to go to the mosques and they were even encouraged and thus women were allowed to worship together with the community (Erdemli, 2012). During this period, women attended daily prayers, Friday, and holiday prayers and were taught about religion and social life in mosques. Even though women and men did not sit together in the mosques; they also were not separated by a wall or curtain. (Ağçoban, 2013).

The "fevkaniye" (upper floor), as one of the elements that make up the mosque structure in the architecture, was the place that is usually reserved for the women's prayers during the Ottoman era. The *fevkaniye* describes the gallery floors in the Ottoman mosques which are located around the main halls (Hasol, 2002).

Mudurnu Yıldırım Bayezid Mosque, which was built at the end of the 14th century, was one of the first examples of Ottoman mosques which included an upper floor raised from the ground that was reserved for women. This development was realized with the single and spacious mosque structure covered by a large and high dome developed by the Ottoman architecture, allowing a wooden gallery floor connected to the wall of the entrance door. It was assumed that the gathering places specific to women in which sanctum sanctorum is surrounded from 3 cardinal directions (east, west, north) is inspired by Byzantine religious architecture and especially Hagia Sophia (Marcus, 1992).

In the mosques built during the Republican period, women who used to come to the mosques for tarawih prayers, holy nights and memorial services started to have difficulty finding places to pray and attend to the services, thus, they started to worship in basements, rooms or behind the curtains (Ağçoban, 2013).

Women being seen by men or men being seen by women are not among the

things that cause a prayer or ablution to become religiously invalid. It is even controversial and debatable for women to be able to pray in the basement or in a closed area without seeing the imam, which is contrary to the “unity of space” rule of the “conditions for congregation to comply with the imam”. In the relevant section of religious books, certain conditions are stated for the congregation to comply with the imam, including the condition for the prayer to be able to see the imam and hear his voice’ and to be in the presence of the imam, preferably in the same place (unity of space). Because of these views, the praying of women in the basement floors, behind the walls or curtains, separated from the congregation is debated in the context that if it fits to the conditions of “unity of space and to be in the presence of the imam” (Erdemli, 2012).

Nowadays, basements or small places within the mosque are reserved for the use of women in Turkey, and it is known that this secondary treatment can cause women to have cold feet to participate in religious services within the mosques.

Places of ablution are also generally not intended for women. Signposts for women’s place of prayer are generally not available or are written using primitive techniques. Lack of information, heating, cleanliness and the fact that they have to worship in unhealthy conditions, keep women away from the mosques.

The male privileged positions of the mosques can be found in the literature. For example, Marcus J., in his research relating to Turkey (1992) provided wide coverage to the masculine character of the mosques. According to him, the mosque is the spatial place of the symbolic center of the masculine area and women are largely excluded from this area. According to Marcus, the mosque is the focus of masculine rituals; and homes, in contrast, are the focus of housewives’ rituals. Thus, it becomes possible for spaces to gain a gender identity in an Islamic culture.

According to a study conducted by Istanbul Muftiate over 3000 mosques (Link1), it has been discovered that 92.3% of mosques have separate places for women’s prayer services and 8.7% of these spaces are within the main hall of the mosque. Others are subsequently arranged as private or detached spaces. Screening or curtain was used to separate women’s prayer areas, in 31% of them, the section was separated by walls. Approximately 54% of these places have no or inappropriate signposts for women. Approximately 38% of mosques do not have any toilet for the use of women. Approximately 50% have no or insufficient special places for the ablution service of women.

Examples from Around the World about the Spaces Reserved for Women in Mosques

It is a known fact that in the Islamic world, especially in the Arabian Peninsula, in Asian countries such as Malaysia, Saudi Arabia, Palestine, Turkmenistan and African countries such as Tunisia and Algeria, women attend to mosque gatherings and timely prayers, Friday and holiday prayers, and in European and American countries, Muslim women perform their prayers together with their children and spouses, in the mosques and also listen to the sermons (Eskandari, 2011).



Figure 2. Jumeirah Mosque, Dubai (Link2).

It is a known fact that mosques exclusively for women were also built in the history of Islam (Shannahan, 2014). Many examples of this can be found all over the world. When the examples are examined, it can be seen that women exclusive mosques can be designed when necessary.



Figure 3. Women's mausoleum and mosque in Isfahan, Iran (Aycan Kizilkaya Archive, 2015).

There are many studies made in the United States with the themes of places of worship and gender. The community that conducts research on women in mosques

which publishes its research over a website called “womensmosque.com”, opened a women’s mosque in Los Angeles in 2013 (Figure 4). Apart from the mosque in which a female imam leads the prayers in the Chinese province of Henan, mosques exclusive to women were opened in Denmark in 2012 (Figure 5) and in Amsterdam in 2005. The mosque opened in Los Angeles is America’s first mosque exclusive to women.



Figure 4. Women exclusive mosques in Los Angeles, USA (Link3).

Women-led mosque opens in Denmark

Scandinavia's first female-led mosque will also be open to men except for Friday prayers, but all imams will be female



Sherin Khankan, a well-known commentator and author in Denmark, said there was “an Islamic tradition allowing women to be imams”. Photograph: Jacob Holtt

Scandinavia's first female-led mosque has opened in Copenhagen in a bid to challenge “patriarchal structures” and create debate and dialogue, its founder has said.

Sherin Khankan, born in Denmark to a Syrian father and a Finnish mother, said that while all activities at the Mariam mosque except Friday prayers would be open to both men and women, all imams would be female.

Figure 5. The news article about the women exclusive mosque opened in Denmark (Link4).

In the MA thesis titled “Women’s Places and Spaces in Contemporary American Mosque”, written for MIT in 2011, the women’s spaces in the American mosques were examined. In the examined mosques, issues have been identified and listed, such as whether there are designs for women, whether visual and auditory access

is provided, differentiation of male-female entrances, equality of space ratios, whether innovative and flexible design concepts were implemented or not (Figure 6).

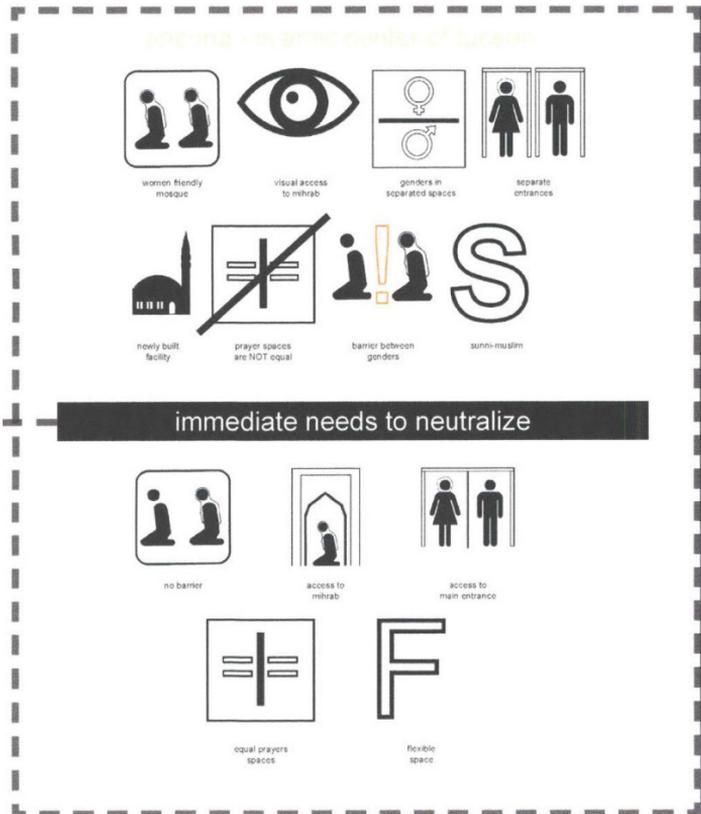


Figure 6. Criteria regarding the mosques (Eskandari, 2011).

Spaces Separated for Women in Selected Mosques in Istanbul, Within the Context of the Study

Within the scope of the study, five contemporary mosques built in İstanbul after the year 2000 were selected, in order to examine the areas organized for women. These examples are mosques designed by designer architects with today's technology and materials, and were chosen to understand whether the aforementioned problems exist in contemporary mosques or not.

The entrance areas of the mosques, women's prayer areas and women specific ablution areas were examined comparatively. The mosques examined are as follows:

- Refiye Soyak Mosque

It was built in 2004 by Mutlu Çilingiroğlu and his design team for the Soyak Residence in Yenışehir. The mosque consists of a circular form in the middle of its triangular land and tangent to the land and a "cube" shape in it. The fact that the root of the word "Kaaba", which is one of the main elements of Islam, is cube, has brought the idea of designing the place of worship as cubes. The design emphasizes

a simple interior with white, straight and simple lines.

- Şakirin Mosque

Was built in 2009, Hüsrev Tayla designed the architectural project and Zeynep Fadilloğlu of ZF Design made the interior. Located near the entrance of Karacaahmet cemetery, the mosque differs with its features such as dome form, use of transparent facades, designer interpretation of architectural elements in materials, forms and dimensions, and gathering of designers from different fields of expertise in the design process.

- Yeşil Vadi Mosque

The architect of the mosque which was built in 2010 was Adnan Kazmaoğlu. The minaret and interior elements of the mosque, which has a different form consisting of two intertwined hemispheres, have symbolic meanings.

- Marmara University Theology Faculty Mosque

Built in 2013 at Altunizade by Hilmi Şenalp and his architectural office Hassa Architecture. The dome shape of this mosque which was designed in bridge wing technique, is expressed in the literature as a reinterpretation of the classical mosque.

- Sancaklar Mosque

Designed by Emre Arolat and his design team in 2013, the mosque was built in Büyükçekmece. The mosque, which differs from its contemporaries with its form resembling a cave due to its topography, has a different atmosphere of worship with simple lines and colors and dramatic light effects.

Entrances



Figure 7. Mosque entrances for women (Aycan Kızılkaya Archive, 2019).

When the entrance gates for women were examined; except for Şakirin and Yeşilvadi Mosques, it is seen that mosques usually have a single entrance door. Şakirin Mosque's women's entrance is more plain and narrower than its main door. The direction sign for the entrance which is from the left facade is almost invisible. In Yeşilvadi Mosque the entrance door reserved for women is handled with a simple solution. And there is no signpost around it.

Women's Prayer Areas in Mosques

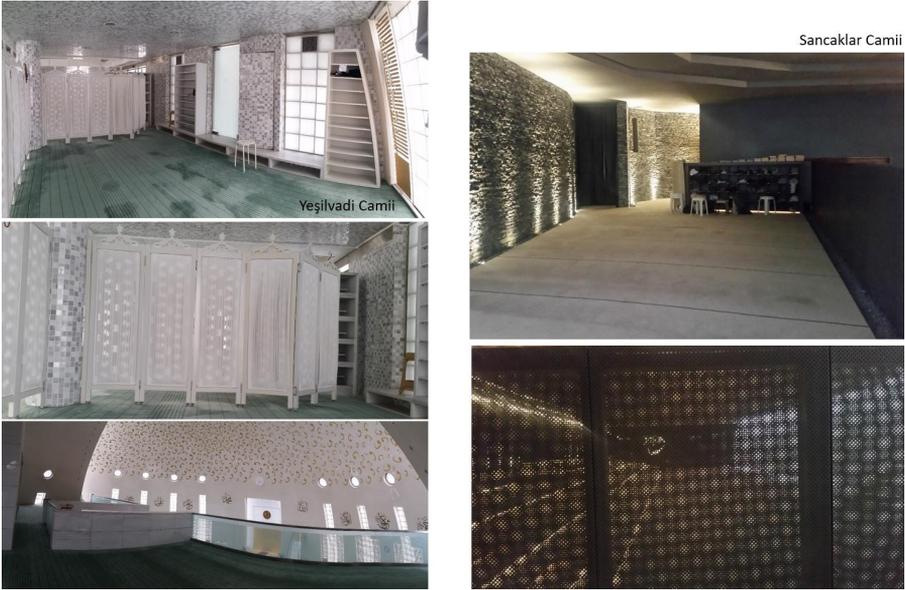


Figure 8. Women's Prayer Areas (Aycan Kızılkaya Archive, 2019).

The areas reserved for women in Yeşilvadi Mosque are on both levels and it was observed that it was impossible to see the main area from the worship area surrounded by dividers on the ground floor. It is not possible to see the mihrab in the area, which does not comply with the rule of "unity of space".

In Sancaklar Mosque, the space was divided by using a less permeable dividing element and 10-15% of the total area of the mosque was reserved for women.



Figure 9. Women's Prayer Areas (Aycan Kızılkaya Archive, 2019).

When the places of worship were examined, it was observed that it was almost impossible for individuals to see the imam or altar in the women's area of the Refiye Soyak Mosque. The space reserved for women is narrow, useless and uncomfortable.

Marmara University Theology Faculty Mosque can be defined as the most spacious, bright and useful one among the mosques investigated. The mosque was found appropriate in terms of the aforementioned "unity of space" and "being able to hear the imam" rules of the religion. The area is on the upper floor without any elevator, which is problematic for not considering elderly or disabled women.

In Şakirin Mosque, spaces were separated with transparent dividers and a more limited space was provided compared to Marmara University Faculty of Theology Mosque. Women have their own stools, tables and shoe cabinet. It has also been found that a number of additional materials have been scattered around the area just like in a warehouse.

Ablution Areas – Washrooms

There are women ablution areas and toilets in the mosques examined. None of them offered baby care rooms for women with babies or a solution for children. The female-male areas are generally resolved on equal square meters, however, the female ablution hall in Refiye Soyak Mosque is designed in a smaller section compared to men's.



Figure 10. Women specific ablution areas (Aycan Kızılkaya Archive, 2019).

Evaluation and Suggestions

This study examines the architectural design problems that women experience in mosque architecture. As it can be seen in the mosques examined, the arrangements

for women are limited in contemporary mosques constructed. In general, it is seen that the places of worship reserved for women are usually on the upper floors or behind screenings, or sometimes also serve as storage areas where desks and stools are kept and they do not have certain criteria regarding the integrity of the light and space.

It is also seen that women experience concentration problems as they do not see the imam-orator, but listen to his voice through a loudspeaker. It has also been observed that sometimes there are warning signs with "do not talk" written on them in areas reserved for women because of the lack of concentration as they sometimes start talking to each other.

In the case that women's sections are separate in the mosques or located in the main spaces and if space is created in the main area of the mosques for women, according to the circumstances, it should be suggested that this section should not be separated by curtains, but using dividers which are portable, aesthetic, so as not to exceed women's chest level, not preventing women from seeing the main spaces and elements. It is also important that the uncomfortable places such as areas near shoe cabinets and the front of the toilets should not be reserved for women to pray, and that the places reserved for women should not be used as a storage area. In addition, fixed and aesthetic direction signs should be placed in places reserved for women.

Observation of women's toilets being kept separate from ablution areas, ablution places being built according to modern conditions, and reserving of a part of these areas as baby care rooms are also recommended.

As in the examples from around the world, mosques that can only be used by women can also be recommended. Thus, women who use the main area of worship can feel the sense of belonging during their worship.

The result of all these evaluations is that physical arrangements should be made to facilitate women's presence in mosques. Considering the aforementioned criteria in the building of new mosques is important for the women who will come to those spaces.

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WHAT DETERMINES LABOUR PRODUCTIVITY OF FEMALE HOMEBASED WORKERS IN PUNJAB

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Abstract

The study analyses the determinants of productivity of female HBWs in Punjab. It is found that productivity of those HBWs is higher who have awareness of labour laws, higher level of human capital, participated in exhibitions and don't rely on middlemen. The study suggests policy implications for HBWs economic empowerment.

1. Introduction

Home-based work is a global phenomenon found in both developed and developing countries and this sector is expanding at a fast pace. Home-based workers (HBWs) are the category of workers who carry out remunerative work at home or in adjacent premises, whether as self-employed individuals or as paid workers.¹ They are usually engaged in manufacturing and post-manufacturing tasks such as embroidery/stitching, carpet weaving, paper products, handicrafts and others.² Today, many HBWs produce under subcontracts for global value chains.³ On the demand side, the reason for the expansion of the home-based worker market is the search for low-cost inputs by local and foreign firms. Ashraf et.al (2015)

1 Women in Informal Employment Globalizing and Organizing; Empowering Informal Workers, 2018

2 Women in Informal Employment Globalizing and Organizing; Empowering Informal Workers, 2018

3 Globalization and Homebased Workers, 2000

mentioned that “cost considerations are widely perceived to be the driving force of the offshoring of labour-intensive stages of production to lower income host countries through greenfield FDI”. As far as the supply side is concerned, poverty is identified as the main driver of labour force participation in home-based work. In Punjab, the female labour force participation rate is 26.5 percent as compared to that of males which is 69.3 percent. Whereas 6.7 percent females are engaged in the informal sector and the majority of them are home based workers.⁴

Due to multiple reasons including social, cultural norms, safety, crime and the quality of available transport services, a very low proportion of females work outside their homes in Pakistan. Nearly 40 percent of females do not work due to family restrictions and among those who do work, 30 percent females are engaged in home-based work.⁵ Furthermore out of 30 percent, 73 percent of homebased workers are doing this due to mobility restrictions.⁶ The Female Home Based Workers (FHBWs) usually are poor with persistent inter-generational poverty and have very little or no education (Hasan and Azman, 2014) and they are being exploited by the intermediaries. The income they are earning has not been instrumental in reducing the level of poverty. There is a need to develop their capacity to enhance their labour productivity and thereby living standard.

Labour Productivity is a significant economic indicator and an important measure of economic growth.⁷ Labour productivity determines the efficiency with which an economic system transforms labour into output. Productivity is also considered to be a true measure of competitiveness (Porter, 2003). Moreover, labour market measurements or estimations can provide the evidence to formulate labour market polices e.g. high productivity is closely related to specific types and high levels of human capital, which indicates the need to build policies related to education and skills training to enhance the capacity of workers. The enhancement in labour productivity of HBWs not only increases the economic well-being of the individuals but also a highly productive HBWs market can play an important role in the growth of the domestic economy by attracting foreign investors and increasing foreign exchange reserves as indicated by Azid et. al. (2001).

The basic idea of this paper is the measurement of the labour productivity of FHBW's in Punjab with a measure of productivity defined as the ratio of income earned from home-based work per day to the number of hours worked per day. Furthermore, to investigate the factors that affect the productivity of FHBW's with a special focus on the role of four factors, namely, (a) human capital- in terms of education and trainings-, (b) the role of the middle man, defined in terms of procurement of raw material, (c) social capital, in terms of participation in trade/exhibition, and (d) awareness of laws.

This study contributes in literature in the following ways. Firstly, to the best of our knowledge, this study is the first to empirically examine the effect of middle man and social capital-in addition to the other most commonly used variables on labour productivity of female home-based workers in Punjab. There are some

4 Labour Force Survey, 2017-18

5 Policy document on female labour force participation in Pakistan, Asian Development Bank, 2016

6 Gendered Perspective of Informal Sector of the Economy in Pakistan, 2015

7 <http://www.ilo.org>

studies that examined the effect of various socio-economic and demographic variables on productive potential of workers/females measured in terms of number of hours worked or labour force participation rate in informal sector (e.g., Azid et. al, 2001; Hassan & Farooq 2015, Gillani et. al, 2013, Awan et. al, 2015, Khan & Khan, 2006, Hassan & Azman, 2014). However, there is no empirical evidence available regarding the extent to which home-based workers especially women are being exploited by middlemen in terms of productivity and earnings. Secondly, most of the existing studies on female labour force participation in the informal sector consist of a very few numbers of observations. We use the dataset "The Punjab Home Based Workers Survey 2016" collected by the Punjab Bureau of Statistics that consists of a large number of observations, 13,145 to be precise, among them 12,181 are females. Thirdly, in Pakistan most of the studies in the informal sector cover one district (urban or rural) of Pakistan (e.g. Khan & Kazmi, 2008, Kazi & Raza, 1989, Williams et.al, 2016 and Masood & Barlow, 2013). Therefore, there results cannot be generalized at large level (provincial level or country level). Controlling the divisional and area (urban, rural) fixed effects, we avoid the heterogeneity and the results of the study are applicable to the whole of Punjab.

It is found that awareness of labour laws, higher level of education; trainings especially from government institutes and participation in industrial exhibitions positively affect productivity. However, labour productivity of those female home-based workers is higher who don't rely on middlemen for procurement of their raw material. The analysis of this study helps to understand the ways of enhancement of productive potentials of FHBWs and would thereby serve to suggest policy makers in designing economic empowerment initiatives for HBWs especially for women. The results of this study provide evidence on dire need of policy implications and enforcement of laws concerning HBWs for their economic empowerment by identifying the factors that increase their productivity. Furthermore, the study will also help policy makers in achieving the Sustainable Development Goals (SDGs) targets related to poverty reduction, gender equality and empowerment and the promotion of inclusive growth, productive employment and decent work opportunities for all.

The rest of the paper is organized as follows: Section 2 provides the analytical background and relevant literature on the relationship between the above-mentioned four variables and productivity. The methodology and data description are provided in Section 3. While Section 4 describes the statistical and econometric results, the discussion and policy recommendations are presented in Section 5.

2. Analytical Discussion and Literature Review

Human capital and labour productivity

Human capital - intangible asset of a person- includes education, training, health and other professional initiatives that increase the level of knowledge, skills, abilities, values, and social assets of an employee which leads to an increase not only in employee's satisfaction and performance but also improves the firm's performance (Marimutho et.al, 2009). The theory of human capital is based on the assumption that education, health, trainings etc. raise the productive potential of the employees. A number of empirical studies have found that human capital plays a significant role in raising the productivity of workers in firms and industries (e.g.

Aggrey, 2010, Colombo and Stanca, 2008, Burger and Teal, 2014). We focus on the two components of human capital namely, education and training in this study.

Education

Education is one of the important aspects of human capital which positively contributes in the country's labour force supply and productivity. Delsen et al., 1999 show that workers or employees with higher secondary education are more productive or have a higher contribution to the productivity level. By using the data of 2010-2011 Third Integrated Household Survey (IHS3), conducted in Malawi, Smith et al (2016) concludes that increasing the number of years of schooling or level of education from primary to secondary could result in an increase in the country's tax revenue of approximately 580 million (in Malawi currency) per year. Delsen and Schonewille (1999) showed that human capital investment in the form of schooling has two dissimilar effects. One is the static effect which indicates that schooling enhances the individual productivity of employees. The other one is a dynamic effect which suggests that schooling increases the productivity of the entire labour force as, higher educated workers get more knowledge in the production process, become innovative and efficiently use the inputs which raise the production growth. Moreover, Jones (2008) stated that there is strong evidence at the microeconomic level that education and productivity measured by workers' earnings are positively correlated.

The productivity of female home-based workers or in the informal economy is also positively associated with the level of education. An increase in the level of education can increase the probability of women's participation and allocation of work in market activities (Azid et.al, 2001). Internationally, the higher percentage of women's participation in the informal sector depicts the probability of their engagement in low quality work, as the informal sector is not monitored and taxed by the government and not included in the national GDP. The Informal economy is mostly associated with developing countries as 46 percent of the female labour force of Nigeria and 70-80 percent in Vietnam is working in the informal economy (Nguyen et.al, 2014). They earn a very low income because they have limited access to vital resources which includes education, technical skills and financial capitals (Fapohunda, 2012).

There are number of factors that enable and empower women working in the informal economy to get decent paid work, education is one of them (ILO, 2018). According to UN Women (2015), education plays a very significant role for female workforce particularly in the informal sector where they perform low paying jobs and engage in unpaid work for long hours. Education gives them awareness of labour rights, access to good employment opportunities to improve their livelihood, increases their participation in decision making and reduces the probability that women engage in low paid home-based work. In a study, Hunt and Samman, (2016) indicate that education affects the females' earnings positively as women with increased years of schooling of primary education have a 10 percent increase in their wages, an additional year of secondary school increases wages by 15-20 percent and a 17 percent increase in their wages with an added year of tertiary education.

Globally, almost 91 percent females do not have an adequate education level or

have maximum primary level education in the informal sector (ILO, 2018). Nguyen, 2015 examined the impact of education on female participation in the informal sector of 40 developing countries. The results of his study show that education has positive effects on women's share in the national economy. Moreover, women with higher education become more aware of the labour market, able to get more skilled jobs and received good wages.

Many studies show that female workers have to face unjustifiable pay differences in the labour market and they do not have any possibility of improvement. Ewoudou et.al, (2006) conducted a study by using a dataset of the Cameron Household survey (CHS) 2001, which consists of a sample of 10,992 households and 56,443 individuals in Cameron. He analysed hourly earnings of individuals and return to education by gender in the formal and informal sector. The study results showed that higher education increases the probability of male and female workers to move from informal sector to formal sector. However, women are more likely to work in the informal sector and face wage discrimination as they significantly earn less than male workers. Females work for long hours in the HBW economy but don't get good wages as compared to their male counterparts (Arntz et.al, 2018). The higher level of education can change the scenario of gender gap in the informal sector as it's evident that secondary level education especially vocational education positively affects the earnings of female workers in the informal sector.

Globally, human capital investment is considered as a key requirement to improve the labour market outcomes and education is regarded as one of the main components. Achievement in human capital can be measured in the form of higher labour productivity which leads to higher earnings and ultimately better social and economic well-being. The results of a study conducted by Rukumnuaykit and Pholphirul (2015), indicates that employees with secondary and higher education have higher labour productivity and higher education which causes an increase in the average wage of the worker.

Training

Training has significant and economically important effects on productivity and earnings of the individuals as Konings and Vanormelingen (2010) show that the productivity of a trained worker is on average 23 percent higher compared to that of the untrained worker whereas trained workers' wages increases more than that of the untrained worker. Moreover, training also impacts the productivity of firms too as labour productivity is 27 percent higher in training firms and they pay 36 percent higher wages as compared to non-training firms.

It's usually considered that informal economy workers (IEWs) do not have adequate technical skills, which affects their performance or productivity. The study conducted by Peter-Cookey et.al (2017) covering 74 percent informal female workers (IFWs) including HBWs in Thailand, supports this argument by showing that good technical skills have a positive impact on informal workers' productivity. Majority of the IFWs believed that skills training gives them more practical experience than theoretical knowledge, improves their work performance and makes them able to meet the customer requirements. Moreover, IFWs want to upgrade their skills through relevant and good quality trainings as per labour market demand to minimize the impact of low skills on their work performance and productivity as

well.

Zwick (2006), in a study conducted in Germany, also found positive effects of trainings on productivity as; training programs enhance the skills and capabilities of workers. Furthermore, it was observed that vocational training has an influence on the female's earnings. The female workers who have received any kind of vocational training, their level of earning would be higher than the female workers who did not receive any vocational training (Psacharopoulos & Layard, 1994; Nasir, 2002; Chaudhry et.al, 2010)

Smith (2001) examined the effect of education and training on productivity of workers in the United States (US). Using the 1991 population survey of U.S., results of the study indicate that both education and training had a positive impact on the hourly wages of the respondents. However, when the data was classified on the basis of gender, results showed that for females training has a greater impact on hourly wages compared to males. Moreover, when data was observed according to the occupation of the respondents, the results indicated that training had a significant effect on wages in 7 of the 12 major occupations and for the earning per hour to increase, the longer periods of training deemed more important and the effects are higher for females.

Involvement of Middlemen and labour productivity

When it comes to home-based work, the role of a middleman is not only very substantial but also nearly unavoidable. Anyone can be qualified as a middleman if he lives in the same area and has the ability to provide work to home based workers. He provides work to the women based in their homes and in return they receive meagre remuneration for their work. As a result, this set up concentrates power in the hand of the middleman which allows him to take advantage of the vulnerable conditions of the home-based workers. (Hassan & Azman, 2014)

As far as stats are considered, the percentage of women who are dependent on middlemen is as high as 81 percent. Out of this percentage around majority of the workers are not allowed to interact with the middleman because of cultural norms which restrict interaction between opposite genders in which case it is the male family members that interact with the middleman on their behalf. This is evidence of social exclusion which proves as a major barrier towards human development of the workers. (Hassan & Farooq, 2015)

HBWs don't directly approach their main employer for work (Prugl, 1999). They are invisible, have no formal contract and wage agreement. They have to rely on the middleman for work who acts as a bridge between the employer and the HBWs. Therefore, their relationships with the middleman matters; he is the person who provides work/contract, raw material and remuneration to the HBWs on behalf of the main employer (Pearson, 2004). Due to socio-cultural factors and mobility issues which bound FHBWs to work from home and make them dependent on the subcontractor, agent or middleman for work, equipment, remuneration and selling of the finished product. The middleman often exploits FHBWs, provides them low quality raw material and pays low wages which affect the quality of the product and minimizes their earnings (Sudarshan, & Sinha, 2011).

Even in the formal sector, female employees hired through contractors/middlemen remain vulnerable to exploitation and reported earning less than

the minimum wage.⁸ According to the Punjab homebased workers survey, 2016 a significant number (51 percent) of the HBWs were receiving insufficient remuneration and 60 percent of HBWs were asked to ask the middleman to increase their remuneration but only 12.3 percent of them were successful in increasing their payment.⁹ While, 85.3 percent contractors refused to increase the HBWs' remuneration. More than a third (16.6 percent) of the HBWs reported a deduction in their payment by the middleman and 7.3 percent of those reported, informed that it was due to damaged raw material, 6.7 percent highlighted supply of low quality products and 1.4 percent responded that it was due to delay in delivery. Moreover, women have become the key target of exploitation for subcontractors due to the vulnerability of female labour force as women workers paid a very small fraction of payment of what the intermediaries received from the contracting firm at the top, homeworkers received less payment than their productivity whereas their work quality is not as poor as specified the wages they get. Infact they got bad contracts; poor quality equipment's which affects their productivity (Sethuraman, 1998).

Awareness of labour laws and productivity

Workers' legal protection usually considered defensible as it alleviates the inequality impacts of bargaining power which is an integral part of the employment relationship (Deakin et.al, 2014). Employment relationships are very important as national labour laws and ILO standers are applicable and give legal protection to those workers who have clear identification of their employer and have employment relationship with them. If the employment relationship is ambiguous between the person who receive work and the employer, workers remain unprotected and they are not able to get their rights under the labour market regulations and procedures (ILO, 2003). Employers usually avoid compliance with labour laws so that they can hire cheap labour on less than minimum wages. In this context workers should know about the existing labour laws to access their labour rights, social protection and employment benefits (Chen, 2012). Gatti (2009) argued that employees' legal protection is significant as labour protection laws have a positive impact on productivity. In an analysis of 20 OECD countries, Storm et. el (2007) indicated that labour market regulations significantly affects labour productivity as more regulated economies are highly productive.

Participation in Industrial Exhibitions and labour productivity

An expo display service GmbH Company (2019), highlighting the benefits of participation in exhibitions, discussed that industrial exhibitions and trade shows provide a good platform for producers to display their products and to fetch many benefits. As it gives the opportunity to entrepreneurs/producers to meet directly with buyers or potential customers, showcase their product or brand to a big platform, they come to know about their market competitors, customer needs and market demand. This enables the producer or entrepreneur to improve their services or products and boost their businesses.

8 Situational Analysis of Women Employed in Manufacturing Sector: The Case Study of Lahore, 2018

9 Punjab Homebased Workers Survey, 2016 by Bureau of Statistics Punjab

It was also indicated by Mare (2012) that female worker’s participation in fair trade network make them more confident and experienced, gives them information on business skills, fair wages, improves market access, networking and most importantly they gain useful knowledge about market trends, their product demand and customer needs. These make them feel that they can achieve more, expand their business and become economically more empowered.

Despite these benefits a few number of homeworkers and self-employed people get the chance to participate in exhibitions. According to Punjab HBWs Survey (2016) individual homeworkers’ participation in industrial exhibitions is very limited as only 0.8 percent HBWs participated in industrial exhibitions at the local and district levels.

4. Empirical Model and data

4.1 Empirical Model

We use the following log-linear regression model:

$$\text{Log } LP_i = \alpha + \beta_1 \text{ human capital}_i + \beta_2 \text{Social capital}_i + \beta_3 \text{ Role of middle man}_i + \beta_4 \text{awareness of laws}_i + \beta_5 X + \varepsilon_i$$

Where $i = 1, 2, 3, \dots, N$ is the female home-based worker index and LP represents labour productivity. Following the common practice in literature (e.g. Weeraratne and Silva, 2016; Dukey and Miroslav, 2017) labour productivity of FHBWs is defined as

Labour productivity = volume measure of output / measure of input use
where:

Volume measure of output is the income earned by the FHBWs per day and the measure of input use is the number of hours worked by the FHBWs per day (OECD, Labour Productivity Indicators 2008). X is a usual vector of control variables and ε_i is the error term. Table 1 describes the details of the independent and control variables.

Table1: Determinants of Labour Productivity

Human capital	Social capital	Role of Middle man	Awareness of laws	Control variables
1.Education 2.Training	1.Participation in exhibition	1.Procurement of raw material	1. labour laws	1. age 2.square of age 3.area 4.divisions 5.household expenditures

The mix-method approach has been used for the analysis; through descriptive analysis, the differentials of labour productivity of female home-based workers at the divisional level are observed. To estimate the model, the ordinary least square estimator (OLS) is applied in Punjab as a whole. However, to avoid heterogenous divisional and area fixed effects, we control for divisions and areas in regressions.

4.2 Data and variable construction

The dataset of “Punjab Home-Based Workers Survey 2016” collected by the Punjab Bureau of Statistics, in collaboration with the Labour and Human Resource Department has been used for analysis. This study has been conducted with the support of the United Nations and ILO under its project titled “Strengthening policy and legislative environment for home-based workers in Punjab”. The data domain is provincial level with urban and rural residential areas. The province is divided into nine divisions namely; Bahawalpur, Dera Gazi Khan, Faisalabad, Gujranwala, Lahore, Multan, Rawalpindi, Sahiwal and Sargodha. The data is representative of the divisional level. Total sample size of PHBWs was 13,469, out of which 7,541 HBWs were involved in home-based work in urban areas and 5,928 in rural areas. However, a significant number of females i.e. 91 percent were involved in home-based work as compared to males. The purpose of the study was to identify FHBWs needs. Thus, the dataset consists of 12,181 female respondents which belong to the 15 years and above age group. In the study it is hypothesized that women’ education, training, region (urban or rural), role of middlemen, awareness of labour laws and their individual participation in exhibitions are important factors which effect their productivity. A brief overview of the construction of variables that are used in the analysis is summarized as under.

Table 2: Data Definition

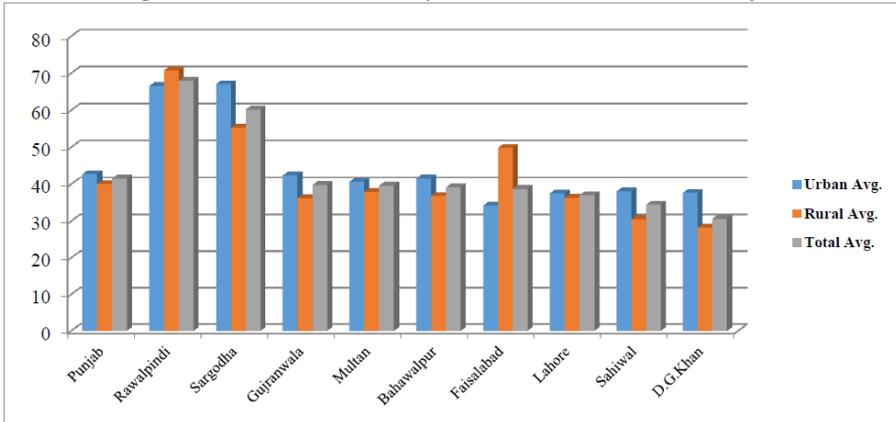
Variable name	Description
Education	Respondent having primary, middle, matric and above education level. Respondents have no education is the base category.
Training	Respondents received training from formal source; government and private institutes and Respondents received training from informal source like <i>Ustad</i> . Respondents did not get any training (base category)
Role of Middleman	Respondent received raw material from middleman, other member of house and others. Respondent procured raw material by themselves is used as a base category
Awareness of Labour Laws	Respondent’s knowledge about the existing labour laws
Participation in Exhibitions	Respondent’s individual and organizational participation in industrial exhibitions at local/district, provincial, national and international level Respondents no participation is base category.
Area	Respondent lives in rural areas and Respondent lives in urban areas

5. Analysis

5.1 Statistics of labour productivity in Punjab

This section shows some stylized facts related to the productivity differentials in urban and rural areas of 9 divisions of Punjab.

Figure 1: Labour Productivity of FHBWs in divisions of Punjab



Source: Calculations based on Punjab HBWs survey, 2016

Overall labour productivity of FHBWs in Punjab is estimated as 41.5 on average, whereas, female workers from urban areas have been observed to be slightly more productive with an average of 42.7 as compared to the rural areas where labour productivity of FHBWs is measured as 40.01. However, at the divisional level, FHBWs from Rawalpindi division have the highest productivity level at 68.00. Whereas, female workers from the south region divisions have been observed to be the least productive, for example, FHBWs working in D.G. Khan division have the lowest productivity level 30.63 in contrast to all other divisions. Furthermore, in the context of rural & urban setting, surprisingly FHBWs from rural areas have the highest productivity level 70.77 which is observed in Rawalpindi division as compared to the average productivity of urban female workers 67.06 which has been found in Sargodha division.

5.2 Econometric Analysis

Our estimated productivity equations are presented in Table 3. Three models are introduced in the table to show the robustness of the results of the variables of interest. To avoid the problem of heteroscedasticity, robust standard errors are applied in all specifications.

Human capital, the role of middle man and labour productivity

Column (1) in Table 3 shows the results of the effects of human capital and the middle man on labour productivity of FHBWs. The value of R-square is not very high which is mostly observed in cross section data with large number of observations.

The results show that the labour productivity of FHBWs increases with an increase in the education level. The regression coefficients show that the FHBWs with up to primary, middle, and matric and above education are more productive than the FHBWs with no education by 11 percent, 12 percent and 24 percent *respectively*. And the differences are statistically significant. These results are supported by Mincer (1974) and Becker (1975). It was also indicated by Jones (2001) that, education is positively correlated with productivity and educated workers are more productive.

Dearden et. al (2006) showed that work related trainings are significantly linked with higher productivity. It is found that training has a significant positive effect on the productive potential of FHBWs. The coefficients of the training dummies show that the HBWs with training from government institutes are 29 percent more productive than the FHBWs without training. On the other hand, the labour productivity of HBWs with training from other informal places is 19 percent, the HBWs with training from private institutes 27 percent and the workers with training from NGOs 18 percent more than the FHBWs workers without training. These differences are statistically significant. It was showed by (Bartel, 1994) that formal training programmes have a positive and significant effect on labour productivity.

The results on the effects of middle man on labour productivity differentials of FHBWs are in line with the theoretical understanding of that the middle man exploit the HBWs. According to an earlier study (WEIGO, 2015) on Increasing Livelihoods for Home-based Embroidery Workers in Delhi, India, it highlights that, FHBWs are dependent on the sub-contractors or middlemen and face key problems which includes the supply of poor quality raw material which not only affects the quality of work but also their income.

The coefficient on the dummy of procurement of raw material from middle man is statistically significant and indicates that the FHBWs who get the raw material from middlemen are 53 percent less productive than the HBWs who get the raw material by their own. However, the productive potential of HBWs getting the raw material from other sources is 15 percent more than the base category and the difference is statistically significant. Labour productivity for other sources varies in different areas and in different divisions. Overall the same trend was observed at the provincial and divisional level, that productivity was lowest when the material was procured by middlemen and it was highest when the material was procured by themselves or some other member of the household. To a great extent, the same is true in the urban and rural areas of both the province and divisions, but there are also some exceptions to this rule.

The coefficient on the dummy of area suggests that the productive potential of FHBWs is same in urban and rural Punjab as the difference is not statistically significant. The coefficients on divisional dummies indicates that the productive potential of FHBWs in Gujranwala, Rawalpindi and Sargodha divisions is greater than the FHBWs in Lahore division by 11 percent, 35 percent and 8 percent, *respectively*. On the other hand, the labour productivity of FHBWs is same in Lahore and Multan and in Lahore and Faisalabad as the differences are not statistically significant. However, FHBWs in Bahawalpur, D.G. Khan and Sahiwal divisions are significantly less productive than FHBWs in Lahore by 10 percent, 14 percent, and 13 percent, *respectively*.

The coefficient on age shows that if age increases by 1 year, the average labour productivity of FHBWs increases by 2 percent. Moreover, descriptive results indicate that, the average productivity is high for the age bracket 15-18 years and decreases after reaching the age of 60 and above. Therefore, FHBWs in the age bracket of 25-40 years were more productive (on average 43.94). However, FHBWs at the age of 61 and above were the least productive with an average productivity of 24.36. Furthermore, the increase in consumption expenditures also increases the productive potential of FHBWs significantly. This variable is identified as the main

supply side factor that pushes females to spend more time on home-based work and produce more. However, the economic magnitude of this variable is very small.

Table 3: Regression estimation of labour productivity of FHBWs

Dependent variable	Log of labour productivity		
	(1)	(2)	(3)
Independent variables			
Human capital			
Education A (1 if up to primary, 0 otherwise)	0.11*** (0.03)	0.10*** (0.02)	0.11*** (0.02)
Education B (1 if up to middle, 0 otherwise)	0.12*** (0.03)	0.11*** (0.03)	0.12*** (0.03)
Education C (1 if up to matric and above, 0 otherwise)	0.24*** (0.03)	0.22*** (0.03)	0.24*** (0.03)
Training A (1 if from govt institute, 0 otherwise)	0.29*** (0.05)	0.29*** (0.05)	0.29*** (0.05)
Training B (1 if from informal, 0 otherwise)	0.19*** (0.02)	0.19*** (0.02)	0.19*** (0.02)
Training C (1 if from NGO, 0 otherwise)	0.18* (0.08)	0.17* (0.08)	0.17* (0.08)
Training D (1 if other sources, 0 otherwise)	0.10* (0.05)	0.11* (0.05)	0.10* (0.05)
Training E (1 if private, 0 otherwise)	0.23*** (0.00)	0.22*** (0.05)	0.23*** (0.05)
Role of middle man			
(1 if gets raw material from Middleman, 0 otherwise)	-0.53*** (0.03)	-0.53*** (0.03)	-0.53*** (0.03)
(1 if gets raw material from Others, 0 otherwise)	0.14* (0.06)	0.15* (0.06)	0.14* (0.06)
(1 if gets raw material from another member 0 otherwise)	0.01 (0.03)	0.01 (0.03)	0.01 (0.03)
Social capital			
(1 if individual participation, 0 otherwise)			0.31* (0.15)
(1 if organizational participation, 0 otherwise)			0.16 (0.10)
Awareness of labour Laws			
(1 if awareness of labour laws, 0 otherwise)		0.15*** (0.03)	
Other control variables			
Age	0.02*** (0.00)	0.02*** (0.00)	0.02*** (0.00)

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Square of age	-0.0003*** (0.00)	-0.0003*** (0.00)	-0.0003*** (0.00)
Household expenditures	0.0005*** (0.00)	0.0005*** (0.00)	0.0005*** (0.00)
Area (1 if urban, 0 if rural)	-0.02 (0.02)	-0.01 (0.02)	-0.01 (0.02)
Bahawalpur (1 if Bahawalpur, 0 otherwise)	-0.10*** (0.03)	-0.09** (0.03)	-0.11*** (0.03)
D.G.Khan (1 if D.G. Khan, 0 otherwise)	-0.14*** (0.04)	-0.13*** (0.04)	-0.14*** (0.04)
Faisalabad (1 if Faisalabad, 0 otherwise)	0.02 (0.03)	0.03 (0.03)	0.02 (0.03)
Gujranwala (1 if Gujranwala, 0 otherwise)	0.11*** (0.03)	0.12*** (0.03)	0.11*** (0.03)
Multan (1 if Multan, 0 otherwise)	-0.03 (0.03)	-0.04 (0.03)	-0.03 (0.03)
Rawalpindi (1 if Rawalpindi, 0 otherwise)	0.35*** (0.05)	0.33*** (0.05)	0.35*** (0.05)
Sahiwal (1 if Sahiwal, 0 otherwise)	-0.13*** (0.05)	-0.12** (0.05)	-0.13*** (0.05)
Sargodha (1 if Sargodha, 0 otherwise)	0.08* (0.04)	0.08* (0.04)	0.08* (0.04)
Constant	2.54*** (0.08)	2.53*** (0.08)	2.54*** (0.07)
Number of observations	11043	11036	11040
R-squared	0.32	0.32	0.32
F-statistics (p-value)	189 (0.00)	183 (0.00)	175 (0.00)

Note: Robust standard errors are in parenthesis. ***, ** and * indicate significance at the 0 percent, 1percent and 5 percent levels respectively.

Social capital and labour productivity

In column (2) of Table 3, the social capital measured as the FHBWs participation in exhibitions is included. The coefficient on the dummy of participation in the exhibitions individually is significant at 5 percent level and indicates that the productive potential of FHBWs who participated in the exhibitions individually is 31 percent more than the FHBWs who never participated. However, the productivity of the HBWs who participated in the exhibitions at the organizational level and the FHBWs who never participated in exhibitions are same.

The effects of all the other variables are the same as in the regression presented in column (1) of Table 3.

Awareness of labour laws and labour productivity

Labour laws are a roadmap for workers and its awareness and understanding

to employees is very important to address the issues in the informal economy and to protect their rights (Lisakafu, 2014). The column (3) in Table 3 shows the results of the effects of the awareness of labour laws on productivity of FHBWs in Punjab. The coefficient on the dummy of awareness of labour laws indicates that there is significant difference in the productive potential of the individuals who have awareness of labour laws and the individuals who do not. The FHBWs with awareness of labour laws are 15 percent more productive than others. The effects of all the other variables are the same as in column (1) and column (2).

6. Conclusion and Policy advice

In this paper we have measured the labour productivity of female home-based workers in Punjab and the comprehensive analysis indicates the following results.

Firstly, as the education level increases labour productivity of home-based workers increases e.g. FHBWs with matric and above level of education were observed to be more productive. Therefore, efforts should be made to make higher education more easily available to women throughout Punjab. Secondly, FHBWs who had received training from government sources were more productive as compared to those that received trainings from other sources. It indicates that government training programmes are more effective so there is need to establish more training institutes for females at the local level and provide skills trainings to FHBWs through TEVTA, PVTC, PSDF and other technical and vocational training institutes with respect to local market demand in urban and rural areas of Punjab.

Thirdly, role of middle man negatively impacts the labour productivity of FHBWs as productivity of FHBWs was at the lowest when the material was procured by the middleman.¹⁰ There should be some legal implications with regards to the role of middlemen or intermediaries to address grievances and resolve the issues of the female home-based workers which affect their earnings and labour productivity. Fourthly, individual participation in exhibitions positively affects the labour productivity of female home-based workers, as it provides an opportunity to workers to display their work and get recognition for their efforts. Therefore, the provincial government should organize industrial exhibitions at local level and establish such mechanisms which support FHBWs' easy access to exhibitions. Lastly, the awareness of labour laws has significantly impacted the productive potential of individuals as FHBWs with awareness of labour laws are more productive than their counterparts. Moreover, when the workers are aware of labour laws not only do they feel more confident but also, they know how to deal with the situation when they are exploited in any way.

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GENDER FACTOR ON AFFECTING PASSENGERS' SATISFACTION OF TRANSPORTATION

**LIANG-CHUAN WU
HAN-LEI CHEN**

Customer satisfaction and repurchase intention are important issues of service industry. In the context of the economic downturn, the airline industry with increasing competition is no exception. Therefore, the purpose of this paper is to explore what factors, especially the role of gender, affecting satisfaction and repurchase intention of low-cost carrier (LCC) passengers. Based on theory of planned behavior (TPB) and theory of reasoned action (TRA), a structural equation model (SEM) was established. Price, add-on service, booking channel and schedule were proposed as independent variables. A total of 302 completed questionnaires were received to test the relationships among the constructs. The result from this study indicates that (1) Gender, age and experience) do not have significant moderating effect. (2) price, add-on service, booking channel and schedule have significant and positive effect on customer satisfaction, (3) customer satisfaction has a significant and positive effect on repurchase intention, (4) schedule has a significant and positive direct effect on repurchase intention. These findings offer a direction for LCCs to formulate strategy and improve competitiveness.

MANIFESTATIONS OF GENDER DISCRIMINATION IN WORKING ENVIRONMENT

MERCEDESZ MAGYAR

Introduction: The purpose of this paper is to investigate the discrimination between women and men in the workplace climate, especially the situation of women. According to Nguyen (2005), the position of women on the labour market has improved, although there is a gender pay gap, segregation of typically female or typically male occupations, or limited career progression. The target of this paper is to research how and which way the working conditions effect the discrimination of women. This study is aiming to answer the questions such as whether workplace stress and job satisfaction are related to the manifestation of female-male inequality. Furthermore, whether the workplace's owner approach and workforce headcount data, as well as gender distribution, has an impact on the appearance of discrimination. During the interviews, I gain a comprehensive knowledge of the general perception of women and men in today's Hungarian labor market, regarding gender discrimination at the workplace. I also got an insight to different thoughts of women and men and the possible changes and solutions that affect the discrimination between men and women.

Methods

The study is expected to have 100 participants, with a proportional distribution of women and men between the ages of 18 and 65. At the moment there are 41 female and 19 male participants. For the first time, the survey participants fill out a pre-compiled questionnaire on paper that seeks answers to workplace satisfaction, stress, and emerging gender discrimination. After that they go through semi-structured interviews in the context of qualitative research, specifically addressing issues of gender discrimination. The interview will be recorded, depending on the permission of the subjects, and will be encoded hermeneutically after being translated into text. Emotional categories are examined using NarrCat (Narrative Content Analysis Program).

Results

Interviews have shown completely different results regarding the phenomena of gender discrimination at workplace. In many cases, men reckon that this subject is a fashionable, modern-day topic, but there is no real problem behind it, the phenomenon does not exist, it is only a consequence of feminism. Female interviewees see their situation in a significantly different way with sexism, the appearance of sexually explicit jokes, and men who think it is okay. Coming up with a solution for this topic is barely complicated, given that the people involved personally also consider the sexualization of the female body, the problem of pay gap, and the glass ceiling effect as a social norm, and to be tightly connected to maternity. Furthermore, the feeling of shame, vulnerability, and helplessness prevent the straightforward conversation on the topic.

Conclusion

Gender discrimination in the workplace is an existing phenomenon. Thinking about the issue requires an innovative and inclusive approach, not only in the attitudes of men, but also of women, who under the influence of social and political pressure, tend to overcome their own grievances on the basis of biological order. The highly patriarchal structure of Hungarian society, which also controlled the possible solutions in the interviews, raises the question of how to tackle this question at this level, and what possible educational elements could be incorporated.

CRITIQUING ORIENTALIST AND PATRIARCHAL HONOUR CONCEPTIONS IN LIGHT OF QUR'ANIC HONOUR OCCURRENCES

SANAH MEHNAZ

This paper will explore gender-bias honour conceptions, prevalent within Muslim communities, through a critique of orientalism and patriarchy. This critique will explore the double oppression Muslim women experience internally, from within their own communities, and externally. Internally, Muslim women are subject of gender-bias oppressive honour codes that impact their contemporary lived experiences. This oppression is imposed upon them through a long history of domination of tradition and scholarship by the male elite. A brief understanding of the history of honour codes within Muslim history exposes how gender bias conceptions of honour have been utilised against women from within their own communities.

This paper shall argue that patriarchy within Islamic tradition and Muslim history has created and upheld power differences where women are seen as inferior and lower class in comparison to their male counter parts. Yet, the presence of these honour ideologies within the contemporary comes with more nuances. Contemporary honour ideologies are further impacted by a second oppression orientalism.

In the form of external patriarchy, orientalist efforts to emancipate Muslim women from oppressive males from within their own communities reveals how Muslim women are recipients of oppression, politicisation and weaponization from both within and outside of their own communities. Within orientalist narratives we see how conceptions of honour and masculinity are utilised to present the East as other, backwards and barbaric. Further, honour crimes and killings are used to portray the west as superior, saviours and liberators.

Yet, conceptions of masculinity of both the occident and orient through orientalism further triggers imposition of gender bias honour codes and praxis. The occident is greatly portrayed as greater and masculine in comparison to the men of the orient. Thus, challenges to notions of manliness and masculinity results in Muslim women being politicised as weapons to display masculinity. Whilst men in the West see woman as the perfect tool to disregard eastern masculinity, Muslim men utilise honour codes and the bodies of Muslim women to maintain their

masculinity. This paper therefore argues that contemporary honour ideologues and praxis within contemporary Muslim communities are overwhelmingly multifaceted. Consequently the victims and perpetrators of gender bias honour ideologies are many.

After exploring the contemporary stance of honour within the Muslim world, this paper shall present how Qur'anic occurrences of honour terms are never concerned with sexuality. Contemporary sexualised gender bias conceptions of honour appear to contradict the Qur'anic stance of honour. Findings from an inquiry into the Qur'anic text will be presented that reveal a more nuanced ideology of honour in Islam, that is equally associated to all creation regardless of gender. The Qur'anic text therefore will highlight how the limited comprehension of sexualised honour in contemporary Muslim communities is one that is far from the Qur'anic semantic field of honour. This paper will then suggest areas of further research that may expose the development of gender bias honour conceptions within Islam and Muslim history that are contrary to the Qur'anic text.

To conclude, this paper shall argue that ideologies of honour and Muslim women's bodies are utilised and manipulated by two extremes: internal patriarchy and external patriarchy. It shall argue that a reconceptualization of honour is required that challenges both patriarchy and orientalism. Thus, honour must be critiqued from within Islam and Muslim experiences. The Qur'anic text must be read through a hermeneutical approach that is inclusive of the female voice in order to arrive at an understanding of honour that is neither patriarchal nor reductive or dismissive.

THE BIRTH OF BODY POLITICS: A FEMINIST CRITIQUE OF 'THE BODY' IN SEX AND GENDER¹

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Abstract

Regarded as religious and mythological phenomena, the body is depicted as the container of the soul which carries the characteristics of its own, and many ideological meanings have been attributed to it since 'the creation'. However, there arises the modern dichotomy of sex and gender in which the first seeds of the polarisation between 'man and woman' are scattered. Thence, the sex and gender dichotomy can be considered to be the core of the debate that is primarily discussed by scholars through which the first dichotomy is expressed by another opposition, the natural and cultural principals and their applications to the body of 'man and woman'. Thus, theoretical expressions of sex and gender classification are explored in this study to indicate how body politics is represented as the male body and the female body. Moreover, it is also within the purpose of this study to scrutinise the differences between biological and socio-cultural characteristics in body politics in general and the existence of the body in particular under the auspices of seminal feminist critiques and theories. Depending upon this, Angela Carter's politics of sex and gender is examined since Carter, herself, demolishes acute differences between 'sex and gender' in the representation of her characters, especially in her *The Passion of New Eve*. Hence, this study also shows how sex and gender codes are challenged and disregarded by Carter.

Keywords: Body Politics, Body, The Female Body, Sex, Gender, A Dichotomy, A Feminist Critique, Angela Carter, *The Passion of New Eve*.

1 I hereby declare that this study has been extracted from the dissertation of mine entitled: "Body Politics in Angela Carter's Works" and it includes the literary and theoretical analyses scrutinised within the scope of my doctoral study.

Introduction to Sex and Gender Duality

The essence of body and gender politics depends upon the existence of monotheistic religions, and these are all formed under '*The Creation Myth*' [my italics and capitalisation added]. Thus, it can be stated that since the creation myth, the body has been considered to be one of the crucial issues of debate that contains one of two binary oppositions which are called the body and the mind, or the body and the soul. Within the dichotomy of sex and gender, however, the existence of the male body and the female body are carried into another level which breeds another classification under biological and socio-cultural principles. This classification and the differentiation between two bodies are discussed under a very problematic debate called the 'male and female conceptualisation.' Thus, depending upon the creation myth, 'Adam and Eve' will be referenced as a starting point and utilised to explicate the 'sex and gender' dichotomy as follows:

"And the Lord God caused a deep sleep to fall upon the man, And he slept; and He took one of his ribs, and closed up the Place with flesh instead thereof. And the rib, which the Lord God had taken from the man, made He a woman, and brought Her unto the man. And the man said: 'This is now bone of my Bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.'... and they shall be one Flesh. (Genesis 2:21-24)" (Genesis qtd. in Dworkin, 2007, p.204).

As for patriarchal ideology, Adam and Eve are created as the first man and woman in '*The Creation Myth*,' and the primary difference occurs between the two types of bodies. The male body has a penis, but the female body lacks it. Thus, for patriarchal ideology, the problem occurs at this point and it is seen as the sole definitive factor that gives priority for the ones who have it. Based on this understanding, the female body, regarded as a secondary and useless type, begins to be usurped. This male-oriented, mythical expression is the core factor which defines the concepts of sex and gender. What is sex? What is gender? Why are these concepts so crucial to the biggest dichotomy? What kinds of attributions have enabled them to have such eternal meanings that have an influence upon classifications, segregations and usurpations? Why is it necessary to add natural and cultural meanings? [...] These are the significant questions which should in fact be explicated under sex and gender classifications.

Sex is depicted as the natural (biological) difference between the male body and the female body. It has a natural effect that defines the prior concepts of its own, whose specialties depend upon the specific criterion. Moreover, it is the nature itself that gives this meaning to sex itself. This is the natural occurrence of 'male and female' categories. According to Camille Paglia, nature has a decisive role in determining these concepts.

"[i]n the beginning was nature. The background from which and against which our ideas of God were formed, nature remains the supreme moral problem. We cannot hope to understand sex and gender until we clarify our attitude toward nature. Sex is a subset to nature. Sex is the natural in man" (2001, p.1).

As Paglia asserts, everything starts with nature. Therefore, it is nature itself that forms everything. In other words, it is through nature that the characteristic features, related to sex, are explained since nature is a superset of sex. Gender, on the other hand, is evaluated as a part of socio-cultural outcomes shaping the characteristics of man's and woman's body. The special concepts, related to 'male

and female,' are changed into 'man and woman' according to cultural perspectives. In other words, masculine and feminine attributions take their places through cultural aspects. Ann Oakley defines the theoretical expression of 'sex and gender dichotomy' as follows:

"Sex' is a word that referred to the biological differences between male and female, whereas 'Gender' ... is a matter of culture: it refers to the social classification into "masculine and feminine". Sex is thus assumed to be constant, an unchanging biological fact; it is natural. Gender, by comparison, is conceived of as neither constant nor natural. Gender differences between men and women vary both over time and across cultures; they are thus socially conditioned, an effect of the process of socialization whereby differently sexed individuals are converted into either masculine or feminine persons" (Oakley qtd. in Lloyd, 2007, p.28).

It is possible to see that sex is natural, whose biological orders are unchangeable and stable. Gender, on the contrary, is cultural, whose socio-cultural orders change from culture to culture because gender codes are socially conditioned and they are also related to socialisation process.

Thereby, sexed beings are converted into gendered beings. This ideological substratum of the classification on sex and gender can in other words be explicated as the first heteronormative attributions in which 'man and woman' appear as heterogenders. Thus, the meaning of heteronormativity regarded as institutionalised heterosexuality and heterogendered creations are explicated based on that. Chrys Ingraham, scrutinises the birth of heteronormativity and heterogenders according to 'Feminist Sociology' in her article titled *The Heterosexual Imaginary: Feminist Sociology and Theories of Gender* (1994). According to Ingraham, heteronormativity: *"--- the view that institutionalized heterosexuality constitutes the standard for legitimate and prescriptive socio-sexual arrangements [...]"* (1994, p.204). In heteronormative system, institutionalisation of heterosexuality is formed through the standardisation based on predefined norms. The term, heteronormativity and its heterosexual economy can be discussed in their relations to 'heterogenders' so that gender characteristics are able to be explored in heterosexual economy. As Ingraham puts it:

"Gender or what I would call 'heterogenders' is the asymmetrical stratification of the sexes in relation to the historically varying institutions of patriarchal heterosexuality. Reframing gender as heterogender foregrounds the relation between heterosexuality and gender. Heterogender confronts the equation of heterosexuality with the natural and of gender with the cultural and suggests that both are socially constructed, open to other configurations and open to change" (1994, p.204).

What is significant in the notion of heterogender is that through heterogender, the relationships between heterosexual and gender are mutually foregrounded so that a new integrative system is able to be generated. At the end, 'heterogender' appears as the socially constructed system which opens to change and other systems as well. Ingraham also expresses 'the relationship between heterosexuality and heterogender' as follows: *"[h]eterogender de-naturalizes the "sexual" as the starting point for understanding heterosexuality and connects institutionalized heterosexuality with the gender"* (1994, p.204). As it can be seen, heterogendered relations of man and woman have socio-cultural tendencies in which socially and

culturally constructed gender relations identify the characteristics of man and woman. As it is stated hitherto, the characteristic features of 'sex and gender' are determined by biological (natural) and socio-cultural factors causing one of the biggest dichotomies in gender studies. According to gender theory, 'sex and gender,' being two binary oppositions, are evaluated within their own authentic features in which sex has biological identity and characteristics; whereas, gender has socio-cultural affinities having its distinct features from those of sex. As Margaret L. Andersen explains 'sex and gender' in her *Thinking about Women*, (2015):

"Sex refers to biological identity--- a designation is assigned at birth and meant to signify the fact that one is either male or female. [...] Gender is a social, not a biological concept. Gender refers specifically to the social and cultural patterns associated with being male or female. Gender is constructed through the whole array of social, political, economic, and cultural experiences in a given society" (2015, pp.22-23).

The effects of 'nature versus culture' are represented as the identification and classification between sex and gender. Therefore, sex signifies the person's biological identity which is described only for males and females; whereas, gender is related to the social relationship through which masculine and feminine characteristics are achieved.

Angela Carter's Politics of Sex and Gender: A Feminist Critique

The influence of biological factors of heterosexuality in heteronormative economy are challenged by Angela Carter with her demythologising patriarchal norms and their normative heterosexual economy which are intentionally deconstructed through her subversive panorama in her narratives. The characterisations of Carter are built upon their autonomous philosophy and free will through which their body politics is performed. Therefore, in Carter's narratives, it is not only possible to explore the characters either as a man or a woman; but also, as androgynous characters, transvestites, and even as homosexual or lesbian characters. Moreover, it is also possible to see Carterian characters who have grotesque bodies, whose features demolish heterosexual economy and its normative policies. These characterisations can especially be seen in *The Passion of New Eve* through (Eve)lyn's transformation into New Eve, and Tristessa the transvestite.

Among the mentioned characters, in *The Passion of New Eve*, (Eve)lyn's gender metamorphosis is expressed especially when (Eve)lyn is transformed into New Eve by the Mother in Beulah, since s/he already knows that behind his/her female outlook and his/her female body; s/he has a male persona. However, the point to be considered regarding (Eve)lyn is that having a female body and feminine characteristics do not necessarily mean that (Eve)lyn is biologically a woman. Thus, this transformation is considered to be 'The Passion of (Eve)lyn.' (Eve)lyn says:

"I know nothing. I am a tabula erasa, a blank sheet of paper, an unhatched egg. I have not yet become a woman, although I possess a woman's shape. Not a woman, no; both more and less than a real woman. Now I am a being as mythic and monstrous [...] Eve remains willfully in the state of innocence that precedes the fall. I had only one thought- I'm in the most ludicrous mess in the world!" (Carter, 1982, p.79).

(Eve)lyn's inner monologue shows that s/he questions her/his authentic

identity, since s/he cannot easily accept her/his metamorphoses. (Eve)lyn does not call herself/himself a real woman though s/he seems like a woman. In a similar vein, in the case of Tristessa, Carter tells Cagney Watts in an interview:

“Tristessa is a male projection of femininity, that’s why she’s doomed, her life is completely based on false premises. This character only had the notion of his idea of a woman before he set out to become one’ (165). The shadow or ‘projection’ is therefore man-made- an artificial construct based on male ideas, or Forms” (Carter qtd. in Yeandle, 2017, pp.37-38).

Thusly, it is asserted that Tristessa, the transvestite, is an object of desire for (Eve)lyn as an iconic Hollywood star. (Eve)lyn calls Tristessa: *“the perfect man’s woman”* (Carter, 1982, p.125), and asks a Socratic question *“how could a real woman ever have been so much a woman as you?”* (Carter, 1982, p.125). (Eve)lyn adores Tristessa though s/he knows that Tristessa cannot be a real woman since s/he is more than a woman.

As Simone de Beauvoir writes in her *The Second Sex* (1949): “[o]ne is not born, but rather becomes, a woman” (1997, p.295). Thus, (Eve)lyn is not born a woman; but s/he becomes one. The same metamorphic situation is also valid for Tristessa. Moreover, as Anna Kerchy puts in her article titled *Bodies That Do Not Fit: Sexual Metamorphoses, Re-Embodied Identities and Cultural Crisis in Contemporary Transgender Memoirs*, (2009): *“sex change operation is used as a part of a utopian feminist project to deconstruct patriarchal, phallogocentric myths, hierarchies and privileges, the binary essentialism of gender-representation”* (2009, p.14). Hence, the grotesque bodies of both (Eve)lyn and Tristessa challenge the patriarchal notions of originality for gender and sexual characteristics and this way, they perform subversive and perverse body politics. Furthermore, grotesque characteristics are performed in Carter’s *The Passion of New Eve*, especially by Tristessa and (Eve)lyn. The subversion of gender norms in the narrative, transform (Eve)lyn into New Eve, and make Tristessa (the transvestite), a transgender who has the male genital organ; but is female in form. As Kerchy further explains, transgender means “an individual who identifies with the other sex/gender without undergoing a sex-change operation” (2009, p.3). As a result, it is possible to define the characteristic features of grotesque both in (Eve)lyn and in Tristessa since their bodies subvert sexual identities and gender politics.

Theoretical Development and Overall Conclusion

To add more to the theoretical subject, critics, scholars and feminist sociologists express their opinions by adapting the distinctive features of each binary opposition. It is asserted that sex is within the system of intelligibility of body and sex:

“as a category of analysis can never exist outside prevailing frames of intelligibility. It is a concept that is related to ways of making sense of body, often by those--- sociologists and biologists--- who have a great deal of authority in the creation of knowledges” (Ingraham, 1994, p.214).

Therefore, sex is perceived as a biological concept and it represents male and female bodies. However, gender is attributed to socio-cultural features of forming ‘man and woman.’ The notion of ‘being a man and being a woman’ is shaped by the cultural components which give special attributions of their own so that it is further identified as the masculine and feminine acquisitions. Hence, it can be deduced

that sex is the outcome of heterosexual ideology which is constructed for biological orders having qualifications as the male and female classifications. The notion of sex depends upon *"a heterosexual assumption that the only possible configuration of sex is male or female as 'opposite sexes,' which, like other aspects of the physical world are naturally attracted to each other"* (Ingraham, 1994, p.215).

On the other hand, through the effects of socialisation of male and female attributions, the distinct and authentic facets take their places in forming 'gender' characteristics which create oppositional forces for heterogendered characteristics based on masculine and feminine traits.

"Gender, as the cultural side of the sex-gender binary, is frequently defined by sociologists as either achieved or constructed through a process of 'socialization,' whereby males and females become man and women attaining opposite and distinct traits based on sex. In addition to appearing in prominent texts and articles on gender, this understanding of gender circulates in introductory sociology texts. For instance, Hess, Markson and Stein's Sociology asserts that gender is made up of 'femininity and masculinity as achieved characteristics' but that maleness and femaleness are 'ascribed traits' (1989:193)" (qtd. in Ingraham, 1994, p.215).

As it is concluded from the quotation above, the acute difference between the binaries of sex and gender lies in determination of 'achieved or ascribed traits' of sex and gender characteristics. And depending on it, sex belongs to ascribed traits of man and woman; whereas gender belongs to achieved features of masculinity and femininity. Another crucial issue is that these categorisations, as the two binary oppositions, are used for the division of humanity. Sex and gender, therefore, shape the dominant ideology's dictations for the occupations and positions shared in society. According to John Macionis, gender is:

"[s]ociety's division of humanity, based on sex, into two distinctive categories. Gender guides how females and males think about themselves, how they interact with others, and what positions they occupy in society as a whole (1993:352; my emphasis)" (Macionis qtd. in Ingraham, 1994, p.215).

Heterogendered beings serve the needs of society according to the psychological, social and cultural acquisitions, which are different from those of biological and natural components of heterosexual positions. In other words, *"to become gendered is to learn the proper way to be a woman in relation to a man, or feminine in relation to the masculine"* (Ingraham, 1994, p.215). Thusly, transformation from sex into gender is actually a transition to the socio-culturally produced distinctions from what have previously been considered the biological configurations. According to mainstream thoughts, heterogendered or gendered definitions are adapted into a heteronormative understanding of binaries which conceptualise the social and cultural characteristics of 'femininity and masculinity' of women and men to identify their differences from the biological characteristics of 'female and male.' The 'Feminist Sociological Theory,' in which the organisations of hierarchies and the oppositions of sex and gender classification are represented by feminist scope, however, is severely criticised for being partial. It is stated that

"[f]eminist theories of gender which posit males and females, masculine and feminine, heterosexual and homosexual as opposites participate in dominant ways of thinking which organize all areas of difference as hierarchical and oppositional binaries" (Ingraham, 1994, p.209).

Although feminism and sociology seem to be closely initiated with each other in terms of the politics of gender; the feminist-sociology is criticised for not engaging itself with gender at the same level as it is closely engaged with heterosexuality. As Ingraham puts it:

"Gender cannot be simultaneously an achieved status and an organizing concept for a naturally occurring heterosexuality. If both gender and heterosexuality are socially produced, then feminist sociology should be engaging with both of them at that level" (1994, p.209).

The critical point is the 'absence of women,' which is categorised according to the heterosexual and heterogendered division of labor by mainstream ideology. Hence, women and their socio-cultural positions are either ignored or neglected by patriarchy. Consequently, it can be deduced that sex and gender, as two opposing forces, are used as one of the most influential dichotomies through which biological characteristics and socio-cultural relations are explored. In this respect, the classification and distinct features between heterosexuality and heterogender occur. Through the diversification, and the presence of patriarchal ideology, an everlasting duality between woman and man proceeds. Thus, sex and gender characteristics are used to escalate the greatest duality between man and woman. As a result, it can be stated that the body and the politics of body over sex and gender have had crucial significance in forming the relationships between man and woman throughout history. Teresa de Lauretis writes on the presence of body in sex and gender in her *Technologies of Gender: Essays on Theory, Film and Fiction* (1987): *"[I] like sexuality, [...] gender is not a property of bodies or something originally existent inhuman beings, but 'the set of effects produced in bodies, behaviors, and social relations,' [...]"* (1989, p.3).

To conclude, the duality between men and women can be considered to be one of the most influential themes in Carter's narratives. This duality among Carterian characters is formed by the subversive sex and gender politics because Carter demolishes the acute differences between 'sex and gender' in the heteronormative economy of men and women in her narratives. Carter does not classify her characters, nor does she form their characteristic features properly. It is not a matter for Carter whether these biological or socio-cultural characteristics are thoroughly ascribed or achieved; rather, what is crucial for her is the representation of subversive and perverse gender and body politics by demythologising and dephilosophising the established sex and gender codes. It is through this duality between men and women that Carter achieves her purpose in her narratives by challenging and then eradicating hierarchical systems. Hence, Carterian women are mostly victorious by showing autonomous but at the same time subversive and perverse body politics of their own.

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GENDERING CARE: THE GENDER QUESTION IN GERIATRIC CARE

SAYENDRI PANCHADHYAYI

Sarah Lamb argues that Indian children manifest reciprocal transactions in the discharge of their duty towards their parents. They are socialized to take care of the elderly parents at the juncture of their old age that is in stark contrast to the western society. From her study, it can be surmised that geriatric care is the natural duty of the Indian children, an obligation towards their parents. The 1991 Census predicted that the 60 plus population in India is expected to rise by 9.87 per cent around 2021. With the rapid rise of crimes against the silver generation, and the growing loneliness, empty nest syndrome and illness experienced by them, the question of the declining status of the elderly within the private and the public sphere is larger than before. Along with it, there is concern about the quality of care and the negligence meted out to the aged members.

Considering the feminization of care or affective labour, the decline in care of the aged population is correlated with women's out-of-home employment. According to Cohen and Lamb, women entering the local and international labour market are not in a position or are less inclined towards taking care of the elderly kins especially the affinal elderly kins. Similar to the arguments of Lamb and Cohen, Ettner (*ibid*) argues that caregiving poses constraint in the working hour commitment of women as compared to their male counterparts. Dautzenberg et al opines that the gendered dimension of care infringes with the participation of women in the labour market and impinges their career mobility. It is believed that such a trend would lead to the institutionalization of geriatric care. Interestingly, the geriatric care workers recruited for the labour are women and have to bear the gender penalty of low wage, low bargaining power and proletarianization. Caregiving, subsumed within affective labour is associated with the 'natural' and 'intrinsic' trait of a woman and henceforth, the labour doled out by her is viewed as requiring less effort or skill. Graham argues that women perform caring as 'labour of love' that is further shaped through cultural conditioning. The act of caregiving allows the woman to access the private sphere of 'home' and the public sphere of labour market, thereby marking the intersection of capital and gender. However, scholars have also argued that caregiving as an activity encompasses the instrumental and affective binary. Although caregiving is hard work, the dwindling of altruistic motive associated with the caring may pose greater concerns for the everyday relationships within the family where the expression of care consolidates the ties.

With this backdrop, the paper aims to unravel the gendered connotations and configurations imbued to the discourse of care, and engage with the debate of geriatric care competing with women's participation in the labour market.

THAI UNIVERSITY STUDENTS' INSIGHTS INTO SEXUAL CONSENT: THE CHALLENGE OF PROMOTING AFFIRMATIVE CONSENT CULTURE

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Abstract

In Thailand, sexual violence and sexual assault against girls and women remain an issue of serious concern. If raising awareness of 'Consent Culture' has become an integral part of the prevention efforts to reduce assaults in many countries, academic research specifically examining the notion of consent is scarce in Thailand. This leads to a lack of interest from the public and limited education policies about the 'Consent' issue. Acknowledging the cultural nuance in Thai patriarchal society that well-behaved girls are expected to keep their virginity and refrain from openly expressing sexual desires, which results in complexities in consent communication, this study aims to provide a better understanding of Thai students' awareness of Sexual Consent. Specifically, this qualitative-descriptive study identifies their perception and understanding of sexual consent, and their attitude on affirmative sexual consent approach. This study draws on an analysis of in-depth interviews with ten young heterosexual men and women from seven different university campuses in Bangkok area. In this following paper, data were assessed the challenges of promoting an affirmative consent based on themes which emerged from the interviews. Finding reveals three main themes of challenges are (1) the fear of talking about sex, (2) Judging agreement for the others and (3) the influence of previous sexual experience. The results of this study highlight the challenges of promoting affirmative consent. The key finding is that students show a greater awareness of explicit consent (verbally initiated and verbally responded to) when they previously experienced coercion or rejection in their sexual life. In addition, 'No resistance' is endorsed to be normal standard to consider that their partner consent. They also agree with the point that 'Explicitly verbal consent' is not always necessary. In general, it shows that the students have a low level of awareness

on affirmative consent, a situation which might lead to miscommunication and cause sexual violence. To conclude Thai university students' insight into sexual consent reveals the challenge which Thailand is facing to reach the standards of an affirmative consent culture. Paper also includes the suggestion of developing affirmative sexual culture consent through Thai media.

Introduction

In Thailand, sexual violence and sexual assault against girls and women remain an issue of serious concern. Female university students between the ages of 18 to 25 years, are at a greater risk for unwanted sexual activities, most often perpetrated by the partner and the incident is rarely reported (Department of Women's Affairs and Family Development, 2017; Women and Men Progressive Movement Foundation, 2018). Sex education that most of students receive in high school is lack of intentions to teach about to be respect in other sexual boundaries as well as there is no concern about consent issue. Most of social organizations that working on preventing sexual assault focus solely on premature pregnancy protection in young people, sexually transmitted disease prevention and avoidance guidance approach in risk situation. In many countries in recent years, there has been a growing awareness on 'Consent Culture' (i.e. Title IX regulations) into sexual assault prevention efforts and campaign to public and campuses. This article focuses specifically on affirmative consent approach because of its increasingly popular mechanism to prevent sexual assault problem in Western countries. Over 1,500 U.S. institutions of higher education have used an affirmative consent standard in campus policies (Bennett, 2016). In a political context, a few states in the U.S. such as California, New York, New Jersey, New Hampshire and so on have currently started to adopt an affirmative consent into law (California Senate Bill SB-967, 2014; Kearney, 2015). Similarly in Canada, the government has a serious concern on sexual assault issues by launching protocols, policies and procedures; sexual assault campaigns including teaching guidelines specifically addressing sexual consent (Rushowy, 2015).

The affirmative sexual consent defines as "Explicitly voluntarily communicated by verbally or nonverbally" and "Silence, lack of resistance, lack of protest or refusal" does not interpreted as consent (Muehlenhard, Humphreys, Jozkowski & Peterson, 2016). To promoting affirmative sexual consent culture is that teaching young people to explicitly communicate their consent to sexual behavior so that it will reduce misunderstandings of consent that may lead into non consensual sexual activity. The rationale for affirmative consent standard based on a miscommunication theory, which argues (1) that women do not clearly communicate their consent and (2) that men overestimate women's desire to have sex. Therefore, It was claimed that a population of whom are communicate explicitly on their consent would experience less sexual assault (Willis and Jozkowski, 2018). For over the last few decades, research has largely supported understanding from Western college student's perspective which is based on sexual script theory or often known as the traditional (or normative) sexual script, the belief that men initiate sexual activity, while women respond to men's as a gatekeeper (Byers and Heinlein 1989; Dworkin and O'Sullivan 2005; Laner and Ventrone 1998; O'Sullivan and Byers 1992). Through this perspective, men are often positioned as potentially misreading

women's cues, while it is assumed that women are responding to men's cues in potentially ambiguous ways (Beres, 2010). To address this problem, an affirmative consent standard means to take initiator's responsibility to get consent, not the other person's to refuse or resist (Muehlenhard, Humphreys, Jozkowski & Peterson, 2016). 'Affirmative Sexual Consent' came up with the popular and well known on a sex-positive slogan, "yes means yes" or "Consent is Sexy" ensure that transpires during sexual relations is wanted; it encourages partners to consistently check in with each other.

Acknowledging the cultural nuance in Thai patriarchal society that well-behaved girls are expected to keep their virginity and refrain from openly expressing sexual desires, which leads to complexities in Consent communication. To adopting affirmative consent practice specially in Thai culture, it is important to understand the barriers on the belief of heterosexual relation. Therefore, this article aims to provide a better understanding of Thai students' perception and understanding on Sexual Consent including their attitude on 'Affirmative sexual consent' approach to present the challenges of promoting sexual assault prevention campaign in Thai society.

Methods

This study was the qualitative method drawing on an analysis of in-depth interviews with ten young heterosexual men and women. Five of the participants were young women, three of them involved in intimate relationships at the time of their interviews and other two were casually dating. The remaining five participants were young men, four participants involved in intimate relationship and one another were single with opened-relationship or 'Friend with benefits-FBWs' status. All students were recruited from seven different university campuses in Bangkok area. Recruitment flyers were posted on online media (i.e. Representative students' fanpage on Facebook), words of mouth and snowball sampling. Inclusion criteria were (a) undergraduate native Thai students between the ages of 18-25 (b) have experienced of sexual activity (c) sexual orientation identified as heterosexual. Researcher conducted all interviews in a private space on campus during mid of 2019. Participants were given a consent form that they could skip questions or refuse to answer the question if they feel uncomfortable. Participants received a gift card as remuneration for their time. Institutional review board (IRB) approval for study ethics and protection of human subjects was granted.

This qualitative-descriptive sought to identifies young people's perception and attitude on affirmative sexual consent concept to capture the insight on sexual consent which built the barrier agiants 'affirmative consent' of sexual assault prevention approach. Interviews were semi-structured with open-ended questions intended to be non-leading. Follow-up questions depended on participants' responses. Participants were asked about their understanding of sexual consent and their perception of normative consent communication. Then, they were asked about their own sexual and consent behaviors (i.e. how they communication consent and how they interpret their partner consent). At the end of the interview, they were asked about attitude on affirmative sexual consent communication approach (i.e. whatever they agree with whom who ask first to having sexual encounter, what do they prefer if their partner ask in verbally for sexual consent). The interviewer

took notes during the interviews and all discussions were electronically recorded and then transcribed verbatim. The interviews ran from 45 to 90 minutes in length. No names or personal information were collected.

Analysis and discussion

The objective of analysis is to use individuals' 'speech act', or 'claim statements' to understand their perceptions of themselves, others and the larger culture (Carspecken P.F., 1996). Therefore, this study draws attention to participants' claims on the perceptions and their understanding of sexual consent and the young men and women's attitudes on affirmative sexual consent. Following this, an inductive analytic approach was used to code the background claim statements, meaning that coding categories emerged from the data. Codes presented of simple labels the claims statements' meaning on the basis of similarity and shared meaning. The main categories are presented as overarching themes including sub themes for further detail and clearer examples of each theme.

Result

The challenges of promoting affirmative consent from this analysis finding reveals three overarching themes: the fear of talking about sex, Judging agreement for the others, and the influence of sexual experiences. There are barriers that may restrain endorsing affirmative sexual consent as the sexual assault prevention approach.

a. The fear of talking about sex

The first challenge is 'talking about sex'. Participants reflected that talking about sex is a sensitive issue and it's hard for them to explicitly talk about it. They explicitly endorsed the conceptualization that talking about sex "too much" presented a bad image and they feel too shy to talk. In the context of their relationships, to ask or affirm about sexual activity to their partner by explicitly verbal words are viewed as awkward and strange. Heterosexual young men and women discussed different roles in terms of sexual behavior based on gender differences which follow the traditional sexual script that man is initiator and women is respondent; men tended to perform as an initiator sexual activity. A 23 years old male descriptive fearing on sexual talked as follows:

"I kind of want to say it directly but in practical...most of us is too shy to talk about it (sex)...I scared how my partner see me strange and awkward.... She could look me like 'not good man' because I've too much desire to have sex with her."

Similarly, a 19 years old male described that he never asked about consent because "it's not a thing that should say". "Asking is strange and look funny like... nobody ask," he said. For young man noted that talking about sex comes with fear of being in negative image and strange.

'Shyness' also came from fear to talking about sex was reflected from girls' insight. A 23 years old female described as women's feelings when they were approach by asking in verbal word.

"Normally, I don't want him to ask me by word because I'm too shy and

awkward. In my view,
it was shameful if you talking about it but if It needed to or too much for
you...you must talk,
depend on the situation.”.

Another female participant, a 21 years old female showed the views of women as gatekeeper that never turn into the initiator and ask her male partner to initiate sex.

“I’ve never talked or asked him to have sex first, because it’s abashed. I let him start but if for rejection, I will talk. It’s important”

When questioned further about when they do not want to talk or ask because of fearing to talk about sex, so how they understand their partner’s willingness to engage in sexual activities. Almost all participants responded by saying that it is about body language and nonverbal to determine when their partner was interested in sex:

A 21 years old male: “I prefer to not asking by word because asking will ruin the mood, you just know by following the mood at that time, if she would not in...she will act something, so I think there is no need to affirm by words.”

A 19 years old male; “I don’t ask, we are not kind of talking about it (feeling of willing to engage sex), I just know from what she ack like normal mean she is ok. If not, she should resist me then.”

From this point ‘nonverbal and no resistance’ is a very common way to interpret consent. As well as female participants pointed out that nonverbal language was used to engage in casual sex as follows:

A 19 years old female: “I think ‘kiss’ is connection of everything, when girl kisses back it’s all done...no talking. In relationship I think It doesn’t need to ask permission because in reality, we will get along the flow like we just know each other mind when another one doesn’t resist you. If he doesn’t want, he should say it first.”

In the same way to the man, she also mentioned to ‘girl response’ by kissing (nonverbal) and ‘no resistance’ for interpreting the consensual of woman to engage sex. When asked why they were not asking permission and response in verbal, she viewed as “It seem like cut the feeling”. On the contrary, some of participants viewed an affirmative consent by verbal language in a positive way but they are in shyness to practical in life.

A 21 years old female: “It always has been asked and responded by nonverbal language, I think it’s ok to say it verbally and it may sweet and romantic kind of couple. But I’ve never said it before.”

A 23 years old female: "Asking is a good way, it suppose to...but I'm shy and I feel strange more."

Fear to talking about sex is a dominant reason from participants, to having nonverbal language affirmative their partner's consent. However, these also having another reason that they made the link into their behavior like 'Judging agreement for others' as we discuss in the next section.

b. Judging agreement for others

The second theme – 'Judging agreement for others' - this label related to previous theme. The reported attitudinal that participants know how their partner willingness to engage sex, participants also showed their view that they think they can 'understand' their partner well. Especially, from men side that "*I think she know and like it*".

A 23 years old male described about his viewed about affirmative consent that "I think men who ask permission to their partner is 'Gentle man' and 'respect for his partner'...but I this is not what every man can do or think that they should do." When asked why he think men don't do it, he replied, "I used to think that 'She like (sex), but she doesn't say it' and I think that she must know what I (men) wanted. Example when the boy flirted, we go to the movie I hold her hands or in some situation that my partner may not consent to but then she tells me after that she didn't ok with it...In that time I think I know her but it was not like that."

From this young man respond reflected his guilt on his judged to his partner, and accepted his behavior that he ignored his partner feeling by asking for permission. However, it was like his state, 'not every man can do' or even women. Another example of a participant's endorsement of a judging agreement for others is evident in a 21 years old male's response to being asked how he had known about his partner willing:

"When I have been in a relationship for a while, I will 'just know' when she wants me to do. Like I know what I need to confirm that I love her, to make her trust in me."

This participant reported that in long-term relationship, he can judge his partner desired because It means to confirming trust and loving. This point empathized that judging agreement the others was also accepted from participants. As well as female participants' response like this young woman, a 21 years old female:

"In casual intimacy, I think that it doesn't need permission. Because of the mood and atmosphere, like when we walk, we getting closer these acts make me think that he wants to hold my hand. This is in my judgement, it's like we sparking but I can't explain, we just keep going and we know each other."

These showed both male and female participants also endorsed 'judging agreement to the others' through discuss of "affirmative consent by verbal

statement". When asked how they viewed if what their judging was wrong, the response point out in the same way is that 'It's the partner's responsibility to say it'.

A 21 years old female: "If he wants to reject, he should say it first."

A 21 years old male: "I think that I don't think what my partner will feel bad or not, because at that time, she didn't resist mean she consented to do it. It means she's ok."

These comments demonstrate how young students' understandings of sexual consent by conceptualized that they can 'judging agreement for the others' and emphasizing that it is the partner's responsibility to communicate and affirm their sexual boundaries as well.

From first and second them - the label "fear of talking about sex" and "Judging agreement for others" was applied for most of them. However, there are some participants that do it opposite. A few participants have positive attitude to affirmative consent by asking permission and response by verbally. We will discuss this again next section.

c. The influence of sexual experience

The third overarching theme, the influence of sexual experiences, was reflected in the comments of two male and two female participants. This group of participants reflected that they obtained 'negative sexual experience' on their intimate partners, and it influenced them to have positive attitude on 'affirmative consent' and tend to having their behavior related to affirmative sexual consent standard. As follows:

A 23 years old male: "I am now always asking and talking about sex and reflect each other about this topic. Before we came to this, she had serious talked that she didn't like the way we do. It's like we unlock our true feelings, so I have changed my behavior. I think it came from learning by trial and error. From this, I learned that 'asking first' is work because I was doing by not asking this led into ruin my partner feeling." From his comment demonstrated that 'trial and error' influenced his learning of 'affirmative by verbal asking'.

A 20 years old female: "I prefer to talk it as serious like how do you feel when I do this, rechecking each other feeling to affirm our need, it made I myself and my partner get to know more than my ex-partner, we have never talk because we too scared or he doesn't want to talk. Finally, we have less feeling into sex because we both don't know each other expectation then we had broken." This young woman participant showed her positive experiences on sexual encounter by talking and asking to affirm the willingness and consensual sex. She compared the previous negative experience to new behavior that led into a positive one.

Moreover, there are some participants who mentioned that they learned sexual experiences through television and other forms of media, especially negative

experience from news, TV drama; as follows:

A 22 years old female: "There were news and TV drama about sexual assault that man raped woman. I think this should happen to me. I try to be careful on my relationship to do like in media things." Her perception from negative content of media, was interpreted into her learning to not doing bad behavior.

A 23 years old male: "I just understood 'consent's meaning' from website which content described about women's feeling when she was in unwanted sex. From media I became more understanding from women views that we can't judge her by my experience."

The young people in this study showed limited condition to promoting 'an affirmative consent approach' was lack of explicitly positive result. Lesson from these 4 participants who having positive attitude to affirmative consent when they passed some negative sexual experiences to influence their behavior changes. To better way promoting 'affirmative consent', It is important to endorse them the 'new experiences' to new culture. Discussion and suggestion for media implication will be discussed in the next section.

Discussion

The study's findings suggest three main challenges to promoting affirmative consent culture in Thai context: fear of talking about sex, judging agreements for the others, and the influence of sexual experiences. The propensity for participants to say that they 'just know' and 'no resistance' are endorsed to be normal standard to interpret their partners' consent shows that the students have a low level of awareness on affirmative consent approach which result from fear of talking about sex and judging agreements for the others' mind-set. These mind-sets also support agreement that 'explicit verbal consent' is not always necessary. all participants in this study are in long-term relationship or intimacy relations. Factors such as being 'familiar' to their partner likely reduce the awareness into affirmative consent standard. From this, it is clear that there were plenty of opportunities for the miscommunication and unwanted sexual activities to take place if they had not passed the negative sexual experience before. Related to another key finding is that students show a greater awareness of explicit consent (verbally initiated and verbally responded to) when they previously experienced coercion or rejection in their sexual life. A result of these positive perceptions is that challenge the opportunity of endorse the conceptualized of affirmative consent in their real life. Thai sex education tends to position sex by avoiding sex until marriage and avoiding to talking about sex (particularly in topic of consent). The context of lacking the safe space for discuss about sex, it is difficult to educate and bring the young people to learning better standard of healthy relationships.

Suggestion for media implication

Considering that participants' perspectives in this study, I believe in the new shift of views among the young people if they could have experience on this new

standard. My suggestion is to create and encourage more safe space to discuss about sexual activities in which they can candidly express their opinions and feelings without being judged from social normative culture or any pressure to being judged their opinion. Learning space should lead them by positive standard experience in order to more fully understand the affirmative consent, especially in communication process to their partner with respect and empathy. Interactive media or type of interpersonal communication is suggested to be an effective way to endorse specific space for learning.

Limitations and Recommendations

Although this study provides aspects of Thai context's challenges to promoting affirmative consent approach, there are important limitations to note. Our study was limited to a small sample and only in the Bangkok area, participants were recruited via their voluntary to talking about their views on sex topic; findings from this convenience sample should not be considered generalizable. As a result, there may be bias in terms of type of student which may nuance of Thai students' perception. In the future research should focus on getting both quantitative methods to define generalized of student's actual perception and attitude in order to more fully understand the complexity of problems that cause to be an obstacle to promote the new standard of sexuality.

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GENDERING GLOBAL SOCIOLOGY/GLOBALIZING GENDER

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A year-long continuing collaboration between Drs. Papademas and Mušić to advance the gendering of global sociology and globalizing gender is presented as a dialogue about the teaching/learning experience working with COIL, SUNY's Collaborative Online International Learning. The scholarship and research of both sociologists provided an intercultural learning environment for students in New York and in Sarajevo. The macro level goals of global sociology and building civil society have been enhanced by gendering the project to include such issues as: global migration and human trafficking; violence against women & girls; and the transformations of gender role systems in contemporary societies. The integration of Goals (SDGs -including gender equality) Problems (human rights violations of UDHR, CEDAW and CRC), and the Strategies of building civil society guided the mutual learning objectives employed by the faculty and engaging students in reading, writing, and communications across national boundaries to strengthen intercultural knowledge and understanding. The pedagogical work through COIL enhances the continuing scholarship of sociologists seeking to advance gender studies globally. Key terms: COIL, women rights, gender equality, intercultural, gender studies.

COURSE DESCRIPTION

Major objectives debates of Sociology/Sociology of gender are to broaden student knowledge and perspective of different cultures in global society and critique on several questions regarding the gender difference, performativity, and roles in the context of neoliberal perspective and the deconstruction of traditional roles based on patriarchal ideology. Macro-level global issues include ecology, resources and technology; global stratification and inequality; war and peace, crime,

civil society movement and human rights in contemporary society. Comparative and critical analyses are objectives for this social science and world cultures general education course.

STUDENT LEARNING OUTCOMES AND ASSIGNMENTS

Both courses employed reading, discussion, and writing assignments to develop understanding of inequality, and universal human rights, and building peace as part of civil society movement. The important notion that “Women’s Rights are Human Rights” was presented in the use of CEDAW (Convention for the Elimination of All Discrimination Against Women) and other UNITED NATIONS conventions, protocols, reports, and documents. Such reports as “Days of Activism against Gender-Based Violence/Ending Violence Against Women” present civil society movement and supports universal human (women’s) rights work are studied on the global (macro) and local (micro) levels.

From a structural and policy perspective, points of comparison are made, regarding immigration policies. UN materials, comparing the Bosnia and Herzegovina situation and Europe with the United States.

Understanding and practicing the use of the “Universal Declaration of Human Rights” we answered the question “Why do we need the CEDAW Convention?” in order to raise the gender specific issues missing in the UDHR: Genocides (Bosnia, Rwanda, Uganda), Femicides (Mexico, Juarez, Latin America), Ecocides & Urbicides globally. Queer bashings, Homicides and Suicides as result of gender/sexual hatreds, and Human Trafficking are studied as examples of gendered/global issues. Students learn to develop gender sensitive behavior and to understand the concept of gender based discrimination across global societies, which they demonstrated in the essays on the topics of the courses.

This plural disciplinary and plural perspective COIL course helps students to accept diversity in accordance to the contemporary laws on equalities of gender. nationality, sexuality, race, age and abilities and to become able to accept and practice new knowledge in their environment, and to enjoy global citizenship in civil society through the COIL experience. There is a demonstrated Rise of Academic Self-esteem, sense of Democracy and Tolerance, and greater Multicultural, Intercultural and Transcultural Understanding, as well as Critical Thinking Skills and Applied Learning.

ASSESSMENT AND GRADING

Students will have different written assignments in form of short essays. During the video meetings and on-line activities professors will evaluate the discussions in between the students, questions, remarks, along with the writing assignments. Grades reflect the participation in the course, and graded written essay assignments

ONLINE ENVIRONMENT(S) AND TOOLS

Multimedia resources include documentaries, multimedia pictures and photos (distributed during, before and after the sessions, and text and assignments based upon these.

RESOURCES - Common and Shared Materials for the course:
United Nations Documents, Treaties, Conventions:

CRC - Convention on the Rights of the Child
CEDAW - Convention to Eliminate Discrimination Against Women
UNDHR (UN Universal Declaration of Human Rights)
SDG - UN Sustainable Development Goals (and specific goals, including Gender Equality)

UNICEF - Documentaries and sports (e.g. Digital Divide)
WORLD ALMANAC AND BOOK OF FACTS (DATA SOURCES)
ON U. S. A. and Bosnia-Herzegovina.
Documentaries (video):

Persepolis (Gender based migration: The importance of using the *Persepolis* documentary in the University classroom to discuss Migrations that “represent a change in permanent residence, often of a year or more in duration, and it involves a geographical move that crosses a political boundary”. There are two common forms: international and internal migrations that are gendered. As a part of on-line COIL learning project, Prof. Papademas and Prof. Mušić had their student watch *Persepolis*, and afterwards compare it with the UN documents. *Persepolis*, as an autobiography and a graphic novel, had influenced the discussions, among the students. on the the human rights of women and girls.

Additional Documentaries used in Global Sociology included:

Humanity from Space; Inconvenient Truth; Babies; Bitter Cane; Holy Land; T-Shirt Travels; Like Me; Red Light/Green Light; I Am Not Alone.

COIL STUDENT RESPONSES/COMMUNICATION:

New York Students:

The majority of students, in Global Sociology, found that participation in COIL met the goals. Reading materials were integrated into the Global Sociology course. Of the UN documents (UDHR, CRC, CEDAW, SDG) all students found using CEDAW most useful, in their research papers for the course, ahead of the UDHR, and the CRC. The Gender Equality SDG was often included, in their writings.

Students enjoyed the interactive component, with the Sarajevo University students, and had requested more on-line time together, despite technical challenges of different time zones, and schedules. Voluntary e-mail communication was satisfying for half the class, and a few developed on-going communication with others, as reflected in the Sarajevo students comments.

Interaction with Prof. Music was valued for her knowledge, and willingness to persist using the on-line system, helped facilitate intercultural learning. Students learned from each other, that there is gender inequality in both societies, with greater restrictions on women than men. New York students commented that there seemed to be more limited freedom of expression....They compared ideas about CEDAW and referenced *Persepolis*.

Some comments:

“It was interesting to learn about how their education is, and their perceptions on what we have discussed in class.”

“Bosnia is made up of a bunch of different ethnic groups. I thought for the most part that European countries shared the same ethnicity, but this is not the case.”

“I learned from Bosnia-student, how they live. I was surprised to learn they know English.”

"I learned that diversity is different than the United States."

"Global Sociology is something that I enjoyed and loved at the same time. Knowing more about what is going on in different countries worldwide is a must that each person should be aware of. It is important to know about different cultures..."

On line communication from Bosnian and Herzegovinian students:

Y.Y.

1). In the second semester of the course "Sociology of genders" taught by Professors Papademas and Mušić, my colleagues and I were assigned the task of establishing communication with colleagues from the University of New York. At one of the first lectures, we had the opportunity to watch a movie about the girl, Marjana Satrapi. The theme of our communication with colleagues from New York was precisely Persepolis Marjane Satrapi. This film deals with women in Iran in 1980. The film describes the life of a young girl named Marjana, who left her country with various troubles, leaving her serious consequences in the continuation of her life.

My partner for communication from the University of New York was Tiffany's colleague. We talked through e-mail communication about faculties and common goals. Unfortunately, we did not have enough time to discuss Persepolis, but we also touched on those topics. I liked this task very much, because I like to meet other people and build friendships. I think that everyone should have the same or similar experience and simply meet people around the world.

Thanks to the Zoom meeting and this kind of task, I met Tiffany and I was given the opportunity to get to know you better and to start a wonderful friendship.

To conclude this task, I would like to say that this kind of communication and joint work and socializing can create wonderful friendships all over the world.

G.N.

2).The experience of communication with the students from New York

My generation of students from sociology department at Faculty of Political Sciences in Sarajevo had a chance to communicate with students from the University of Sunny Old Westbury in New York.

Our communication was based on the film called Persepolis, in which the main character is Marjane Setrapi, we have discussed the rights of women, the CEDAW Convention and the Istanbul Convention, as well as the life of people in Iran, 70s and 80s of the last century.

Zoom system has been very good for establishing communication with the professor and students, considering the great distance between us.

These systems help us spread the vision of the environment around us, learning new things and having new experiences. Which is very rare on our faculties in Bosnia and Herzegovina?

I have been in an individual communication with a student named Farah from New York. The content of our communication was primarily getting to know each other a little bit. Discussing about differences and similarities between USA and Bosnia and Herzegovina. We talked about Persepolis and women rights, and talking how could we help the society for a better quality of life for all of us.

I have been able to learn about feminism, types of feminism and significance of feminism for our society as well as the rights of women and children. I learned how

important gender equality for our society to develop even more.

For me, as a student, this communication encourages me to work harder academically and means a lot for my further progress and developing as a future sociologist.

This communication will improve our scientific community and help our faculty developing continues at the local and international level.

S.L.

3).At the beginning of the second semester, my colleagues and I were assigned to communicate with colleagues at the University of New York.

The topic of our discussion and discussion is Persepolis Marjane Satrapi. We watched a film about women in Iran in 1980. The film follows the life of a young girl named Marjana, who, having left her country, experienced a number of difficult situations that caused her many problems in her life.

My interviewer on this subject was a student at the University of New York. We talked a lot on this topic via email, but we also talked about our faculties and the countries we live in.

I want to emphasize that I think that everyone should have the same or at least similar experience, because young people need to move and expand the limits of communication and socializing, and they need to get to know as many people as possible.

Unfortunately I did not have the opportunity to talk to a professor Papademas. Thanks to the Zoom app and other technological tools, my colleague Stefani and I started a wonderful friendship, which, I hope, will take a long time.

My colleague expressed her wish to visit BiH and the city of Sarajevo. I hope that in the near future we will come to know each other better and show her some of the most beautiful parts of my city and my country.

As a conclusion of this essay, I would like to say that this type of communication and familiarity, joint work and socializing can create and build wonderful friendships among young people around the planet Earth.

X.X.

4). Communication with student from New York

Through this communication I had a chance to see different background of growing, socialization and mentality. There are big differences between our two countries but I realized that basic opinions about freedom, equality and rights of all people in society. I think that everyone get sense of understanding and accepting other style of living until society „destroy that sense“ with mechanism of control and with creations of chaos and misbalance. We talked about woman rights in United States and in Bosnia and Herzegovina and on the end we share same opinion that progress is made on global level. It is true that the feminism has accomplished a lot of work but it's impossible to not recognize position of woman in today's western world. We agreed that globalization is good tool in promotion democratic values and equal rights of woman and man anywhere on the planet. I think that our conversation would be much more interesting and widespread if we had Skype meeting but chatting on email was also helpful for both of us.

C.R.

5). At first classes of this subject, we watched the movie Persepolis about a girl named Marjana Satrapi, who is from Iran. The film has left a lot of impressions on us. Watching this movie we had a couple of hours of discussion and we made our opinions on it.

Later, the professor introduced us with the zoom application and through it we contacted students from New York. New York is the city of my dreams and I was thrilled when the professor told us that we'll come into contact with the students from that city and I immediately thought that I would learn something about their life, their education, and so on..

In classes we had a mutual zoom meeting and we all communicated together with these students and professor, we talked about Persepolis, about Mariana, about their and our education.

In the meantime, I got a message from my friend from New York named Joseph Spitaleri. We met, told each other how to live in America, and in Bosnia and Herzegovina, exchanged views on Mariana Satrapi and many other interesting things.

I think this is a good idea and I'm glad that the professor proposed this communication with these students, because we in some way expanded our aspects, socialized, met, met with someone who is not from our surroundings at all.

I hope that one day we will all be able to meet each other in person and hang out in our country either in their country.

S.S.

6). In the second semester, my colleagues and I were introduced to the new professor. We began contacting students from America.

We used to talk about Persepolis Marianne Satrapi. It was a film about a woman from Iran.

The film talks about a young girl who left her country because of various situations and things that made her trouble living in her life.

I'm talking to a student at the University of New York, Tiffany.

We talked about my country, we talked about her country, what is the way of life in Bosnia, what is the way of life in New York, and we also talked about Persepolis Marjane Satrapi.

I think that their way of learning is very different from ours, and I think it creates difficulties for young students to go to America to study, but also in other countries.

We also communicated with a professor at the University of New York.

I personally did not have the opportunity to do it individually.

We got into contact with them through the Zoom App.

With this app, I met other students from another country, I hope we stay in touch with them.

I can say that this has helped us a lot, and this work has made it possible for us to get in touch with students from New York, who in a few short sentences described how life is there and how to study there.

Z.Z.

7). Notes from conversation

In the beginning of second semester of „Sociology of gender“ my colleagues and me had a task to communicate with colleagues from New York University. Topic of conversation and discussion was movie called Persepolis from Marjana Satrapi. The main topic of that movie was position of woman in Iran 1980's. Through this conversation I had a chance to meet mentality which was very different than mine. I want to say that everyone should have a same or even similar experience, doesn't matter which age they are. As a conclusion of this essay I would love to say that this kind of communication, meeting could create very rich friendships all around the world. Through our communication we touched different topics like comparison of woman position in east and west. It wasn't hard to release that we share similar values despite distance and different process of socialization but access from which we understand social phenomena was different. I would like to (and I hope) that we will have similar conversations also from different subjects during our studies and not just from Sociology of gender, because personally I think that this kind of interaction could develop perception of most of students.

My perception is definitely changed!

CONCLUSIONS

Continuing work with COIL (Collaborative On-line International Learning), Drs. Music, and Papademas completed the COIL Academy last year, and developed, and offered the Module in Global Sociology, at Old Westbury, and Sociology of Gender in Sarajevo. The pedagogical project has resulted in one professional conference presentation, and the research in support of the project has been submitted to an international conferences in New York, and Istanbul. Both Papademas and Music are engaged with continuing COIL. In the fall and spring terms, Dr. Music will meet SUNY/Old Westbury students, on campus in the Global Sociology course, and participate in the discussion areas of Dr. Papademas' Sociology of Culture course, an on-line course in the fall. In the Spring term, Dr. Music will present in the Global Sociology course and in the sociology of communications/media course on line, and on-campus. She has invitations to speak with students by other Faculty at the College as well. Collaboration on Gender and Higher Education, Gender and Media, as well as cooperative work with colleagues, associated with professional organizations like the International Sociology Association, and collaboration with the United Nations continues through the SUNY/Old Westbury UNAI (United Nations Academic Impact), coordinated by Dr. Papademas.

The joint research on Globalizing gender studies and gendering global sociology is on-going. Library, archival, as well as participant observation, and interviews are being conducted with other leaders of this field of study, internationally, and locally. We expect an article to be published in international journals, in field of advancement in global sociological education, and gender. The intersectionality of our lives as professors, colleagues, women, with different nationality, age, and experiences adds to the intercultural conversation and learning, which adds to the value of our endeavors.

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THE EDUCATION OF RESPONSIBLE DESIGNERS IN A MALE-ORIENTED SOCIETY

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Abstract

This paper aims to provide a disciplinary contribution concerning the role that Communication Design has and could play in Gender Studies, focusing on the university educational context. The starting point is the issue of the women representation in the media and the resulting need to promote actions aimed at media alphabetization. From this scenario the urgent need to “focus more on vocational training - of the communication designer - and on education activities as a vehicle to fight discriminations and promote gender equality” (*European Parliament Resolution, April 2018 - 2017/2210(INI)*) emerges.

The environment in which we live and form ourselves is full with communicative artifacts (advertising, information, web, TV...) that convey and promote degrading stereotypes towards women, feeding gender inequalities. Media images act on thought, influencing the construction of individual and social biographies and consequently the way they relate to themselves and the community.

In this context, the Communication Designer takes on a role of social and cultural responsibility and has the duty to act towards a socially “sustainable” communication.

The media message acts in a vicious circle, it draws on and simultaneously influences social reality by orienting thoughts and behaviors of individuals. Communication Design can therefore operate on this circle through communicative actions aimed at increasing the sensitivity and awareness of the designer himself as well as of the potential user.

Our contribution is based on these assumptions, focusing on the work carried on by the research group DCXCG — Communication Design for Gender Cultures — in the field of university education. Specifically, the aim is to highlight the need to intervene on design thinking starting from the training of conscious designers,

documenting the group's experimentations in the field of education. The aim of the experimentations is to provide tools for a critical reading of the communication project and contribute to the training of responsible designers, able to design and relate themselves in a society still intensely unbalanced and male-oriented.

The DCXCG group is located at the intersection of Communication Design and Gender Studies and works in a multidisciplinary perspective to provide a critical view of the forms of representation of gender and develop new communication models able to act on the quality of the media message – both form and content - as well as on the modalities of distribution and consumption of the same.

1. Introduction – Communication Design and Gender Cultures

The paper addresses the issue of the representation of women from the point of view of Communication Design, with a reflection on the roles and contributions that the discipline can give in training future designers. Particular attention is given to the disciplinary contribution that communication design can offer, and to the opportunities of relationship and integration between the field of visual cultures and that of social sciences represented by gender studies.

The contribution finds place in a wider scenario, *“where gender issues involve perspectives of discrimination and where through them is set the objective of sharing issues affecting women in the globalized world, in order to make visible and strengthen research and reflection on women’s rights, gender equality, the representation of women’s identity”* (Baule & Caratti, 2017).

This context is characterised by a series of essential points of reference which have laid, since the 1970s, the foundations for facing gender discrimination and ensuring women’s rights. Starting by the Cedaw Convention (*Convention on the Elimination of all Forms of Discrimination Against Woman*) adopted by the United Nations in 1979, which represents *“the most important international legally binding instrument on women’s rights”*; the World Congress Women’s World; the Instambul Convention of 2011, to protect women and fight against all forms of gender violence; until the UN Agenda 2030, which places gender equality at the top of the objectives for sustainable development, to *“achieve gender equality and empower all women and girls [...], end all forms of discrimination against women and girls everywhere”*; up to measures that directly involve the Communication Design, by focusing on the forms of representation of women in the media. One of the main examples is represented by the work of the Gender Equality Commission in relation to the issues ‘Media and the Image of Women’ (Amsterdam 2013) and the resolution of the European Parliament of April 2018 (2017/2210 (INI), and the resolution of 3 September 2008 on the impact of marketing and advertising on equality between women and men - 2008/2038(INI)) which reaffirms the role of marketing responsibility, advertising and media images and *“highlights the importance of promoting media literacy [...] so as to encourage young people to develop critical thinking skills and to help them identify and denounce sexist representations and discrimination [...]. Stresses the need for preventive measures [...]; points out that advertising can be an effective tool for questioning stereotypes [...]; therefore calls for more attention to be paid to vocational training and education activities as a means of combating discrimination and promoting gender equality and equality of LGBTI people”*.

We live in an environment where media messages are characterized by the persistence of sexist stereotypes. Those stereotypes have negative effects on the construction of individual and collective biographies. The media models - as Camussi and Monacelli reaffirm in *Questioni sul corpo in psicologia sociale* - contribute to activate gender stereotypes which are responsible in turn for the definition of the patterns of self, going so far as to condition “*both cognitive resources and emotional reactions in the face of sexist statements*”.

In this context Communication Design — through the designed artifacts — is able to guide the behaviour and choices of the beneficiaries and to act indirectly on their perception of the reality in which they live, act and relate to others, influencing points of view and opinions (Baule & Bucchetti, 2012)

The education of future designers — as well as future media professionals — takes on a role of primary importance in order to prevent the negative effects produced by the reiteration of stereotyped images. The educational system has therefore the duty to develop tools that foster critical thinking towards media messages and to provide future designers with communication tools that allow them to project responsibly and consciously within a society that is still oriented towards men (Bourdieu, 1998; Fletcher Stoeltjie, 2007; Ngozi Adichie, 2014; *Global Gender Gap Report* 2018).

2. Gender stereotypes and visual communication, a vicious circle

Media images, as a vehicle for messages that must be immediately recognisable to the social groups to which they are addressed, need to draw on “collective cultural heritage” - a stock of practical-cognitive knowledge shared within a given social group (Ghisleni, 2004). For this reason, they work with models and stereotypes that are derived from the culture of common sense, which are able to gratify the expectations of the recipient.

Media communication therefore draws on a collective cultural basin, making use of already established and consolidated models and returning them amplified. In *Anticorpi Comunicativi*, Amalia Ercoli Finzi recognizes advertising communication more than the place that creates stereotypes, the place that amplifies the existing ones “*strengthening them in an instrumental way and riding on the sensibilities of the cultural climate in which they are placed*” (author’s translation). In this perspective, social reality and media representation become part of a vicious circle in which the media assume the role of *both faithful and deforming mirror* (Baule & Bucchetti, 2012) of reality. The means of communication and the images that pass through them are in line with the sensitivity of the moment but at the same time have the power to shape it. In this way, a short circuit is created - outlined in the image below - in which the *hyperseduttive* nature of the media (Volli, 2008) and the continuous overexposure to certain models, inevitably leads to a process of habituation and therefore to assume these models as “normal”, despite the fact that these are often exceptions that do not faithfully reflect the complexity of reality, rather contributing to providing a vision of it which results static and distort.

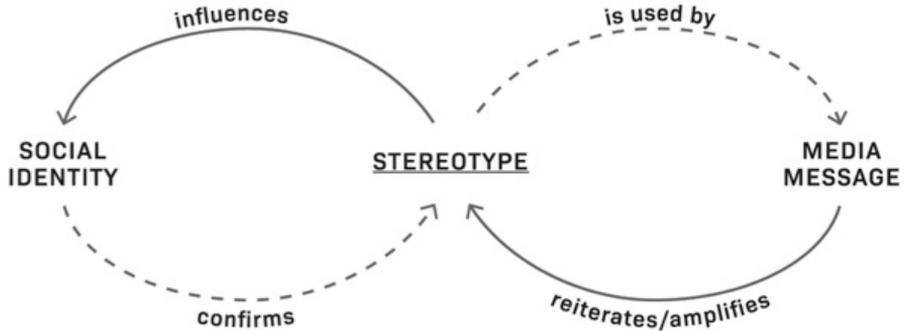


Figure 1.

The term stereotype in fact denotes the generalization of a simplified image of reality, due to limits of knowledge. It is configured as a commonplace (Capecchi, 2008) and what makes it effective is *“the evidence of the (already a thousand times) heard; it follows that a very coded form, like a proverb, may seem original to me, if I don’t know it yet. The “cliché” and the “stereotype”, [...] insisting on the mobile character of the production, denote the repetition of the form rather than that of the content”* (Barthes, 1964).

According to the definition that Salvatore Zingale provides in the essay *Immobili Visioni*: *“Stereotype is a way in which the opinion manifests itself - or our beliefs, judgments and values. According to etymology it generally represents the meaning of things that are fixed in our mind and memory as a basic meaning, as an obvious denotation. The issue is that it is not a denotation at all, but an ideologically oriented connotation. The stereotype actually requires: (i) an arbitrary generalization, because a particular character is elevated to a general value; (ii) a social sharing, because it is assumed by a social/ethnic group against another group, (iii) a semantic rigidity, because when it imprints itself on the consciousness it is difficult to modify it”* (Zingale, 2012; Ewen&Ewen 2006/2009).

In figure 1 the stereotype is placed at the centre of the scheme, while social identity and the media message represent its poles, allowing the resulting self-feeding or positive feedback mechanism to be highlighted. When a stereotype is repeated and takes root, it turns into prejudice, determining expectations towards certain groups of individuals and consequently shaping social identity.

3. The involvement of communication design

In this context communication design has the duty to intervene as a discipline that deals, as reiterated in *Design è traduzione*, to make the contents usable by helping to determine their articulation. The communication designer has *“specific skills and transversal knowledge that are implemented in the interpretation and organization of content, in their transfer from one context to another, in the invention of new interpreters and social habits that renew our relationship with things, but especially the relationship with and between people”* (Baule & Caratti, 2017 – author’s translation).

Returning to the above schematization, it is possible to identify two main moments in which the communication designer can and must intervene in order to

interrupt the short-circuit and break the scheme.

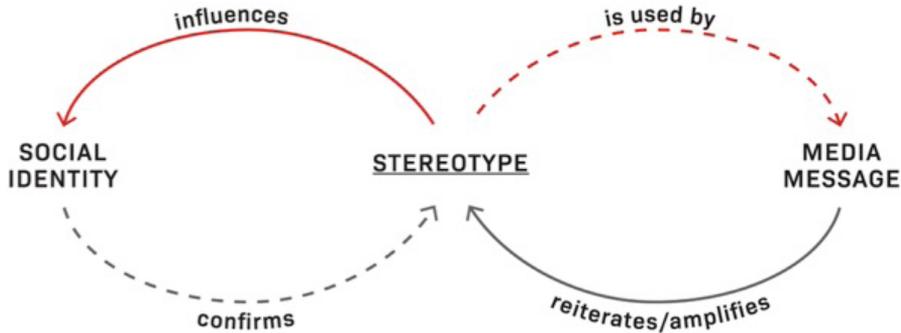


Figure 2. Scheme of the vicious circle - the red parts highlight when the communication design can intervene

3.1 Through the critical design of media messages

The first area of intervention concerns the choices and design methods used in order to reach the definition of the communicative artifact itself. The choices of the communication designer, whether they are conscious or not, have inevitable repercussions on the perception that the recipient has of himself and of the reality in which he lives.

Hence the need to train responsible and aware designers, able to understand and manage the complexity of reality in order to “cheat” the stereotype (Zingale, 2012), experimenting with new forms of representation that take into account pluralism, and the need for a critical reflection on the use of “*their own* (the designers) *expressive registers, rhetorical models, tools that the theory of directing construction and staging make available to designers*” (Baule in Baule & Bucchetti, 2012).

3.2 Through the education, to a critical reading of media messages

The second area concerns specifically the actions that the communication designer can take in order to raise awareness and educate the recipient to a critical reading of the media messages.

The visual literacy of the recipient is essential to be aware of the images that characterize the environment in which he lives and to be able to exercise a critical view of the media message.

As Nicholas Mirzoeff states in *How to see the world* “*Seeing is something we do, and we continually learn how to do it. [...] the point here is that we do not actually ‘see’ with our eyes but with our brains. [...] Seeing the world is not about how we see but about how we make of what we see. We put together an understanding of the world that makes sense from what we already know or think we know*”.

Taking as reference the notion of *antibody*, the designer is able to act on the culture of the subject who benefits from the message by providing the tools that make it *immune* to forms of stereotyped representation. In this direction, visual cultures can give their contribution in terms of criticism, awareness and information, as well as responses to the need to rethink the formats and rules of visual communication.

In both cases it is essential, first of all, that the designer himself is aware of his own role and of the translation practices he implements (*Design é traduzione*). Each visual configuration can be considered as a text: the place where its signification materialises and manifests itself; that place, in other words, where two levels may be recognised and distinguished, belonging to each language, to each sign system: the level of the signifier and the level of the signified; the level of expression and the level of content.

The designer should first of all take on the tools which are necessary for a critical reading and re-examination of the images that characterize everyday life. It is important to bear in mind that the designer is himself part of the environment in which he works, a designer but at the same time a recipient influenced by stereotyped and sexist forms of representation.

Roland Barthes reiterates that we are ourselves involved in the language (visual language in this case) that we claim to observe, and *“the commonplace, first seized by others with disgust, and about which I am about to speak, returns to me, conquers me, forcing me to always take my word elsewhere to escape it: it is no longer an object of study, it is a sneaky force with which I fight”*. We are all involved, designers and planners, *“in the object we are trying to seize, we have incorporated, in the form of unconscious schemes of perception and evaluation, the historical structures of the male order; we therefore risk turning, to think of the male domain, to modes of thought that are themselves the product of that domain. We can only hope to get out of this vicious circle if we find a practical strategy to carry out an objectification of the subject of scientific objectification”* (Bourdieu, 1998 – author’s translation). What Zingale then calls *cheating*, circumventing the stereotype. In order to do this, the designer-translator must be an expert *“in the thought of others and in the ways of expressing it”*, he must be aware of the borderline between his own way of seeing the world, his *“personal cultural heritage”* and the point of view of others. The translator, writes Bruno Osimo in *Il manuale del traduttore*, is *“an expert in difference, and in the difficulty of communicating it. The translator is an expert in the nuances of meaning”* (Osimo, 2015; Baule & Caratti, 2017).

Different levels of complexity emerge from this framework, the designer has to face and cross the plurality and multiplicity of points of view. According to Morin, as stated in *Design è traduzione*, the designer *“must have theoretical concepts that, instead of closing and isolating the entities, allow them to circulate productively. He also needs a method to access the meta-point of view on different points of view, including his own point of view as a subject inscribed and rooted in a society”*.

4. The education of responsible designers – experimentations in the didactic field

Starting from the considerations on the social and cultural responsibility of communication design, the research and experimentation activities of the DCxCG (*Communication Design for Gender Cultures*, Design Department, Politecnico di Milano) group are based. The group carries out a process of systematization of research about the representation of women in the media and a work of experimentation on activities that can stimulate the social responsibility of Communication Design also in the educational field. The aim is *“to point out several aspects of the research: the assumption of different methods and methodologies;*

the value of experimental activities as an integrative part of basic research; the need of building tools for reflection and media education beyond stereotypes and reconstituted visual models. The premises begin from different considerations: a critical vision of Communication Design's role in our society; the awareness of the need of a media education, of a visual alphabetisation of the receivers (in term of gestaltic and semantic competences); the awareness that, in order to make real changes, Communication Design has to co-operate in a multidisciplinary dimension with the domain of humanities and social sciences" .

In 2015, at Scuola del Design – Politecnico di Milano, the course *Communication Design and Gender Cultures* was introduced, aimed at students in the areas of communication, product, fashion, interiors and pssd (product service system design). The aim is to raise the awareness of future designers on gender issues from the communication design perspective, using a multimodal educational approach (blended learning); for instance activities aimed at strengthening the critical capabilities of students and equipping them with tools that encourage deconstructive processes and responsible design processes.

In line with the above-mentioned, the course aims to provide future designers with the tools for a culturally and socially sustainable project. In line with these objectives, we worked to create a dimension of experiential learning, capable of integrating theory and practice (Kolb, Experiential Learning Theory). The output of the course consists of a communicative project/artefact aimed at raising awareness about a specific aspect of gender stereotypes and the unequal representation of women in the media. Starting from a comparison with the pyramid of active learning (Bonwell & Eison, 1991), the course has been structured in different modules, associated with different purposes and methods.

4.1 Lectures (remember, recognize and learning facts; understand, understanding what the facts mean)

The lectures are designed to provide the theoretical basis for a critical reading of media images and tools to deconstruct gender stereotypes. The student understands the context and, from the integration of theoretical contents and practical activities, develops those *antibodies* useful to the designer-who-design but also to the designer-who-consume, to develop a critical look on the communicative landscape.

The lessons provide a state of the art situation and context, with vertical insights on specific issues or case studies which may be useful to learn research methods and have an overview of different design solutions, in terms of objectives, language and rhetoric as well as structure. A particular point of attention is the method of analysis and re-examination of the media messages, through the presentation of case studies and the related design processes - from the research method to the design output.

4.2 Personal observation (to apply, analyze, evaluate)

The personal observation activity is aimed at stimulating self-reflection and careful observation of the context in which we live, calling into question the "designer-consumer". It is a first work of horizontal analysis that assumes the assumption of a critical point of view on the media messages that characterize

the everyday life of the student. In the specific case of the course held during the academic year 2018-2019, it was requested to identify and note the cases of unequal and stereotyped representation of women. This first observation-in-the field stimulates the student to pick up and decode representative stereotyped models that without *antibodies* are assimilated as *normal*. In this phase the point of view adopted is mainly subjective and it is required to note down and return what has been found through a diary.

The individual observations are then merged into an activity of guided comparison within the classroom, aimed at mapping and systematizing what has emerged, outlining a state of the art of the situation and identifying the critical points.

4.3 In-depth field observation (to apply, analyze)

The phenomenological observation and analysis of the context of reference is aimed at investigating more specific and circumscribed aspects concerning the modalities and forms of representation of women in the media. From the horizontal observation conducted individually (B) points of attention are identified which become the object of a “core drilling” operation aimed at deconstructing the stereotype, isolating representative recurrences and similarities.

This is a structured research activity (conducted in teams) that refers to the following items: (I) taxonomic collection of the ways and forms by which the media return and feed the stereotype of reference; (II) collection of data about the subject (e.g. statistics...); (III) collection of positive case studies and contrast actions; (IV) literature.

This allows the adoption and implementation of vertical research methods on very specific issues, then applicable to other fields.

4.4 Design output (to evaluate, create)

The last activity of the course involves the project of a communicative artifact through which to reassemble what emerged from the research phase. The objective is the production of a communicative action in the form of syntheses/critical restitution. The resulting artifacts exploit the potential of their own communicative dimension to promote processes of sensitization and awareness. If they are communicated to the community of designers and future designers, the communicative actions can trigger reflections on the design thought itself.

5. Developing antibodies through the project

To better understand the objectives and modules of the course it was decided to present the work done during the academic year 2018-2019, focusing on four case studies meaningful from the point of view of the approach and the final result. The course was structured using the *call to action* mode, in order to involve students and collect in a systemic way the project outputs. The title of the call was *We want to say stop to...*

After the first individual observation activity (4.2) the students were asked to share what they had observed with the class group, in order to draw up a summary document of the points to which to “say stop”, stimulating them to an operation of mapping the state of the art and synthesis. The points emerged in the manifesto

-listed below – were the starting points of the research work.

We want to say stop to: the improper use of the female body as a rabbit hole in marketing strategies; the production of content that reinforces gender stereotypes, guided by the 'male gaze'; the pink/blue chromatic polarization; the production of communicative artifacts that promote a vision of social roles rigidly associated with gender; the representation of symbolic violence through a patriarchal ideology of images.

Each working group took on the task of vertically deepening (4.3) one of the points formalized in the document, focusing on a very specific aspect of the theme under investigation. The research work then laid the foundations for the project of a communicative artifact (video) of counter-narrative. The choice to provide a constraint on the format of the final output allowed a greater experimentation with languages and rhetoric of visual restitution, leaving more room for the operation of critical re-reading and reassembly.

The outputs obtained are a series of videos that, for their objectives and format, respond to a system logic, while they are heterogeneous in terms of rhetoric and construction of the narration. It was decided to take 4 of them as case studies, in order to highlight different modalities and outputs obtained from a similar project path. In the first two cases (5.1; 5.2) the media images at the centre of the review (collected through desk research) become part of the final output, through an operation of deconstruction and reassembly of the fragments. The point of interest from the design point of view falls on the methods of restitution, the rhetoric and the value assumed by the video editing.

In the other two cases (5.3; 5.4) the unconscious bias constitute the fulcrum of the work, in order to highlight how the designers themselves are unconsciously influenced by gender stereotypes in their design actions and how unconscious prejudices emerge during the elaboration of the design thought. Points of interest are the methods of observation used and the point of view taken.

5.1 *We want to say stop to the endoscopic gaze of the camera*

In the first case, the way in which the male-gaze is explained on Italian public television is investigated, focusing specifically on the types of recurrent camera framing for women and men.

The work was carried out according to the following scheme:

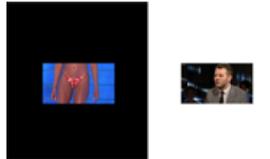
- collection and analysis of audiovisual material (tv programmes on the main Italian television networks);
- isolation of the scenes in which female and male conductors and guests have the word;
- identification and taxonomy of recurrent representative models - kind of framing and director's rules used - from which a strong imbalance and a sexist point of view emerged. While the most recurrent shots for men are half-length or close-up on the face, the recurrent shots for women are mainly focused on physical characteristics (legs, neckline, lips...), clothing, posture.

Starting from what emerged, the students worked through a way of reassembling

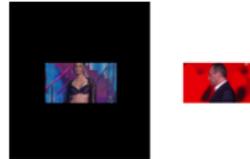
the collected materials themselves to build a counter-narration that highlights the ways of misogynist representation. The final video consists of a blob-style montage and uses the contrasting picture between the shots of the female and male figures to bring them to light and denounce their differences. The increasing rhythm contributes to a climax effect that culminates in the exhorting closing phrase “let’s rebalance our gaze”.



a. First frame of the video – *Voyeuristic syndrome. Through the male gaze.*



b. Some keyframes from the video, highlighting the unbalance in the representation of men and women.



c.

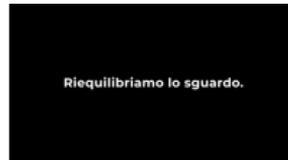


Il 92%
dei registi
televisivi
italiani sono
uomini.

d. 92% of Italian television directors are men



e.



f. “let’s rebalance our gaze”

5.2 May contain inappropriate for children

In this case the working group had the task of reacting to the point — *we want to say stop to the improper use of the female body as rabbit hole in the marketing strategies* — of the starting manifesto. Specifically, they focused on the hypersexualisation of female figures in video games. The object of study were the trailers of the best-selling videogames in the last year, following the scheme below:

- trailers collection and analysis;
- isolation of scenes in which female characters are represented;
- identification and taxonomy of recurrent representative models and of the roles covered by the characters (relevance between role and representation);

This desk-type research brought to light how female characters in the main videogames respond to expressive codes closer to the field of pornography (clothing, exasperation of traits, expressions, poses and attitudes).

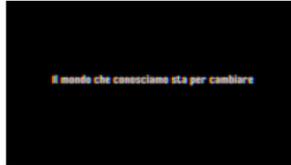
In this case the final output is the result of a mixing of materials from different sources (videogames and *porn anime*). The video is an autonomous text that follows the modalities and the feature codes of the same object of analysis, simulating the narrative structure of a trailer of a video game with female characters.

The video was built using and mixing scenes partly from the analyzed trailers, partly from *porn anime* videos. It is based on a mechanism of final overturning. The recipient is therefore oriented by recognizing a familiar model and he is surprised at the end, when the origin of the images is revealed - *only 10% of these images come from porno video* - and a final sentence declares the position of the designers - *we want to say stop to the hypersexualisation of women in video games*. Unlike

the previous case, in which the viewer is accompanied along a linear path, in this case the designers are looking for a breakage effect and final displacement, which denounces the abnormality of models of representation that we usually see as “normal”, highlighting the inappropriateness and similarity to expressive codes belonging to very different fields.



a. First frame of the video simulating the trailer of a videogame.



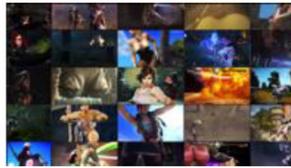
b. The video is built like a fake trailer of a videogame with only female characters.



c. Alternation of frames from trailers and porno videos.



d.



e.



f. only 10% of these images come from pornos

5.3 We want to say stop to the stereotypical representation of families

This case focuses on the unconscious bias acted by designers during the development of design thinking. The project starts from a first phase of reconnaissance that had as its object the collection of television commercials representing families. Once the issues were identified and isolated, the attention shifted to the designer himself, in order to qualitatively investigate whether and how stereotypes unconsciously influence younger designers.

In order to respond to the objectives, a participatory observation activity (repeated twice with different participants) was designed, involving students with a master's degree in communication design. The table reading of a commercial spot was then recreated. Each activity involved 4 students, one of whom was asked to identify with the role of director and, following an *ad hoc* stage script, build the scene by establishing the roles for the 3 actors played by the other 3 participants. In the script no genre characterizations have been attributed to the characters.

In this case, the activity was the founding part of the project and the emphasis was given mainly to the director's interpretative plan. From the shooting of the activity, the debates triggered by the attribution of roles were analysed, from which it emerged how effectively the two directors (man in one case and woman in the second) are influenced by gender stereotypes in making their own design choices.

Here are some emblematic excerpts of conversation:

“you do the character 2 (boy) because I imagine, as the script says, that you can work late so you are very tired and you have to rest. While I imagine you (girl) preparing breakfast for your children in the morning”;

“Chiara you should be the character 1, because you're the one who handles the

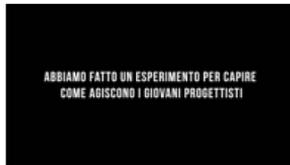
situation, right? Look how you always have control of the situation [...] because you are a careful mother who has to guide everyone, manage everyone..."

*"...the reassuring man who manages to solve all the problems";
"I think the woman is usually more careless, she needs to be protected".*

The next step was to create a video aimed at translating the table reading experience into a concise form, for the purposes of awareness raising and reporting. The documentation material has been reassembled, isolating the significant components in order to highlight the unconscious bias and the involuntary use of gender stereotypes during the design of communication artifacts. The viewer is initially introduced to the theme by the title and by a short montage that shows fragments of commercials collected in the first phase, to highlight the stereotyped representation of family roles. In a second moment the activity conducted is presented, anticipating its objectives and bringing out, through the editing of the activity, the issues. The video ends with a message of denunciation and a stimulus for designers to reflect on their role and responsibilities.



a. The video starts with some fragments from tv commercials showing stereotyped representations of family.



b. The participatory activity is introduced by a short text.



c.



d. Most significant dialogues from the activity.



e.



f. One of the ending messages, *the designer is responsible for what is broadcasted.*

5.4 *I solit* ignot - we want to say stop to the fixed gender roles in advertising communication**

The case is similar, in method and objectives, to the one illustrated above and follows the scheme:

- participatory observation activities;
- deconstruction and analysis of the participants attitudes;
- isolation of recurrent behaviours representative of gender differences;
- reassembly of the results through the design of a communication artifact.

In this case is called into question the designer as a designer but also the designer-consumer. The subject of study are the unconscious stereotypes concerning the roles/professions attributed to women and men, in order to highlight how much gender stereotypes are also anchored in the younger generations.

Hybrid methods of cultural anthropology and those characteristic of communication design were used, recreating a playful dimension that exploits the dynamics of *memory* game or *Guess who*. To encourage debate, the participants “play” in pairs and are asked to attribute a series of faces of men and women to as many professions. The object of the analysis work is the dialogues and motivations that lead to attribute a certain profession to a man rather than a woman (e.g. fireman-man, nurse-woman and so on). The resulting output is a synthetic video-documentary of the activity, which highlights and isolates the most interesting dialogues and in which the reference to unconscious stereotypes is more explicit.

The viewer follows the same path as the participants, only at the end are the correct associations revealed face-profession, arousing surprise and inviting reflection. The off-screen voice guides the game and helps the viewer to understand and contextualize. Unlike the case study previously illustrated, the spectator (and the participants of the activity itself) is invited to reflect by exploiting the final displacement. The video does not have an explicit text message at the end but a final message open to the interpretation of the recipient.



a. The video starts with a brief introduction to the conducted activity (with no anticipations about the objectives).



b.



c. The dialogues and reactions of players are placed at the centre.



d. Shots of the playing board alternate with shots of the players.



e.



f. The ending remains open, stimulating an autonomous reflection in the recipient.

6. Conclusions

The four cases reported above are representative of different approaches that put in place methods of observation and communication strategies that are based on different effects of meaning. These are recurrent models of project output which exemplify the practical experimentation carried out in the educational field, in order to provide useful tools towards a conscious project path. The aim is to train future designers able to make conscious and responsible design choices not only in the academic field but also, and above all, in the professional field, where the planned communicative actions have a real large scale impact, unconsciously influencing the thought of the individuals who receive the message.

The paper intends to focus on the work that the DCxCG group carries out on the methodological dimension of the communication project, which lays the foundations for a broader reflection on design thinking. “*Methods create frames, paradigms within which design decisions take place*” (Frascara in Baule & Caratti, 2017).

The importance of training designers capable of confronting and managing the complexity of reality and the multiplicity of points of view is evident, working towards a socially and culturally sustainable communication design. Design can and must give its contribution towards the elimination of gender inequalities, starting from the visual dimension.

The quality of the impact that communication design inevitably has on social identity is fundamental. A systematic educational model shows how it is possible to act and equip designers with tools that allow them to move towards a sustainable design model. The activity of the DCxCG research group can be therefore considered a first step towards a socially sustainable design model. It is intended to provide a contribution on the educational level with the development of activities aimed at building a solid and conscious visual culture.

It is therefore a contribution that, through a process of modelling, can be proposed as a reference to develop further educational "actions" within its own community, and, in a wider perspective, to develop moments of confrontation aimed at consolidating methods and experimentation with tools that communication design can put in place to facilitate the achievement of gender equality.

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THE DISCOURSE POWER, MASS MEDIA AND GENDER VIOLENCE

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Abstract

The denominated critical discourse studies have indicated the power of creation that could be preached from the “official word” (Bordieu’s concept), which can be denominated as “power expressions”. In this scenario it has been proposed how language can no longer be understood as a simple vehicle or tool of information transmission, but it must be accepted that, when used by certain sectors, language has the power to create realities.

With regards to gender violence, we have found that the use of some expressions, not only written, but also images, and even colors, sizes or the location of the headlines, favour not only the continuity of gender stereotypes, but also affect the collective imaginary, consequently reinforcing discrimination against women and creating distorted versions of the true connotation of such violence.

The purpose is to analyse, with special reference to the Colombian case, of how written mass media, with their power to create realities, stumbles on the informative approach of gender violence cases, especially on feminicides. Such mistakes contribute to the perpetuation of the male chauvinist culture, which also aids the continuum of violence against women and the trivialization of this violence. This paper provides an analysis of the headlines, subtitles, abstract and images used in news items related to gender violence of two of the most read newspapers in Bogotá during the period of July to December 2018

Gender Violence and Femicide

Women all over the world have faced too many forms of violence. Historically we have been relegated to the sidelines in our own lives. Despite women’s rights movements or the triumphs of feminism; it’s undeniable that the position of women is still one of discrimination. However, further than simply highlighting an injustice, it is vital to recognize that gender violence and femicide form part of the daily reality of so many women all across the seven continents.

According the World Health Organization, “more than one in three women (35.6%) globally report having experienced physical and/or sexual partner violence, or sexual violence by a non-partner, the evidence is incontrovertible – violence against women is a public health problem of epidemic proportions. It pervades

all corners of the globe, puts women's health at risk, limits their participation in society, and causes great human suffering. (World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council, 2013, p. 35)

Femicide is, without a doubt, one of the most perverse manifestations of violence against women. "Official information for 15 countries in Latin America and the Caribbean shows that at least 3,287 women have been victims of femicide in 2018" (Gender Equality Observatory for Latin America and the Caribbean, CEPAL, 2018)

International organizations and feminist movements have put the grave reality of femicide on the international agenda, and these efforts have forced us to talk about this phenomenon. But how are we talking about it? Russell, who resurrected the term first coined by Carol Orlock, defines femicide as "the killing of females by males *because* they are female." (Russell, 2011) This alternative term to the traditional, gender neutral Word "homicide" is vital to understanding and combatting gender violence.

We need to analyse how we are talking about femicide; not only at government level in terms of developing public policies and legislation, but ¿what about the role of the media in affecting our social perception about femicide?

The Power of Discourse and Media

The theoretical frame must start with critical discourse studies, particularly the principal theories of Teun Van Dijk, specifically his redefining of the meaning of discourse. According to Van Dijk, "discourses do not only consist of (structures of) sound or graphics, and of abstract sentence forms (syntax) or complex structures of local or global meanings and semantic forms" (Van Dijk, 1997, pp. 13-14).

This means that we can no longer understand discourse, as previously believed, simply as information transference. We must also recognise that "it also may be described in terms of the social actions accomplished by language users when they communicate with each other in social situations and within society and culture at large". (Van Dijk, 1997, p. 14)

Van Dijk also indicates that discourse analysis must consider race, ethnicity, culture and social impacts because discourse it is not acting in isolation. This means that "if we want to explain what discourse is all about, it would be insufficient to merely analyse its internal structures...or the cognitive operations involved in language use. We need to account for the fact that discourse as social action is being engaged in within a framework of understanding, communication and interaction which is...part of border sociocultural structures and processes". (Van Dijk, 1997, p. 20)

Of course we are not assuming that as recipients of language we are following messages like blind sheep; but our constructions of reality, perceptions, and even our moral and cultural ideas are permeated with all the official discourse. Here we follow Bordieu's idea that official discourse and the illocutionary force are related to the authority behind the discourse. In Bourdieu's words, power "can never be found in the words themselves or in the performatives in which it is represented... The power of words is only the delegated power of the spokesperson" (Bordieu, 2001, p. 67). Indeed, "At most, language is limited to representing this authority, it

manifests it, it symbolizes it.” (Bourdieu, 2001, p. 69)

Discourse power reminds us of Durkheim’s idea about the construction of the social being; how we act, think and perform with the illusory idea that we are absolutely free, but in the end we need to recognize that education from family, religious authorities and school have interfered with all our ideas. “It is indisputable that most of our ideas and tendencies are not elaborated by us but they come to us from outside, only they can penetrate us by imposing” (Durkheim, 1997, p. 41) The social facts of Durkheim are referred to “ways of acting, thinking and feeling that present the remarkable property that they exist outside of individual consciences” (Durkheim, 1997, p. 39).

Nowadays we cannot deny that part of official discourse is constructed through media coverage, therefore it is important to understand the impact of the media on gender violence and social understanding of femicide. The relationship between media and powerful groups is quite evident because they reflect the official discourse; and it is not to say that they necessarily do this on purpose, but it is, at least, a reflection of what is perceived as normal at a certain time by a certain type of society.

“The sourcing and legitimization of news is therefore bound up with actions, opinions and values of dominant groups in society. In this way the media tend to function ideologically, not so much due to bias, but simply through the nature of established routine practices” (Mayr, 2008, p. 2). Without overgeneralizing, we can say that media reflect the ideologies, perceptions and opinions of powerful institutions.

“Institutions’ power and politics are frequently exercised through the discourse of their members. We only have to think of the news media in this respect. On the one hand, we assume that they are obliged to provide impartial and balanced coverage of important political and social events... but these are also large organizations that need to maintain themselves and their position” (Mayr, 2008, p. 1)

Van Dijk, in his study about press and racism, mentions it was crucial “to examine in detail these relationships between societal power relations on the one hand, and the precise structures of news reports, as they are mediated through the practices and social cognitions of the reporters and the editors of the Press, on the other hand.” (Van Dijk, 1991, p. 41)

When Bourdieu talked about official discourse, it was referred to “the official word”, he said that authority allows discourse to produce “social magic”. Nowadays, we think the media is a carrier of that official word, and therefore has a main role in the constructions of our realities. “Mass media has a fundamental role in these constructions, because of the content, language and narratives that they use, as well as for the consumption by the audiences”. (Orsi & Lacuzzi, 2019)

“Media, as institutions, exercise symbolic power since they have the capacity to act in order to achieve their purposes and interests, intervening in the course of events and affecting results through symbolic forms. This is achieved via the transmission of knowledge, values and opinions, which is then shared with their recipients and, allowing them to exercise their power”. (free translation), (Heidke, 2008, p. 100)

We must also consider that

“...the majority of individuals have little first-hand experience with violent crime,

either as a victim or offender. Consequently, individuals gain their understandings or “social construction” of crimes like domestic violence via avenues such as the media, in the form of a mediated experience”. (Richards, et al., 2013, p. 3)

Almost in all spheres, the media plays a main role in our understanding of complex issues, but even more so when we are talking about crime. Incidents of crime affects our perception of safety, how we value life and moves our deepest sentiments, therefore the information we receive from the media about crime greatly affects our approach and attitude to its reality.

The role of media on femicide coverage is absolutely relevant to social perceptions on gender, but moreover, it could be a tool to fight against the myths that surround the gender violence, and also can boost the development of the public policies. “Mass media are a key arena in which public perceptions about crime, offenders and victims are shaped and reshaped” (Sela-Shayovitz, 2018, p. 21).

“News outlets are an important part of this framing process due to their power to proliferate some views and repress others. In addition, the media frequently emphasizes only certain kinds of criminals and their victims, while downplaying or ignoring others, and disseminating powerful messages concerning who matters most in society” (Richards, et al., 2013, p. 4). As a result, “...language has the power to portray domestic violence as a social issue that requires community action or as a singular, isolated violent event caused by the action or inaction of the victim” (Richards, et al., 2013, p. 5).

Methodology and Sample

We did a qualitative analysis, using a sample of the two most read newspapers in the city of Bogotá, capital of Colombia. A search was made in the virtual editions of the two newspapers, during the June-December 2018 period. All news articles, totalling 24 new items, related to femicides were identified. Subsequently, a careful reading of all the news was made, with emphasis on the headlines, subtitles, and most commonly repeated phrases.

After the above, three categories of analysis were identified: i) The Romanticization of the Femicide ii) Blaming Victim or Excusing the Perpetrator and iii) Sensationalism. These categories were applied to the analysis of the sample.

Analysis and Results

When the sample was defined, we decided to focus on headlines and subheadings, principally because of its function, but also in the language used in the corps of the news.

“Headlines in the press have important textual and cognitive functions. They therefore deserve special attention. As every newspaper reader knows, they are the most conspicuous part of a news report: they are brief, printed ‘on top’, in large bold type, and often across several columns. Their main function is to summarize the most important information of the report” (Van Dijk, 1991, p. 50).

Headlines are eye-catching, and offer to the reader an idea of the content that could be expected. Therefore, normally journalists use words which act as a hook, but because of its importance they should be selected carefully. “Word choice in headlines is important because it conveys the main idea of the article and allows

readers to choose stories of interest or importance to them". (Richards, et al., 2013, p. 15)

It must be recognised that in this era of technology, the desire for immediate and brief information means many readers make their opinions based on the headlines or just the short abstract. Von Dijk affirms that "Headlines...have an important cognitive function: they are usually read first and the information expressed in the headline is strategically used by the reader during the process of understanding in order to construct the overall meaning, or the main topics, of the rest of the text before the text itself is even read. Indeed, often readers do not read more than the headline of a news report" (Van Dijk, 1991, p. 50). The words used in the headlines guide the reader through the news content, which set up / foreshadow reader expectations of the article. The phrases or sentences in the main article which echo the words that appear in the title will be identified as the most important.

In addition, "headlines often have ideological implications. Since they express the most important information about a news event, they may bias the understanding process: they summarize what, according to the journalist, is the most important aspect, and such a summary necessarily implies an opinion or a specific perspective on the events" (Van Dijk, 1991, p. 51).

i) The Romanticization of Femicide

A glance at the headlines reveals the problem of romanticization of femicide. We find headlines such as: "Heartbreak was the cause of the crime", "Passionate Crime in the Alley", "The end of Angie at the hands of her beloved", "Valeria's fatal party in Chapinero". We can easily identify the hooks: heartbreak, passion, beloved, party; none of which point at the reality of femicide, but, on the contrary, focus the reader's attention on the wrong issues.

Since the headline has such a powerful influence on the interpretation of a news report, readers would have to make an extra effort to derive an alternative main topic from the text. Generally speaking, the information in the headline is also the information that is best recalled by the readers (Van Dijk, 1991, p. 51) These examples show how the central point of the news and the reader's attention is guided to a the false idea that love is involved in the femicide; a terrible misapprehension that the femicide was perpetrated for love.

Other expressions used in the news samples are: "bad love", "loving bond", "romance", "unfaithful", sentimental relationship", "crime of passion", "toxic relationship" "passional attack". Again, these examples exploit a false idea of a tragic love story. We can also see the word "jealous" several times, again promoting the idea that the murder was motivated for an irrepressible love which makes the perpetrator insane. The framing of femicide as a love story evokes a positive image of murder, since love is generally regarded as a positive feeling, it can make the reader empathise with the perpetrator. This tragic ending for a false fairy tale masks the hideous reality behind the death of these women.

ii) Blaming the Victim or Excusing the Perpetrator:

I have sustained that gender violence is surrounded by myths and stereotypes which maintain the normalization of violence against women. Some of these myths and stereotypes are related to victim blaming; because she was so pretty, so young,

because she likes to party, she flirts too much, she uses certain type of clothes; such ideas ultimately lead to the dangerously erroneous conclusion that the woman was the responsible for her own death. The most shocking example can be observed in two news items about the femicide of a transgender. These news articles emphasize gender identity and the party places where the femicides were perpetrated. In one of these news articles, the journalist even repeatedly refers to the victim's job as a sexual worker; constantly made references to alcohol, drugs or "clients", distracting the attention from the murder, and focussing on a suggested guilt of the victim. Another horrible example is a news article where the headline reads "Her boyfriend was her executioner". The executioner represents the power of the state, authority, one who has the legitimate power to take others life; someone who is executed is somebody who has committed a crime. This leads to the idea that she deserved to be killed, which shows how the murderous action was made positive with just one word.

Parallel to this, there are often attempts to find justification for the murder. Some news items refer to drinking problems, the use or abuse of drugs, or even a bad temper or jealousy of the husband or boyfriend. These ideas immediately reduce the perception of responsibility, portraying the murderer as a person who was not sane; who was driven by his addiction, disease or feelings – but again, this only serves to mask the reality of femicide. In some cases the news articles even sentences explaining that the guy could not handle his wife's abandonment, or that she was in a new relationship and he preferred to killed her rather than let her free for another.

Some examples of this include: "a fight with her partner led her to death", "he was obsessed with her", "If she was not for him, she wasn't for anyone". Such ideas imply that the violence is a one-off and avoids framing intimate femicide as the end of a huge circle of violence, ignoring the fact that gender violence stems from a spiral of violence in which the woman was trapped. "Many femicide-suicides are explained away in overly simplistic terms, as isolated instances of perpetrator jealousy or loss of control". (Richards, et al., 2013, p. 18)

Instability, madness, sickness, alcohol – they all appear to diminish the responsibility of the perpetrator. Some examples that we found included language such as: "family arguments", "possessive and jealous man", "fit of rage", "suicidal ideas", "psychiatric problem", "problems with alcohol", "prostitute", "party and liquor", "fatal party", "tragedy", "problematic argument in the intimacy of their home". Which ideas come to our minds when we read such headlines and expressions?

These words imply the justification of the murder due to the supposed abnormal behaviour that he could not control. Consequently, it is treated as a problem that was out of control or a private matter where the state does not have the right to intervene. Furthermore, the "framing of offenders who are presumed to be upper-middle class sustains the social perceptions of a "good partner" who failed due to a mental crisis or an act of madness". (Sela-Shayovitz, 2018, p. 23) This paints the idea of the murder of an unfortunate, one-off tragedy, provoking certain sympathy for the perpetrator and diminishing his responsibility.

We are not proposing to draw the murder as an animal, or as abnormal, because that also leads to confusion about the causes, but we need to understand that

the femicide is an act of power, derivative from the superior position where men have been situated historically. The man who kills a woman because of her gender doesn't do it because he was drunk, drugged or insane, he does it because he thinks women are his property; he is in charge and he can take her life if he wants.

Some of the headlines seek to emphasize unclear circumstances, diluting the gravity and making us doubt the certainty of femicide. In their study, Richards, Gillespie and Smith demonstrate that "the majority of femicide– suicide articles are titled in ways that indicate that they are ambiguous homicides" (Richards, et al., 2013, p. 15). We found many examples to support this: "strange ending of the teacher", "strange death of Lizeth", "inexplicable death of Mónica". As a result, "articles may be easily misidentified by readers as stories about stranger homicides instead of deadly domestic violence..." (Richards, et al., 2013, p. 15)

iii) Sensationalism

We know that the news not only a social need, but a business; they need to make money, therefore it is necessary to get the readers' attention because they are the buyers. This implies affecting their emotions, and the best way to do this is through the eye-catching images, vivid colors, and, of course, lots of blood and truculent details. But how we define sensationalism?

"(...) a text is sensationalist when there is an evident interrelation... between the (or one of the) main theme (s), the thematic structure and semiotic resources, which stands out with (...) aspects with clear emotional charges (negative, positive, volitional) that can generate emotions in the (...) perceivers, whose main purpose is to capture the attention of the recipients. (free translation), (Heidke, 2008, p. 113)

"The preference for dramatic coverage meets the criteria of "newsworthiness" and is advantageous for newspaper sales. Moreover, the analysis indicated a lack of voices and opinions from women organizations and sources". (Sela-Shayovitz, 2018, p. 22)

In the sample it is easy to find the tendency to show the reader all the possible bloody circumstances; the number of stabs, the pool of blood where the victim was found, the bar where she were dancing or the attempted suicide of the victimizer. "The descriptions are strategies of re-victimization. They represent the primary foundation for the reader become part of the event, shaping how the information is distributed throughout the story. In the end, this transforms the victim into an object because they represent her as the product of somebody's action: the victimizer" (free translation), (Muñoz-González, 2016, p. 839).

Some examples of these bloody details include: "a shot in the head", "bathed in blood", "three stabs in the back", "thrown from an eighth floor", "she was naked, she had wounds on her neck and face and everything around her was full of blood", " took his knife and stabbed Christ multiple times". When news about femicide draws out the cruel details, they are treating the victim just as a corpse, and they are taking advantage of the dramatization of a scary scene which moves the emotions of the reader, but which also portrays the crime as a horror novel rather than as a horrible reality of many women around the world.

Before the conclusion, the chart below shows information about the sample, the links, and the main observations of each new item.

GENDER AND WOMEN'S STUDIES '19

	DATE	HEADLINE	NEWSPAPER	OBSERVATIONS	LINK
1	November 4th 2018	"He murdered his partner and took his life"	Q'HUBO	Justification of the aggressor, reference to suicide and supposed state of shock. Use of stereotypes (referring to previous fights, anger and rage. Positive: use of term 'femicide')	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=04_11_2018#page/6
2	November 6th 2018	"Strange death of Lizeth in Kennedy"	Q'HUBO	They refer to death, rather than murder. The girl allegedly died from suffocation. Lack of context; family testimonies are used.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=06_11_2018#page/6
3	November 19th 2018	"Lust and Crime in Kennedy" "Lizeth was stabbed by a client"	Q'HUBO	Many details are given of the life of this transsexual woman; her job as a sex worker, liquor consumption. Little detail about the femicide	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=19_11_2018#page/2
4	November 21th 2018	"New details in Sandra's femicide"	Q'HUBO	As positive, it is an extension of a previous news items and the use of the term femicide. Unfortunately the news is limited to the rough details of the crime, reported by the victim's partner, who was also injured by the murderer.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=21_11_2018#page/6
5	November 25th 2018	"Dagger to Valeria in a dawn" "Valeria's fatal party in Chapinero"	Q'HUBO	It delves into details related to transgender states, the place where they were departing, where liquor and drugs were consumed.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=25_11_2018#page/2
6	December 6th 2018	"Heartbreak was the cause of the crime."	Q'HUBO	A very unfortunate headline, which links femicide to heartbreak. They mistakenly speak of a "love that became aggressive". Phrases such as "break up which got out of control.". Includes quotes from relatives of the perpetrator saying it could have been avoided if the woman had not been unfaithful)	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=06_12_2018#page/4

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7	December 9th 2018	"Her boyfriend was her executioner" "Family fight ended in femicide"	Q'HUBO	The headline talks about "Family Fight" making the matter private. There is also talk of a heated quarrel. It is emphasized that she slapped him first and then he stabbed her, which could suggest victim-blaming. As positive it is emphasized that the expression femicide is used	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=09_12_2018
8	December 18th 2018	"Your best help if you are a victim of violence"	Q'HUBO	This is not news about femicide, but a piece where information is given about a public application to help victims of violence. The application "Ellas" will help identify if you are a victim and will guide you to report it.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=18_12_2018#page/10
9	October 15th 2018	"Passionate Crime in the Alley"	Q'HUBO	They use passion as a reason for his "Unjustified anger, he couldn't stand that she didn't want to be with him, he preferred to kill her.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=15_10_2018#page/4
10	October 12th 2018	"Bachelor's Strange Final"	Q'HUBO	They turn to the families of the victim, which makes the assessment of the facts biased.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=12_10_2018#page/2
11	October 12th 2018	"Femicide in apartment in Suba"	Q'HUBO	Using an image of her where she highlights her physical qualities creates distortion about incidents of femicide of "beautiful" women	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=12_10_2018#page/2
12	September 29th 2018	"Andrea was killed by her partner"	Q'HUBO	It uses erroneous expressions in terms of initiating criminal action, since the term sue is not used.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=29_09_2018#page/6
13	September 18th 2018	"Justice has arrived for Sandra's memory"	Q'HUBO	He refers to romantic elements such as "that he fell madly in love with her, and that she did not accept his marriage proposal killed her."	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=18_09_2018#page/8
14	September 17th 2018	"Inexplicable death of Monica at home"	Q'HUBO	Look to family members for theories instead of the authorities.	http://qhobo.com/epaper/bogota/viewer.html?publication=Bogota&date=17_09_2018#page/2

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15	September 13th 2018	" He agreed to have killed his ex "	Q' HUBO	It refers to the jealousy and obsession of the perpetrator of femicide, which attempts to justify the aggressor.	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=13_09_2018#page/4
16	June 23th 2018	"A woman dies after being thrown out of an eighth floor by her Husband."	EI TIEMPO	The aggressor's actions are justified by his attempted suicide, the woman's family members are asked about the facts. The positive thing is the mention of a phone line for women "Dialing 155 from a cell phone or a landline, women victims of abuse receive immediate attention and guidance on what they should do. "	https://www.eltiempo.com/justicia/investigacion/fallece-mujer-tras-ser-arrojada-de-un-octavo-piso-en-suba-234964
17	July 13th 2018	'17-year-old woman is killed by her 40-year-old partner'	EI TIEMPO	It refers to the state of drunkenness of the perpetrator and also uses the neighbors' version of events, which decontextualizes the news.	https://www.eltiempo.com/bogota/menor-de-17-anos-fue-asesinada-por-su-pareja-de-40-en-san-cristobal-norte-243024
18	Julio 16 de 2018"	Mujer asesinada por su expareja lo habia denunciado ocho días antes'	EI TIEMPO	A policeman declared that the victim brought about her own death: "personal problems was the cause of death".	https://www.eltiempo.com/bogota/asesinan-a-mujer-de-26-anos-en-puente-aranda-244288
19	July 14th 2018	Deadly shot at Angie in the workshop	Q hubo	They use phrases that make the murder look less serious, romanticizing the scene. They use phrases like "toxic love" in bold and focus on the difference in age.	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=14_07_2018#page/6
20	July 17th 2018	He murdered his partner and suicide"	Q hubo	Justification of the aggressor saying that it was because of the decision to leave him (third person testimony). Use of stereotypes referring to fights and constant abuse, use of phrases such as "sickly love" and very striking colors	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=17_07_2018#page/2
21	July 21th 2018	He jumped after finishing his wife	Q hubo	Justification of murder due to the liquor consumption by the victim and the offender using terms such as "liquor and violence".	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=21_07_2018#page/4
22	August 3th 2018	"Terrible femicide in step house"	Q hubo	As a positive, the expression "femicide" is used. However, they describe in graphic detail the crime scene.	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=03_08_2018#page/4

23	August 15th 2018	Fateful morning for Christ	Q hubo	They justify the aggression due to the intention to divorce. They frame it as femicide under judicial reference.	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=15_08_2018#page/5
24	August 18 2018	The end of Angie at the hands of her "beloved"	Q hubo	Justification of femicide, because the aggressor wanted to continue the relationship. They mention the term "femicide". Use of striking colors and neighbours' testimonies.	http://qhubo.com/epaper/bogota/viewer.html?publication=Bogota&date=18_08_2018#page/4

Table 1. This chart shows the sample of 24 news items including the date, the headline, the newspaper, some short observations and finally the link where the news where originates.

Conclusions and Recommendations

1. Language has the power to impact, create or shape our perceptions of the reality.
2. Gender violence and femicide have been portrayed in the media in a way that perpetuates and recreates many stereotypes and misconceptions of our patriarchal society.
3. The media, as a carrier of the official word, has an important responsibility in the coverage of femicide and gender violence.
4. Sensationalism is commonplace especially when recreating violence, but this contributes to a revictimization of the family of victims of femicide.
5. The reproduction of myths or stereotypes about gender violence and femicide, normalize this phenomena and avoid the perception of its real dimension and consequences.

Recently, at the Third Hemispheric Report on the Implementation of the Convention of Belém do Pará, the expert committee has said that the states have to “ensure the effective implementation of codes of conduct of the media that allow the self-regulation of the activity in a manner that respects the right of women to live free from violence”. (OEA. Comité de Expertas del MESECVI, 2017, p. 209)

With regards to recommendations and good practices, we suggest:

It is important to call femicide for what it is, without euphemisms.

1. The coverage should be respectful to the victim and also with the perpetrator, avoiding the unnecessary information about physical or mental characteristics, jobs or hobbies, that can lead to the ideas of blaming the victim or diminishing the responsibility of the perpetrator.
2. It is mandatory to avoid sensationalism on femicide news, such as the detailed description of the injuries, suffering, or weapons used, as they do not help to clarify the events, and they distract the readers from the most important issues.

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POSITIVE OBLIGATIONS OF THE STATE REGARDING VIOLENCE AGAINST WOMEN IN LIGHT OF ECTHR CASE LAW

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Abstract

Domestic violence, particularly its forms targeting women, plagues all societies and social segments; impacting a wide range of communities, regardless of the developmental level of a given country or the socio-economic status of a given individual. As such, the European Court of Human Rights (ECtHR) has consistently highlighted that domestic violence, particularly its forms directed at women, is not a problem unique to certain countries, but one that impacts every member of the Council of Europe. Violence against women comes in various forms including but not limited to physical aggression, psychological pressure, threats, harassment, insults and humiliation. There is a vast array of causes behind the prevalence of domestic violence, including fear of retribution by the offender; pressure by relatives and family members to cover up the situation and continue the marriage; the presence of children in the family and women's economic dependency on the perpetrator.

The ECtHR indicates that the European Convention on Human Rights (ECHR) does not just prohibit states interfering with individual rights and freedoms, but also imposes an obligation on them to take positive measures to protect effectively the rights and freedoms safeguarded under the Convention. It might be argued that there is no such responsibility on the State in cases of domestic violence, as such violence occurs in the private sphere within households, and is committed by private parties and not by public authorities. However, this view excludes the notion of states positive obligations to protect individuals. These obligations emerge in cases where national authorities fail to take measures to protect victims of domestic violence even when they know or "ought to have known at the time of the existence of a real and immediate risk" to the life or bodily integrity of a woman. Again, the Court notes that states also have an obligation to protect women's right to life and psychological and physical integrity "by putting in place effective criminal law provisions to deter the commission of offenses" and by making available mechanisms to prevent, suppress and sanction violence against

women. In addition, States have an obligation to carry out an effective investigation into cases of domestic violence. In such investigations, States must guarantee that victims are able to participate in all proceedings; that any inquiries and proceedings are conducted with due diligence, especially within a reasonable period of time and ensure the offender does not benefit from statutes of limitations or any other forms of impunity.

According to the case law of the ECtHR, the state also has a positive obligation to protect women against discrimination, taking necessary measures to promote the principle of equality between women and men and necessarily abolishing laws and practices which discriminate against women.

These positive obligations derive from articles 2, 3, 8 and 14 of the Convention, which guarantee the right to life, the prohibition of ill-treatment, the right to private and family life and the prohibition of discrimination.

INTRODUCTION

Domestic violence, particularly its forms targeting women, plagues all societies and social segments; impacting a wide range of communities, regardless of the developmental level of a given country or the socio-economic status of a given individual. As such, the European Court of Human Rights (ECtHR or the Court) has consistently highlighted that domestic violence, particularly its forms directed at women, is not a problem unique to certain countries, but one that impacts every member of the Council of Europe (see, *Opuz*, 9 June 2009, § 132. For the 28 European Union Member States, see European Union Agency For Fundamental Rights, the survey *Violence Against Women: An EU-wide survey*, (<https://rm.coe.int/1680591fd9>)). Violence against women comes in various forms including but not limited to physical aggression, psychological pressure, threats, harassment, insults and humiliation. There is a vast array of causes behind the prevalence of domestic violence, including fear of retribution by the offender; pressure by relatives and family members to cover up the situation and to continue the marriage; the presence of children in the family and women's economic dependency on the perpetrator.

The Court estimates that physical violence, psychological violence, pressure (*Opuz*), rape (*Aydin v. Turkey*, 25 September 1997), *M.C. v. Bulgaria*, 4 December 2003 and *I.G v. Moldova*, 15 May 2012), harassment (*A. v. Croatia*, 14 October 2010), threat (*Hajduová v. Slovakia*, 30 November 2010), deprivation of liberty (*M.G. v Turkey*, 22 March 2016), honour crime and ill-treatment by the family (*A. A. and others v. Sweden*, 28 June 2010), trafficking human beings (*Rantsev v. Cyprus and Russia*, 7 January 2010), female genital mutilation (*Collins and Akaziebie v. Sweden*, 8 March 2018) and prostitution (*L. E. v. Greece*, 21 January 2016) are all different forms of the manifestation of violence against women. To be considered as domestic violence, these acts need to be committed in a family circle or by family members. According to the Court case law, the "notion of "family" in Article 8 concerns not only marriage-based relationships, but also other de facto "family ties" where the parties are living together outside marriage or where other factors demonstrate that the relationship had sufficient constancy" (*Paradiso and Campanelli v. Italy*, 24 January 2017, § 140).

The Committee of Ministers of the Council of Europe indicates in its Recommendation on the Protection of Women against Violence (Rec(2002)5 of

30 April 2002) that “[m]ember states should introduce, develop and/or improve where necessary, national policies against violence based on [...] maximum safety and protection of victims”; It asked them to penalize violence against women and to introduce measures designed to ensure victims receive effective protection (<https://projects.iq.harvard.edu/violenceagainstwomen/publications/coe-recommendation-rec-20025>).

In the Preamble of the Istanbul Convention, domestic violence against women is considered as “a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women”. According to the Istanbul Convention, domestic violence is not only limited to violence perpetrated by spouses. Former or current partners, irrespective of sharing the same house with the victim, may also be perpetrators. Article 3 of this Convention provides the following definition: “shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.” For the Convention, violence against women is a discrimination based on gender. Member states have an obligation not only to “refrain from engaging in any act of violence against women” but also to “take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence” against women.

Domestic violence takes place in private sphere or within households and is committed by private parties and not by public authorities. Thus, it may be considered that there is no responsibility on the state in cases of domestic violence. However, in some circumstances, the responsibility of the state can be engaged from its positive obligations to protect individuals (I). The responsibility of the state can also exist when a woman is victim of the domestic violence because of her gender. In other words, the state has the obligation to protect women against discrimination (II).

I. POSITIVE OBLIGATIONS OF THE STATE TO PROTECT WOMEN AGAINST VIOLENCE

Positive obligations of the state has two aspects: the substantive aspect regarding the obligation to take measures to protect female victims of domestic violence (A) and the procedural aspect concerning the obligation to carry out an effective investigation (B).

A. POSITIVE OBLIGATIONS OF THE STATE TO PREVENT VIOLENCE AGAINST WOMEN

If there is an attack on the life or physical integrity of a woman, the first obligation of the state is to put “in place effective criminal-law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and punishment of breaches of such provisions” (*Branko Tomasic and others v. Croatia*, 15 January 2009, § 49). In several cases dealing with domestic violence against women, the Court considered this obligation of the state and focused on the fact that “in domestic violence cases

perpetrators' rights cannot supersede victims' human rights to life and to physical and mental integrity" (*Opuz*, § 137 and *Talpis v. Italy*, 2 March 2017, § 123).

Even if the state is not directly responsible for acts of violence against women because they are committed by a third person, it may be responsible in certain circumstances. The Court sets the following rule, "a positive obligation will arise where it has been established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life [or the physical integrity] of an identified individual from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk" (*Osman v. the United Kingdom*, 28 October 1998, § 115). Thus, two conditions are necessary in the order to engage the responsibility of the state: the national authorities knew or ought to have known there was a real and immediate risk and they subsequently failed to take measures to avoid that risk.

For the Court, the authorities do not have this obligation for every claimed risk to life or physical integrity. How to know when the degree of suspicion required is reached at the crucial moments? This question can only be answered in the light of the circumstances of any particular case. Once the authorities became aware of the violence "it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge" (*Opuz*, § 130).

It is important to give some examples in the Court's judgments to know when the degree of suspicion required is reached. In the case *Branko Tomasic and others v. Croatia* on 15 January 2009, the applicant warned that her daughter's husband had repeatedly threatened to kill her daughter and her grandchild by throwing a bomb at them. Indeed, the husband even repeated his threats in front of the Police. He was sentenced to five month's imprisonment during which he had to undergo psychiatric treatment. However, straight after his release he killed his former wife, his child and himself. The Court noted several failures by the authorities. First, even though they were aware that the threats were serious, they did not take reasonable steps to protect the victims from those threats. Moreover, although the husband had repeatedly mentioned that he had a bomb, no search was ordered. Then, during his five months of imprisonment, he had undergone psychiatric treatment. However, the Court considered that the period was too short to allow his psychiatric issues to be resolved. Finally, no adequate measure had been taken to reduce the risk that the husband would carry out his threats upon his release from prison. Thus, the Court found a substantive violation of Article 2 of the Convention (right to life) because of the inability of the competent national authorities to take all necessary and reasonable measures in the circumstances of the case to ensure the protection of the victim's lives.

In the case *Opuz v. Turkey*, the applicant complained about six assaults that her husband made against her and her mother. The Court raised several elements. First of all, during the various attacks, the perpetrator's violence intensified against the applicant and her mother. The crimes committed by the perpetrator were serious enough to warrant preventive measures, especially as the health and safety of the victims continued to be under threat. In addition, as in the previous cases, the authorities knew about the situation of the victims because the mother had made

a request to the prosecutor's office, claiming that her life was in immediate danger and asking the police to take action against her daughter's husband. However, the authorities merely took the mother's statements and advised her not to interfere in her daughter's "family matters".

The Court considered that taking into account his history of violence and his criminal record, the national authorities could have foreseen a deadly assault by the applicant's husband. The failure to take reasonable steps that could have avoided the outcome or mitigated the harm was sufficient to engage state responsibility. Moreover, "in some instances, the national authorities' interference with the private or family life of the individuals might be necessary in order to protect the health and rights of others or to prevent commission of criminal acts". Finally, the State had failed to effectively establish and enforce a system that punished all forms of domestic violence and provided sufficient guarantees of personal protection. Indeed, the police and prosecution authorities did not detain the perpetrator and did not take any other appropriate action with respect to the allegation that he was armed and had made threats of violence. They could have issued an injunction to prohibit the perpetrator from approaching the mother. It was during the inaction of the authorities that the mother was killed. As a result, the Court found that the State violated its positive obligation to protect her right to life within the meaning of Article 2 of the Convention (*Opuz*, §§ 131-149. In the same meaning, see *Talpis*, § 125; *Civek v. Turkey*, 23 February 2016, §§ 45-66 and *Halime Kılıç v. Turkey*, 28 June 2016, §§ 93-102).

Regarding Article 3 of the Convention (prohibition of torture), it prohibits states to deport a woman to a country where there is a risk for her to be victim of domestic violence. This question was examined in the case *N. v Sweden* on 20 July 2010 and *R. D v. France* on 16 June 2016 where the Court considered that the deportation of an individual from Sweden to Afghanistan or from France to Guinea would constitute a violation of Article 3. For the Court there were, "substantial grounds for believing that if deported to Afghanistan, she would face various cumulative risks of reprisals from her husband, his family, her own family and from the Afghan society which fell under Article 3".

As with Article 2, under Article 3, states have the same obligation to take measures to avoid women being subjected to ill-treatment administered by other individuals, including their former or current spouses or partners (*I.G v. Moldova*, § 40 and *M.C. v. Bulgaria*, § 149). Thus, they have to enact effective criminal law provisions. For the ECtHR, "vulnerable individuals", victims of domestic violence "are entitled to State protection, in the form of effective deterrence, against such serious breaches of personal integrity" (*X and Y v. the Netherlands*, 26 March 1985, §§ 23-24 and 27; *Bevacqua and S. v. Bulgaria*, 12 June 2008, § 64; *M.C.*, § 150; *Opuz*, § 160 and *Talpis*, § 126).

In *Opuz*, the national authorities did not remain totally passive and took some measures to protect the applicant against her husband's violence. But, none of these measures were sufficient to stop him perpetrating further violence. Furthermore, national decisions were not efficient and did not have a preventive or dissuasive effect on the perpetrator's behaviour. The Court therefore concluded that there had been a violation of Article 3 of the Convention due to the failure of the State authorities "to take protective measures in the form of effective deterrence against

serious breaches of the applicant's personal integrity by her husband" (§§ 66-76).

The positive obligation of the state derives even under Article 8 (Right to respect for private and family life), which imposes it not only to protect women against arbitrary action by public authorities, but also to encourage the adoption of some measures to protect the physical integrity of women endangered by third persons. As with Articles 2 and 3, the positive obligation under Article 8 includes the duty on the State "to maintain and apply in practice an adequate legal framework affording protection against acts of violence by private individuals" (*Bevacqua and S.*, § 65 and *Kalucza v. Hungary*, 24 April 2012, § 59).

In the case *Bevacqua and S. v. Bulgaria on 12 June 2008*, the applicant complained of domestic violence. She suffered from mental and physical violence by her husband who insulted and beat her. She was scared for her son, especially since her husband, after leaving the family home, took the child without returning him to his mother. The Court considered that the husband's violent behaviour towards his wife was known by the Bulgarian court, because the applicant had provided evidence of the violence through a medical certificate that testified a breach to her physical integrity and her well-being. It was highlighted that Bulgarian legislation had not provided neither administrative measures nor specific controls, and the measures taken by the police and prosecution authorities had been ineffective. The Court therefore found a violation of Article 8 because of the inability not only of the authorities to impose sanctions or to prevent the perpetrator from committing violence against his wife, but also of the national court to adopt necessary measures that the applicant needed. The Court criticised the authorities' view that the dispute concerned a "private matter". For the Court, this view was "incompatible with their positive obligations to secure the enjoyment of the applicants' Article 8 rights".

For the Court, if the physical and psychological violence or threat is sufficiently serious, it constitutes ill-treatment within the meaning of Article 3 of the Convention. If the violence or the threat does not reach the minimum level of severity as required under Article 3, the Court analyses the case under Article 8 of the Convention. In some cases, the Court considers that domestic violence is not only ill-treatment within the meaning of Article 3, but also an interference with private life within the meaning of Article 8, which covers physical and psychological integrity.

On this point, it is important to mention a case dealing with rape of a minor in which the Court examined Article 3 in combination with Article 8: *M.C. v. Bulgaria* on 4 December 2003. As under Article 2, these provisions impose the requirement of a criminal legal regime which effectively punishes rape and sexual abuse. The applicant alleged that she had been raped by two older men at the age of 14 years. The Court questioned the evolution of the definition of rape. Historically, in a number of countries, national law required evidence of "physical force and physical resistance". However, the past decades have been marked by a clear and consistent trend in Europe to abandon formalist definitions and narrow interpretations of the law in this area. In different countries, the reference to physical force has been removed from legislation and/or case law. The lack of consent is considered to be the constituent element of rape. Indeed, in many cases, rape victims, especially under-age girls, do not offer physical resistance. Thus, the positive obligations on Member States under Articles 3 and 8 of the Convention must be considered as requiring the penalisation and effective prosecution of any non-consensual sexual act, including

in the absence of physical resistance by the victim. The rationale behind this is not to allow certain types of rape to go unpunished and thus to compromise the effective protection of the individual's sexual autonomy (§§ 154-166). The Court reproached the authorities of failing to take into account the particular vulnerability of the applicant and the particular psychological factors at issue because of her age. It therefore concluded that articles 3 and 8 of the Convention had been violated and reiterated the responsibility of States to establish and enforce a system of criminal law punishing all forms of sexual violence, including rape.

Positive obligations on the state are not limited to put in place an effective criminal-law provisions to deter the commission of offences against women and to take necessary measures to protect them when there is a real and imminent danger for their life and physical integrity. Such obligations also include the obligation to carry out an effective investigation when women are victim of domestic violence. In other words, the positive obligation to protect the life and the physical integrity of women might also extend to questions concerning the effectiveness of a criminal investigation.

B. POSITIVE OBLIGATIONS OF THE STATE TO CARRY OUT AN EFFECTIVE INVESTIGATION

Regarding Article 2, in the case *Branko Tomasic and others v. Croatia*, the Court emphasised that the obligation to protect life requires the establishment of an effective investigation when individuals have been killed by the use of force, whether by State officials or private individuals. The main purpose of such an inquiry is to ensure the effective implementation of national laws protecting the right to life. According to the Court, whatever the mode used, the authorities must act on their own initiative once the case has been reported to them. Therefore, the authorities must take reasonable steps to obtain evidence of the incident. Moreover, in certain circumstances Article 2 could oblige the State to resort to finding criminal liability. However, this is not the case if the violation of the right to life or physical integrity was not intentional or if the deaths were due to the negligence of State agents. In this case, there was no doubt that the husband of the applicant's daughter killed himself after killing his wife and his child. The Court refused to impose on the State "a further positive obligation to investigate the criminal responsibility of any of the State officials involved" because it was difficult to say that the failure of the police was intentional. When "the infringement of the right to life or to physical integrity is not caused intentionally, the positive obligation imposed by Article 2 [or Article 3] to set up an effective judicial system does not necessarily require the provision of a criminal-law remedy in every case" (*Branko Tomasic and others v. Croatia*, 15 January 2009, § 64).

In the case *Opuz*, the Court noticed that the criminal proceedings against the applicant's husband lasted more than six years and were pending before the Court of cassation. Thus, taking into account the fact that he had already confessed the crime, there had not been a prompt response given by the authorities in investigating an intentional killing (*Opuz*, 150-151. See also, *Valiulienė v. Lithuania*, 26 March 2013, §§ 73-86).

Regarding Article 3, in the case *I.G. v. Moldova on 15 May 2012*, the Court required the State to conduct an official investigation. Such an obligation cannot be

considered as limited to cases of ill-treatment inflicted by State agents. In this case, the Court declared that States must adopt criminal provisions effectively punishing rape and “apply them in practice through effective investigation and prosecution”. In the circumstances of the case, the Court considered that the decision which amended the criminal charges against the perpetrator was adopted without prior investigation and the investigating authorities could also have sought the advice of a specialist psychologist. The Court then noted that the prosecutors in charge of the case admitted that the investigation had not been completed. Thus, the investigation did not meet the requirements under Article 3 of the Convention to the extent that the authorities had failed to effectively investigate and punish the rape or sexual abuse in question (for similar conclusion, see *E.M. v. Romania*, 30 October 2012, §§ 57-72 and *E.S. and Others v. Slovakia*, 15 September 2009, §§ 39-44).

Regarding Article 3 being read in combination with Article 8, in the case *Ebcin v. Turkey* on 1st February 2011, this aspect of the positive obligation does not necessarily require a conviction, but does require the effective application of law, including criminal law, to ensure the protection of the rights guaranteed by Articles 3 and 8. The Court reiterated that the requirement for promptness and due diligence is implicit in this duty to investigate. This means that the protection mechanisms provided in domestic law must operate in practice with reasonable promptness to conclude the substantive examination of the specific cases submitted to them. In this case, the applicant, a teacher, was assaulted on her way to work. Two people threw acid on her face, which caused her considerable damage. There was indeed an investigation instigated and the severity of assault was taken into consideration in sentencing. Furthermore, as the sentence was satisfactory, the authorities complied with the requirements on prosecution imposed by Articles 3 and 8 of the Convention. However, this conclusion was reached six years after the incident of violence. Such delay vitiates the effectiveness of the proceedings to the detriment of the victims. The Court therefore found a violation of Articles 3 and 8 of the Convention. There was a similar conclusion when a prosecutor started the investigation five years and six months after the facts (*M.G. v. Turkey*, 22 March 2016, §§ 100-107. For the similar cases, see *Irina Smirnova v. Ukraine*, 13 October 2016, §§ 72-79 and §§ 89-101).

We can deduce from the Court’s judgments analysed above that there is no obligation on the national authorities to bring before a criminal court and convict policemen who failed to protect female victims of domestic violence, because the positive obligation does not necessarily require a criminal-law remedy when the failure of the police was not intentional. However, their responsibility may be engaged before a civil or administrative court. The law enforcement officers or prosecutors should not neglect their duty to protect victims and should collect appropriate evidence to enable them to prove violence or press charges *ex officio* under a criminal offence that corresponds to the severity of situation. The Court condemns national authorities’ failures which “are part of that pattern of judicial passivity in response to allegations of domestic violence” (*Durmaz v. Turkey*, 13 November 2014, § 65). They have the positive obligation to carry out an effective investigation against perpetrators. To be effective, the investigation has to be prompt, complete and carried out with diligence. It should be added

that victims have to take part in the investigation. But for incidents of violence, *ex officio* prosecution is needed. The prosecution should continue even if the victim withdraws her complaint, which is often seen in such cases.

II. POSITIVE OBLIGATIONS OF THE STATE TO PROTECT WOMEN AGAINST DISCRIMINATION

Article 14 of the Convention prohibits discrimination in “the enjoyment of the rights and freedoms set forth in this Convention”. Thus, the applicants can not invoke Article 14 alone, which “complements the other substantive provisions of the Convention and the Protocols. It has no independent existence since it has effect solely in relation to “the enjoyment of the rights and freedoms” safeguarded by those provisions. Although the application of Article 14 (...) does not necessarily presuppose a breach of those provisions - and to this extent it is autonomous -, there can be no room for its application unless the facts at issue fall within the ambit of one or more of the latter” (*Abdulaziz, Cabales and Balkandali v. United Kingdom*, 28 May 1985, § 71. Contrary to Article 14 of the Convention, the Protocol No. 12 which provides the general prohibition of discrimination can apply alone).

In the cases dealing with domestic violence against women, victims complain about a discrimination based on gender and allege a violation of Article 14 of the Convention, read in conjunction with Articles 2, 3 or 8. In such cases, the Court says that “the advancement of gender equality is today a major goal in the member States of the Council of Europe” (*Konstantin Markin v. Russia*, 22 March 2012, § 127). They have the obligation to ensure the women’s right to equal protection under law (A), including after the Court’s judgments (B).

A. POSITIVE OBLIGATIONS OF THE STATE TO AVOID DISCRIMINATION BEFORE THE ECtHR JUDGMENTS

The Court gives the definition of discrimination as “treating differently, without an objective and reasonable justification, persons in relevantly similar situations” (see, for example, *Okpiz v. Germany*, 25 October 2005, § 33). In *Opuz*, the definition and scope of discrimination against women was stated, taking into account the provisions of more specialised legal instruments and the decisions of international legal bodies related to violence against women. In this regard, the CEDAW Committee (The Committee on the Elimination of All Forms of Discrimination Against Women) reaffirms “that violence against women, including domestic violence, is a form of discrimination against women”. Second, the United Nations Commission on Human Rights expressly recognises the link “between gender-based violence and discrimination” in its Resolution 2003/45. Moreover, the Convention of Belém do Pará, describes “the right of every woman to be free from violence as encompassing, among others, the right to be free from all forms of discrimination”. Finally, the Inter-American Commission also describes “violence against women as a form of discrimination owing to the State’s failure to exercise due diligence to prevent and investigate a domestic violence complaint. The Court also referred to national and international NGOs (*Opuz*, § 184-193).

Concerning the burden of proof, when the applicant has demonstrated a difference in treatment, it is for the State to demonstrate that it was justified. When the circumstances are well known by the authorities, the authorities must provide

a “satisfactory and convincing” explanation. In more recent cases, the Court relied on statistics produced by the parties to establish a difference in treatment between two groups (men and women) in similar situations. As to what constitutes a *prima facie* case that could shift the burden of proof to the State, the Court stated that all evidence is admissible.

In the case of *Opuz*, the Court noted that the applicant had been able to demonstrate, supported by undisputed statistics, “the existence of a *prima facie* indication” according to which “domestic violence affected mainly women and that general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence”. Thus, the Court concluded that the violence suffered by the applicant and her mother could be considered as violence based on sex, which constituted a form of discrimination against women. Moreover, the measures to fight the violence turned out to be insufficient. The Court therefore found a violation of Article 14 of the Convention (see also, *Halime Kılıç v. Turkey*, §§ 112-122; *Eremia and Others v. the Republic of Moldova*, 28 May 2013, §§ 84-90; *Bălşan v. Romania*, 23 May 2017, §§ 78-98; *Volodina v. Russia*, 9 July 2019, 115-133).

The Court drew the following conclusion: the State not protecting women against domestic violence violates their right to equal protection of law. The fact that this failure is not necessarily intentional does not change this conclusion. When a woman is a victim of domestic violence and when the authorities are informed about that, it is for them to take the necessary measures to protect her. Failure by the State to put in place these measures may constitute not only a violation of Articles 2, 3 and 8, but also discrimination within the meaning of Article 14 of the Convention. Therefore, the state has also the positive obligation to protect women from gender-based violence which is a form of discrimination disproportionately affecting women. This obligation remains even after the ECtHR’s judgments.

B. POSITIVE OBLIGATIONS OF THE STATE TO IMPLEMENT THE ECtHR JUDGMENTS RELATED TO VIOLENCE AGAINST WOMEN

Finding a violation of the Convention, the Court awards the applicant a sum for pecuniary and non-pecuniary damages and a sum for costs and expenses for the proceedings before the national authorities and before the Court. However, in cases regarding violence against women, it does not limit its decision to just satisfaction under Article 41 of the Convention. The Court requires also respondent governments to take measures to remedy the situation.

The most frequent measure is the reopening of the investigation or proceedings against perpetrators, when the Court finds a violation of the Convention for a failure to carry out an effective investigation. It is possible that the relevant national legislation provides the possibility that the applicants can request a reopening of the investigation in the cases related to violence against women. The Court can underline failures and ask national authorities to remedy them. This occurred in *Durmaz v. Turkey* where the Court invited the applicant to “ask those authorities to conduct a new and effective investigation by taking into account the deficiencies identified by the Court in the previous investigation as well as the two medical reports prepared by the Forensic Medicine Institute at the request of the Court” (*Durmaz*, § 68).

The Court's judgments are transmitted before the Committee of Ministers which supervises their execution according to Article 46 of the Convention. The Committee of Ministers helps member states to execute duly the Court's judgments. Since domestic violence prevails as a systemic and structural problem, the relevant governments might be asked to take general and individual measures, in addition to the payment of just satisfaction within the meaning of Article 41 of the Convention.

The Committee of Ministers noted especially in Turkish cases that although they had been reasonably informed of the real and imminent risks and threats, the national authorities failed to protect victims or their relatives from domestic violence. In some cases (*Opuz, M.G. and Halime Kılıç*), this failure was discriminatory because domestic violence affected mainly women due to the prevailing patriarchal gender roles and unequal power relations between men and women in the society. Another problem in the country is the criminal law system which does not have sufficient deterrent and protective effects because of the official tolerance of domestic violence. The delays for introducing investigations and the failures to conduct them effectively also contribute to the problem of downgrading violence experienced by women (for example *Durmaz* and *Ebcin* cases).

Regarding individual measures, the Committee of Ministers noted that in the *Durmaz* case, an indictment was filed by the public prosecutor against the husband following the judgment adopted by the ECtHR. In addition, in the *M.G.* case, the applicant's former husband was convicted and sentenced to fifteen-year imprisonment in total for violence and for depriving his wife of liberty.

But besides all these individual measures taken, general measures are the key to effectively combatting violence against women and preventing future occurrences. On this point, the Committee of Ministers called on the Turkish authorities to provide information about the measures to protect women when there is a real and imminent risk of assault; the sanctions when the protective measure order is not respected and the measures to guarantee prompt and diligent proceedings. The Turkish authorities answered that several measures were put in place at national level, mentioning especially the activities of the Violence Prevention and Monitoring Centers, the creation of working groups, projects, training and awareness-raising activities and the use of electronic bracelets on perpetrators, a hotline and a telephone application to enable immediate access to the Police Emergency Call Centre. Regarding criminal investigations, they submitted in national cases the Court's principles are followed. It is true that these measures are important, but not sufficient and adequate to execute the Court's judgments regarding domestic violence, which are still pending before the Committee of Ministers (All information mentioned above is available on the Committee of Ministers' website, especially <https://hudoc.exec.coe.int/eng#%22EXEIdentifier%22:%22004-37222%22>).

CONCLUSION

The first obligation of the state is to take necessary measures to protect the right of life and the physical and psychological integrity of women victims of domestic violence. The second obligation is to put in place a criminal and effective criminal-law provisions to deter the commission of offences against women. The third obligation is to protect them against discrimination, because domestic violence is based on gender. The Court considers that women facing violence are "vulnerable" who need

a special protection from public authorities and that the acts of violence against women are discriminatory.

However, the condemnation of member states by the Court is not enough to protect victims because domestic violence is a deeply embedded social problem. As the Istanbul Convention provides, member states should not only take necessary legislative measures to prevent violence against women, prosecute perpetrators and protect victims but also to put in place policies and programs for the empowerment of women and gender equality to promote changes in the social and cultural patterns in the society (Article 12 of Istanbul Convention).

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