

### 3. What differences in identity, national context, and other mediating factors influence understandings of these issues?

I come to these questions not as a scholar of violence against women in politics or the implementation of gender quota systems but rather as an anthropologist studying foreign-funded Alternative Dispute Resolution (ADR) programs that aim to reform the Bolivian justice system and address both political and interpersonal conflict in the country. As a consequence, below I offer some ethnographic texture to the conversation, focusing on several Bolivia-specific dynamics that may nevertheless provide transferable insights into the broader context of violence, economic insecurity, and impunity affecting women elsewhere. Efforts to promote gender justice in Bolivia have coincided with a wider array of development projects encouraging citizens to adopt a more entrepreneurial approach to economic uplift, as well as donor platforms that encourage marginalized Bolivians to turn to the negotiation table for the resolution of their disputes rather than unreliable state institutions—particularly the state legal system. Women’s experiences of violence—whether as councilwomen or market vendors—is entangled with this entrepreneurial and extra-judicial vision of virtuous, self-reliant citizenship, as donors have turned away from state capacity building and instead toward transforming the political and economic behavior of ordinary citizens.

Piscopo (2016) has challenged the “focus on male resistance to women’s political empowerment” captured in the VAWIP frame as a reflection of opportunity structures for activists that narrows the scope of analysis. Among her concerns are the challenges to enforcement facing such specialized legislation. By contrast, Piscopo argues for greater attention to the broader context of insecurity and impunity that characterizes Latin American states and societies. Part of my aim here is to draw attention to the ongoing insufficiencies in the Bolivian justice system for resolving cases of violence against women—whether they are elected officials or not. But I also want to offer additional reasons why women themselves opt out of pursuing legal redress beyond those failings. In particular, I consider the intersection between the ways that problems in the justice system—and attempts to circumvent them through ADR—may nonetheless promote impunity and contribute to greater experiences of chronic insecurity while erasing its political-economic roots.

One of the puzzles I found in my research was explaining why ADR advocates who insisted on confronting violence against women though the criminal justice system nevertheless co-produced its erasure. That erasure occurred, I found, not (only) because state agents viewed violence against women as unworthy of legal redress (though many police officers and other legal bureaucrats still do), but rather because women themselves had other pressing financial concerns. Those preoccupations rarely take center stage in discussions of violence against women in Bolivia, and in fact many gender justice and women’s empowerment projects may unwittingly contribute to the very conditions that exacerbate women’s experiences of physical violence. Thus efforts to promote women’s political participation and leadership must be situated within broader contexts of violence produced and aggravated by economic insecurity as well as the continued impediments posed by the state legal system and its lumbering and costly procedures. Finally, I end with a brief discussion of the ways that my activist informants characterize *their* experiences of harassment vis-à-vis their exclusion from—or refusal to reproduce—patronage politics.

In the wake of the perceived failure of institutional capacity building and foreign-funded reform efforts targeting the state legal system, ADR has proliferated in Bolivia as in other countries.<sup>1</sup> *Advocates* of ADR encourage the urban poor to circumvent the state legal system and instead seek redress through extrajudicial conciliation or mediation programs. Advocates argue that these

programs help decongest overburdened courts and allow the poor avoid the widespread abuses and excessive costs associated with the legal bureaucracies. As anthropologist Daniel Goldstein has argued, many Bolivians living in marginalized neighborhoods experience the law *not* as “a force for ordering things and making them knowable and predictable...but [rather] something that in local perspective is barely distinguishable from illegality” (2012:7). Bolivians endure endless *trámites* (paperwork) and accompanying *coima* (small bribes); poor and especially indigenous Bolivians report subtle disregard and outright humiliation at the hands of European-descendent and *mestizo* bureaucrats. In this context, ADR gained traction as part of a larger portfolio of development aid that seeks to reorient people—particularly the urban poor, women, and indigenous citizens—away from the courts and toward extrajudicial spaces for dispute resolution.

By contrast to more celebratory accounts of ADR’s benefits, scholars concerned with gender-based or domestic violence have been particularly critical about the ways that harmony ideologies present in mediation programs *and* court proceedings alike act to “disappear” violence (Cobb 1997). For example, Mindie Lazarus-Black (2007) argues that women’s experiences in Trinidadian courts are deeply shaped by court rites and a culture of reconciliation that contribute to a process of “delegalizing” domestic violence cases. That delegalization process involves “converting a discourse about legal rights into a complaint that is not worthy of legal redress” (Ibid: 102). Similarly, Merry found that American court officials in New England frequently “redefine litigants’ troubles as moral or therapeutic problems, requiring counseling or mediation but not legal remedy” (1990: ix). Bolivian feminist activists and legal scholars frequently point to what they consider to be similar harmony ideologies operating in Bolivia. These include the kinds of delegalization processes described by Lazarus-Black and Merry. But they also include widespread practices of privately reconciling cases of rape and violence perpetrated against women.

In Bolivia, regulations guiding extrajudicial conciliation initially forbade ADR centers from addressing cases involving violence against women because it constituted a criminal offense that needed to be addressed in the formal/state legal system. Conciliation centers could, however, provide legal aid enabling victims to pursue criminal charges (i.e. with the support of a pro-bono lawyer and referrals to psychological services NGOs and the forensic medical examiner where victims could gather the necessary evidence for their cases). Throughout my ethnographic fieldwork<sup>2</sup> in Bolivia’s USAID-sponsored and state-run Integrated Justice Centers, I regularly heard the invocation of the phrase *no se concilia la violencia* or one does not conciliate violence. Indeed, Article 46 of Bolivia’s Law 348, the “Integral Law Guaranteeing Women a Life Free from Violence,” explicitly prohibits conciliation in cases of violence against women.

Or so it seems. Article 46 begins by stating that: “conciliation is prohibited in any act of violence against women that puts their life and sexual integrity in danger. No institution that receives such denunciations nor their personnel may promote conciliation or the signing of any kind of [conciliation] accord between a woman and her aggressor.” Following these forceful declarations, however, the same article makes an exception: “Conciliation may be promoted only by the victim, and only one time, and is not possible in cases of a recurring incidence of violence.” That is, the law opens the possibility of conciliation *in the first instance of violence, when requested by the victim*.

Most staff I spoke with considered this to be a terrible provision. Framing it as a victim’s *choice*, they told me, ignores the pressures women might feel to utilize conciliation. A high-ranking official in the Ministry of Justice suggested that this provision further legitimized existing practices of conciliating rape and domestic violence, expressing her dismay in the strongest of terms. Indeed, in June of

2016, a police officer, Mirko Armando S.G, was accused of beating a minor until she suffered a brain hemorrhage that left her in a coma. The assault occurred after a previous incident in which Armando had been accused of raping the girl—and had settled with her family via conciliation.<sup>3</sup> Thus ADR practitioners I spoke with linked the new provision and its potential abuses within state-backed conciliation sessions to the practice of reaching informal settlements through the intercession of local *dirigentes* (community leaders) or through private, inter-family negotiation.

And yet, in my own ethnographic research I found that even before the above provision was encoded in Bolivia's most recent conciliation law, the same staff that vehemently opposed conciliating violence frequently did so nonetheless—at the behest of their clients. The often did so, I found, because those clients were eager to recruit violent partners and other family members into helping them pay off suffocating debts owed to both social networks and banking institutions, particularly microfinance institutions. As I followed their cases beyond the walls of the Integrated Justice Centers where they sought to *sentar una denuncia* (leave a complaint) but not pursue criminal charges, I tracked multifaceted experience of violence that could not be unmoored from the broader experience of economic insecurity that shaped everyday experiences of physical violence in El Alto.

In the Centers, existing economic insecurity, exacerbated by spiraling webs of debt, has become a significant source of intrafamilial tension and violence. Center conciliators across El Alto reported that one-third to half of their case load dealt with crippling interpersonal debts: loans made between friends, neighbors, and kin to help each other repay banking institutions or as a source of credit on various microenterprises. As in much parts of the world, microfinance programs target women through the language of empowerment, promoting national development through individual women's increased autonomy over their bodies, livelihoods, and life choices. Lending programs include loans to small groups, as well as individual loan recipients, and accompanying budgeting and business-plan training sessions. But they also have encompassed often-mandated workshops aimed at encouraging particular bodily orientations toward self-care, reproductive health, and hygiene. As Sian Lazar argues, in the Bolivian context the question was not *whether* residents have a “credit culture” but rather *what kind* and the extent to which it is linked up with formal financial institutions (2004: 305). In El Alto, widespread practices of interpersonal lending once served as a primary source for credit—whether through moneylenders, friends, or kin. What microfinance has done is connect more people to financial institutions and to encourage particular kinds of behavior associated with being creditworthy and achieving “more efficient self-help through credit” (Mader 2016: 2).<sup>4</sup> Entrepreneurship has become a celebrated marker of women's liberation.

Financial inclusion through access to credit is thus attached to other projects aiming to promote women's empowerment through education, birth control, and courses on political leadership. Indeed, many of the women I met at the Integrated Justice Centers were enrolled in NGO-sponsored classes across the city of El Alto that simultaneously encouraged women's entry into electoral politics alongside courses on entrepreneurship (for example, courses offered at the Gregoria Apaza Center for the Promotion of Women). It was against this backdrop that many clients in the Integrated Justice Centers sought relief.

The reports of violence I collected while working in conciliation centers reveal the multifaceted ways intimate relations are crosscut with status inequalities such as tensions between mothers-in-law and daughters-in-law, as well as debates over acceptable and unacceptable instances of physical violence between spouses during moments of drunkenness (Canessa 2012; Van Vleet 2011). But what was most striking was the ways that stories of violence were entangled with stories of acute financial

distress and more chronic economic insecurity, braiding structural and physical violence. This included domestic violence perpetrated by men, which many women reported would escalate as their families struggled to pay off smothering commercial bank loans or to meet their monthly microfinance quotas. But it also included physical violence enacted by friends, neighbors, and other kin who were deeply indebted to each other in breathtakingly complex webs of interpersonal loans intended to help each other pay off those same institutional loans. These sources of emergency financial support would later harass and even assault debtors in the street as their own economic conditions deteriorated (because many of them, too, were heavily indebted).

As a consequence, conciliators found themselves mediating “around” violence. Those cases might entail staff acquiescing to a woman’s insistent requests that she invite her abusive husband to conciliation in the hope that he would sign an agreement promising to help her repay her bank loans. But it also involved conciliation sessions during which participants unloaded layered stories of violence at the hands of friends, neighbors, and kin—including women—as tensions over insolvency escalated and erupted in verbal and physical attacks on street corners, in front of market stalls, and at wedding celebrations. And yet, many activists I spoke with attributed violence perpetrated against women—including intimate partner and political violence—almost exclusively to “cultural” tendencies concentrated in Bolivia’s marginalized urban neighborhoods and rural communities. Indeed, popular discourses about violence against women in Bolivia frequently attribute the problem to the patriarchal culture of rural (indigenous) Bolivians and migrants to urban peripheries like El Alto. It’s a matter of “education” (which often serves as a euphemism for race and class). In these accounts, domestic violence and aggressiveness more generally is something that indigenous Aymara have brought with them to the city as they migrated, packed like coca leaves and alpaca yarn into their heavy *aguayos* bundles. “Culture” here often acts as an empty signifier, a substitute for understanding complex norms that surround violence and its censure (Canessa 2012; Van Vleet 2011) as well as other factors that produce it or limit women’s options.<sup>5</sup>

By contrast to characterological or “culturalist” explanations of violence, Adelman (2004) has called on scholars to examine the political economy of domestic violence.<sup>6</sup> Adelman asks, “How did the current state/economy logic rely on normative ideas about ‘the family’ to create conditions supportive of flexible capitalist accumulation? How do shifting patterns of employment, when coupled with the contractions of the welfare state map onto pre-existing intra-familial relations? What does the capitalist governance of domestic violence look like?” (2004: 52). My approach departs from a similar set of concerns. Economic pressures frequently lead women in El Alto to jerry-rig solutions to interlocking physical-economic insecurity—including utilizing ADR programs rather than the criminal justice system. Pursuing criminal charges or other sanctions against the perpetrators of violence does not address their more pressing concerns: acute loan repayments that comprise more enduring experiences of economic insecurity that often contribute to their physical insecurity, as well. Further, ADR is appealing precisely because entry into the criminal justice system is often itself experienced as profoundly abusive.

Finally, I want to link a more political-economic approach to violence I observed in the Integrated Justice Centers to the experiences of gender justice activists in El Alto. One of the things that has struck me in my conversations with women elected to Bolivia’s constituent assembly, women serving in the municipal government of El Alto, and gender justice activists working with El Alto-based NGOs dedicated to fomenting women’s political leadership, is how they interpret and re-focus my questions about *their* experiences of harassment. In several cases, interviewees highlighted not aggression or violence motivated strictly by their gender, but rather how gender-based

discriminatory attitudes and behaviors intersected with their inability—or refusal—to participate in patronage networks. Let me highlight three examples.

### Agustina

Agustina spent many years running an NGO dedicated to training women leaders in El Alto and encouraging their participation in politics. She was later elected to serve as the office director for a network in which her NGO participated—comprised of similar social justice organizations. And yet, Agustina found herself clashing with the Coordinator of that network, who refused to allow her and other women working in the national offices to work *horario continuo* or straight shifts through the lunch hour, which would enable them to return home to their children earlier in the day. She felt this was in part an effort by the male Coordinator to assert his dominance over the women working in the office, as well as a demonstration of his insensitivity to the challenges facing working mothers. In highlighting the conflict that led to her eventual resignation from the position, however, Agustina framed the story as one of her being punished not for being a woman in a leadership position, but rather for daring to question patronage practices in the NGO headed by the network's Coordinator. In her role as office director, Agustina had visited the project sites of his NGO and observed the ways it disbursed funds, telling me that the projects concentrated donor money in the hands of a few recipient families. It was because she pointed to those patterns, she said, that the Coordinator began to harass her and make office life difficult, resulting in her resignation. Agustina ended her story by highlighting the ways homosocial spaces enable the resolution of such tensions and the cultivation of camaraderie among men. As she lamented, “Surely if I were a man I would have taken them out for some beers and it would have all blown over.” In El Alto, the notion of taking the guys out for beers after work is not just about blowing off steam at a bar. It invokes the widespread practice of distributing cases of beer and other foodstuffs and goods associated with political patronage networks (Shakow 2011). But it also reflects the ways that such redistributions are embedded in broader social practices that produce and reinforce kin relations (Leinaweaver 2009)—and that often surface in NGO project distribution. Agustina experienced constraints on her leadership in ways that reflect casual sexist discrimination and her difficulty participating in informal and frequently homosocial spaces. But, she also insists that the root of conflict stemmed from her questioning of patronage-like practices in the Coordinator's NGO.

### Mariana<sup>7</sup>

When I asked Mariana, a former director of the municipal government of El Alto's *Dirección de Género* (Gender Directorate), about her perception of Bolivian VAWIP laws, she briefly welcomed any attempt to address gender-based violence—and alluded to the case of murdered councilwoman Juana Quispe Apaza. She then shifted her attention to the ways she had been verbally attacked, threatened with a physical beating, and worn down in her position as a public servant. But that abuse stemmed, she argued, *not because she was* a woman, but rather because she refused to rubber-stamp the time cards of workers who had obtained their postings through *pega* (patronage) as well as projects she believed had been approved based on people's clientalistic relations with the previous director. Interestingly, Mariana used my query to criticize what she viewed as a failed attempt to “empower” women, characterizing ongoing efforts to promote women's leadership as lacking the substance of deeper and more critical *formación política*. Women had been elevated to leadership roles in the country—especially indigenous women—she asserted, but they had merely learned to participate in the same patronage politics that had been previously dominated by men. She responded to my questions about harassment or exclusions from *men* by instead telling a story about a group of women who had made a spectacle of attacking her, lobbing accusations of anti-indigenous racism because of her effort to block the irregular granting of project monies to a new women's center on

private (rather than municipal) land. Her reframing of the issues reflected some of her own positioning as a critic of political activism rooted primarily in gender or ethnicity to the exclusion of class issues, as well as her personal crusades to root-out perceived corruption in public spending.

### Rebeca

In recounting her time as serving in Bolivia's constituent assembly—which re-drafted the country's constitution (2006-2007)—Rebeca frequently wavered between extreme pride and sour memories. A militant of the MAS party, Rebeca was at once a willing and a frustrated participant in patronage networks utilized to secure political support and finance political campaigns. On various occasions Rebeca was a vigorous defender of patronage practices, scrambling to get her “people” into positions and bitterly complaining when, despite all her work as a MAS *militante*, she did not reap the fruit of her political labor. She was troubled not with the existence of patronage practices, but rather with the ways she did not fully enjoy their benefits. But Rebeca also recounted the ways she was subject to sexual innuendo and pressure to drop out of the campaign because she lacked the resources to fully participate in patronage practices as was demanded of her. Her fellow ticket mate insisted that she distribute funding upward to him as is often expected, but she refused because she didn't have the resources. It was because she couldn't pay him, she said, that he began to harass her into shuttering her campaign. The head of a powerful teacher's union later suggested to her that if she wanted to secure their backing, she had two options, “either money or sex.” Weeping, she described how lasciviously proposed that if she lacked the former (money), he'd accept payment in the latter. It was her precarious financial situation (coupled, of course, with misogynist attitudes) that opened her up to such pressures. She persisted, however, and was elected to the constitutional assembly. In the process, she borrowed heavily from family members and got into fierce conflicts with her mother-in-law over money, enduring verbal tirades that fed into her acrimonious divorce.

What was striking to me was that all three women saw themselves as being punished because of their failure to engage in patronage politics—whether by choice or due to economic and homosocial barriers. These complaints echo some of what Johnson (2016) found in Russia regarding the critical role of informal homosocial networks in shoring up patriarchal power amid the expansion of women in formal leadership positions, resulting in *descriptive* but not *substantive* representation. While Mariana and Agustina might seem to fit the anti-corruption literature narrative about women being more willing to root-out corruption (*ibid*), both Mariana and Rebeca's cases point to the ways women are very much involved in such political practices and informal political networks. So, too, does the ethnographic literature on poor people's “problem solving networks” as Auyero (2000) dubs patronage (see also Shakow 2014).<sup>8</sup> Socially legitimate practices of redistribution and relationship building complicate how we talk about patronage in El Alto, including Agustina's effort to enforce donor demands for transparency. Rebeca herself was an eager participant in such networks, as were many ordinary Alteñas I interviewed who desperately wanted to get a family member into the elusive and rotating *pega* system even as they criticized it (cf Smith 2007 on Nigerians' simultaneous rejection and embrace of “having people”). But Rebeca's ability to do so was stymied by her lack of economic resources. What was distressing for her was not the practice of patronage itself. Rather, it was the ways male counterparts demanded financial support and attempted to harass her into withdrawing from the campaign when she could not pay to play at politics, as well as how potential political backers like the head of a key union sought to *cobrar* (charge) for his support by other means: sex. Rebeca's story highlights the ways that harassment against women in electoral politics intersects with non-elite women's economic precariousness more broadly rendering both constituent assembly women and itinerant vendors vulnerable as women navigate both informal political networks and democratic institutions.

<sup>1</sup> Alternative Dispute Resolution arrived in Bolivia in the 1990s, alongside a significant effort to reform the justice system. The reform efforts were promoted and financed by the World Bank, USAID, and Spanish Agency for International Development Cooperation, among other donors. Elsewhere, I examine how donor funding has shifted its attention from capacity building targeting state institutions to an effort to rehabilitate the behaviors of citizens themselves—in politics as in household relations (Ellison 2017).

<sup>2</sup> I conducted seventeen months (2010-2011) of ethnographic research in legal aid centers and with ADR practitioners and advocates, as well as spent time observing the criminal courts. I have spent subsequent summers conducting follow-up interviews with ADR clients, practitioners, Ministry of Justice and donor representatives, and attending the National Justice Summit, among other activities.

<sup>3</sup> “Un policía golpea a una menor y la deja con derrame cerebral” *Página Siete*, June 17, 2016.

<sup>4</sup> See Kar 2013; Karim 2011; Lazar 2004; Schuster 2015.

<sup>5</sup> Similarly, discussions of targeted political violence against women in Bolivia can participate in the culturalization of violence to the exclusion of other factors. For example, an editorial in the Bolivian newspaper *Los Tiempos* argued following the murder of councilwoman Juana Quispe Apaza, from the rural municipality of Ancoraimes:

Without a doubt the great number of cases of violence exercised [against women] are with the singular goal of preventing women from being incorporated into public life...This position is supported by the more than 4,000 cases of violence exercised against councilwomen [over a 12-year period], by men who refuse to admit women's participation in the public sphere *in the name of traditions, ancestral culture, or simply the most primitive form of machismo* (emphasis mine).<sup>5</sup>

Much as this Bolivian editorial suggests, VAWIP activists in Bolivia often characterize violence against women as motivated by backlash against women's ascension in public life. Yet, in drawing attention to Quispe Apaza's murder, the editorial does not simply critique patriarchy and the violent exclusion of women from political life. Rather, it links violence to an “ancestral culture” threatened by women's leadership. The danger in this recourse to culturalist explanations when discussing violence perpetrated against women in public leadership is that it again focuses attention not on the indigeneity of the perpetrators, racializing it as something inherent to—and potentially exclusive to—indigenous citizens.

<sup>6</sup> See also Calla et al 2006: 14

<sup>7</sup> Names are pseudonyms

<sup>8</sup> Thus I want to caution against an interpretation that women are somehow predisposed to rooting out corruption or challenging patronage networks owing to their life experiences.

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