Visibility Politics: Theorizing Homosociality and the Femidical State

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In *Sexism, Harassment and Violence against Women Parliamentarians* (2016), the Inter-Parliamentary Union (IPU) reported findings of a survey of 55 women MPs from 39 nations. The data were chilling: 81.8% of the respondents reported that they had experienced psychological violence; 21.8%, sexual violence; 25.5%, physical violence; and 32.7% economic violence (p. 3). Slightly more than half of the respondents (51.7%) reported these incidents to the parliamentary security services or the police, but they did not receive "unstinting support" (p. 7). On the contrary, security officials and police did not follow up on the complaints, refused to provide security, and did nothing to investigate or prosecute those responsible—thereby affording the perpetrators impunity. Of those MPs who experienced violence, 61.5% recorded their belief that the intent was to dissuade them from continuing in politics (p. 6).[1]

"Psychological violence," the form of violence most frequently experienced by women MPs is an encompassing category, ranging from verbal, visual, and virtual sexual harassment to death threats: 65.5% of the respondents noted that they had been subjected to "humiliating sexual or sexist remarks," 27.3% to "disrespectful images in traditional media, 41.8% to humiliating sexually-charged images on social media, 44.4% to "threats of death, rape, beatings or abduction," and 32.7% to quid pro quo "sexual harassment" (p. 3). Characterized by Jennifer Piscopo (2016, 445) as "institutionalized sexism," psychological violence may be "pernicious in its ability to undermine women's substantive exercise of their political rights, but it does not constitute a criminal act." Typically conceptualized as a violation of a code of professional conduct or as a mode of sex discrimination subject to administrative censure, psychological violence trades on the invisibility of the harm done. Leaving "no visible signs on the body…physical invisibility allows political invisibility (Schott 2011, 47-48).[2]

In the progress narratives that circulate in the media about women in politics, emphasis is placed on gains made by women in elective and appointive offices and on substantive representation in policy arenas. Women now hold 23.4% of the parliamentary seats on average in nations around the globe, up from 3% in the 1940s, 7% in the 1950s, 10% in the 1970s, and 14% in the 1980s (IPU 2017). Passage of quota laws and policies in more than one hundred nations, new Penal Codes, and ratification of international conventions such as CEDAW, Belém do Pará, and the Istanbul Convention hold states responsible and accountable to secure gender equality by addressing violence against women in all its forms, taking measures to prevent violence against women, protecting victims and prosecuting perpetrators.[3] Yet recent feminist scholarship suggests a far more complicated tale. In many regions, increasingly rampant violence against women accompanies significant legal efforts to promote gender equality. Increasing numbers of elected women in National Assemblies coexist with passage of legislation to restrict women's access to abortion and promote pronatalism. Women's increasing levels of education coexist with persistent pay

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[1] UN Women has documented violence against women in politics in more than one hundred nations (Salguero 2017). One study of South Asia found that 45% of women candidates in India faced physical violence and threats in comparison to 21% in Nepal and 16% in Pakistan (Centre for Social Research and UN Women, 2014).

[2] To address rampant sexual harassment in a chamber that was 33% women, CCIME developed a code of conduct for its members in 2007; the Canadian Parliament implemented the first parliamentary code against sexual harassment in 2014 (Gonzales and Bayes 2008 and Collier, 2014).

[3] The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará was adopted in 1994. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted in 2011.

inequities, job segregation by sex, and underrepresentation in positions of power in public and private sectors. Nationalist and fundamentalist discourses gaining ground in many regions of the world illuminate pervasive investments in "proper womanhood," accredited modes of femininity, dress, and decorum by states, political parties, and nonstate actors. And, as the data on violence against women in politics (VAWIP), and violence against human rights defenders suggests, women in the contemporary era—including those at the pinnacle of public life—face physical and sexual violence, social and familial censure, marginalization and ostracism, as well as various forms of restriction, deprivation, and exclusion (Chawla et al. 2017).

How then do we make sense of these contradictions, which pair increases in women's empowerment with growth in gender-based violence? A symposium in *Politics & Gender* (2008) explored the conceptual utility of "backlash" to explicate this paradox. Jenny Mansbridge and Shauna Shames (2008, 624) defined backlash as "acts of coercive power in situations where parties have conflicting interests," and noted that backlash can take two forms, "threat of sanction or use of force." Emphasizing that backlash can take multiple forms in particular political contexts, Mansbridge and Shames nonetheless situate backlash within the dynamics of social change.

> When a group of actors, disadvantaged by the status quo, works to enact change, that group necessarily challenges entrenched power. Resistance of those in power to attempts to change the status quo is "backlash"….The goal is to regain lost or threatened power. Tactics may include ridicule, condemnation, ostracism, censure, assassination, rape, beatings, lynchings or other forms of violence directed against change agents….Because backlash is a reaction to shifts in power…and changes overtime in response to changing conditions and relations, backlash is a process of dynamic resistance" (625-626).

Indeed, they emphasize that backlash involves "a reaction" by someone in power "to something another has done," and deploys "coercive power…to reinstate part or all of one's former power (i.e. capacity to turn preferences into outcomes)" (627).

Raising questions about how much change must be initiated to engender backlash, Chawla et al. (2017) argue that "backlash is distinct from entrenched resistance."

> Resistance refers to actions and attitudes ranging from unintentional hostility through physical violence in response to women's political and civic participation…[It includes] any conduct that maintains the status quo in the face of pressure to alter it.…Resistance refers to the disruption, refusal, and prevention of changes to gender norms, specifically women's political and civic participation. "Strong resistance" here refers to violence, meaning the actual use of physical force or power against oneself, another person, group, or community that leads to (or is likely to lead to) injury, psychological harm, maldevelopment, deprivation, or death. Its sources include self-directed violence; interpersonal violence (committed by family, intimate partner, community); and collective violence (social, political, economic).

> Strong resistance is manifest, for example, as suicide, homicide, intentional physical injury and/or mental abuse, sexual assault, trauma, torture, malnutrition, impoverishment, social/familial condemnation or ostracization, withholding of access to goods and services essential for wellbeing and self-determination (e.g., healthcare, education, voting rights).

> Moderate resistance operates at a lower threshold of violence; it includes verbal intimidation, sexual harassment, and physically blocking women's access to spaces of decision-making.

> Low levels of resistance are behaviors that silence, stereotype, enforce invisibility, exclude, and challenge the epistemic authority of women but do not involve physical acts of violence.

In contrast to proponents of backlash as an explanatory frame who define VAWIP as "patriarchal resistance to women's political participation…whose goal remains to intimidate, delegitimize, and exclude women as political actors" (Krook and Retrepo Sanin 2016, 472), Chawla et al. suggest that far more research is needed to understand the intentions and effects of VAWIP.

> Claims such as the "phenomenon of violence against women in politics is one of the most serious barriers to women's political participation around the world, regardless of country or context" (Hubbard and DeSoi 2016, 2) cannot currently be proven. Doing so would require, among other things, a systematic investigation of causality and ranking of other barriers to women's participation….The extent to which violence against women is preventing women from participating in civil society and politics, and the extent to which this violence is deliberately being used to prevent this participation will remain uncertain for some time.

Despite differences in presumptions about how much change must occur to trigger VAWIP, and about levels of intention, and intended versus unintended consequences and effects, both backlash and resistance paradigms share a "visibility project." By pulling together data from multiple literatures focusing on various regime types, regions, electoral and legal systems, feminist scholars seek to make VAWIP visible as a pressing political issue, identify key causal factors, as well as strategies to eradicate this pernicious threat to women's lives, work, and political engagement. In undertaking this research, these scholars are making gendered systems of power visible—a particularly important contribution at a time when mainstream political science continues to ignore gender and race as analytic categories.[4]

Complex research questions about VAWIP also raise important questions about the material and discursive conditions of possibility for such violence in an era when states routinely profess commitments to equality and inclusivity. What exactly is the relation of states (liberal and social democratic, post-socialist, postcolonial, postconflict) to the toleration of diverse modes of violence against women in public and private life?

Following Hobbes in *Leviathan,* we might consider the language of "failed states"—to designate states that are unable to secure the lives and livelihoods of their citizens. Feminist scholars, however, have drawn attention to gendered and racial patterns in such failure: women, people of color, ethnic minorities, and LGBTQ citizens are routinely insecure in ways that privileged male citizens are not. Precarity is not an equal opportunity condition; failure to protect is not a universal phenomenon. Indeed, feminist scholars have argued that claims about "failure to protect" miss the mark in the face of so much evidence of state involvement in the perpetration of violence, whether through discriminatory practices, harassment in halls of government, abuses by the police, military, and security services, refusal to investigate and prosecute crimes, harmful speech circulated by the state such as political homophobia and political misogyny, or rising trends in institutionalized sexism promoted by neoliberal, nationalist, and authoritarian political regimes.[5]

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[4] *Political Science in the 21st Century* (APSA 2011, 14) reports that "studies conducted since the 1980s have consistently shown a bias against the study of race and inequality within political science as compared to most other social science disciplines….Flagship journals have, on the whole, rarely addressed issues of race, ethnicity, and gender….[and] text books treat race, ethnicity, and gender…as marginal aspects of the political system, rather than as woven into the fabric of American politics."

[5] According to Ashley Currier (2012, 442) "Political homophobia refers to the rhetoric state leaders use publicly to denigrate same-sex sexualities, nonheterosexual persons, gender variance, and sexual diversity activism" as part of the nation-building project. Political misogyny refers to public rhetoric of state leaders that denigrates, dehumanizes, insults and caricatures women.

States may claim that they do not have any direct role in VAWIP. Neither legal codes nor official institutional practices permit it—indeed most explicitly condemn it. Yet, states are involved through their incapacity or unwillingness to address violence against women and citizens whose lives are shrouded by precarity. Laws prohibiting gender- and race-based violence may be in place but when they are not implemented, states afford impunity to perpetrators of violence.

Feminist activists in Mexico coined the term, "femicidal state" to conceptualize a state that actively or *through omission* creates a politico-legal environment that reaffirms and reproduces male power, thereby maximizing women's vulnerability (Lagarde 2010, Olivera 2006, Fregoso and Bejarano 2010). Demonstrating how violent modes of racialization and gendering are part of the daily operations of state power, feminist scholars in Latin America have suggested that states are ideologically and materially complicit in femicide, which they conceptualize as a "state crime."[6] Accounts of femicidal states suggest an institutionalized gender regime characterized by homosocial politics in which relations among men are mediated by and through the exclusion of women.[7] Homosocial politics are compatible with liberal democratic, social democratic, revolutionary, and conservative elites and, as such, challenge patriarchal, individualist, and culturalist accounts of VAWIP.

As Nadera Shalhoub-Kevorkian (2003) has noted, equal opportunity can be as useful a fiction in preserving male dominance as patriarchal claims about male supremacy, primogeniture, and religious investiture. In contrast to liberal individualists' tendency to attribute the etiology of VAWIP to individual violent behavior or psychopathology, and orientalists' attribution of violence against women to primitive cultural practices and beliefs, femicide offers a more encompassing account (Shalhoub-Kevorkian 2003, 590). "Femicide is all of the hegemonic masculine-social methods used to destroy females' rights, ability, potential, and power to live safely. It is a form of abuse, threat, invasion, and assault that degrades and subordinates women" (Shalhoub-Kevorkian 2003, 600-601). In contrast to the stipulation by Mansbridge and Shames that only those in positions of entrenched power can engage in coercive acts associated with backlash, the femicidal state encompasses many players from street-level bureaucrats and human resources professionals, who are not typically considered particularly powerful, to the most powerful elected officials. Yet even minor players can contribute to VAWIP. In the words of Sita Ranchod Nilsson (2008, 649), "imagined power may be more potent than actual possession of privilege." Taking these complexities into account, Shalhoub-Kevorkian theorizes "femicide as part of a sociopolitical and economic legacy that reflects the hidden machinery of oppression…the central dynamic of the world that recreates, maintains, and justifies a pervasive, inhumane abuse" (2003, 581-582).

To explore the operations of a femicidal state that allows rampant psychological violence under conditions of impunity for the perpetrators, I want to turn to an unlikely source—the operation of anti-discrimination and sexual harassment laws in the United States—a nation that portrays itself as a proponent of women's rights. In *Working Law* (2016), Lauren Edelman provides a powerful example of how a femicidal dynamic can operate through policies and programs that promise equal opportunity yet maintain practices that perpetuate advantages of white males. She shows how ubiquitous equal

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[6] There is some variation in spelling, whether "femicide" or "feminicide," the concept implies the murder of women because they are women and suggests that in many regions of the world those who kill women escape prosecution or punishment.

[7] In *Between Men: English Literature and Male Homosocial Desire* (1985), Eve Kosofsky Sedgwick defines homosociality as a form of male bonding with a characteristic triangular structure. In this triangle, men have intense but nonsexual bonds with other men, and women serve as the conduits through which those bonds are expressed. Homosociality, then, instrumentalizes women as they serve as the means through which male social bonds are cemented; but it often also sexualizes women as men's camaraderie is constructed through sexual objectification of women. Institutions and practices that segregate by sex encourage homosociality, accrediting notions concerning inherent gender differences and suggesting that deep affection between men requires the exclusion of women. One could make a parallel argument about white supremacist politics that operate through the exclusion of people of color.

opportunity laws not only mask discrimination and perpetuate inequality, but do so through institutional practices, which operate beyond the level of individual intent. Through analysis of data gathered by the Bureau of Labor Statistics tracking the racial and gender composition of the workforce over five decades, surveys of 350 organizations, interviews with hundreds of compliance professionals, content analyses of human resource journals, webinars, websites, EEOC Guidelines, and more than 1000 judicial decisions, Edelman demonstrates that "managerialization of law tends to produce rules that are unenforced, procedures that are biased, programs that are ineffective, and ideologies that legitimate extant racial and gender inequality"(124). She identifies the precise mechanisms involved in the managerialization of law such as: creation of equal opportunity policies that internalize dispute resolution, manage away legal risk, decouple legal rules from organizational activities, and rhetorically reframe legal ideals (125). Through these mechanisms, an abstract conception of "fair treatment" of everyone becomes the operative standard, overriding concern about disparate impact and disparate treatment. By these mechanisms equal employment opportunity is converted into "good management practice" by hollowing out its meaning.

The managerialization of law accomplishes an impressive sleight of hand: the careful creation of anti-discrimination and sexual harassment policies, publicly announced and displayed with clear guidelines for filing complaints, is taken as evidence of compliance with EEOC provisions against racial and gender discrimination. When discrimination cases are brought to the courts, judges infer lack of discrimination from the existence of formal policies even when those policies are ineffective and fail to protect employees' civil rights. Ironically, the existence of antidiscrimination policies and dispute resolution mechanisms make employees less likely to complain or file suit when they experience discrimination because they believe it to be futile (Edelman 2016, 161). Plaintiff's lawyers act as gate keepers by reinforcing the belief that a plaintiff is unlikely to win a case. As a consequence, less than 1% of those who experience employment discrimination pursue litigation (158). Thus Edelman notes that carefully crafted anti-discrimination policies "ensure quiescent acceptance of chronic inequality, deprivation, and daily indignities" (5).[8]

Working Law makes it clear that institutionalized sexism; economic marginalization, discrimination, sexual harassment, and symbolic violence do not disappear; they persist and may indeed increase, but they are placed beyond redress through the very laws created to prohibit them. One might argue that this specific form of racialized feminization is a unique accomplishment of the 21st century. For it produces high-achieving women and people of color, whose agency is constrained by forces of homosociality and white supremacy that do not affect their white male counterparts. No matter how meteoric their rise to power, they face institutionalized hierarchies that have been so naturalized that they become invisible.

The recent research on VAWIP demonstrates how pervasive and pernicious racial and gender hierarchies remain despite the global proliferation of equality norms. The very proliferation of national laws and international conventions affords cover to femicidal states, where homosociality has free reign. The guarantee of equal opportunity encourages women to exercise their talents, while subtly socializing them to accept as "normal" threats of rape and murder, and perpetual harassment on streets and in workplaces, government offices, and military barracks. And the creation of detailed anti-discrimination and sexual harassment policies ensures that attempts at redress are futile.

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[8] Edelman documents that employers are much more likely to win discrimination cases when litigation is pursued. From 2000 to 2014, employers won 75% of district court cases and 81% of circuit court cases (193). Employees experienced complete victories in only 11% of district court cases, 7% of circuit court cases, and 4% of pretrial adjudication (193). Although the percentage of cases involving intersectional claims has increased dramatically from less than 10% in 1979s to more than 25% in 1990s, judges not only defer more to the mere existence of anti-discrimination policies in cases involving minority plaintiffs than in cases involving white plaintiffs, they also defer more in cases involving intersectional plaintiffs (black women) and intersectional claims (race and sex discrimination) (190). And ironically, more liberal judges defer more than conservative judges (190).

Some may find "homosociality" and "femicide" incendiary rhetorics, likely to appeal only to a radical minority while putting off moderate and conservative citizens. But as Nietzsche pointed out, arguments from the extreme may have power to illuminate aspects of reality that remain hidden in more moderate accounts. In the case of VAWIP, these terms offer an explanation that does not require proof of malevolent intention. Indeed, they demonstrate how the very existence of equality provisions can undermine the attainment of equality by laying the foundation for impunity.

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