

**NANCY'S CHAIR
25th Anniversary Celebration**

**A Collection of Lectures
by the Holders of Nancy's Chair
in Women's Studies, 1999-2012**

Edited by:
Rita Shelton Deverell

The Institute for Women, Gender, and Social Justice
Mount Saint Vincent University
Halifax Nova Scotia Canada

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Table of Contents

Preface	V
Ramona Lumpkin	
Editor's Introduction	VII
Rita Shelton Deverell	
Section I:	
Photos from 6 March 2011	1
What a Good Investment	
Susan Apostle-Clark	3
Nancy's Chair: Past and Present	5
Margaret Conrad, 6th Chair	
Section II:	
Biographies (Code, Overall, Kuo)	9
Feminism, Ecological Thinking, and the Legacy of Rachel Carson	11
Lorraine Code, 11th Chair (reprint with permission from Fernwood Press)	
Women in Academia: Eight Misperceptions	35
Christine Overall, 10th Chair	
The Ethical University	43
Christine Overall, 10th Chair	
Hegemonic Representation and so-called 'Mail-Order Bride' Policy: Understanding the U.S. International Marriage Brokers Regulation Act of 2005	59
Lenore Kuo, 9th Chair	
Photos from 6 March 2011 (continued)	109

Section III:

Biographies (Hamilton, Batt, Deverell)	111
A Bridge Along the Way Sylvia Hamilton, 8th Chair	115
Becoming the Seventh Nancy's Chair Sharon Batt, 7th Chair	125
Slavery Endangers the Masters' Health, but Please don't Shoot the Messenger Rita Shelton Deverell, 12th Chair (reprint with permission from the Aboriginal Healing Foundation Research series)	131
Endnotes, A Tribute to the Honourable Senator Nancy Ruth, C.M. Ramona Lumpkin	145

Preface

Notes for a Celebration, March 11, 2012, Mount Saint Vincent University Art Gallery, Halifax

The Honourable Senator Nancy Ruth has been active in various religious, professional, political, educational and non-profit organizations in Canada, Britain, and the United States. She is also an advocate for social change on issues affecting women and girls in Canada.

She has co-founded many organizations to this end, including the Women's Legal Education and Action Fund, the Canadian Women's Foundation, Toronto's The Linden School, section15.ca, the Women's Future Fund and the Charter of Rights Coalition. Her passion lies within a myriad of issues concerning women's rights, poverty, politics, and economics. She has a vision of equality for the powerless, excluded and disadvantaged, a commitment to non-violence and fair trade, as well as a desire to protect the environment.

It is clear that there is a close alignment between these passions and the values held by all of us at Mount Saint Vincent University.

I'd like to give you a brief history of the Nancy's Chair in Women's Studies. In 1985 the Secretary of State created five Endowed Chairs in Canadian universities in Women's Studies "with the aim of stimulating the development of Women's Studies and the advancement of feminist scholarship across the country."

Chairs were created at the University of Laval; jointly at the Universities of Ottawa and Carleton; jointly at the Universities of Winnipeg and Manitoba; at Simon Fraser University, and at Mount Saint Vincent University. Receiving institutions were encouraged to seek matching funds from other public or private sources. To this day, the Mount's Chair has the largest endowment, thanks to the generosity and vision of Senator Nancy Ruth.

Nancy's Chair has been held up as the model for sustainability. The financial security of this Chair has allowed the Mount to focus on excellence in the areas of teaching, research and community outreach in Women's Studies.

Our twelve Nancy's Chairs have been inspiring, respected and energetic women who have made significant contributions regionally and nationally in their fields.

The Mount has embraced the opportunity to further academic and community work on issues pertaining to and affecting women, and we continue to be seen as a leader in Women's Studies locally and nationally.

We are profoundly grateful to Nancy Ruth for her support of this initiative and for the opportunity to continue honoring the Mount's roots as founded by the Sisters of Charity, and our mission of educating, empowering and advancing women in our province and around the world.

This evening it is our pleasure to say a formal 'thank you' to Senator Nancy Ruth for her commitment to Nancy's Chair and the Mount.

Ramona Lumpkin, PhD
President and Vice-Chancellor
Mount Saint Vincent University

Editor's Introduction

Twenty-fifth anniversaries are well worth noting. When couples are together that long, especially since the millennium, we make a justifiable fuss, usually characterized by a noisy celebration.

Thus we should be, and are, equally gratified when a Chair in Women's Studies has not only survived, but thrived, from the mid-1980s when that sort of thing was almost popular, into the 21st century. In this century we're not so sure as a culture, as evidenced by negative opinion in popular media, that special attention to Women's Studies is all that necessary.

Thank you Senator Nancy Ruth. On a historical note, 2001 saw the publication of Active Engagements, a collection of lectures by the first six holders of Nancy's Chair. In this commemorative volume, the Nancy's Chair 25th Anniversary Collection, the subsequent six chairs get to say thank you, share our recent work, and have our say. For this Collection of essays (several of which are published for the first time, some reprinted from other books, and others are speeches from our March 6, 2011 celebration), I have decided not to unify the style of references, paragraph indentations, etc., but to maintain the integrity of the original texts.

First, this book recounts the back-story of shaping a chair of Women's Studies 25 years ago. The lobbying and the intrigue are described in *The Best Investment Nancy Ever Made* by Susan Clark, then the Mount's Dean of Human and Professional Development. Next Margaret Conrad, editor of Active Engagements and sixth Nancy's Chair, talks passionately about the contributions of the Chair over time.

Section two contains four provocative essays that leave us with no doubt about what it means to view the world from a "feminist perspective," or through a women's studies lens. We are challenged with the clarity of new understandings. *Feminism, Ecological Thinking, and the Legacy of Rachel Carson* is 11th Nancy's Chair Lorraine Code's subject. Dr. Code lets us know with certainty that Carson's blazing her environmental trail was both

necessary and dangerous. Then, in two essays that examine the corporate world of the university 10th. Nancy's Chair Christine Overall looks at *Women in University: Eight Misperceptions* and *The Ethical University*. Concluding section two is Lenore Kuo, 9th. Nancy's Chair, with a tough analysis of one U.S. law as it affects women: *Hegemonic Representation and so-called 'Mail-Order Bride' Policy: Understanding the U.S. International Marriage Brokers Regulation Act of 2005*.

Finally, three of us who most frequently work outside of academe end this volume with three social issues, issues which were researched while we sat in Nancy's Chair. The challenges are all seen from the points of view of marginalized populations of women: *A Bridge Along the Way* recounts The Little Black Schoolhouses that persisted in Nova Scotia and Ontario until the 1960s, and became the subject of an award winning film for the 8th Nancy's Chair Sylvia Hamilton. Breast cancer is the research and activism of 7th. Chair Sharon Batt. And in 2010-11, in view of the Truth and Reconciliation Commission finally established by Canada to come to terms with the legacy of Indian Residential Schools, I write, for the Aboriginal Healing Foundation, a history of my media work: *Slavery Endangers the Masters' Health, but please don't Shoot the Messenger*.

We came together to thank the Honourable Senator Nancy Ruth for the legacy of the Chair on March 6, 2011 in the Mount's Art Gallery. This souvenir book reminds of the past, present, and future of Nancy's Chair. Our celebrations and reflections began with a message from the President and Vice-Chancellor of the Mount at the time when the Chair was established:

Thank you very much for the invitation to celebrate 25 Years of Nancy's Chair. It goes without saying that I would love to be there to help you celebrate, but I live too far away, and March is not a good time to visit Halifax. I know you will have a great time. The leadership that has come from the Mount in Women's Studies is a real credit to the University. Long may it continue. My very best wishes to all at this anniversary time. ~E. Margaret Fulton

My hope, like Dr. Fulton's, is that a great, happy, insightful, visionary reading time for all of us follows.

Rita Shelton Deverell, C.M., Ed.D.
12th. Nancy's Chair

Section I

Photos from 6 March 2011



Left to right: Ramona Lumpkin, President and Vice-Chancellor; Sylvia Hamilton, 8th Chair; The Honourable Senator Nancy Ruth, C.M.; Susan Apostle-Clark, Trent University; Rita Shelton Deverell, 12th Chair; Sharon Batt, 7th Chair; Margaret Conrad, 6th Chair



Ramona Lumpkin, President and Vice-Chancellor



Laura Smith, Musician, DHumL



Margaret Conrad, 6th Chair



Left to right: Ardra Cole, Associate Vice-President Academic & Research; Kelly Gallant, Associate Vice-President Communications & Marketing; Donna Bourne-Tyson, University Librarian; Mary Delaney, Women's Studies Professor; Meredith Ralston, Women's Studies Chair

What a Good Investment

It was a great surprise to receive an invitation to celebrate the 25th anniversary of the Chair in Women's Studies—surprise because it was difficult to believe 25 years had passed since the announcement that the first Chair in Women's Studies in Canada had been awarded to the Mount. That first celebration was the culmination of hard and persistent work by President Margaret Fulton.

There was certainly a different mood in the country at that time from what we experience today. Then as now, Canada was undergoing considerable change but it was change which was welcomed and generally supported by the governments of the day. Multiculturalism was on the up-swing and women were moving into higher education and the paid labour force, and challenging the norm as never before. But change does not just happen. People drive the changes and Margaret Fulton wanted to make sure that those of us who constituted the Mount would drive changes which benefitted women. So, when the federal government announced a competition for university research chairs dedicated to different ethnic groups, Margaret wondered why there were no such chairs focused on women.

The battle was on!

Local MPs, Ministers and federal bureaucrats listened to the arguments but were somewhat uncertain about the merits of the case and how to proceed. After considerable discussion with Ottawa, it was decided that the Mount should submit a proposal for a chair in women's studies using the ethnic chairs as a model. Wayne Ingalls, Special Assistant to the President, wrote the first draft of the submission to which Margaret and I added our ideas. Much tooting and froing between the Mount and Ottawa ensued as the idea for a chair in women's studies began to take hold. Understandably perhaps, the federal government was reluctant to award a chair to a specific university no matter how meritorious the idea and the institution (just imagine dealing with all the resulting requests). There had to be a program

to which the Mount and others could apply. So, one was created, namely, the five regional chairs in women's studies.

The Mount competed successfully for the Atlantic region chair. However, in order to demonstrate wider support for the chair and to make the chair a financially viable operation, the Mount needed private money to match the government's funds. Women philanthropists were few and support for woman's issues by the private sector was still often seen as unnecessary and controversial. Securing these funds was as challenging as securing the government money. As we now know, it was Senator Nancy Ruth who came to the Mount's assistance to make the chair a reality; Hence the celebration on March 6, 2011.

For 25 years the Chair has brought community activists and academics to the university and to the region to provide courses for students, conferences, symposia, talks, film, and general excitement about the study of women's lives. The government should be very pleased with all "the deliverables" the Mount can document. And I hope that Nancy Ruth sees her support of the chair as one of her very best investments—it has made a difference.

Susan Apostle-Clark, Trent University
Former MSVU Dean of Human and
Professional Development

Nancy's Chair: Past and Present

Senator Nancy Ruth, President Ramona Lumpkin, and friends of Women's Studies:

I am delighted to share this historic moment with you—the twentieth-fifth anniversary of Nancy' Chair. For some of us in this room, twenty-five years is but the blink of an eye, but, as I think back to 1986, I realize that much has changed in that time for women and for the world generally. In the 1980s, Canada began to mirror neo-liberal policies taken up by Margaret Thatcher in Great Britain and Ronald Reagan in the United States. Women's issues fared poorly in a world where governments became devoted to reducing taxes, maximizing profits, and streamlining their obligations to social welfare. As a result of this political shift, many of us continue to struggle just to stay in the same place.

Simply put, the Chairs program has played a critical role in sustaining research and activism on the status and well-being of more than half the population of Canada. It was an inspired concept that owes its success to several determined individuals.

- The idea for the Chairs program was modeled on the dozen Military Studies Chairs that were established in 1969. We asked: Why couldn't women have chairs too?
- In 1983 Women's Program of the Secretary of State for Chairs announced a process for creating five Chairs, regionally distributed, designed "to lead to a better understanding of the contributions of women in Canada and worldwide."
- This announcement was prompted by Mount Saint Vincent's application the previous year for funding for a Chair in Women's Studies to complement its new Institute for the Study of Women, and the acquisition of *Atlantis* from Acadia.

- With its application already in place, the Mount became the first university to create such a Chair. At a Women's Day rally at the Mount on 8 March 1984, the Honourable Judy Enrola, minister responsible for the Status of Women, announced that the Mount had been awarded the first Chair.
- Susan Clark and Margaret Fulton played outstanding roles in achieving this outcome. For those of you who do not know these women, they are formidable when they are on a mission.

In 1988, Nancy Ruth agreed to donate the matching funds required to sustain the Mount's Chair. Her willingness to make this contribution stuck me at the time and still does as an act of remarkable generosity. Without Nancy Ruth's support, I am not sure we would be here today. As most of you in this room know, the Atlantic region is not well endowed with philanthropists and certainly not philanthropists eager to support Women's Studies.

Nancy Ruth's name has been central to many initiatives on behalf of women and girls, including the Women's Legal Education and Action Fund, the Canadian Women's Foundation, Toronto's Linden School, section15.ca website, the Women's Future Fund, and the Charter of Rights Coalition. Recognizing the importance of the Internet, she has one of the best websites on Parliament Hill. I suggest you go there—just Google her name. You will find lots of links to exciting virtual places.

And what of the Chairs? Without question the twelve women who have served as Nancy's Chairs over the past twenty-five years reflect the diverse interests and achievements of the first long generation of Women's Studiers. Their names read like a roll call of pioneers in a field of study that has, is, and will continue to change the way we see our world and operate in it.

Thelma McCormack, 1986

Marguerite Andersen, 1987-88

Krishna Ahooja-Patal, 1990

Margrit Eichler, 1992

Maureen McNeil, 1993-95

Margaret Conrad, 1996-98
Sharon Batt, 1999-2001
Sylvia Hamilton, 2001-2004
Leonore Kuo, 2004-2006
Christine Overall, 2006-2007
Lorraine Code, 2007-2008
Rita Shelton Deverell, 2009-2012

Each of the five Endowed Chairs has had its ups and downs but, taken together, they have helped to bring Women's Studies to a new level of maturity. That Chairs can now be filled by scholars who have PhDs in Women's Studies speaks to the progress made in the field in twenty-five years. The Chairs not only serve as a high-profile vehicle for research, teaching, and networking on women's issues. They also—and this is important—operate as a catalyst for change and new beginnings as we address the many challenges that face us in the twenty-first century.

In her address to Mount graduates in 1989, Nancy Ruth outlined the responsibilities that come with their education: "We must be committed to changing the world, to being social activists in the global village, to work for those who are disadvantaged, and to bring healing and reconciliation wherever we go."

This commitment still works for me.

Margaret Conrad, Professor Emerita
University of New Brunswick
6th. Nancy's Chair

Section II

Essays by:

Lorraine Code (Nancy's Chair, 2007-2008)

Philosopher and feminist scholar of international renown Dr. Lorraine Code is the 11th appointment to the Nancy's Chair in Women's Studies, and an award-winning teacher. Dr. Code is a Distinguished Research Professor in the Department of Philosophy at York University in Toronto, and a Fellow of the Royal Society of Canada. She has held visiting fellowships at the Humanities Research Centre of the Australian National University and at Macquarie University in Sydney Australia, has been a visiting professor at the University of New South, and scholar in residence at Rhodes University in Grahamstown South Africa. From 1999-2001 Dr. Code held the prestigious Canada Council Killiam Research Fellowship; and in 2005 she was awarded a Doctor of Letters honoris causa (DLitt), by the University of Guelph in Guelph, Ontario. Dr. Code's best known book, What Can She Know? Feminist Theory and the Construction of Knowledge (Cornell University Press, 1991) is a path -breaking book in feminist epistemology, which has been reprinted several times.

Christine Overall (Nancy's Chair, 2006-2007)

Dr. Christine Overall is one of the world's leading feminist philosophers. Her groundbreaking academic contributions to reproductive ethics and social policy, applied ethics, philosophy of religion, and social philosophy are complemented by her award-winning teaching abilities. She is also the author of a weekly newspaper column. Her most recent book is Aging, Death, and Human Longevity: A Philosophical Inquiry (University of California Press, 2003). This book won the Canadian Philosophical Association's Book Prize in 2005 and received the Royal Society of Canada Abbyann D. Lynch Medal in Bioethics in 2006. Other books she has published include

Thinking Like a Woman: Personal Life and Political Ideas (Sumach Press, 2001), A Feminist I: Reflections From Academia (Broadview Press, 1998) and Human Reproduction: Principles, Practices, Policies (Oxford, 1993). Dr. Overall holds an MA and PhD in Philosophy from the University of Toronto. Her distinguished career includes several prestigious appointments and firsts. In 2004, she was appointed as the John and Ella G. Charlton Professor of Philosophy at Queen's. She was the inaugural Churchill Humphrey and Alex P. Humphrey Professor in Feminist Philosophy in the Department of Philosophy at the University of Waterloo in 2003.

Lenore Kuo (Nancy's Chair, 2004-2006)

For more than 20 years, Dr. Lenore Kuo's research has specialized in feminist public policy, feminist theory and ethics. While at MSVU, Dr. Kuo focused on methodologies for public policy analysis and a collaborative project on new public policy for mail-order brides. In May 2006, a public conference was held jointly with the Nancy's Chair in Women's Studies and the Feminist Public Policy Project entitled Women, Immigration, Transnational Migration and Public Policy to bring together International and North American academics, non-profit agency representatives, students and individuals from the women's community to engage in presentations, conversations and discussions concerning themes and issues related to women and immigration policy. Dr. Kuo holds an MA and PhD in Philosophy from the University of Wisconsin-Madison. She most recently served as Director of the Women's Studies program at California State University at Fresno. Dr. Kuo has held several academic appointments in the field of women's studies, including 15 years as a faculty member in the Department of Philosophy and Women's Studies at the University of Nebraska. She is a member of many professional associations, including the American Philosophical Association, Feminist Approaches to Bioethics, the National Women's Studies Association, the Society for Women in Philosophy, and the Society for Analytical Feminism. She has also volunteered as a crisis counsellor for battered women and rape victims for community organizations.

Feminism, Ecological Thinking, and the Legacy of Rachel Carson

by Lorraine Code

In *Ecological Thinking: The Politics of Epistemic Location* (Code, 2006) I turn to Rachel Carson, to read between the lines of her texts—especially *Silent Spring* (Carson, 1962)—en route to developing an epistemological approach I call *ecological naturalism*. I begin by recalling how the dominant theories of knowledge of post-Industrial-Revolution affluent western-northern societies have been complicit in producing and perpetuating a rhetoric of mastery and possession. Central to that rhetoric is an imagery of knowledge “acquired” for purposes of manipulating, predicting and controlling nature and human nature, animated by representations of knowledge as a prized commodity which is capable of legitimating its possessors’ authoritative occupancy (and sometime abuse) of positions of power, as they recast “the natural world” as a resource for human gratification. The late twentieth-century ecology movement’s critical stance vis-à-vis an energy-fetishized society’s unquestioning reliance on a simplistic, unreconstructed scientific methodology for acquiring knowledge of nature and human nature is now well known. In the early twenty-first century, critiques of scientism have become a central focus of revisionary social-political inquiry, praxis, and contestation, both feminist and other, beyond anything Carson could have imagined.

Rachel Carson (1907-1964) was an eminent American marine biologist and nature writer who is credited with having founded the modern environmental movement. After abandoning her doctoral studies for financial reasons, Carson embarked on a career as a biologist with the U.S. Bureau of Fisheries, moving on to become a full-time nature writer in the 1950s. From her early “sea trilogy,” *Under the Sea Wind* (1941), *The Sea Around Us* (1950), and *The Edge of the Sea* (1955) she gained enduring acclaim as a gifted nature writer. Yet because she came to be deeply disturbed by the increasingly profligate use of chemical pesticides, especially after World War II, Carson shifted her focus to concentrate on studying,

documenting and warning politicians and the public about the long term effects of pesticides, and in particular of DDT. In *Silent Spring*, which brought environmental issues to the attention of unprecedented numbers of Americans, she challenges the pesticide spraying practices of agricultural scientists and the policies of the U.S. government that supported them, and calls for radically reconceiving the relationships between human beings and the natural world. *Silent Spring* prompted a reversal in national pesticide policy, leading to a nationwide ban on DDT and several other pesticides. The book and the grassroots environmental movement it inspired led to the founding of the U.S. Environmental Protection Agency. Carson was posthumously awarded the Presidential Medal of Freedom by former U.S. President Jimmy Carter. Yet in her time, and still in 2010, Carson has been attacked as an alarmist and even as a “murderer” by the chemical industry and by other policy makers and climate-change deniers (See Oreskes and Conway, ch. 7).

Social and political commitments permeate Rachel Carson’s own scientific practice, if often implicitly, in research that was indisputably ecological well before that term achieved common currency in everyday English and in professional scientific circles. As it has evolved—albeit unevenly and contentiously—to inform late-twentieth and early twenty-first-century ecological science and environmental activism, Carson’s legacy is impressive for its potential to unsettle the settled assumptions of an epistemological orthodoxy that sustains a conviction in the epistemic and political value of individual, depersonalized mastery and control. By contrast, a commitment to collaborative democratic conversation and negotiation characterizes her manner of weaving scientific and extra-scientific evidence together, and of circulating her findings to an often sceptical public. Her work, in effect, entered the public arena with the power to interrupt the complacency and hubris of “man’s” presumptive dominion over all the earth. To people who know Carson as a path-breaking practitioner of ecological thinking and action, these claims will not be new. But it is important to recall that it is possible, both then and now, to work as a naturalist, even as an environmentalist or a wildlife scientist, without thinking ecologically. What, then, makes Carson’s work distinctively “ecological?” And why do I commend it to epistemologists and to feminists, on these grounds?

According to her biographer, Linda Lear, it was when she was gathering material for *The Edge of the Sea*, in the early 1950s, that Carson's thinking shifted from being primarily geographical to being explicitly ecological. It shifted toward becoming a process of producing a "biographical sketch" in order to explain the "special features of each environment to which creatures...[had] to adapt"; to studying their "life cycles and physical habitats"; identifying the "ways in which they had adapted to various and often continuously changing conditions" (Lear, 1977, 229). From this reconfigured position, Carson began to study different types of shore—rock, sand, and coral—writing about "each geological area as a living ecological community rather than about individual organisms" (243). As her commitment to ecological thinking developed and consolidated, Carson turned to characterize the scope of biology as "the history of the earth and all its life—the past, the present, and the future," adding: "neither man [*sic*] nor any other living creature may be studied or comprehended apart from the world in which he lives." (Carson, 1956, quoted in Lear, 278). In this claim, which would become pivotal to her ongoing work, she echoes a point from her acceptance speech for the National Book award where she insists: "It is impossible to understand man without understanding his environment and the forces that have molded him physically and environmentally" (Carson, 1952; cited in Lear, 219); and, it is vital to add, without understanding how "he," in turn, has made and is constantly unmaking and remaking that environment. Such is her ecological credo.

Carson's point must be read with great care if its epistemological potential is to be realized. She is not proposing that environmental "forces" *determine* who and what "man" is or can be, nor that they *determine* the processes and products of knowledge-making. Her (often-implicit) contention throughout her research is that the constitutive effects of environmental forces, broadly conceived, need to be sought out, taken carefully into account, and evaluated *in situ*. But to insist that they are crucially influential does not imply that these effects are automatic in a quasi-mechanistic sense; nor that they are identical from place to place, phenomenon to phenomenon. Translated into the realm of knowledge-seeking processes, then, the implication is that where, when, how, and by whom knowledge is made and circulated often needs to be investigated in

evaluating the knowledge itself: that it is implausible and indeed careless to assume without question that knowledge transcends the circumstances of its making, to claim universal pertinence. In light of these considerations, I am proposing that there are points of continuity between Carson's ecological thinking and Donna Haraway's work on "situated knowledges" (Haraway, 1991),¹ which I read as showing how "situation" becomes *a place to know*: both a place where epistemic activity occurs; and a place that demands to be known in *its* aspects that facilitate or thwart knowing well. Such an analysis would map the structural intricacies of place, the materialities, demographics, genealogies, commitments, and power relations that shape the knowledge and subjectivities enacted there; the intractable locational specificities that resist homogenization; the positionings available or closed to would-be knowers. Situation, on such a reading, is not just a place *from which to know*, as the language of "perspectives" implies, indifferently available to anyone who chooses to stand there: it is an achieved stance, integral to "the politics of epistemic location."

In *Ecological Thinking* I enlist Carson's ideas to shape a working epistemology and I elaborate them metaphorically to explain through extended examples (one of which I will outline here) why knowing ecologically claims greater potential than dislocated knowledge projects, to do epistemic justice to subject matters, circumstances, actions and events. A focus on *habitat* as a place to know is central to my argument. Extrapolating beyond Carson's own writings, I propose that social, political, cultural, and experiential elements figure alongside physical and (other) environmental contributors to the "nature" of a habitat and its inhabitants at any historical moment, and are therefore integral to conditions for the production of knowledge, there. Thus, from pieces of her writings and the stories her biographers and commentators tell, I have assembled a picture of Carson as epistemologist, whose practices of inquiry, "style(s) of reasoning,"² and rhetorical strategies contrast with those of a (perhaps caricatured) post-positivist faith in the power of a dislocated, monolithic, spectator science to

¹ Maril Hazlett (2008, 152) also discerns similarities between Carson's approach and Haraway's "situated knowledges."

² The idea of "styles of reasoning" is from Ian Hacking (1982).

explain everything worthy of explanation. This contrast has to be developed with care, however, for the strength of Carson's position in *Silent Spring* as in her earlier books resides in her informed, judicious respect for empirical, observational evidence: her scientific credentials are firmly in place. Carson is no naive anti-science crusader, as feminist and other critics of "big science" are often charged with being. Indeed, Carson is best characterized as an objective realist, both in the value she accords to knowing the natural world carefully and well in the minutiae of its detail and their interconnections, and on knowing the implications of treating, living in, relating to the world in certain ways. Yet the version of empiricism that runs through her work departs from classical empiricism in virtue of her refusal to treat the world as a machine, comprised of discrete, comprehensible, controllable bits.³ It departs further in its emphasis on understanding and wisdom, and in its explicit, if contentious, infusion with values, which are as ethical as they are ecological and conservational; and it departs from that mechanistic tradition in her commitment to knowing well enough to respond respectfully to the world in the specificity of its detail (see Cafaro, 2008). In her view, "proof" was not confined to the laboratory, nor were scientific and ethical issues separable from one another: a distinction between spectator and participant knowledge gathering catches some of the substance of this contrast. In this regard, her work invites a reading through principles of epistemic responsibility (see Code, 1987).

All of this notwithstanding, Carson was, and has continued to be, as vilified as she was acclaimed (especially for *Silent Spring*), even though her research practice was scientifically exacting and responsible by most of the criteria of mid-twentieth-century "normal science." As one commentator puts it, in cutting "against the grain of materialism, scientism, and the technologically engineered control of nature" her work *subverts* some of the most basic assumptions of instituted scientific practice (Kroll, 2002, 20). It generates a healthy skepticism about reductive, mechanistic research which isolates parts of nature so as to obscure the constitutive functions

³ These words come from Michael Smith (2008, 170). He is referring to Merchant (1980).

—the enabling and/or constraining influences—of multiple, complex interconnections in producing and sustaining the phenomena it studies. Yet Carson’s at-first-blush *curious* reputation as a “subversive” thinker and practitioner animates my reading of her methodology. I celebrate her subversiveness with respect to questions of evidence, to the circulation of knowledge, and to the challenge she offers to scientific hubris: hence I commend Mark Hamilton Lytle for having entitled his impressive book *The Gentle Subversive: Rachel Carson, Silent Spring, and the Rise of the Environmental Movement* (Lytle, 2007). But the question is, why was she seen, more generally, as subversive? It is an interesting question to which I will explore some (interim) answers.

Part of the explanation bears upon the rhetorical, conceptual architecture of the scientific and epistemological world—upon the *epistemic and scientific imaginary*—that infused the professional domain where Carson’s research and activism took place, which was structured by stark hierarchical evaluative divisions. Those that pertain to this analysis are the divisions between fact and anecdote, truth and narrative, reason and feeling, of which the first item in each pair has consistently claimed greater public and professional credibility, authority, and reliability than the second. The division is governed by an objective/subjective dichotomy which locates anecdote, narrative, and feeling on the negative, subjective side, contending that it is in facts alone, dispassionately acquired, that truth is to be found. Especially in her respect for testimonial evidence, by which I mean people’s reports of their everyday, down-on-the-ground experiences which are often relegated to the merely *anecdotal*, Carson’s epistemic practice unsettles such stark distinctions and earns the label “subversive,” in part, from so doing. These distinctions originate in the Anglo-American empiricist tradition where perception, memory, and testimony count as the principal sources of knowledge and are ranked in that order, with perception counting as the most basic, most reliable of the three, memory ranking second best, and testimony regarded as a distant third. The rhetoric that holds this distinction in place conflates testimony with hearsay, rumour, mere opinion, gossip, thus contrasting it with the presumptively more direct, secure, reliable perception and memory and establishing grounds for dismissing it as “merely anecdotal.” In her research practice Carson

defied this ranking, and was criticized for so doing. Yet her capacity to bring together scientific and experiential evidence is one of her more remarkable achievements, as she works across diverse modes of knowledge, domains of inquiry, subject matters to produce conclusions that are sufficiently specific to address the distinctiveness of precisely individuated local phenomena; sufficiently cognizant of wider patterns in nature to generate hypotheses for knowing other, analogous phenomena; sufficiently informed and coherent to engage with the agendas of policy-makers, the doubts of disbelievers, and the bewilderment of a lay public caught between “expert” scientific assurances and experiential incongruities. Carson shows by example how the very complexity of each separate subject matter she deals with requires her, as knower, to be multilingual and multiply literate: to speak the language of laboratory science, wildlife organizations, government agencies, chemical-producing companies, secular nature lovers, and many others; to understand the detail of scientific documents and the force of everyday experience; to work back and forth between variations on the imagery of mastery and ecology—sometimes, all for the sake of understanding something so very small as a beetle.

More specifically and perhaps curiously, the methodological and politics-of-knowledge issues that fuel suspicions of testimony as a source of evidence still today—hence the widespread disdain in her time for Carson’s reliance on it—derive from the (lowly) status of *experience* in positivist-empiricist knowledge projects. Such projects accord minimal authority to individual, “concrete,” first-person reports of people’s experiences, contrasted with a controlled, formal experience that is everyone’s and no one’s. Feminist and other post-colonial theorists of knowledge, aware of the hierarchies of power and privilege whose effects are to valorize *some* people’s experiential claims—their testimony—and denigrate others,’ are familiar with vexed and vexatious questions about how experience can stand as evidence, and about whose experiences count and why, given how unevenly credibility is distributed across the social order and how often testimony is discounted because of whose it is. Understandably, in view of the apolitical epistemic climate of her time, Carson is less interested in the “identity” or social-political positioning of a testifier than in the substance of the testimony. But this issue is alive and urgent in current feminist, anti-racist, and other post-

colonial theories of knowledge and ignorance, and Carson herself knew how it was to be mocked and discredited for her reliance on word-of-mouth “evidence.”

With these thoughts in mind, I turn to an example from a different domain, in order to show, metaphorically, how knowing ecologically can contribute to promoting *epistemic justice* in knowing people, subject matters, circumstances, actions and events. This example displays a version of ecological thinking at work in its manner of re-valORIZING experiential evidence by engaging in practices of inquiry that move away from entrenched patterns of dismissing and discrediting it. I draw on structural similarities between Carson’s ecological approach and Canadian biologist Karen Messing’s feminist-informed research on women’s occupational health: research which I read as similarly ecological, on an analogy with Carson’s knowledge-gathering practices. As Carson maps the local and wider effects of pesticides, so Messing and her colleagues rely on scientific-observational and experiential evidence culled from interview upon interview with workers, union members, and other “ordinary folk” in specific workplace settings, to investigate how “women workers and scientists can be brought together to make occupational health studies more accurate and effective in improving working conditions” (Messing, 1978, xvi). When symptoms are specific to very small groups of workers, analysts commonly fail to recognize their significance, contending that they afford insufficient (statistical) certainty either to establish the “reality” of suffering, or to substantiate workers’ compensation claims. Having observed such failures, Messing was prompted to investigate how minutely individuated complaints play themselves out for specific people (usually, in her studies, women) in the particularities of workplaces, habitats, environments, governed by an ethos of profit and efficiency and backed by an epistemology reliant on statistical certainty. Her practice, like Carson’s, is as subversive as it is respectful of the norms of scientific inquiry, notably in the place she accords to specific, “situated” testimony in the production of knowledge. Messing reads statistical evidence against the resistance of certain problems and symptoms to inclusion under law-like descriptions, moving between the laboratory and the workplace floor much as Carson moves between the laboratory and the field or the ocean floor. Her work, too, is marked by an interplay

between local hypotheses and empirical generalizations, where analogies from one set of problems or symptoms to another may move inquiry forward, disanalogies may initiate productive rethinking.

Frustrated by repeated attempts to convince unions, employers, and workers themselves of the *factuality* of correlations between specific workplace conditions and women's health, Messing sees a vicious circle in which "researchers do not think of looking for an occupational cause... such causes are not demonstrated, so the problems are attributed to women's biological or psychological 'nature'" (19). Her aim is to undermine the injustices such stereotype-reliant "naturalizing" (25) enacts, together with the unspoken assumption it engenders to the effect that if something can be labelled "natural" then it counts as *given*, immutable: it is pointless to try to change it. Arguing that such assumptions contribute to the very naturalizing such appeals to "nature" perform, Messing demonstrates that women's workplace health has less to do with generic female incapacities, more to do with standards of fitness based on fixed ideas about jobs, equipment, work environments and "attitudes" drawn from what is imagined to be typical for men. She maintains, "even when a biological characteristic has an important genetic component, it can be changed by altering the environment" (26). Thus she shows how work stations, tools, and equipment designed for the "average man" place many women and some men at a disadvantage, whose effects in pain, stress, and discomfort are rarely acknowledged except in the language of failing to meet an abstract, one-size-fits-all criterion of "fitness." (For example, women blue-collar workers report "too-large boots and gloves, too-big shovels, and clippers with too-wide intervals between the handles" [35].)

Statistics which show the occupational fatality rate for men to be twelve times the rate for women are commonly read to show that women's jobs are *safer* than men's, thereby supporting a paternalistic—and tacitly naturalistic—assurance that "job segregation has kept women out of dangerous jobs... protected their health." Messing's research subverts such readings, bringing numerous, often quite bizarre, examples to support her conclusions: women eliminated from a Canadian study of exposure to agricultural chemicals because, in most provincial records, "only the husband of the [presumptively heterosexual] farm family was identified as a farmer" (58);

or a doctor informing the International Ergonomics Association that “it had been scientifically proved that *all* carpal tunnel symptoms among older women were due to the menopause” (97).

The politics are complex. When workers turn to activism in an effort to improve their circumstances they may meet with a suspicion that “they will fake symptoms to gain their point” even, Messing notes, when the patterns of physiological change they report are so specific to the toxic effect that a worker “would have to be a specialist...to produce them” (69); a mail sorter who reported extreme arm, shoulder and elbow pain lost a compensation claim because an expert witness “quoted from scientific literature purporting to show that repeated movements could not produce injury below a specific weight manipulated...[and] described his own laboratory tests, which... showed that this type of work was not dangerous” (xv). No one examined the material detail of the sorter’s situation (xvi); yet without the knowledge only so location-specific an investigation could provide, these reports claim dubious validity. Hence Messing asks: “*how do scientists decide whom and what to study in the occupational health field?*” (xv): a pivotal question for feminist and other post-positivist science and epistemology. Adequate answers, I suggest, require attending to the workers’ testimony with an initial presumption in favour of their believability, however negotiable their claims may turn out to be; analysing the detail of their interactions and diverse situatedness ecologically, from a research stance informed and vigilant to detect local, often minuscule, epistemic injustices—testimonial injustices—generated by the politics of knowledge (gendered, raced, classed, aged, ableist and other) and the profit-driven interests that produce patterns of invisibility and insignificance, credulity and incredulity across populations and occupations.

Although Carson and Messing take first-person testimonial reports of environmental and health-specific harms very seriously, theirs is in no respect a naive “experientialism” for which reports of experience claim an unchallengeable status. Thus they participate, if inadvertently, in a controversy with which feminists have struggled at least since the early 1970s. Testimony, in their professional inquiry, functions both as evidence and as a catalyst for ongoing investigation: they acknowledge its contestability and its openness to interpretation, while affirming its value. But what, one might ask, could

be the problem about experience? The question is central to feminist and other post-colonial work on knowledge and its connections with authority and power. Why can experiential reports so readily be denigrated, dismissed as “merely anecdotal?” A short answer, within a knowledge economy that holds a residual positivism in place, is that even under the elevated label “testimony,” experiential evidence conveyed in first-person tellings is thought inevitably to compromise objectivity and thus to weaken the public credibility of research in which experiential reports are included as part of “the evidence.” Historically, incredulity in the face of testimony is neither unusual nor surprising, in view of a long lineage of distrust in the putative chaos and unsubstantiated muddle of everyday experience. Nor is it surprising in light of the complex patterns of corroboration that have been required—if inconsistently throughout western history—to elevate testimony to the status of a (perhaps negotiated) credibility. But the problem, as feminists and other Others have amply shown, is with the presumed contrast: to scientificity, statistical certainty, which is allegedly cleansed of distortions, feelings, vested interests, and other subjective elements. It is this contrast many feminist and other critics of big science, in its complicity with larger social-political-economic agendas, are engaged in interrogating.

For Karen Messing, as I have suggested, testimony is especially problematic in public—political negotiations conducted with granting agencies and research institutions (which one might plausibly see as present-day counterparts of Steven Shapin’s “gentlemanly society” (1994, 42), where the epistemic reliability of gentlemen could be taken on trust). Hence Messing notes, for example, that scientific consultants and granting agencies joined with employers to deny funding to a research team whose study was designed to rely on evidence drawn from interviews with workers, in which the consultants saw an uncontrollable source of bias. They invoked a rhetorical contrast to the scientific “rigour” of statistical mappings, impersonal data, and controlled experiments, contending that workers “may have an ax to grind” or “will over-report exposure to whatever they think may have caused it” (67). Because the symptoms reported in interviews are not quantifiable, they were discredited before the fact for being too particular, too variable to yield the results the adjudicators required to support compensation claims. Messing also found that: “for the same researcher, grant proposals were more

likely to be accepted if the project involved nonhumans or human cells in culture rather than live humans..." (47) Thus referees decided against funding a study of cell mutations in radiology technicians, which was to examine live cells taken from the workers themselves, because it did *not* plan to study Chinese hamster ovary cells. Hamster cells, Messing observes, "are unlikely to furnish the answers to all our questions about the effects of working conditions on workers..." (63) She is not condemning studies of hamster cells as such, but is exposing the leap of faith required to translate studies conducted in controlled isolation into conclusions about people's health in real employment situations, where the situation is a principal contributor to the symptoms. Here, the accuracy of scientific observation is not in question, but the imagined irrelevance of experiential evidence is: Messing and Carson demonstrate their reciprocal epistemic salience.

The issue, then, is about the relative positioning of "testimonial" and "expert" and evidence: about how they can work effectively together, bypassing entrenched convictions that, when both are available, "expert" evidence must claim greater credibility, must supersede secular testimony to render it redundant. For Carson and Messing, testimony often sets inquiry in motion and functions as an ongoing corrective: it can generate precise local hypotheses, confirm or contest interim findings. Moving back and forth between testimony and science makes (interim) empirical conclusions possible. So Carson recommends *both* looking "at some of the major control programs and learn[ing] from observers familiar with the ways of wildlife, and unbiased in favor of chemicals, just what has happened in the wake of a rain of poison falling from the skies"; and Messing explains her reasons for studying live human cells. Collecting experiential evidence is neither as straightforward nor as "efficient" as accumulating observation-based evidence in controlled laboratory experiments is imagined to be. It is untidy, oblique, slower and less direct; it is qualitatively variable. It requires ongoing evaluation of the credibility of expert and secular witnesses in ways that tend to be masked in formal, quantitative models of instantaneous verification and falsification. But in the areas of inquiry where it is appropriate, this mixed, multi-dimensional epistemological approach has much to recommend it.

Feminist Epistemology:

The question remains: why would Rachel Carson be of interest to feminist epistemologists, especially given that feminists, with the notable if only occasional exception of eco-feminists, have until recently paid her scant attention; and epistemologists, virtually none at all? It is, nonetheless, from my work in feminist epistemology that I have found productive resources in her epistemic practice and in her writings. In *What Can She Know?* (Code, 1991), I discuss Carson, together with Anna Brito and Barbara McClintock, as scientists who practice science in a “style” which, for various reasons, has had a certain feminist appeal (see Martin, 1988). My purpose in *Ecological Thinking* is to develop a position continuous with this earlier work, yet one which also acknowledges that feminist epistemology in the early twenty-first century, in its engagement with particularity, diversity, and the multiplicity of situation and circumstance within and among women, can no longer be conceived, as it might have been in the 1980s, as a self-contained inquiry, distinct from ethical, political and other feminist projects. With this in mind, I continue to find in Carson’s thinking an invaluable resource, especially her (perhaps inadvertent) contribution to “situated knowledge” projects with their resistance to homogenizing, aggregating differences and their attention to particularity; and her respect for inquiry down on the ground, that is accountable to that “ground.” In these respects I concur with Vera Norwood (1987, 756), who discerns in Carson’s practices of inquiry an overriding concern for “right” understanding, where rightness consists in respectfully constructed epistemic relations between knowing subjects and their natural “environments.”

As I observe in *What Can She Know?*, “styles of reasoning” that appeal to touch, listening, and engaged modes of vision are taken up, if variously, in the work of Brito (who studied lymphocytes), Carson, and McClintock (who worked with maize). Each of them, again differently, engages in scientific practice marked by a form of respect that resists temptations to know primarily in order to achieve control; and each is committed, where it makes sense to do so, to enabling the “objects” of study speak for themselves, recognizing the impossibility of achieving perfect theory-neutrality, yet attempting to maintain reflexive, self-critical awareness of the implications

of their investigations (Code, 1991, 150-155). In recognition of an irreducible complexity in nature, each approach is non-reductive, mindful of the knowing subject's position in, and accountability to, the world she studies; practising a mode of observation that is immersed and engaged, neither manipulative, voyeuristic, nor detached, as the knowing subject in standard spectator epistemology is expected to be. Implicated in these "styles" is a concern to understand difference, to accord it respect, while resisting temptations to dismiss it as aberrant, theoretically disruptive, or cognitively recalcitrant. Martin, for example, suggests that for hegemonic philosophy of science, "the uniqueness and complexity of individuals are viewed as problems to be overcome by science not as irreducible aspects of nature" (1988, 130). By contrast, the practice of these three scientists honours individuality and uniqueness as fully as it works toward general, theoretical understanding. It need not follow that these qualities count as evidence of or are derivative from a "natural" female/feminine nurturance or goodness, but it is vital to take note of the part they play in these investigations, as matters for ongoing analysis.

Whereas for Brito and McClintock, intimations of affection and love pervade the accounts of their relationships with their objects of study, Carson is more reserved about "connectedness," and thus understandably wary of losing sight of the extent to which objects of study are separate from a researcher and resistant to a whole range of cognitive structuring. Her work is marked by a more conflicted and hence differently nuanced construction of the relationships between a natural scientist and nature from those Brito and McClintock avow. Thus Norwood notes, in some places, for Carson, "nature is described as a mother creating a home for her children", yet in other places she is more concerned with how the natural world "does not function as a home or household for its human children" (744). For Carson, Norwood observes, "the sea is no beloved mother, passively accepting, absorbing, and redirecting the changes her children go through...[it] is 'other' than humankind" (748). Hence while Carson's project is to eschew mechanistic thinking, and to emphasize organic interconnections between and among human beings and other forms of organic life, thereby contesting the arrogance of scientific and other epistemological projects directed toward achieving control over nature, it

is also crucial in her view to realize and acknowledge the extent to which the natural world resists epistemic pattern-making: it is as important to recognize flux and surprise as to look for regularity and stasis. In complacent approaches to the world around us which value labelling and categorizing over “adequate seeing and feeling” (757), Carson discerns a reprehensible epistemological hubris.

At one time, in the era influenced by Carol Gilligan (1982) and the Mary Field Belenky collective (1986), feminists might have answered my question about why Rachel Carson would be of interest to feminists by contending that her work exemplifies valuable features of “women’s ways of knowing.” I have resisted that label because its essentializing effects do more to impede than to enhance feminist epistemology projects. Moreover, Carson herself, who was writing her last words just as 1960s feminism was gathering momentum, stressed that she wanted to be championed for her message and her expertise, not her gender (see Lytle, 2007, 240). Yet she was frequently attacked precisely because she was not a man and did not subscribe to a rational (read: dispassionate) “masculine” vision of dominion over nature (Smith, 2008, 179). A less troubling variation on a related theme, illuminating both for its time and for Carson’s own, is to consider what feminists now can make of Vera Norwood’s (1993, 164. 150) suggestion that “a generation of women raised to attach a great importance to their homes as...places of shelter” would have found a particular appeal in Carson’s theory and practice. Given the etymological derivation of “ecology” from the idea of home (from the Greek: οἶκος, oikos, “household”; and λόγος, logos, “knowledge”), endorsing this idea could connect Carson, if distantly, with the discourse of “women and public housekeeping” that is indebted to Jane Addams (in the late 19th/early 20th centuries), and feeds into the rhetoric of the home as a haven in a heartless world as it infused the hegemonic instituted social imaginary of white western middle-class America in the late 1950s/early 1960s. To early twenty-first-century ears such thoughts may sound every bit as essentialist as any claim about “women’s ways of knowing,” especially when they are heard through a renewed awareness of the oppressive and damaging implications of that very “home,” for women. But there are ways of hearing them that take into account the shifts in the meanings and value implications that entered

feminist discourse between the late nineteenth and mid twentieth centuries: shifts toward distancing feminist thought from essentialist associations, which had not been accomplished by the time Carson was writing. Indeed, the “public housekeeping” rhetoric is in some sense a precursor of what, in some of its more positive instantiations, came to be called an ethic of care, and thence of certain early approaches to feminist epistemology that were its analogue, of which Sarah Ruddick’s (1989) is one of the best-known, if most controversial, examples. But even this thought evokes equivocal associations, for some of Carson’s detractors cast her supporters “as emotional housewives and crazy organic gardeners” who were irrationally opposed to scientific and economic progress (see Hazlitt, 2008, 149).

There are, however, still other ways of reclaiming the positive dimensions of these associations: ways that point toward reading Carson’s work through its continuities with a materialist ecological feminism such as Gwyn Kirk sketches in her essay “Standing on Solid Ground” (1997/2006). Well aware of essentialist charges against eco-feminism and of facile assumptions about women’s—also essential—closeness to “nature,” Kirk argues, persuasively, that one “does not need to speculate about ‘essentials’ to see a clear *experiential* connection between...[certain] aspects of women’s lives and their environmental activism” (503, italics added). The connections that interest her are between women’s socialization as care-givers across diverse cultures and multiple activities within specific cultures, and women’s frequently assigned responsibilities for care, also, of the land and its resources, in many cultures. Emphasizing the contingency of wide-spread, gender-specific divisions of labour in which caring labour is imagined as women’s biologically determined lot, Kirk resists and indeed objects to “naturalizing” care as essentially female. Approached thus, from materialist genealogies of how caring labour has been allocated historically and locally and how, politically, such allocations are open to contestation and renegotiation, such non-essentializing explanations of Carson’s appeal to white American women of her time acquire plausibility. (Analogous arguments could be invoked to explain some of the more contentious rhetoric I have cited with reference to Brito and McClintock.) In short, tracing continuities of concern need not require taking the further step of naturalizing or essentialising connections between Carson’s work and her

gender or of explaining her epistemic stance, simplistically, as a *product* of her gender. Yet she too was molded by the forces that made her even as she challenged them and defied them in her life and work: It would have been difficult for her to avoid them.

Still, the question persists: can it be *because she was a woman* that Carson's epistemic practice was as it was? That she adhered to both "hard" and "soft" knowledge-gathering practices, and worked within a science—ecology—some of whose eminent practitioners cast it, still today, as a "soft" science? If such an explanation is plausible, what does it contribute to questions about the pertinence of her methods of inquiry for feminist projects? Attributing her methodology, simplistically, to Carson's gender would clearly risk explaining away its particular and wide-ranging ecological force with the charge that it was *only* because she was a woman that she thought, worked, and acted as she did. Hence it could not readily support a case in favour of the work's larger feminist and epistemological pertinence. Nor could this suggestion suffice to show why feminist *epistemology* in the twenty-first century has much to learn from her methods and research-guiding principles, as I believe it does. Still more significantly, it does not address the radical subversiveness of her work, which is one of its major if also contentious accomplishments, with intricate feminist implications.

Carson's detractors, however, have revelled in just such gendered "diagnoses": a term I employ because of its proximity to pathology. Her femaleness has been used and abused to discredit, not to commend, much of what she has done even in its most orthodox scientific aspects. It has been invoked to deplore her writing style, her areas of concern, her emotional engagement with things a "proper" scientist would judge dispassionately. Carson's insistence on placing secular, testimonial evidence alongside more "respectable" scientific evidence, together with her literary style and quasi-narrative presentation especially in the earlier works; and her having neither a PhD nor an official position in institutional science, figure among factors that have been invoked to undermine her work. In the 1950s and early 1960s, with variations still in evidence today (an issue to which I will return), industries marketing DDT and other pesticides counted among her most audible opponents: one advisor warned her: "...you are going to be subjected to ridicule and condemnation...Facts will not stand in the

way of some confirmed pest control workers and those who are receiving substantial subsidies from pesticides manufacturers” (Cottam, in Lear 1977, 401). All of which leaves aside a range of egregiously sexist, insinuatingly homophobic and blatantly *ad feminam* dismissals, including a former US Agriculture Secretary who wondered why a spinster was so worried about genetics; critics who dismissed her as a “hysterical female,” and others, differently motivated, for whom she must surely be a communist (Lear, 2002, 5). One such dismissal is worth quoting at length: “Miss Rachel Carson’s reference to the selfishness of insecticide manufacturers probably reflects her Communist sympathies, like a lot of our writers these days. We can live without birds and animals, but, as the current market slump shows, we cannot live without business. As for insects, isn’t it just like a woman to be scared to death of a few little bugs! As long as we have the H-bomb everything will be OK.”⁴ As recently as March 2008, in a *Harper’s* review of Brink Lindsey’s book, *The Age of Abundance*, Steven Stoll observes: “Lindsey yields nothing to Rachel Carson...whose 1962 *Silent Spring* made environmentalism into a popular movement, calling the book ‘overwrought,’ its supporters ‘zealots,’ and the movement it inspired ‘hysteria,’ even as he acknowledges the necessity of the legislation it also inspired.” (2008, 90). The issues are still alive, and fraught.

Photographic imagery reinforces these gender-specific renderings. To cite just one example, Sharon Traweek observes in her study of high energy physics that in a tradition of pictorial representations of scientists, “These scientific giants are shown from the waist up, alone in an office, or in a portrait pose which includes only their head and shoulders. The rhetoric of these images underlines the outward physical similarity of the men, their apparent social conformity... and their freedom from any particular social context...” (1988, 77)⁵ By contrast, a 1962 *Life* magazine feature on Carson includes none of the standard photographs of an authoritative scientist in the laboratory, whether white-coated or not. As Michael Smith notes, Carson “was almost always photographed with her cat or sitting in the woods

⁴ From an unidentified letter-writer to the *New Yorker*, reprinted in its 1995 anniversary issue (quoted in Smith, 2008, 175).

⁵ Traweek is referring to Eyvind Wichmann, *Quantum Physics* (New York: McGraw-Hill, 1971).

surrounded by children gesturing at the natural wonders of the world... photos that located her [according to one commentator] in the world of the school marm, not the world of science" (2008, 176). There are striking visual and verbal similarities to the rhetorical apparatus that presented Dr. Nancy Olivieri to the Canadian public nearly half a century later, whose rhetorical positioning I have read elsewhere, as having the indirect effect of undermining public trust in her research practice (Code, 2006b). The larger issues are about how credibility plays out in the politics of knowledge; how credibility is tacitly coded "masculine" and how thought styles, styles of reasoning tainted with feminine associations, or research projects that study the affective, experiential detail of women's workplace vulnerability cannot succeed in claiming a place within "the credible," "the rational" except by following its formal, disinterested dictates. Smith, for example, whose article is tellingly titled "Silence, Miss Carson" (he borrows it from an "unbalanced" review of *Silent Spring*) notes a "prevailing attitude" according to which she was "an uninformed woman who was speaking of that which she knew not. Worse, she was speaking in a man's world, the inner sanctum of masculine science in which, like the sanctuary of a strict Calvinist sect, female silence was expected" (2008, 172).

Rachel Carson's greatest triumph, all of these gender-fuelled derogatory episodes notwithstanding, was achieved in the 1963 report released by President Kennedy's Science Advisory Committee (PSAC) which declared that "Elimination of the use of persistent toxic pesticides should be the goal" (Maguire, 2008, 199). In its wake, more than ever before—and even as she was dying—Rachel Carson became an icon for environmentalists. Yet, again perhaps not unexpectedly, she also became a negative icon, in a different register, for environmentalism's detractors. The controversy has continued, even as efforts to combat malaria in infested countries have failed. Indeed, there are many who deplore the legislation she inspired, referring, for example, to "Rachel Carson's Ecological Genocide" in consequence of the legislation's having been instrumental in blocking the use of DDT in those regions. "DDT killed bald eagles because of its persistence in the environment. 'Silent Spring' is now killing African children because of its persistence in the public mind," writes one critic (Makson, 2003).⁶ The controversy continues. In

chapter 7 of their 2010 book *Merchants of Doubt*, entitled “Denial Rides Again: The Revisionist Attack on Rachel Carson,” Oreskes and Conway document the ongoing “demonizing” of Rachel Carson (217), drawing attention, among attacks too numerous to detail, to a website from a 2009 Competitive Enterprise Institute project, called *rachelwaswrong.org*. Quite apart from the damaging contents of the items on the site, the chastising “bad little girl” tone of naming it thus is egregiously insulting: a woman too insignificant to be referred to by her full adult name has ventured too far on to territory that should not be hers, and is sternly reprimanded. Despite the iconic flavour of my presentation of Carson, I cite these examples as a reminder that it is impossible to conclude that, in the wider public gaze, Carson can be situated, unequivocally on the side of the angels. This topic demands ongoing analysis and discussion.

Conclusion:

I will conclude, briefly, by reading these diverse rhetorical strategies together to venture an interim response to Londa Schiebinger’s (1999) question: *Has Feminism Changed Science?*, where she assumes neither a hard-edged, dichotomous imagery of masculinity and femininity nor natural, unified, gendered scientific “styles.” She examines structural-situational factors in the culture of science and the substance of diverse scientific practices to derive complex responses to her title question. Here I offer only a brief thought in response to her title question, but the example of Rachel Carson bears out Schiebinger’s claim that as more women began to enter professional science in the early twentieth century, “shedding the trappings of ‘femininity’” came to be a price a

⁶ Makson writes: “A pandemic is slaughtering millions, mostly children and pregnant women - one child every 15 seconds; 3 million people annually; and over 100 million people since 1972 —but there are no protestors clogging the streets or media stories about this tragedy. These deaths can be laid at the doorstep of author Rachel Carson. Her 1962 bestselling book *Silent Spring* detailed the alleged “dangers” of the pesticide DDT, which had practically eliminated malaria...Denied the use of this cheap, safe and effective pesticide, millions of people—mostly poor Africans - have died due to the environmentalist dogma propounded by Carson’s book.” She concludes: “...Rachel Carson and the worldwide environmentalist movement are responsible for perpetuating an ecological genocide that has claimed the lives of millions of young, poor, striving African men, women and children, killed by preventable diseases.”

woman had to pay if she would be taken seriously to the extent of being accorded credibility as a scientist. Her refusal, conscious or otherwise, to shed those trappings may have contributed to Carson's extraordinary vulnerability to dismissal and trivialization. Yet, whether she did so as a proto-feminist or not, it is abundantly clear that Carson did change science, if perhaps not in the smooth, easy way she had hoped and worked toward. Even her detractors credit her with having launched the current environmental movement; even these more recent critiques of the universal ban on DDT credit her with opening lines of inquiry into issues of research ethics and scientific responsibility that had hitherto been excluded from the agendas of big science and big business. Her very subversiveness, for which I maintain she should be celebrated, but which others condemn, offers a challenge to "science," here cursorily aggregated, with the potential to effect significant change: a challenge to conduct scientific inquiry, to the extent that its subject matter allows, in ways that take seriously the need to engage with an informed and interested public so as to avoid claiming satisfaction for esoteric results that pose as everyone's and no one's. This shift is part of what I meant long ago, when I claimed that the impact of feminism on epistemology is to move the question "Whose knowledge are we talking about?" to a central place in inquiry (Code, 1989).

I opened this discussion with a claim that Carson's legacy is impressive in its potential to unsettle the settled assumptions of an epistemological orthodoxy that sustains a conviction in the value of individual, depersonalized mastery and control, and I will conclude by suggesting three kinds of unsettling she performed. First, although it may seem surprising to us now, Carson's insistence that human beings are part of nature rather than spectators who stand apart from it, to do with it as they will, was startling in her time; second, Carson's conviction that scientists had a responsibility, which I perceive as an "epistemic responsibility," to explain and communicate their work to the public—a conviction on which she consistently acted in her own work, was and still is both controversial and worthy; and third, her commitment to advocating for science, to acting as an informed and responsible advocate, introduced issues into scientific practice that, for many scientists and others, do not belong there. That controversy continues. But as I understand it, feminist epistemology now, in its most forward-looking

instantiations, is working through the consequences of posing many of the questions Rachel Carson posed. These questions open out into asking not just about the provenance or the conditions or the makers of knowledge, but also about its would-be “owners” and their agendas, and about how epistemic advocacy can claim a respectable place on the epistemic terrain.

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Women in Academia: Eight Misperceptions

By Christine Overall

Over the past two decades, academic feminists have revealed the theoretical difficulties of analyzing the concept of woman. They have also explored the dangers of totalizing views of gender. Nonetheless, the future of feminism itself is closely tied to the status of women, a group that may be difficult to conceptualize in theory but whose identity seems readily apparent in practice.

Within the academy, the status of women continues, well into the first decade of the twenty-first century, to be compromised by the ways in which women are incorrectly and unjustifiably perceived. These misperceptions amount to what philosophers might call a metaphysics of woman, that is, a theory about what women are and are not; a theory of what it means to be a woman. One might think that people in academia, if no one else, would be able to see the inadequacy of this metaphysics. In fact, many do not.

I'm not claiming that all men misperceive who and what women are. Nor am I claiming that only men misperceive women. Gender expectations and stereotypes can be shared by persons of both sexes. Nor am I saying that these misperceptions are always conscious and deliberate; sometimes they are unexamined *institutional* assumptions. But taken together, these misperceptions add up to an organizational gestalt that makes surviving and thriving in academia no easy challenge for women. As Virginia Valian, who writes about women's progress—or lack of progress—in professional fields, says: "Any single instance of bias is likely to be tiny, and someone might say, you're making a mountain out of a molehill. But mountains are molehills piled one on top of the other" (Virginia Valian, quoted in Angier 1998; emphasis added).

In what follows, I describe a series of misperceptions of women in academia, misperceptions that I have observed and of which in some cases I have been the target.

Misperception 1) All women are alike.

By virtue of our gender, women are thought to be similar enough to be interchangeable. So what is true of one woman can automatically be applied to another woman. If woman A, for example, has a difficult time completing her dissertation, then woman B may also have a difficult time completing her dissertation. If woman C tolerates sexist humour, then woman D should also. If a committee “needs a woman” in order to pay lip service to the institution’s requirements of equity, then any woman will do, for, *qua* women, we are not considered appreciably distinct.

In addition, women are perceived as quite different from men. So in male-dominated institutions, we may be seen as being “exotic” and foreign, speaking a different kind of language and operating within a different culture. As a result, we are highly visible, and whatever we do will both be remarked upon, and (especially if we encounter problems) seen as typical of all women. At the same time, our successes may be attributed to luck, to the exertion of feminine wiles, or (paradoxically) to the expression of unfeminine aggressivity.

Misperception 2) It follows from the “fact” that all women are alike that one woman can be taken or used to represent all women.

As a result, one woman in any given department is enough. As the exemplar of her type, one woman satisfies the requirements of equity.

I call this the “Smurf” theory of women. Smurfs are cartoon characters that look like little blue elves. They come in different varieties: one is old, one is smart, one is a cook, one is a builder, one is a practical joker. Interestingly, they are all male, with one exception: there is one female Smurf. Looking at the Smurfs as comic representations of human foibles, one would never guess that more than fifty percent of all human beings are female. In the Smurf world, to be female is to be just another slightly quirky minority deviation from the male norm.

The Smurf Theory of women is exemplified whenever a woman is expected or expects herself to represent “the woman’s point of view.” The

Smurf Theory regards women as either a subset of Man, or as a deviation from the norm constituted by men. When the Smurf Theory of women prevails in academia, then one woman will always be enough, and that one woman will be assumed to be an expert on all women's issues.

Misperception 3) A few women are really a lot of women.

This apparently paradoxical misperception results from the fact that women are highly visible. As the feminist author Ursula K. Le Guin remarks about literary contexts,

“There is solid evidence for the fact that when women speak more than 30 percent of the time, men perceive them as dominating the conversation; well, similarly, if, say, two women in a row get one of the big annual literary awards, masculine voices start talking about feminist cabals, political correctness, and the decline of fairness in judging. The 30 percent rule is really powerful” (Le Guin 2004, 119-120).

So also, when an academic unit doubles its number of women from one to two, or increases its number of women by 50% from two to three, women are likely to be seen as flooding the department, or even, in especially egregious cases, as taking it over. The result is that if, for example, a committee is composed 40% of women, there is a danger that there will be thought to be too many women on the committee, whereas by contrast, if it is composed 40% of men, that composition is likely to be seen as too few men. Similarly, installing a woman in a senior administrative position obviates any need to appoint other women to senior positions. A few women—or even one very senior woman—are misperceived as being a lot of women.

Misperception 4) All women are capable of, responsible for, and eager to provide, nurturing and caring functions within the academy, both for women and for men.

This is definitely a misperception held by both faculty and students, by women as well as men. In her book, *Lifting a Ton of Feathers: A Woman's Guide to Surviving in the Academic World*, Paula Caplan writes,

“[A]n academic woman who is not willing to listen endlessly to her colleagues’, students’, and employees’ personal problems is in danger of being disliked, because these people assume she can effortlessly and naturally provide such nurturance incessantly (in addition to doing the full-time work included in her job description)” (Caplan 1993, 57).

The misperception about women’s desire to nurture is partly manifested within the expectation that women, especially faculty and staff women but also women students, will always be available and accessible both to individuals and to groups, that we will donate our time and energy for taskforces, committees, policy development, and other people’s courses, and that we will always be delighted to offer a willing ear and sympathetic shoulder for distressed persons of all types (Overall 1998).

Philosopher Marilyn Frye writes that “Differences of power are always manifested in asymmetrical access” (Frye 1983, 103). Hence, a central criterion for evaluating women as good colleagues and teachers is whether they successfully sustain an “open door policy.” Significantly, no other profession—doctor, physiotherapist, psychiatrist, social worker, lawyer—permits this unconstrained access. Significantly, the nearest similarity is to the role of mother, and to other under-appreciated, gender-stereotyped work such as waitressing and secretarial services. For these functions, it’s believed to be acceptable to interrupt the individuals who occupy them because the work is not considered valuable, independent, or autonomous. And as Caplan points out, the misperception that women are and should be nurturant “is also related to the frequent assumption that women cannot be both nurturant *and* competent” (Caplan 1993, 63, her emphasis). So, emphasizing academic women’s supposed nurturance can also be a way of downplaying our abilities in other areas.

Of course, people genuinely do need nurturing, and it’s not a bad thing to provide it. In fact, institutions would probably be both stronger and more humane if their members spent more time listening to each other. The point I want to stress here is just that it is a misperception to suppose that all women can and should and will nurture and be accessible all the time, whereas men can’t and need not and won’t.

Misperception 5) Hiring, promoting, and tenuring women in large numbers may be incompatible with excellence.

Some individuals and some academic units on campus appear to fear, *a priori*, that improving employment opportunities for women and for members of other disadvantaged groups represents a potential collapse in academic standards. A few years ago I witnessed virtually an entire department up in arms when it was required to adhere to the terms of my university's Collective Agreement by including an additional woman on its short list for an appointment. Literally dozens of superb women scholars had applied for the position, but somehow almost none of them were deemed to be good enough for an interview.

If a department were to hire three women in a row, the assumption would be that they must be "equity appointments" and hence inferior to regular ones. Although in the past and even much of the time today, no one has claimed that hiring, promoting, and tenuring men in large numbers is incompatible with excellence, when several women achieve these milestones some people get worried. As Caplan dryly remarks, "academia has, in large measure, been one big affirmative-action plan for white men for hundreds of years" (Caplan 1993, 61).

Misperception 6) If women feel overworked and overloaded, it's because we have two significant personal failings: We are unable to say no, and we do not know how to set priorities.

I have encountered this misperception many times. Senior male administrators have told me that in order to reduce my workload, I just have to learn to be more assertive and turn down the demands that come my way. People who take this view want to see my hectic schedule as my personal problem, rather than as a function of the fact that there are still relatively few women at my university, especially senior women in the humanities, and that the institution generates many demands on those of us who are here, including the demand that we be available.

Some of those demands arise as a result of the assumption that women, and members of racial minorities of both sexes, have a special responsibility

and aptitude to take care of promoting equity. Measures to promote fairness and to reduce the chilly climate are often assumed to be the responsibility of precisely those who are most in need of these measures (Caplan 1993, 66)—rather than, perhaps, the responsibility of those who have historically benefited from the inequities. Many of us may indeed want to do that work, but it needs to be recognized that it enormously increases our workload. In some cases choosing whether or not to accept an invitation or an appointment to a committee can also be a moral judgment, in which one must balance one's own needs with the urgent need to have more women involved in institutional decision-making. The fact that we're running so fast to keep up isn't a personal weakness but an institutional flaw.

But speaking of misperceptions of personal weakness brings me to Misperception 7).

Misperception 7) Women aren't tough enough to survive in highly competitive academic environments, or at the highest echelons of academic administration.

Unfortunately, it's believed, we tend to let our feelings get in the way of our academic work or our administrative requirements. The alleged sensitivity and empathy that supposedly enable us to be caring and nurturing for all and sundry turn out to be a liability when the real work of the institution is being done. Men, on the other hand, either don't have feelings, or the feelings they do have (which in my observation include just about the same ones women have, although perhaps anger gets manifested more often by men than by women) are not an impediment to their professional advancement. There's little recognition that to be human is to have feelings, and that weeping in the face of repeated frustration, outright contempt, or deliberate sabotage is hardly an irrational reaction.

And that brings me to the final misperception, one that is rather ironic, in light of the previous ones I've outlined.

Misperception 8) Women are doing so well in academia that we no longer need special equity measures. Universities are now in some sort of post-feminist, post-equity era in which measures to combat gender discrimination are unnecessary. Indeed, it is felt by some, such measures are themselves a potential source of inequality.

At my institution we saw this misperception in action in the nineties, when our then-President, a man, chose to abolish the eighty-year-old position of Dean of Women. His argument, for which he seemed to feel the evidence was obvious, was that women had already advanced so far that we no longer needed a Dean looking out for women and advocating on our behalf. So, the university's women students, faculty, and staff, all of whom had relied on the Dean of Women for support, information, resources, and encouragement, lost the one significant administrative position that was specifically devoted to women's interests. Those of us who protested were not reassured by the implicit declaration that we had come a long way, baby.

Another chilling manifestation of this misperception occurred more recently when a Vice-President, who happened to be a woman, proposed that the Department of Women's Studies could be closed. Her reasoning (for which the evidence was at best mixed) was that at this point women's studies had been successfully incorporated into all the existing disciplines in academe. The hidden assumption was that, by contrast with women's studies, the historically senior disciplines deserve to continue to exist. History, psychology, and English must be preserved, but women's studies has outlived its value. Feminism, as another administrator assured me around that time, has become passé. Although in the end the demise of women's studies was fended off, the fact that the possibility was even raised indicates the seductiveness of the notion that we now live in a comfortable, post-feminist era.

As we examine the history of feminism, it becomes evident that the progress of feminism is marked by at least two criteria: First, its success in demonstrating that one's sex—by which I mean, primarily, one's genitalia—is not relevant to education, religion, business, science, sport, and so on; and second, its success in convincing individuals and societies not to treat

an individual's sex as either an advantage or a liability for the purpose of political, intellectual, social, athletic, civic, religious, or scientific activities. If individuals and societies learn to recognize that one's sex is, for most purposes, not relevant, then being female will not be taken as a unique disqualification for access to and achievement in all the various endeavours of humankind.

Unfortunately, as my description of the persistent misperceptions of academic women has shown, being female continues to be treated by many individuals as being inappropriately relevant to and constitutive of one's status within academia. Until we can erase these misperceptions, feminist theory and practice remain essential—while at the same time they continue to be both under-estimated and under-appreciated within the walls of the university.

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The Ethical University

By Christine Overall

More and more ethics courses are being offered in universities. And more and more ethicists, most of them university trained, are working in medicine, law, government, journalism, and even business. Yet ethical problems in universities—plagiarism and other forms of academic dishonesty—seem to be multiplying. And medicine, law, government, journalism, and business have not become discernibly more moral. What do these facts tell us about the ethical university?

This talk developed out of my thinking about ethics in the university, the ethical function *of* the university, and the role of ethicists. The idea of the ethical university is of particular interest for me, as a person who teaches ethics and writes academic papers and books many of which are in the area of ethics. I firmly believe it is also important for students to think about ethics in the university, and to consider what “the ethical university” might mean. Indeed, the idea of the ethical university is important for everyone who is connected with a university and for anyone who cares about the wellbeing of our universities and wants them to thrive. It’s important for four reasons.

First, the idea of the ethical university is important because our multicultural Canadian society, which, at its best, brings together people of many different races, ethnicities, religions, and classes, makes it imperative that we think about how we can relate to each other in an ethical fashion. We need to create an academic community that is free of racism, sexism, heterosexism, anti-Semitism, ageism, ableism, and so on, a community that is open to and supportive of new ideas, and that is governed by values of freedom and compassion. Second, and more specifically, the idea of the ethical university is important because the evidence about the extent of cheating and plagiarism, among both students and faculty members, should make us painfully aware that there are problems of ethical failure within academia. According to an article in *University Affairs*, for example, “In

a 2001-02 survey, eight percent of undergraduates said they cheated more than three times, 23 percent cheated on a test, and 50 percent on written work” (University Affairs 2003, 35). Third, the idea of the ethical university is important because there is a growing recognition of the importance of ethics within all of the professions—medicine, education, law, business, science, engineering, architecture, media arts, journalism, and library science, to name only a few. Universities now offer courses that purport to provide training in the ethics of these various professions. And fourth, the idea of the ethical university is important because we are arguably at a point in the West where many people are confronting a sort of ethics vacuum. As David W. Orr puts it, “We live in the age of paradox. Our buildings are taller, but our purposes are shorter” (Orr 2006, B8). Old values have been discarded and even undermined, but we don’t seem to have much to put in their place. Perhaps universities have a role to play in this situation.

Now it’s interesting that universities, in Canada at least, and I suspect elsewhere, don’t usually seem to have the professional equivalent of the clinical ethicist, the corporate ethicist, or the government ethicist. Unlike in hospitals and governments, there is not an individual appointed in the university to act as the ethicist for that institution. The institution that purports to train ethicists for work in institutions throughout society does not itself feel a need to have its own ethicists. Of course, many universities do have equity officers, human rights counselors, or ombudspersons. That’s significant. But the sorts of ethical issues that a university is likely to be entangled in are more diverse than those that equity officers, human rights counselors, and ombudspersons deal with, and include topics relating to research and teaching ethics, employment norms, environmental values, inter-personal connections, and institutional relationships with governments, donors, alumni, corporations, the media, and society at large.

Some people might be inclined to think that the university doesn’t need an institutional ethicist. Does that mean we here at the university already have all the ethical answers? This is an issue to which I’ll return later in this talk.

But first I should first explain what I mean by “ethical.”

“Ethical” has two different meanings, or at least two meanings that I will be concerned about in this presentation.

First, “ethical” can simply be a category term, meaning “pertaining to or about ethics.” Thus, we often speak about “ethical issues,” and in that context, we mean issues that are about or pertain to ethics.

Second, “ethical” can be a normative term, meaning something like “good” or “virtuous” or “morally justified.” Thus, we might call what someone did an “ethical action,” or we might speak of making an “ethical decision.” In that context, we mean an action that is morally justified, or a decision that is good.

In this talk, I will deliberately use the phrase, “ethical university” in both senses. I want to talk about the university in a descriptive sense, as a place that is involved in teaching, learning, and writing about ethics. Many universities, the cynic might say, are in the business of ethics. So I want to say something about what doing ethics within the university means and involves.

But I also want to talk about the university—this university, and others in Canada—as an ethical organization, a place that potentially, even if not yet actually, can be an ethical leader, an institution that we might think of as morally good or as making morally justified decisions.

Is Ethics Possible?

Now theoretical ethics is sometimes thought of as an esoteric activity. Yet we, that is, all of us human beings, engage in ethical debate and decision-making every single day. The moral choices in our lives are pervasive. They include decisions about what to eat, how to get to work, what kind of work to do, our leisure pursuits, the consumer products we buy, how to raise our children, the political choices we make, and what sort of education system we support. More generally, ethics is about how we should live, what sort of person we should be, and what kind of life we should pursue.

Yet probably more than at any other time in human history, there is enormous doubt about whether it is *possible* to do what is right and avoid what is wrong, or even to *know* what is right and what is wrong. Some people, including many educated people, are inclined to skepticism or even cynicism about ethics. There is even skepticism about whether there is a material difference between right and wrong. It’s all just a matter of opinion, some people say.

One reason for this skepticism or cynicism is, of course, the widespread evidence of unethical behaviour in all the places that profess to be guided by ethics. I'm thinking of business and government in particular. But another reason for the skepticism and cynicism is both more theoretical and also more damning of ethics. In western culture there is a widespread, though imperfectly understood and often only implicit, adherence to ethical relativism.

Ethical relativism is the theory that all (apparent) ethical truths are inevitably relative to particular groups, or even relative to particular individuals.

Ethical relativism is, I think, both a mistake and perhaps also a danger. Yet its origins are not malignant. Ethical relativism often arises out of something that is benign in its intentions. I think it is adopted, in part, by people who are trying to account for the startling differences in values from one culture to another, or even within one culture, and also the rapid changes in values that have taken place in the last century. Most of us in the West tend to put a high value on respect for other people and *tolerance* for their opinions and values. As American academic Stanley Fish puts it, "In a world where difference seems intractable and irreconcilable, [and] parties are always poised for conflict, tolerance appears to be a 'natural and benign remedy'; natural because, given what men and women are (irremediably) like, it seems the only way to go, and benign because while it reins in differences, it accords those difference a space in the private sector. You know the commonplace aphorisms and slogans: Live and let live, different strokes for different folks, can't we all just get along?" (Fish 2006, B8).

However, many people interpret tolerance for others as meaning that we must simply accept all of other people's beliefs and values. We must accept them not in the sense of adopting them for ourselves, but rather we must assume something like this: "His beliefs are true for him; my beliefs are true for me. Her values are right for her; my values are right for me. You have your sense of right and wrong; I have mine, and there are no over-arching values that unite us." In other words, we conclude that "it's all relative."

But I think this is a profound mistake. One reason it is a mistake is that it is simply self-contradictory. Anyone who tries to be a relativist in the

sense that I just described is trying to hold onto two things at once, two things that are just inconsistent with each other. On the one hand, they are trying to hold onto the idea that all values are equal, and no value can be considered more important or truer than another. At the same time, they're also trying to hold onto the idea that tolerance is the über-value, the value that is more important than others, and that applies to everyone. But you can't simultaneously maintain *both* that all values are equal *and* everyone can have their own values, and that everyone *must* be tolerant.

Another reason ethical relativism is a mistake is that it appears to imply that if you disagree with someone's opinion, and actively argue against it, you are failing to respect the person. In fact, the opposite is the case: If you do not take seriously people's opinions, seriously enough to really evaluate them and develop or refine your own opinion about what is true or false, then you are not respecting them. Engaging in serious ethical arguments about various viewpoints is essential to true respect for difference. If "tolerance" means I simply acknowledge, in silence, what you say, then it is not really respect but more like indifference, fear, or contempt.

Ironically, ethical relativism also appears to imply both that you must be tolerant of intolerance (because tolerance must be extended to everyone's values) and also that you can legitimately be intolerant of tolerance (if intolerance is one of your values). So ethical relativism is also self-defeating. It is often adopted, I suggested, out of a sense that it is important to respect others' opinions and be tolerant of others' value systems. But ironically, ethical relativism makes it impossible to condemn or criticize those who *fail* to be tolerant. If you adopt ethical relativism out of the sense that it's important to tolerate others' views, you then become unable to criticize anyone who is intolerant. Because ethical relativism implies that even if tolerance is right for you, intolerance may be right for other people.

Any viewpoint that implies such inconsistencies is simply mistaken.

I said earlier that not only is this relativism a mistake; it is also potentially dangerous. It's potentially dangerous because it creates serious problems. Ethical relativism reifies and solidifies the ethical differences between cultures and peoples. It implies that there is no way to resolve those differences, or even to communicate across them. It implies that we just have to accept our ethical differences because there is no rational, objective

way to come to any agreement. If I have my values and you have yours, and there's no more to be said about it, then moral values are just like flavours of ice cream. Once I've told you I like raspberry, and you've told me you like chocolate, there's not much more to say about it. Similarly, there could be no good way of evaluating the strengths and weaknesses of different ethical beliefs and values.

In other words, ethical relativism forces us into ethical subjectivism. Canadian philosopher Charles Taylor defines ethical subjectivism as "the view that moral positions are not in any way grounded in reason or the nature of things but are ultimately just adopted by each of us because we find ourselves drawn to them. On this view, reason can't adjudicate moral disputes" (Taylor 1991, 18). But if we conclude that we have nothing to say to each other about our values, no way of comparing and evaluating them, and no way of resolving our ethical disagreements, that's deeply dangerous. It allows for the possibility that potentially harmful beliefs and values may end up prevailing, simply because we think we have no way to evaluate them and decide whether or not to accept them. As a counsel of despair, it leaves us vulnerable, when debate and discussion are empty, to reacting to our disagreements with force.

But on the contrary, we need not despair about the very possibility of ethical debate. For, on the most basic possible level, we all recognize, at the most basic level, that there are some human practices that we just can not and ought not to tolerate. Obvious examples include murder, the sexual abuse of children, slavery, and—despite George W. Bush's insanity—torture. Our attitudes towards slavery and torture are *not* analogous to our preferences in ice cream. Try to imagine yourself saying, "Some of us approve of slavery and torture and some of us do not, and, because moral choices are merely subjective, there is no way to show that it is wrong to approve of slavery and torture." True, some people have sometimes tried to justify slavery or torture. But they have never favoured the slavery or torture of themselves, only of groups of people to whom they do not belong. And we can always rationally ask them, "Why is it acceptable to torture or enslave those people, yet it is not acceptable to torture or enslave you?" We can also ask them, "Do you think that a society where torture and slavery are accepted is a safe society in which you are likely to flourish?" And we can ask them, "Is a

society where torture and slavery are accepted the kind of society in which you want your children and your grandchildren to live?”

In other words, there are quite rational questions we can ask them. It's not like asking, “Why do you like chocolate ice cream?” The answer to that is likely to be, “I just do, that's all.” But if you ask someone to explain why it is supposedly all right to enslave some people and not others, you will get into a discussion of what it means to be a human being, what the pertinent differences among human beings are, what kinds of treatment are appropriate for human beings, what sorts of practices produce a society in which you and your children and grandchildren will want to live, and so on.

I'm not saying, of course, that you can raise these questions with people who are already actively engaged in torturing or enslaving other people. It's probably too late for them. But I am saying that you can raise these questions with any *would-be* relativists who think that all values are equal and that there is no way of rationally discussing our ethical differences. In that context, I guarantee you that asking the kinds of questions I just listed will lead to a debate that will take you far beyond the mere expression of preferences.

In engaging in ethical arguments, we're committed to the rational discussion of topics like what makes a good family, a good government, good medical care, good legal practice, a good society, or a good university. Strong arguments, in the philosophical sense, are about evaluating the evidence for or against a point of view.

In other words, genuine ethical debate is possible.

Ethics in the University

I want to talk now about ethics in the university, and in particular, teaching and learning ethics within the university. And here there is an important misconception that some people hold.

The misconception is that the study of ethics will somehow inevitably help individuals to become better people. This misconception is sometimes expressed by those optimistic souls who think that if university professors can just teach ethics to all of their students, then the students will turn out to be good people in whatever their future work may happen to be.

That's false. I was going to say, "Unfortunately, that's false," but it may not be a misfortune at all. Ethics does not necessarily help people to be good, and ethicists do not and cannot teach people to be good. Ethics instruction is not character formation. It can teach students to reason about ethics, but it cannot make them moral people.ⁱ Although I believe ethical reasoning skills are immensely valuable, those skills do not guarantee that people will behave in a morally justified fashion.

I said that this is not necessarily a misfortune. The reason is that if the teaching of ethics merely induced greater conformity, or made students into what the professor wanted them to be, that would be very unfortunate. In universities we are not interested in inducing mindless conformity. We are interested in encouraging critical and creative thinking. The teaching of ethics in fact should increase people's freedom, as all true learning does. So, you cannot use the teaching of ethics to manipulate people into a particular behaviour, however desirable and admirable that particular behaviour may be. If you are going to teach ethics then you have to allow, and trust, people to come to their own conclusions. You have to see yourself as giving them ethical skills and enhancing their freedom of thought.

Now, *some* of this might seem odd thing for me to say. Given that I myself teach and write about ethics, why do I believe that it will not necessarily improve people's behaviour?

Well, you can see what I mean if you consider the problem of so-called "academic integrity" in contemporary universities. As I mentioned at the beginning, there are persistent, and perhaps growing, problems of cheating, copying, plagiarism, and so on—and not only among students but also among faculty members.

In trying to deal with these problems, you can define plagiarism. You can tell people how to document their work. You can emphasize the importance of true academic integrity. You can show the bad effects of academic cheating upon faculty, students, and the university itself. You can point out the inherent injustice of cheating.

But the knowledge of facts or professional rules, the making of ethical claims, the examination of case studies, and the practice of skills are not enough. None of these is guaranteed to be successful in eliminating academic dishonesty.

A recent article in *The Chronicle of Higher Education* notes that “Experts have long recommended education in ethics as a kind of immunization for all forms of questionable research conduct” (Brainard 2006, A22). The article describes the teaching of what purports to be research ethics at some American universities. The classes supposedly teach graduate students how to handle cases where, for example, a supervisor wants to cut corners, or a colleague wants to claim ownership over a jointly-written paper, or where the student must deal with a financial conflict of interest (Brainard 2006, A22).

I’m sure these classes are very well-intentioned. But there are two problems with them. First, they’re not really teaching ethics. Indeed, the solutions to ethical problems are already assumed, as a given, and what the students are taught is how to act in those cases where they both already know and are motivated to do what is right. These courses are probably useful in helping students be more assertive and follow up on their values. But they are not teaching students how to think their way through ethical dilemmas and paradoxes.

But there is a second problem with these courses in research ethics. As *The Chronicle* points out, “Whether teaching research ethics has any effect on the behavior of scientists remains unclear” (Brainard 2006, A23). Indeed, in my opinion, no amount of ethics instruction will be successful in eliminating or even reducing dishonesty within an institution *unless the individuals who comprise that institution recognize dishonesty as a problem and choose to be honest*. Ethics courses by themselves do not instill academic integrity. People have to choose to adopt the value of academic integrity.

In other words, *ethical motivation* is part of what is necessary for producing strong ethical behaviour. What contributes to the growth of ethical motivation? That’s difficult to answer. But I suspect it has a lot to do with the social environment in which people find themselves, the values that their supervisors, associates, peers, and friends hold, and the kinds of behaviour that is modeled for them.

To produce an ethical university, then, I think the university’s leaders—and here I include students as well as professors and administrators—must model ethical values.

You might be surprised that I say this. After all, our public universities aim to provide an educational environment that is independent of religious

teachings, that is free from doctrinal biases, and that provides a solid scientific, literary, and historical education based on objective information. In order to accommodate people from all faiths or none, from around the world and from around the corner, it might seem that universities must be value-neutral.

But not all values stem from religious teachings, and not all values are mired in social orthodoxy. Moreover, the belief that universities must be value-neutral under-estimates the ubiquity of values. Values permeate virtually all human activities. I believe it's not even possible to offer a value-neutral education.

Every instructor, for example, inevitably serves as a model of certain attitudes and behaviours. By embodying particular ways of relating to students and other instructors, professors demonstrate both what they value and what they reject. In addition, the topics of instruction, the books students are asked to read, the activities in which they must participate, the curriculum, and the very culture of the university itself, all reflect and communicate values.

So the modelling of values within the university is inevitable. But even if it were possible to offer a value-free learning environment, it would not be good to do so. Every university must communicate fundamental messages, both within and outside itself, about the responsibilities of students, professors, staff and administrators, about the value and goals of education and research, and about the appropriate means of achieving those goals. Every university has a set of ideals, implicit or explicit, that inspires its activities and programs and guides its treatment of students, staff, and faculty.

Yet even if the modelling of values is inevitable, you might still worry about which values should be modelled. Clearly, all of us at the university have choices to make, choices we must make, about what values we will manifest. But these choices need not be arbitrary. On the contrary, I'd argue that some sets of values are much better for our universities than others.

By "better values" I mean, very generally, those values that contribute to the flourishing of the university, the faculty, administrators, and staff who work there, and the students, graduate and undergraduate, who study there. And I suggest those values include the following:

First, it's necessary for a university to espouse values that keep the institution going, that enable instructors to do research and to teach and the students to do research and to learn. These are what we might call "academic values." They include freedom of inquiry, responsibility for one's academic ideas and claims, commitment to defending every new idea by providing further evidence, honesty with respect to sources, and recognition of the social and communitarian nature of research. Without these values, you don't have a university, but, at most, a site for training and indoctrination.

Second, it's essential for universities to foster respect for all members of the educational community. Without that respect, the university cannot function, because individuals in the university cannot function. Universities cannot permit the violation of human rights. In any classroom, for example, instructors ought not to express opinions that compromise the capacity of all students to participate as equals. That's why it's wrong for a university to tolerate professors, students, or administrators who are racist, sexist, or homophobic.

Third, I believe, it's essential for universities to promote values that contribute to the development of thinking citizens and that foster a democratic society in which everyone can flourish. As an integral part of the national culture, universities play a vital role in promoting active engagement in political life, appreciation of and contribution to culture, languages, and the arts, an understanding of science, and a commitment to education at all levels.

The University and Society

That third set of values takes us beyond ethics *within* the university. So now I want to talk about the university itself as an ethical organization in relation to the rest of the society.

It's rather easy to be discouraged about universities in Canada. Our universities sometimes seem to take it as their mission to raise as much money as possible, to recruit faculty members who will bring in the biggest grants, and to lure students with high grades simply because they will reflect well on the institution. Canadian universities say they're interested in excellent research and teaching, but that supposed interest appears to be

belied by what is actually happening there: the proliferation of business models, methods, and goals within academia; the focus on measurement; the emphasis on competitiveness, both between scholars or students, and between universities, within the academic “industry”; the reliance on grant-getting as a criterion of success; the preoccupation with “accountability,” “performance indicators,” “quality assurance,” and “academic reviews”; the strong support for the commercialization of academic knowledge in the so-called “knowledge economy”; the development of a memorable “brand” for the university “commodity” and the occupation of a unique “niche”; the acceptance of severely limited resources, distributed in ways that are often not proportional to academic needs; the dependence on what donors want, and on the agenda of the fundraising and “development” office; the submission to academic fads—the same fads every other university in North America is adoptingⁱⁱ—and the upholding of harmful university “traditions.”

My view is that Canadian universities are suffering from an ethical failure of nerve. Many of us have become diffident about our roles as professors, administrators, staff, and students. Maybe we’re just way too busy. We seldom engage in genuine debate about the university’s role in society. We seldom discuss the good and bad uses to which our research might be put. We seldom ask ourselves the purpose of post-secondary education. We seldom investigate what kind of world university students are being prepared for.

But collectively, we in the university are not just in the business of training students to become cogs in society’s wheel, and our research has value even if it does not sell more widgets. As Bhikhu Parekh, of London’s Westminster University puts it, “Whatever form a university takes and however it balances its different objectives, it must remain a university and not become a vocational institution or an extension of a secondary school” (Parekh 2006, A3). Or, I would add, an extension of big business. The university must continue to be the place where creative ideas are tested and where leadership in society is fostered.

I therefore want to suggest that universities must be more radical.

A little while ago I pointed out that universities don’t have ethicists, in the way that governments, hospitals, and corporations do. That is, they do

not have individuals who are uniquely charged with assessing and advising on the moral decisions of the institution. It may well be a good thing that universities do not have ethics advisors. But it would only be a good thing if we could see the role of ethics advisor as distributed rather evenly over all the members of the academic community. Both collectively, as an institution, and individually, we should all be engaged in ethical thinking, both about what goes on *inside* the university, and about the university's *relationship to the rest of society*. That does not mean—it certainly does not mean—that we will all agree, or that we should. But it does mean that we can and should debate together the role of the university within western culture.

I myself happen to believe that universities should be aiming to be ethical leaders in society. One way to do it—a way that would make each university genuinely unique as well as genuinely responsive to social needs—would be to adopt one or two specific ethical themes that address urgent human problems and also make use of a wide range of the university's strengths. If a university adopted such ethical themes, its members could both address it in their teaching, learning, and research, and also *exemplify* or *model* it as an institution. Here are some examples of what I mean by ethical themes:

- Environmental protection and conservation
- Dealing with climate changeⁱⁱⁱ
- Renewable, non-polluting energy sources
- Sustainable world development
- Peace and the elimination of war
- Poverty studies and the ending of invidious economic inequalities
- Food security and the end of hunger
- Fostering human health and flourishing
- The social, cultural, moral, and medical aspects of pandemics
- The promotion of democracy and democratization
- Creating and appreciating diverse cultures
- Support for the local neighbourhood in which the university is located
- Expanding artistic history, expression, and development
- Literacy—scientific, historical, and literary
- The understanding, preservation, and appreciation of languages
- Anti-oppression research and policy development
- The nature of ethical leadership itself

I'm sure there are many other ethical themes that I have not thought of.

Now, you might reply that universities already do this. True. Many universities do some of these, and a few universities do many of them. But at best they relegate them to individual academic departments. They allot them to individual scholars' and scientists' research agendas. And they seldom ask students to share in the responsibility. What I am talking about it is making at least one or two of these themes the defining features of the university. I'm not talking just about putting them into a mission statement. I'm talking about an ethical theme that everyone—students, faculty, staff, and administrators—can believe in and get behind.

Is this the same as niche marketing? No. I'm not advocating that each university must have an academic specialty; nor am I arguing that everyone at the university must do the same thing. And I'm certainly not arguing that all resources should be directed toward one area, or that some disciplines should be allowed to die a slow death. Instead I'm saying something that I think is more radical: That universities should commit themselves to something greater than themselves, to central values that actually matter. And that in signing on to a university, whether as a student, a staff employee, a faculty member, or an administrator, you should be agreeing to take on the central values of that university.^{iv}

Now, you might say that leadership of this sort does not properly belong with universities but with governments. I have two answers. First, governments, in my observation, are mostly failing to take on ethical leadership. Their goal is usually just to survive until the next election. Universities could, I think, take the high road, and show politicians what genuine leadership is. Second, universities are the sources of teaching, learning, and research about the values that make human life worthwhile. If universities cannot be leaders here, it's difficult to see any institutions doing it.

Back in the sixties radical student leaders used to say, If you're not part of the solution then you're part of the problem. I am arguing that the ethics void, both inside and outside the university, can only be filled by all of us. We don't need, or shouldn't need, university ethicists or ethics advisors, because the work of ethics—the thinking, writing, researching, teaching, and community work—should be shared by all of us at the university. Every

one of us should be a university ethicist, a person who thinks, debates, and promotes the university's key values.

Now that I've said all this, you might be skeptical about my proposal for a number of reasons. And one reason might be the philosophical elephant in the room: Does doing ethics get us anywhere? Is there such a thing as ethical progress?

Students sometimes say to me that in ethics, "we just keep going around in circles," or "nothing is black and white," or "there are no real answers."^v I think they're mistaken.

We can make progress on ethical problems, I suggest, not by assuming that there is always an absolutely right answer to be found and a wrong answer to be rejected, but rather by learning to clarify and evaluate the arguments on all sides of the problem, and figuring out which ones are better and which ones are worse. Learning ethics means learning how to justify one's ethical beliefs by providing strong reasons for them. There are very few final or absolute answers, but some answers are definitely better than others, and this is how progress in ethics can be made.^{vi}

That there are no absolute, final answers to ethical problems is not a bad thing but a good thing, and it exemplifies the nature of our lives as human persons. It is good that we will go on collectively debating about what makes a university ethical, or how to create a sound education, or which research should be pursued. These issues can no more be settled once and for all than can questions about how each one of us should live our lives. We don't expect to resolve, once and for all, the purpose, meaning, and goals of our individual existence, so why should we expect to have everything figured out about any other human endeavour? Instead, we see our lives as ongoing projects, to be thought about, evaluated, acted upon, and thought about again. So also with the university as an ethical institution. Insights into what the university is and what it stands for will evolve and change over the course of the institution's development. I am suggesting it is essential for the academic community—students, professors, staff, and administrators—to commit itself, now, to *radical* reflection about what makes a university ethical.

Endnotes

ⁱ Now, when I have discussed this with other academics, some have said to me, Well, even if they don't choose to be honest, we can force them to adopt the value of honesty. How? By working very hard at catching violations, and then coming down hard on them with punishment. But students who are persuaded to be honest only because of their fear of punishment if they are not are, in effect, being honest not because honesty is a good thing, and not because they care about being honest, but only because it doesn't pay them, or pay them enough, to be dishonest.

ⁱⁱ Sociologist and department chair Joel Best remarks, "Over the years, I have been assured that our university—if not all of higher education—was about to be transformed by... assessment, active learning, cooperative learning, distance learning, service learning, problem-based learning, responsibility-based management, zero-based budgeting, broadening the general-education requirements, narrowing the general-education requirements, capstone courses, writing across the curriculum, affirmative action, multicultural education, computer networking, the Internet...critical thinking, quantitative reasoning, and I don't know what else" (Best 2006, B6).

ⁱⁱⁱ The University of Winnipeg has pledged to be compliant with the Kyoto Accord (Willis 2006, 10).

^{iv} I'm not arguing that everything the university does must inevitably have practical outcomes. There are many ways to be part of a university that stands proudly for certain values, and those ways include so-called "pure" scientific research and so-called "curiosity-driven" scholarship as much as applied research and scholarship.

^v My colleague David Bakhurst has hit on the problem in slightly different terms when he speaks of "the inevitability of critical decimation." He writes, "There are excellent grounds to believe that even the best contenders for philosophical truth will not survive critical scrutiny" (Bakhurst 2006, 20).

^{vi} As Bakhurst remarks, "[T]he nature of progress in philosophy [is] not the gradual accumulation of a body of knowledge, but the transcendence of previous ways of seeing" (Bakhurst 2006, 20).

Hegemonic Representation and So Called 'Mail-Order Bride' Policy: Understanding the U.S. International Marriage Brokers Regulation Act of 2005

By Lenore Kuo

Abstract

This article interrogates the relationship between hegemonic representations and law through a Cultural Studies analysis of the relationship between hegemonic representations of “‘mail-order’ brides” and the US *International Marriage Broker Regulation Act of 2005* (*IMBRA*). This discussion will underline the problematic nature of this relationship while serving as a compelling example of the necessity of including analyses of cultural representations as an integral part of public policy development.

I argue that *IMBRA* is a response to hegemonic images that are, in fact, inaccurate and that were known to be so at the time *IMBRA* was developed. Indeed a careful reading of the *USC&IS Report* that was the bases for *IMBRA* exposes the contradictions between the *Report*'s conclusions and its own evidence. I argue that while *IMBRA* is viewed as a simple protective measure, its ramifications are far from benign; rather, it produces and institutionalizes stigmatizing, damaging, and racist hegemonic representations.

“Whoever controls the media, the images, controls the culture.”

– Allen Ginsberg

Introduction

The emerging discipline of Cultural Studies generates a critical challenge to legal scholars and to the development and critique of legal discourse and public policy. It forces us to reevaluate the sorts of evidence that should be required to justify passage of particular laws. Perhaps more importantly, it forces (re)consideration of the role of laws and legal discourse in perpetuating social inequality.¹

Cultural Studies, “locates the production, textual construction and consumption of media texts [read broadly as “cultural artifacts”], in a society characterized by multiple systems of inequality.” It interrogates “...the role media forms play in the production and reproduction of these systems of inequality” (Dines 2003, 728). Considerable scholarship in this emerging field involves analysis of cultural representations—the ways in which things and persons are imaged in cultural artifacts. No matter how apparently “accurate,” representations are always “constructions taken from a specific social and physical viewpoint, selecting one activity or instant out of vast choices to represent, and materially made out of and formed by the technical processes of the medium and its conventions” (King 1992, 131). Hegemonic representations are those that naturalize and legitimize prevailing systems of inequality.

Read broadly, the concepts of ‘media texts’ and ‘cultural artifacts’ include laws and legal discourse; as recent legal scholarship acknowledges, laws and legal discourse are media forms involved in the production and reproduction of systems of inequality. This insight generates at least two types of questions, one regarding the general and/or theoretical relationships between the law and cultural representation(s); the other regarding the relationship between specific laws and specific cultural representations. In both areas of inquiry we must ask, to what extent is the law, shaped by (inaccurate/biased) hegemonic representations and to what extent is the law responsible for reproducing and reinforcing them?

Recently some public policy analyses have emerged that explicitly consider the relationship between specific hegemonic representations and specific policies (see, e.g., Author 2002a, Levine 2003, Bell 1994, Pheterson 1989). In what follows, I will examine the impact of hegemonic representations of so-called “‘mail-order’ brides” on emerging legal policy. This discussion will demonstrate how hegemonic cultural representations of so-called “‘mail-order’ brides,” “‘mail-order’ bride” husbands, “‘mail-order’ bride” marriages and “‘mail-order’ bride” agencies became the *sole* basis for the U.S. *International Marriage Broker Regulation Act of 2005 (H.R. 3657)* despite available social science data suggesting their inaccuracy.

This paper considers the phenomenon of international correspondence marriages, popularly referred to as ‘mail-order’ bride marriages, from the

viewpoint of its discursive constitution in popular culture, including law. For the present purpose, I define the practice of discursive representation as not merely a way of passively reflecting a given social condition or phenomenon but as itself playing a constitutive role in the existence and/or nature of the very phenomenon or object represented. The various institutional apparatus of mass media engage in representational practices that not only mediate a social phenomenon already in circulation, but may, in themselves, serve as the condition of possibility for the phenomenon to come into being. Indeed, there seems to be a consensus that the practice of international correspondence marriage could not have reached its current levels without the aid of aggressive marketing and advertising by International Marriage Organizations/Brokers (hereafter referred to as IMO or IMBs) that work to fuel dreams, drive appetites, and excite fantasies on both ends of the recruiting circuit. In other words, the efficacy of such social practices as international marriage brokering cannot be accounted for without taking into account the practices of signification that create meanings and produce legitimating knowledge, that serve as the basis of their *raison d'être* and in turn, that construct subject positions for their potential consumers.²

Because the law is integral, in a variety of respects, to the practice of discursive representation, laws themselves are shaped by hegemonic representation, while simultaneously constituting practices of signification, i.e., by creating meanings and legitimating 'knowledge.'³ Although my focus, in what follows, will be on the former relationship, i.e., on the way *IMBRA* reflects uninformed and problematic hegemonic representations, my criticism will rest on the latter claim, that laws and legal discourse create meanings and legitimate 'knowledge' that, in this instance, are gendered, racially and ethnically biased, stigmatizing, and paternalistic.

In order to demonstrate the impact of relevant cultural representations on *IMBRA*, this discussion will begin, in section II, with a brief overview of the relevant hegemonic representations. Section III provides a brief overview of the information currently available regarding the practice while Section IV provides an analysis of *IMBRA* including its relationship to the prevailing representations described in Section II. Section V is an analysis of the two resources used by legislators to 'justify' *IMBRA*, the 1999 *US&IS Report*, "International Matchmaking Organizations: A Report to Congress" and the

relevant Senate hearings, “Human Trafficking: Mail Order Bride Abuses (2004).” Finally, Section VI considers how the ruling by the US District Court for the Northern District of Georgia, Atlanta Division in *European Connections & Tours v. Gonzales* legitimized and to some degree worsened damaging racist and sexist cultural representations contained in *IMBRA*.

Before beginning, it is critical to offer a definition of the rather ambiguous term “‘mail-order’ brides.” Unfortunately, one of the more problematic aspects of analyzing the practice is the ambiguity and offensiveness of the term itself. Most individuals in the practice rightly find the term grotesque. Certainly it suggests that women in these arrangements are agentless objects to be selected from a catalogue like an appliance or sweater. References to ‘bride’ rather than ‘wife’ generally connote youth and innocence. And even the identification of the female only, rather than of the couple, in naming the phenomenon, suggests both her passivity⁴ and the unequal gender status of these arrangements.

While details of the actual practice will be described whenever relevant, it is important to note at the outset that the prevailing cultural ‘understanding’ of the practice is clearly confused by this misleading descriptor “‘mail-order’ bride.” Conceiving of the practice as similar to mail-order catalogue transactions profoundly misrepresents these marriages, contradicting both the lived practice and the legal requirements placed on such marriages in most jurisdictions. For example, U.S. immigration law requires that all those entering under either K-3 or K-1 visas must have met with their mates in person at least once during the two years prior to applying for the visa. In general, IMO marriages involve real ‘courtships’, including considerable correspondence, phone calls, etc. between the partners prior to her immigrating. (The waiting period for the K-1 or K-3 visa generally lasts from four to six months.) In addition, the suggestion that these women are ‘agentless’ clearly contradicts lived practice. Most IMO wives carefully weigh their decision and actively pursue inclusion on an IMO website. Nor is the representation of IMO wives as youthful innocents accurate. IMO wives include women from numerous countries and cultures, a population that is very diverse and reflects divergent conditions that exist in the women’s home countries. Thus, while some populations of IMO wives are indeed young, (e.g. Filipina IMO wives tend to be ‘young’ (though by US law, they

must be at least eighteen), others are usually not; Chinese IMO wives, for example, are most commonly divorced women in their thirties and forties with children (Constable 2003).

Given its offensiveness, I will replace the term “‘mail-order’ bride” with “IMO wife” whenever possible. However for the present purpose, it is difficult to abandon the term altogether. Nearly all Western cultural representations including laws describe IMO wives as such. In what follows, I will utilize Del Rosario’s definition of “‘mail-order’ bride,” as “referring to any woman... who utilizes the system of introduction provided by commercial institutions for the prime purpose of marriage with a foreign national” (1994).⁵

Hegemonic Representations:

This section will include a relatively brief description of four prevailing cultural representations relevant to *IMBRA*, those of the “‘mail-order’ bride,” ‘mail-order’ groom/husband, ‘mail-order’ marriage, and IMO/IMB. Despite the relative infrequency of these marital arrangements, there are a surprising number of cultural artifacts representing the phenomenon. From film to television, news coverage to fiction, “‘mail-order’ bride” arrangements appear to hold great (and often salacious) interest for contemporary North American culture. Even a relatively superficial search of popular magazines and newspapers yields innumerable articles discussing details of the phenomenon—with extraordinary inaccuracy. In addition to recent memoirs, Avon and Harlequin Presses have published several romance novels with “‘mail-order’ bride” heroines while Multnomah Press, a self-described “Christian publishing house,” has a twelve volume series.

Hegemonic Representations of “‘mail-order brides”

“‘Mail-order’ brides” have become the focus of many recent films⁶ as well as popular literature and fictional and documentary television.⁷ As indicated in the introduction, IMOs themselves play a significant role in the construction of relevant representations. Perhaps most problematically, “‘mail-order’ brides” are often included in scholarly works as “trafficked persons” without qualification or explanation.⁸ In general, relevant cultural representations are painfully similar across hegemonic media.

The contemporary “‘mail-order’ bride” is almost universally imaged as motivated solely by financial concerns. Sometimes this representation is sympathetic (the desperately poor third-world woman whose circumstance necessitates this “choice”), sometimes hostile (the evil ‘Natasha’ looking to con some naïve American (white) man out of his fortune while simultaneously obtaining a work visa). Significantly, even this generalized ascription regarding motivation is relatively misleading. For many IMO wives, non-economic factors are as important or more important considerations in their decision than is the desire for a better standard of living. In Russia, for example, women are pressured to marry by age 22. But Russia has 3,300,000 more women than men aged 15 to 64. Thus the relative paucity of potential mates often motivates Russian women to seek IMO marriages. Chinese women are often drawn to these arrangements due to the stigma that attaches to divorced Chinese women (often in their 30s and 40s, with children), who also see IMO marriage as a way to address the difficulty of finding a mate in China. Many women are also drawn to these arrangements because they believe that men in ‘developed’ nations are better providers and more faithful, less sexist husbands.⁹ Indeed, global patterns of participation make it apparent that financial need alone cannot explain the practice. Despite grim economic situations and a lack of options for women in many developing nations, their female populations do not participate in IMO marriages. For example in India, Bangladesh and Pakistan, although people engage in traditionally arranged marriages (nowadays often utilizing the internet), Indian, Bangladeshi and Pakistani women have almost no presence in the IMO market. Careful analysis of populations engaged in IMO marriages indicate that various cultural and social factors in addition to financial considerations make these marriages attractive to some groups of women but not others.

Those analyzing current cultural representations of women (or representations of stigmatized populations, in general), will recognize a common tendency for hegemonic images to bifurcate specific categories.¹⁰ From the Madonna/whore bifurcation of women as a universal class to the victim/victimizer bifurcations of the prostitute (see Bell 1994, Author 2002a) the rape victim (see Benedict 1992), etc., media tend to create mutually exclusive, polarized, extreme and simplistic images of women. This

propensity is clearly echoed in representations of “‘mail-order’ brides.” They, too, are generally imaged in the constructed mutually exclusive categories of victim/victimizer. In addition, one non-bifurcated representation emerges; that of the historical “‘mail-order’” bride pioneer woman.

On one side of the representational bifurcation is the “‘mail-order’ bride” *victimizer*, an immoral, duplicitous, sexually available, con artiste, out for money and/or work papers. Especially common in the past decade, the “‘mail-order’ bride” victimizer is usually imaged as Russian (an ‘evil Natasha’) or at least white. In innumerable images, she is a consummate professional criminal (e.g., *Mail Order Bride* 2003, *The Birthday Girl* 2001) even willing to murder to gain her ends (*Mississippi Mermaid* 1969, *Original Sin* 2001, Chittenden 1998). Importantly, selection of Russian and/or white women for this role, dovetails with prevailing ethnic contemporary and antifeminist stereotypes. Russians are still viewed by the West with suspicion, while Western women, because tainted by contemporary feminism, are often imaged as emasculating.

A significant counterexample to the portrayal of the “‘mail-order’ bride” victimizer as white woman occurs in “nonfictional” news accounts. When the mainstream news media covers stories about non-white “‘mail-order’ brides” (particularly when married to white men), their coverage tends to image these women as victimizers—in a manner often heavily laden with racist representations. In Australia, the national news media tend to image “‘mail-order’ brides” as Filipina women marrying Australian men *solely* for immigration purposes (Robinson 1996). In the U.S., the infamous murder case of Susana Blackwell provides a prime example of hegemonic representations of the non-white ‘mail-order’ bride ‘victimizer’ in news accounts. In 1995, Blackwell and her friends, two Filipina IMO wives, were gunned down in the Seattle Courthouse by Blackwell’s estranged husband. In their coverage, *The Seattle Times* consistently cast Susana Blackwell as a victimizing ‘other.’ Their coverage was vilifying and racist, relying on his version of the “facts” while she was presented as a conniving woman, who was responsible for her own murder. “...The *Times* positioned Susana as a shrewd foreigner, who traded on her body to get to America” (Consalvo 1998, 205). It was suggested that her allegations of domestic violence were trumped up for divorce purposes¹² (Consalvo, 1998). Thus, in non-fictional

news accounts, non-white IMO wives may be accorded the role of ‘mail-order’ bride victimizer.

On the other side of the representational bifurcation, the “‘mail-order’ bride” *victim* is perhaps the most common contemporary representation of IMO wives. She is imaged as vulnerable, naïve, abused, desperate to please, trapped (unwittingly) and altogether subservient (*Two Brothers and a Bride* 2003, *Mail Order Wife* 2004, *To Russia for Love* 1999, *CSI Nesting Dolls* 2005). Most commonly, she is imaged as an Asian, non- or anti-feminist woman who embodies the fantasy of the (exoticized) ‘old fashioned girl.’ Indeed, even IMO websites sell painfully racist, sexist images of the servile, pliant, pleasing Asian woman or needy, old-fashioned Russian ‘girl,’

Women from Asia are charming. They are petite, soft, and gentle.... and derives [sic] pleasure just from talking and listening to what you have to say. Women from Asia....don't bust your chops, when you are home a little late, or forget an anniversary. They let you know if they are unhappy with your behavior, but it is typically done in [a] warm, friendly way so that arguments and hard feelings are generally avoided (The Heart of Asia.com 2007).

The ‘mail-order’ bride victim is consistently imaged as marrying out of desperation. In a recent Harper’s article, Ukrainian women attending IMO ‘mixers’ were described as “desperate enough to sign up.... Most had dressed to impress...I had the distinct impression that many were wearing their one nice outfit for the occasion.” In reference to a \$100 ‘door’ prize, the author states, “So far out of line with the realities of Ukrainian life, the prize effectively underscored the extent to which these men held the key to another world” (Garin 2006).

Alternately and despite an almost total lack of evidence, ‘scholarly’ works and NGOs nearly universally construct “‘mail-order’ brides” as dupes, vulnerable to being victimized by global prostitution rings or being trapped in servile marriages involving sexual, emotional and/or physical abuse.¹³

Depending on the speaker’s political perspective, ‘mail-order’ bride victims are imaged as sensual desperate sex slaves (*Two Brothers and a Bride* 2003, *Mail-Order Wife*) and/or the savior of traditional family values (www.mailorderbrides.com/pages/faq.shtm). In either case, these women are

consistently imaged as willing to accept the traditional servile female roles that Western women will not. Often, their imaging draws on contemporary orientalist¹⁴ depictions of Asian women, in which submissive/subordinate representations prevail; they are imaged as culturally oppressed females seeking to escape the gender oppression of their own country only to fall victim to sexist, oppressive Western males. Thus the selection of Asian women as embodying the “‘mail-order’ bride” *victim* is both racist and unsurprising.

A subset of the “‘mail-order’ bride” *victim* representation is the “‘mail-order’ bride” object. She is so depersonalized, that she becomes merely a non-sentient thing. The most obvious example of this representation is the “‘mail-order’ bride” dead object. In numerous (especially fictional) accounts, the “‘mail-order’ bride” is merely a device plot—dead one. Her death is her most defining characteristic and our sympathies for her are, at best, superficially engaged (e.g., *CSI: Nesting Dolls* 2005, *Original Sin* 2001, *Law and Order: SVU* “Parasites” 2001, Chittenden 1998, *Mississippi Mermaid* 1969). Equally disturbing is the common imaging of the “‘mail-order’ bride” sex object¹⁵—the embodiment of the second wave (especially Radical) feminist contention that women are constructed as no more than sexual thing. This representation is found on IMO websites,¹⁶ as well as in more critical accounts.

IMOs often construct “‘mail-order’ brides” as *racialized* things; their websites are generally coded by race, ethnicity, etc. While some specialize in listing women of specific races and/or ethnicities (asianheartthrob.com, filipinaconnection.net, www.russian-mail-order-brides.net, www.latinmailorderbridesfinder.com, www.chinabride.com), even those providing introductions globally still divide their pool of women by country or continent.

Finally, the only genuinely positive, non-stigmatized representation of IMO wives is, nearly universally, a historical one—that of the pioneer ‘mail-order’ bride. This representation, usually situated during the settlement of western North America, virtually always involves couples of the same race (and often the same ethnicity).¹⁷ These depictions emphasize the flexibility and toughness required of a pioneer. Often, especially in romance novels, these representations embrace pronounced gender stereotypes. While the

pioneer 'mail-order' bride is often depicted as a 'no-nonsense', emotionally strong individual with genuine 'backbone' (*The Harvey Girls* 1946, *Mail-Order Bride* 1989 (a Canadian play), *Sara Plain and Tall* 1991, *Picture Bride* 1994, Garin 2006), she may also be depicted as a highly 'feminized' woman who is not really up to the challenges of pioneer life, until she is forced to "rise to the occasion."¹⁸ In either instance, this representation, while constructing a romanticized past, is likely to be irrelevant to perspectives regarding contemporary practice. Not only are "'mail-order' bride" pioneers nearly always imaged as historical figures (engaged in the noble process of nation-building), but because they virtually universally involve same ethnicity/same race pairings, these images conflict with prevailing conceptions of contemporary 'mail-order' bride arrangements.

The "'Mail-Order' Bride" Husband

Men involved in IMO marriages are also a highly stigmatized population. Predictably, they too are representationally bifurcated into two simplistic images, the IMO husband *victim* or *victimizer*. Interestingly, however, both representations cast Western women as the impetus for men to enter the practice.

The 'mail-order' bride husband *victim* is afraid of the controlling, 'unfeminine,' judgmental, 'emasculating,' contemporary Western woman, who reflects recent feminist influences. Depending on perspective, Western women are imaged as "assertive/independent" or "aggressive/man-hating," and thus crushing to men whose social ineptitude (and/or remote geographical location) makes them less desirable husbands. The 'mail-order' bride husband *victim* is a naïve, sweet, lonely, usually 'nerdy' man who is too shy, awkward, insecure, socially inept and/or boring to successfully court a Western woman: ("The girl's feigning interest, but, God bless her, she's giving him some attention—because a normal person like you or I would slit our wrists over such a conversation" (Garin 2006).) (See also *Russian Bride* 2005, *Malcolm in the Middle* 2001, *Mail Order Wife* 2004.) He is a somewhat pathetic loser. ("Shyly, slyly, hopefully, the men around the table smiled; these damaged guys, so desperate to believe" (Garin 2006).) (See also *Mail Order Bride* 2003, Rubel 2009.) On the rare occasions when he

is represented in a more romantic light, his status is explained by his living in a remote location where he is too busy and successful to take the time to find a wife (e.g., *Mississippi Mermaid* 1969, *Original Sin* 2001, *Naked Jungle* 1954). Thus he is a ready, hapless victim for the IMO gold digger con artiste.

In contrast, the ‘mail-order’ bride husband *victimizer* is an abusive, exploitive, sexist bully. He is seeking a partner to subordinate and abuse who is willing to provide the patriarchal privileges Western women will not. (He is a “globalized predator” (Garin 2006).) He is often imaged as older, financially comfortable, and looking to buy a wife. “These are not American women,” our guide was telling us. “They do not care about your age, looks, or money. And you are not going to have to talk to them for half an hour and then have your testicles handed back to you!...I’ve lived in St. Petersburg for two years, and I wouldn’t date an American woman right now if you paid me!...he had seen it many times: men whose confidence had been so trampled upon by American women that they could no longer comprehend that they were worthy of stunning, intelligent, and much younger women” (Garin 2006).

The abusive patriarchal behavior of the “‘mail-order’ bride” husband *victimizer* has previously led to failed relationships (usually with Western women). Thus he seeks a foreign woman willing to tolerate his outrageous expectations. The “‘mail-order’ bride” husband *victimizer* is imaged as despising Western women because of a supposed unwillingness to tolerate abuse and subordination (*Two Brothers and a Bride* 2003, *To Russia For Love* 1999). This representation reaches its extreme in the *CSI* episode, “Nesting Dolls” 2005, in which the properly arrogant, menacing, victimizer husband has killed his Russian ‘mail-order’ wife, stolen her necklace before disposing of her body, and presented it to his new, non-English speaking, young, vulnerable Asian ‘mail-order’ bride.

Mail Order Bride Marriages

Nearly all IMO marriages are imaged as in some way duplicitous; something relevant isn’t revealed, outright lies and significant exaggerations are commonplace and false identities are assumed. Traditional racist and sexist beliefs abound in the imaging of these marriages. In *Picture Bride*

1994, the wife's family history of tuberculosis, (then highly stigmatized), is hidden while the husband lies about his age and financial situation. In *Naked Jungle*, her previous marriage is hidden. In *The Harvey Girls*, his letters are plagiarized while in *The Reluctant Bride* (2005) the letters of both are plagiarized. In *Mail-Order Wife* 2004, the husband lies about his age and income; the wife fails to reveal her previous 'mail-order' marriage. In *Mississippi Mermaid* and *Original Sin*, the 'true' "mail-order" bride" has been 'disposed of' and the con artiste has stolen her identity. Romance novels commonly image their heroines as less than honest (e.g., *Secrets of the Heart* 1998). Indeed, even juvenile literature (Rubel 2001) images IMO marriages as duplicitous.

International Marriage Organization/Brokers

Save for their self-representation, IMOs are imaged, hegemonically, as unqualifiedly evil (e.g. *Law and Order: SVU* "Parasites" 2001). The excerpt below is not atypical:

Historically, IMBs have declined to provide any information about their male clients to the women with whom they seek to match them; and, in fact, this one-sidedness has been a selling point. A New York-based advocacy group called Equality Now demonstrated it in stark terms in 1999,¹⁹ when they sent a blanket email inquiry to dozens of IMBs, purporting to be from a physician who had assaulted two ex-wives; his email asked whether this history would be an issue. Out of sixty-six responses, only three IMBs turned him down, and only two others expressed serious reservations about taking him on as a client; a few actually praised him and commiserated regarding the occasional need for violence when it comes to keeping women in line (Garin 2006, 71).

Similarly, IMOs are represented in government and by NGOs as soulless capitalists encouraging a form of contemporary slavery: "...These businesses encourage a sense of ownership, or at least an entitlement, of the paying male client in the foreign women [sic] that he has expended at times substantial sums of money, into the thousands of dollars, to bring to this country..." (Smoot Testimony, *European Connections* and *Tours v. Gonzales*, 72)

The vast majority of women's rights and anti-trafficking NGOs tend to describe IMO's in extraordinarily inflammatory terms, often equating them with traffickers or, as below, with pimps: "Pimp—One who promotes and/or profits from the sale and/or abuse of another person's body or sexuality for sexual purposes, or the production and/or sale [of] images made of that person, e.g. trafficker, pornographer, brothel madam...*mail-order bride agent*, prostitution tour agent" (italics added, Coalition Against Trafficking in Women 2004).

The Current Situation:

Although length limitations make it impossible to fully demonstrate how inaccurate these representations are, even a brief overview of emerging qualitative studies make it apparent that the practice of IMO marriage is extremely diverse and complex and that the majority of men and women engaged in this practice are not accurately depicted by these polarized images. Certainly, the economic factors that motivate women to become IMO wives, while undeniable, are hardly anomalous. Indeed, they are subsumable under contemporary global(ized) patterns of migration and transmigration of labor, from less developed to more developed nations. Similar to other globalized migrations, they tend to reflect migratory patterns involving remittances to families in the immigrants' home countries. However, there is insufficient research to determine what other factors play into the women's decisions. Factors such as internal social structures/expectations, colonial history, etc. must be considered if we really want to account for the phenomenon.

In actuality, we know surprisingly little about IMO wives, husbands or the marriages themselves. We do know, contrary to prevailing 'Western' representations that the practice is actually a global one involving not only White, but also Asian men (e.g., Japanese men regularly seek Vietnamese IMO wives). We know that there is considerable diversity in these marriages, both on the individual level and on national levels. (E.g., the dynamics of these marriages in the US appear to be different from those in Australia.) But there have been *no* large scale studies and thus *no* clear data indicating the divorce rates, domestic violence rates, etc. specific to them.²⁰ The few

ethnographic and quantitative studies of them that exist are beset by serious methodological problems²¹ and tend to contradict one another. We have no longitudinal studies necessary to determining the long-term “success” of these marriages.²² What little evidence does exist is primarily anecdotal.

Hegemonic Representation and US Immigration Legislation

Concerns about the “‘mail-order’ bride” *victimizer* and her hapless mate, the “‘mail-order’ bride” husband *victim*, are predictably addressed in the considerable US immigration legislation intended to ferret out “marriage fraud.” Concerns about foreign nationals marrying for ‘green cards’ is embodied in the *Immigration Marriage Fraud Amendments of 1986* which addresses the ‘victimizing’ immigrant spouse whose interest in her/his American partner will last, at most, for the two years required to become a legal permanent resident (LPR). Equally apparent is the history of racist, sexist and economically biased US immigration laws intended to bar victimizing females (particularly the “morally suspect”) from entry and marriage (or sexual contact) with US residents. For example, the *US Immigration and Nationality Act* (INA: ACT 212), explicitly bars all prostitutes from entry into the US presumably because as female victimizers they will ‘rot the body politic’ either by selling sexual services or marrying American males.²³ Similarly, though far more explicitly racist in intent,²⁴ the *Chinese Exclusion Act of 1882* effectively barred Chinese women from entering the US by “assum...[ing] that all Chinese women were prostitutes, hence undesirable and ineligible for entry” (Lee, 2003, 3).

In what follows I will argue that *IMBRA* presumes the accuracy of the hegemonic *representations* described above and thus directs its concerns and regulations against these representations rather than developing legislation that addresses the actual life experiences of those in the practice.

IMO Wives and U.S. Immigration Regulation

There are two ways women who meet their mates through IMOs, generally enter the U.S. Traditionally, those who marry before applying for immigration, have entered as ‘spouse dependent immigrants’ (SDIs) on I-130 petitions. These allow U.S. citizens and legal permanent residents

(LPRs) to petition for their foreign spouses to enter as non-permanent immigrants (with green cards). Those who have been married for less than two years receive a conditional or temporary permanent residence status. Although I-130 petitions are required for all SDIs, more recently, married couples have tended to apply for K-3 visas as well because the processing time for them is months to nearly a year less than for I-130 petitions.²⁵ In 1997, 25% of all U.S. immigrants (or 170,000 people) entered as SDIs. (*USC&IS Report*, 8). Sixty six percent of those were female. According to the *USC&IS*, 1.5-2.7% of that population were IMO wives.

An alternative route for citizens (though not LPRs) is the K-1 or “fiancée” visa, which is granted to unmarried couples intending to wed. They are valid for ninety days; if the couple fails to marry in that period, the non-citizen must leave. If the couple marries, they can apply for a two year “conditional” permanent residence and ‘green card’. Based on a one month study in Vermont in 1998, the USC&IS held that 5.5% of the fiancée petitions reviewed were “classified as definitely or probably mail-order introductions” (*USC&IS Report* 1999, 13).

The International Marriage Broker Regulation Act: IMBRA

IMBRA is a subsection of the far larger and broader *Violence Against Women Act* (VAWA) 2005. Since 1994, the US government has provided specific protections to SDI victims of domestic violence. *VAWA* 2005 attempts to address the *entire* SDI population by allowing victims of domestic abuse to sever their immigration status from their spouses. *IMBRA*, a subsection of that larger law, addresses what the *USC&IS Report* estimates involves 4,000-6,000 women annually who immigrate for marriages arranged through an “international marriage broker,” (i.e., “...a...legal entity...*that charges fees* for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals” (Italics added, *VAWA* 2005, 3075).

The provisions of *IMBRA* appear straightforward and reasonably benign. They require: 1) That IMBs not provide personal information about anyone under eighteen, 2) That IMBs obtain and disclose the criminal and marital histories of the US client (including all “prostitution related” arrests within the past ten years.) 3) That IMBs distribute a US government pamphlet outlining legal protections for SDI victims of domestic violence.²⁶ 4) That IMBs obtain a signed consent before releasing identifying information about the foreign national to a US client. *IMBRA* further requires the addition of a question on the K visa application: “Did you meet your fiancé(e) or spouse through the services of an international marriage broker?”

Requirement 2 is particularly noteworthy. Certainly, collection of the required information is highly problematic. Though IMBs are required to search public registries of sex offenders, the vast majority of information they are required to gather is to be obtained through the US client’s *self-disclosing* questionnaire. Clearly the dependability of that information is exceedingly suspect.

In addition, question two is both problematic and revealing. Given that there is no known relationship between prostitution arrests and potential for domestic abuse, I inquired of one of the bill’s authors why this provision was included. She reported that after reading an article on prostitution, she “was struck hard by the similarities between some of the ways men who go to prostitutes act out degrading or violent sexual fantasies, and the kinds of abuse of “‘mail-order’ brides” we were seeing in our clients and colleagues’ clients” (Private e-mail from Jean Smoot, June 14, 2007). Having recently completed a book on prostitution based on seven years of research, I found this alleged similarity unconvincing and insensitive to the radically different political dynamics both within prostitution practice and between the two practices. Indeed nothing appears to connect the two other than the author’s ‘intuitions’, ones that reflect the similarities between the cultural *representations* of the victimized IMO wife and the victimized prostitute.²⁷

IMBRA is clearly an attempt to provide additional ‘protections’ for a subpopulation of the general SDI population. Legislation regulating *only* the activity of a subpopulation can be justified if the subpopulation

is, indeed, at significantly greater risk or significantly more vulnerable to, a specified harm. Historically, such 'protective' laws have often been directed against women, from those excluding women from some forms of employment, to those 'relieving' us of the 'burden' of jury duty, military service, etc. Such 'protective' measures are often justified by appealing to women's 'weaker nature' and greater vulnerability (See, e.g., Kapur 2007). In *Muller v Oregon* 208 US 412 (1908), the court allowed women's working hours to be restricted despite having rejected similar limitations on men. The court held that: "...there is that in [women's] disposition and habits of life which will operate against a full assertion of rights...[Woman is] properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained."

Feminists have rightly viewed such 'protective' legislation with particular concern since it often simply constitutes a method to constrain women and other subordinated groups (See Hoff 1991). This concern is heightened when the legislation targets a female population further 'othered' by race, sexual orientation, etc. Legal paternalism, which involves circumscribing individual liberties to protect the individual from her/his own bad judgment, necessarily assumes that those creating and enforcing laws can better evaluate what is in an individual's own interest than can that individual her or him/self. *IMBRA* is a 'protective' paternalistic piece of legislation clearly developed in response to the belief that the "‘mail-order’ bride" is especially vulnerable to abuse and thus "properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation" is not necessary and could not be sustained for other SDIs.

In introducing *IMBRA*, Senator Sam Brownback maintained "The numerous accounts of abuse, neglect, slavery and even murder of mail-order brides demands more attention. Not only should we educate the public on these risks, but we should work to protect *the most vulnerable*" (Italics added, Larsen, 2005). The regulations contained in *IMBRA* suggest that IMO wives are particularly uninformed and unaware of US immigration law (including *VAWA*) and are thus more vulnerable to spousal abuse than are other SDIs. If this is true, than *IMBRA* might be a reasonable approach

to the growing practice of IMO marriages. If, however, there is no evidence that IMO wives are ‘*the most vulnerable*’ then *IMBRA* simply serves to stigmatize them by representing them as particularly weak, incompetent and in need of ‘saving.’

Rather critically for this discussion, it should be noted that *IMBRA* explicitly *excludes* from its scope marriages arranged through “a traditional matchmaking organization of a cultural or religious nature *that operates on a nonprofit basis*” (VAWA 2005, 3075, italics added). The supposed justification for this exclusion is found in the *USC&IS Report*: “These are relationships fostered by for-profit enterprises, where the balance of power between the two individuals is skewed to empower the male client who may be seen as “purchasing” a bride and a woman who has everything to gain from entering into this arrangement and staying in it, no matter what the circumstances” (8).

Thus the ‘protective’ elements of *IMBRA* extend *only* to the tiny population of IMO wives,—explicitly excluding the larger general SDI population including those in marriages arranged through “a traditional matchmaking organization of a cultural or religious nature.”

Resources Cited in IMBRA’s Findings:

Although *IMBRA*, itself is ultimately the focus of concern here, it is the *USC&IS* 1999 “International Matchmaking Organizations: A Report to Congress” (sometimes referred to as the *USC&IS* or *INS Report*²⁸) and related Senate hearings, that were the empirical bases for its ‘justification’ and are cited in its *Findings*. This *Report* and the related Senate hearings flesh out the beliefs, concerns and ideology of advocates/lobbyists and legislators that ultimately are embodied in *IMBRA*.

The 1999 USC&IS Report

Careful analysis of this Report reveals it to be an indefensible piece of ‘research.’²⁹ Time constraints force me to limit my critique to a few critical issues.³⁰

Critical empirical claims regularly misrepresent the original source, are based on weak or no empirical studies, or are based purely on anecdotal

evidence. For example, the report consistently ascribes traits to “‘mail-order’ brides” by citing studies of *other* populations. Indeed, the *Report* cites few critical qualitative and *no* critical quantitative studies that consider the experiences of IMO wives, as a unique sub-group.³¹

Although the *Report* initially maintains that “a vast array of information already exists on the subjects of mail-order marriage, domestic violence and marriage fraud,” the discussion throughout the rest of the Report underlines the tentative and speculative nature of the ‘findings’. Indeed, the Report ultimately acknowledges that “limited facts and statistical data exist” and thus turns to anecdotal ‘evidence’. Yet the *Report* concludes by recommending a variety of significant governmental restrictions directed against IMO marriages, without ever establishing anything unique about them.

While the *Report* attempts to appear even handed, it clearly is not. Save for a passing reference to “other explanations,” it simplistically frames the discussion in terms of two opposing positions. The first favors allowing such marriages. The *Report* presents this position as justified based purely on classic Millian Liberal grounds, i.e., that the only justifiable basis for limiting individual liberties is the Harm (to others) Principle. (See, e.g., Feinberg 1986.) The *Report* provides only a seven sentence justification for this position, citing a 1989 Swedish study that concluded the “business was neither unethical nor unlawful.” Five of the seven sentences cited were taken directly from the Swedish study; revealingly the first sentence selected was, “Even if a woman who comes to Sweden is treated like a slave and the man uses, abuses and violates her rights, it is not easy to cast the blame on the marriage broker...”³² This ‘neutral’ view of IMO marriages reappears, only briefly, in three quotations solicited from the public by the INS. However one of these is such a ghastly, anti-feminist, anti-American female rant, so as to constitute an argument against IMO marriages.³³

The ‘alternative’ position, according to the Report:

...challenges the inequities of these transactions and identifies the “‘mail-order’ bride” phenomenon as an international industry that often trafficks women from developing countries to industrialized Western countries. Unlike dating services or personal ads, the “‘mail-order’ bride” transaction is ‘one where the consumer-husband holds all the cards’(4).

The *Report* then provides literally almost seven times the amount of text describing/defending this analysis as it did for the ‘opposing position.’

Given their lack of empirical information, one must question how the authors of the *Report* arrived at their ultimate conclusions. Critically, the *Report* states, “The INS has limited knowledge of this industry beyond what is reported in the press...” If one reads the *Report* with this in mind, what emerges is, in fact, an official study that relies solely on the four prevailing hegemonic representations of “‘mail-order’ brides” as the basis for its claims.

It is not surprising that prevailing representations of “‘mail-order’ bride” victims and victimizers are heavily imaged in the *Report*. Given their Congressional mandate “...to report on the number of these marriages and the extent to which they may be responsible for fraudulent or abusive marriages” (19), the INS was required to determine the extent to which victimizing (i.e., fraudulent marriage) and victimization (i.e., domestic abuse and the global trafficking of women) occurred. However, by their choice of language and appeals to unverified or irrelevant data, the INS did more than fulfill their mandate. Rather, the *Report* makes prevailing representations credible, while its recommendations legally codify simplistic hegemonic representations of IMO wives and simultaneously stigmatize their marriages.

The *Report* references all three simplistic “‘mail-order’ bride” representations. Even that of the “‘mail-order’ bride” pioneer woman is acknowledged almost immediately in the report, despite its total lack of relevance to the Congressional mandate.³⁴

In its concern with possible marriage fraud, the *Report* regularly images the “‘mail-order’ bride” *victimizer*’ (and evil IMO):

...the INS has received complaints from men who see themselves as victims of a conniving “‘mail-order’ bride,” who, perhaps in collusion with the IMOs, is only too well aware of the immigration laws and the benefits to be derived through marriage to a U.S. citizen or lawful permanent resident. Once in the United States, these women make it clear they have no intention of remaining in the marriage and perhaps even manipulate the spouse in order to take control of his financial and material assets or to ensure the future immigration of their family members (4).

Yet, ultimately, the INS' internal study determined that only "1% of the conditional cases denied for marriage fraud, involved "mail-order' bride" arrangements...this study did not demonstrate a significant role played by the matchmaking industry in marriage fraud"(9). Given this, the *Report's* "Summary and Conclusion" is rather puzzling:

Concern about immigration fraud...involving foreign-born spouses is well founded, but the administrative sources of information available to INS for this study failed to establish that the international matchmaking industry contributes in any significant way to these problems. The subject is inherently difficult to study, and few quantifiable sources of information exist (9).

Thus rather than accepting the results of its own study, the *Report* chose to cast suspicion on its own results. Indeed this statement is followed by a somewhat incoherent argument about their own data not reflecting 'more recent developments.' The conclusion thus ultimately appears to legitimize the unfounded representation of the victimizing "mail-order' bride," complicit IMO and victimized "mail-order' bride" husband.

The focal point of the INS study was clearly that of "mail-order' bride" victims (and objects) especially of domestic abuse and trafficking, and of their corollary representations, the victimizing "mail-order' bride" husband and evil IMO. Once again, the *Report*, despite its own data, consistently images IMO wives in terms of their prevailing representation as victims while imaging the husbands as victimizing predators. "The male customers, according to the IMOs, are generally financially secure, yet they frequently seek relationships with women from impoverished countries where women are often denied equal education and employment opportunities. The fact that the male customer is a U.S. citizen or lawful permanent resident makes him more attractive to a foreign-born bride, who may come from a society in which women are pressured to take steps that are not beneficial to them as individuals (e.g. to become a prostitute, overseas domestic worker, or "mail-order' bride") in order to support family members. As a citizen or LPR, the male customer holds both real and imagined power to allow a bride to enter the United States lawfully and to threaten deportation once she is in the United States" (5).

Thus the husbands are imaged as predators using their US citizenship (and financial security) to troll for the most vulnerable foreign women, women whose vulnerability stems from being denied “equal education and employment opportunities.”³⁵ However, this description is at best simplistic and at worst false. Probably the largest group of IMO wives comes from the Philippines, a country that, though poor overall, scores far better than the US on the *Global Gender Gap Index 2007* (Hausman 2007).³⁶ The second largest group is from the Russian Federation, whose comparative gender gap figures regarding education and jobs similarly belie the *Report*’s claims.³⁷ This is not to suggest that women entering IMO marriages are not motivated by economic factors but rather that the *Report* paints them as far more naïve, desperate and vulnerable as a class than the available statistics suggest.

Similarly, the *Report* images IMOs as unrelentingly suspect, or worse, referring to them with such descriptions as “sophisticated concoctions providing both video and audio representations of the recruits,” (4), as the “‘mail-order’ bride” business,” the “‘mail-order’ bride company,” and as involved in the “wife-import” business (3), the “mail order bride transaction” (4) and the “marketing of women” (5). In its summary of the position opposing IMOs, the *Report* refers to “an international industry that often trafficks women from developing countries to industrialized Western countries” and reports that a Global Survival Network documentary “reveals how “‘mail-order’ bride” businesses are used as fronts to recruit and traffick Russian women.” (4) It holds that the “‘mail-order’ bride” transaction is “one where the consumer-husband holds all the cards.” The *Report* repeatedly suggests that IMOs are shady and/or criminal organizations e.g., maintaining that Section 652 of the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, which requires that IMOs provide information on US immigration law:

suggest[s]...that these organizations may in some ways facilitate abusive and fraudulent marriages.” (5) Given the capitalist orientation of the US, the Report rather surprisingly maintains that IMOs are particularly suspect because they are driven by a profit motive. “An unregulated international matchmaking industry presents numerous opportunities for exploitation. These are relationships fostered by for-profit enterprises, where the balance of power between the two individuals is skewed to empower the

male client who may be seen as “purchasing” a bride and a woman who has everything to gain from entering into this arrangement and staying in it, no matter what the circumstances(8).³⁸

The *Report* consistently associates IMO's with the inflammatory charges of trafficking and domestic violence of “‘mail-order’ brides.” But what light does it actually shed on the trafficking and abuse of “‘mail-order’ brides,” *as a unique population requiring special legislation?*

With regard to trafficking, the *Report* maintains that:

The information on trafficking suggests that “‘mail-order’ brides” may become victims of international trafficking in women and girls. The global magnitude and impact of this traffic in women are already well documented(1).

While certainly *any* women or girls “may become victims of international trafficking” the question is, do we have any evidence that IMO wives are especially vulnerable to trafficking? The *Report* clearly implies we do with language such as: “While not all “‘mail-order’ brides” would be considered trafficked...” (3) However the sole justification provided in the Report for linking IMO's with trafficking is a documentary film produced by the Global Survival Network (GSN), an NGO, that:

...reveals how mail-order bride businesses are used as fronts to recruit and traffick Russian women to...the United States for the sex industry. Specifically...traffickers have become interested in sending women to the United States because fiancée visas are easily obtained (4).

However, a careful reading of the GSN study reveals that the INS clearly misrepresented the studies anecdotal findings. The GSN study referenced three cases in which organizations *fraudulently claiming to be IMO's* were involved in trafficking women. The women trafficked were (knowingly) immigrating for prostitution purposes and were knowingly engaged in marriage fraud or they were already in the hands of traffickers (who made these arrangements). The GSN study provided no evidence that women were deceived regarding their participation in IMO marriages in order to be trafficked by IMO's. Thus the INS' claim that “the information on trafficking suggests that mail-

order brides may become victims of international trafficking in women and girls” misrepresents the GSN study. Significantly, the GSN did not advocate for *IMBRA*, and Gillian Caldwell, primary author of the study, stated elsewhere: “We [GSN] found that stricter immigration regulations simply increase a migrant woman’s reliance on organized criminal groups, which offer to handle her visa and travel arrangements” (Caldwell 1997, 7). Thus even if the *USC&IS* had succeeded in establishing a link between genuine “mail-order’ bride” arrangements and trafficking, as Caldwell suggests, far more discussion would be required before we could legitimately conclude that we should increase regulations on these arrangements, for fear that by doing so we may actually increase trafficking.³⁹

In addition, the most recent data indicates that not only are claims regarding the trafficking of IMO wives unjustified, but the general angst regarding trafficking of women and girls into the US in general has been horribly overblown.⁴⁰

With regard to domestic violence the *Report* states:

Concern over this issue reflects the lack of power the foreign-born woman has compared to either the U.S. citizen or lawful permanent resident in these arrangements and the lack of regulations governing the way in which the international matchmaking organizations conduct their business...Western Europe, Canada, and Australia are witnessing similar patterns with regard to *the use of these agencies and the domestic violence that can result* (3, Italics added).

While it is true that disparities in power may place the IMO wife at greater risk for domestic violence, this is true for all SDIs. And while the *Report* places a causal link between “the use of these agencies and the domestic violence that can result,” the *USC&IS*’ own study negates such a link.

After claiming, “Local and national newspapers are filled with examples of the deadly ramifications of domestic violence and immigration” the *Report*, predictably references the Blackwell case,⁴¹ stating, “This type of gruesome incident may happen again somewhere in the United States.” While undoubtedly true, the Blackwell case was, unfortunately, no more

gruesome than innumerable cases of extreme domestic violence perpetrated against US citizens, LPRs, and other SDI populations. The question is whether IMO wives suffer this sort of abuse *more* than other US females such that special protective measures are necessitated solely for them? The *Report* cites anecdotal evidence, “Increasingly we hear stories of exploitation and abuse from immigrant women who are brought to the United States and find themselves in abusive marriages,” and argues that:

...it is usually assumed by experts that the incidence is higher in mail-order marriages. The argument that immigrant women in mail-order marriages are more at risk of abuse seems plausible, given the discrepancy in power between a USC or LPR and his immigrant spouse (15).

Again this discussion uses a general assumption about “immigrant women,” to justify restrictions specific to IMO marriages. Given their lengthy, inflammatory discussion of the abuse of IMO wives, it is significant that the *USC&IS*’ own study failed to document *any* significant domestic abuse in these marriages:

Both of the administrative samples based on self-petitioning cases result in the conclusion that less than 1 percent of the abuse cases now being brought to the attention of the INS can be attributed to the “‘mail-order’ bride” industry...While the amount of abuse of foreign-born spouses documented in these claims is alarming, there is no empirical evidence in the INS records indicating the mail-order bride industry is responsible for bringing together most of those couples (16).

However, despite the lack of any credible evidence to support a claim of increased risk to IMO wives, the *Report* concludes, “In addition to criminal enforcement, public education and outreach are needed to provide assistance *to mail-order brides who are the victims of trafficking or domestic violence* and to ensure that IMOs and their clients comply with U.S. Law” (18, italics added). By misrepresenting the GSN report (and offering no further ‘evidence’), the *Report*’s conclusion legitimizes the representation of IMOs as traffickers in women. Similarly, and despite their own findings, by

recommending special protections beyond *VAWA*, the Report reinforces the representation of the “‘mail-order’ bride” victim who is particularly liable to violence, and the “‘mail-order’ bride” husband who is disproportionately prone toward abuse. Thus despite a lack of any compelling evidence, the *Report* legitimizes and privileges prevailing ideology about IMO marriages while stigmatizing those who participate in them.

The Scholes Report: “The Mail-Order Bride Industry and its Impact on U.S. Immigration”

Although commissioned by the INS for their overall *Report* and used as a major source for its findings, Appendix A, authored by Robert Scholes, is often cited as a separate resource. A careful review of this influential study demonstrates the problematic nature of Scholes’ research methodologies. Indeed, even his claim that mail-order’ bride and e-mail correspondence services result in 4,000-6,000 marriages between U.S. men and foreign brides each year” (6), (a reference constantly cited elsewhere), is altogether undependable, “[b]ecause we do not know the size of his survey population and because the success rate figure is based on the unofficial estimates of a single company that had been in business for 5 years” (Simons 2001, 34). While space limitations prevent a thorough critique of Scholes’ study,⁴² some selected quotations should highlight how his analysis perpetuates prevailing representations of “‘mail-order’ brides.”

Scholes embraces the representation of the “‘mail-order’ bride” *victimizer*, in search of a gullible mate and U.S. residence:

There is no question that many of the alien women who advertise for U.S. husbands are far more interested in gaining permanent resident alien status than in gaining a good marriage. What portion of the women intend to use marriage to gain permanent resident alien status cannot be ascertained, of course, since we cannot know what is in the woman’s mind, but a reading of the self-descriptions they offer and their willingness to marry men of advanced age and dubious character attests to this intention (7).

Yet Scholes’ sole support for this claim is, “The most common times for mail-order brides to leave the marriage, according to Martin (n.d.) are

‘immediately, 3 months after marriage [receipt of the green card], and 2 years after marriage’ [receipt of non-conditional permanent residence].” Given that M. Martin is Scholes’ *sole* support for his characterization of the evil intentions of “many...alien women who advertise for U.S. husbands” the reliability of Martin’s research is critical. In fact, “M. Martin,” refers to the otherwise unidentifiable author of “Why Marrying a “‘mail-order’ bride” is a Weak Idea”—a message posted on the University of Akron’s Internet server, (that provides personal web space for students, staff and faculty).⁴³

Scholes is equally concerned with the “‘mail-order’ bride” *victim*:

There are reports of a different kind of fraud...namely, one in which women are recruited into prostitution through the international matchmaking services. The new slave trade has not, however, to the author’s knowledge occurred in the United States, although *it is a well documented trade* involving Russian women imported into Israel (5, Italics added).

However, Scholes ‘documentation’ turns out to be a single misinterpreted (and incorrectly ascribed) newspaper article. Nor does he argue that the alleged trafficking into Israel is replicated in any other country.

In addressing concerns about domestic violence, Scholes clearly favors representations of IMO husbands as smarmy opportunistic victimizers. In the quotation above, he describes them as “men of advanced age” (the hegemonic ‘dirty old men’). Yet only three pages earlier, Scholes cites a study that found their median age to be thirty seven. Worse, he justifies his characterization of them as “of dubious character” by citing two sources. However, one of these is a complete mis-ascription; Scholes ascribes to Jedlicka, direct quotes and analyses that actually belong to Glodava. The Glodava analysis is therefore Scholes sole support for his very negative characterization;⁴⁴ (indeed Jedlicka’s conclusions actually contradict Glodava’s characterization). Instead of providing solid evidence for Scholes’ characterization, Glodava’s conclusions are in fact based solely on articles from the popular press and on anecdotal evidence she gathered from working with abused women. Clearly neither provides any compelling evidence regarding the *general* population of IMO husbands.

Scholes cites an AP article on the supposed preference of Taiwanese men for 'foreign' (i.e., non-Taiwanese) women to bolster his characterization of IMO husbands. ("Taiwanese men want to marry only hard-working obedient drudges while Taiwanese women have discarded this traditional role and are seeking equality and mutual respect in marriage"(5).) But even if this alleged anti-feminist desire of Taiwanese men is an accurate description and replicated in American men, the desire to exploit foreign women as "hard-working obedient drudges" would surely be a potential concern regarding all SDI wives, and not simply those who meet through IMOs.

Not surprisingly, Scholes paints IMO wives as an especially vulnerable, naïve population, ("these women...do, for the most part, come from places in which jobs and educational opportunities for women are scarce and wages are low," (3)) again, incorrectly characterizing them. Regarding abuse, Scholes speculates, "While no national figures exist on abuse of alien wives, there is every reason to believe that the incidence is higher in this population than for the nation as a whole. Authorities agree that abuse in these marriages can be expected based on the men's desire for a submissive wife and the women's desire for a better life" (8).

Scholes' report concludes:

...The existing problems that appear to require some attention involve abuse. On the one hand, the potential husbands might need to be screened...What you have are older men, people with three divorces, alcohol problems...some of whom have a history of domestic abuse or problems with the law...At the very least, alien spouses should be informed of their rights and be given names, addresses, and telephone numbers of agencies they may consult if they face difficulties in the marriage... (11)

Thus even his recommendations embrace and reinforce inflammatory, unsubstantiated representations of IMO husbands. (I have never seen any other reference to "three divorces" and "alcohol problems" nor do they appear anywhere else in Scholes' report). His recommendation that "alien spouses [i.e., in this context, specifically IMO wives] should be informed of their rights," etc. is equally problematic since he has presented no evidence that this recommendation is more compelling/justified for IMO

wives than it is for the larger SDI population, thus perpetuating the image of IMO wives as particularly naïve and vulnerable relative to other SDIs.

The Findings for IMBRA

The data used to justify *IMBRA* are presented in the bill's two-page "Findings." They cite a law journal article to support the claim that five hundred IMOs were based in the US in 2005, cite Scholes and a Women's E-News article for their highly suspect estimate of the number of U.S. IMO marriages annually, and cite the *USC&IS* Report to support the contention that "the potential for abuse in mail-order marriages is considerable." The findings note the anecdotal instances of Susanna Blackwell and Anastasia King,⁴⁵ as evidence of the murderous potential of IMO marriages. The findings also cite data on *general* US domestic violence rates and "rates of physical abuse of immigrants by an intimate partner during their lifetimes." However not only are "rates of physical abuse of immigrants" not helpful in understanding the rates relevant particularly to IMO wives, but the sources they cite fail to even support claims about "rates of physical abuse of immigrants" overall. The evidence provided for this claim is two studies of *Latina* immigrants. (A population not significantly represented in IMO marriages.) The *Findings* also offer statistics on the number of abusive spouses who fail to file or delay filing immigration papers, but this data is again taken from one of the two studies of Latina immigrants. The Findings also note the lack of information made available to *all* SDIs, both with regard to the personal history of their prospective spouses and with regard to protections afforded them through *VAWA*.

Point Four of the Findings cites a new study, the 2003 Survey of Legal Services Providers conducted by the Tahirih Justice Center. "A 2003 survey of programs providing legal services to battered immigrant women across the country found that more than 50 percent of these programs had served female immigrant clients battered by men in the United States they met through international marriage brokers."

Given the lack of available empirical information on IMO marriages, any new study is of considerable interest. However, whether or not the cited research finding is meaningful depends upon several issues: How large

was the sample? (i.e., how many programs were surveyed?) What were the sampling methods? What period of time was covered by the survey? (I.e. as it reads, the programs may simply have been asked if they had *ever*, in their history, served an immigrant who met her mate through an IMB.) Most importantly, with regard to programs that reported serving women who met their mates through IMOs, what percentage of their overall clientele were IMO wives? I.e., if IMO wives only constitute a tiny fraction of a programs' overall clientele, then the fact that 50 percent of them have (ever) served at least one (and possibly only one) IMO wife is meaningless in establishing that they are a population at particular risk.

However, the answers to these questions are unavailable. The 2003 study referenced (and again cited in the 2006 GA Circuit court case) has yet to be published. Indeed, when I contacted the Tahirih Justice Center in 2007 requesting a copy, I was told: "It has never been published. It's all in raw data (excel charts and the like). We're working on making it public" (Private e-mail message from Jeanne Smoot, Director of Public Policy, Tahirih Center, June 6, 2007).

Thus the Findings used to justify *IMBRA* reference only five documents addressing IMO wives as a specific population; a law journal article and a WOMAN'S E-News article for data on the size of the population and three sources to support claims of abuse specific to IMO wives, the *USC&IS* Report, the Scholes Appendix, and the still unpublished Tahirih Justice Center Study. As noted these are surely unpromising and unimpressive indicators of the necessity of this legislation.

Senate Testimony

Beyond the Findings for *IMBRA*, support for the bill was clearly generated by the relevant Senate Hearing of July 13, 2003, "Human Trafficking: Mail Order Bride Abuses." The Hearing was convened by Sen. Sam Brownback who, along with Sen. Maria Cantwell, introduced *IMBRA* in the Senate. The title of the hearing clearly indicates the orientation of those selected to give testimony and the representations they were likely to evoke; they did not disappoint. Although no significant credible evidence had emerged in the four years following the *USC&IS* Report that

documented either trafficking or a disproportionate rate of domestic abuse among IMO wives, Brownback opened the hearing to address “the issues surrounding international marriage brokers, so called mail order brides and *the links that can be made to human trafficking*” and to consider “how best to protect *the many victims* of abuse and trafficking that have arrived through seemingly legitimate matchmaking organizations” (1-2, italics added). Brownback referenced the King case to support his claim that “*Several* reports and news articles have indicated in recent years the disturbing *trend* of mail order brides who suffer from domestic abuse” (2, italics added); but his sole evidence was a lengthy anecdote about an immigrant woman who married her pen pal. (According to the *Report*, pen pal agencies are altogether different from IMOs.)

In her testimony Cantwell, referred to the topic of the hearing as one of “growing epidemic proportions” (4) referring to the “nexus recognition between human trafficking and the problems of international marriage brokers” (5). Cantwell maintained that:

...there is a growing epidemic of domestic abuse among couples who meet via international marriage brokers. Immigrant and women’s advocacy groups across the country report seeing an increase in the number of these wives seeking to escape a physically abusive husband they met through an IMB. And in several cases, the abuse has progressed to murder... (5)

Predictably, Cantwell provided no citations for the claim, or for charging IMOs as a link to the “growing epidemic of domestic violence.” According to Cantwell, IMOs increase the power differentials between the couple and exploit the women as things (they ‘offer’ them). “...the brokers provide clients extensive information about the women they offer, everything from their favorite movies and hobbies to whether they are sexually promiscuous” (9). Cantwell images the husbands as disproportionately inclined toward domestic violence and as drawn to relationships in which they have considerable and disproportionate power (referencing Glodava’s analysis that the men “hold all the cards”). Cantwell frames them as heartless opportunists looking for the easiest way to snare a wife. “What we are finding in many of these cases is that men put in for many, many different women at the same time coming

to the United States” (6), (a claim I have never seen duplicated anywhere). She represents the women in their corresponding role of vulnerable victim. “Most of the foreign brides advertised by the international marriage brokers come from countries where women are oppressed, have few educational or professional opportunities, and where violence against women is condoned, if not encouraged. Because of the cultural differences, researchers say there is an inherent imbalance of power in these relationships between American men and foreign women” (7).

In his testimony, John Miller, Director of the Office to Monitor and Combat Trafficking in Persons, applauds Cantwell and Brownback for their “work over the years on this premier 21st century human rights issue, slavery” (10). Despite a total lack of evidence, this supposed authority is quite comfortable painting IMO as traffickers:

What do we know about trafficked victims in general?...There is the vulnerability of the victims...There is the deception...if you look at marriage brokering, you have these features...the vulnerability of the women and the deception involved”(10)...So how do vulnerability, deception, and corruption relate to a potential link between marriage brokering and human trafficking? Traffickers rely on the vulnerable, and taking a woman out of her community, transporting her from her country, and making her dependent on a foreign man in a foreign land makes her ripe for exploitation (13).

The testimony of Michele A. Clark, Co-director, of the Protection Project, of the Johns Hopkins University School of International Studies continued in the established vein of the Hearing. In her statement, “mail-order brides: Exploited Dreams,” she too names IMO as traffickers:

...it is not surprising that the industry of marriage should become a vehicle for exploitation. [i.e., trafficking] Nor is it surprising that the Internet, because of its immediacy, promises of anonymity and lack of accountability, should become the vehicle of choice for this exploitation to take place (17).

Clark maintains “The mail-order bride trade follows traditional trafficking patterns” (18), and further that on IMO websites, “the bride is reduced

to the condition of commodity” (20). “Many online “‘mail-order’ bride” websites have taken a web-based merchandising approach to their matchmaking, one in which the male clients are taken through a process of “Browse, Select, Proceed to Checkout.” Some organizations, such as Alena Russian Brides Marriage Agency, even use computer icons similar to those found on Internet catalogue sites, complete with pictures of shopping carts and money back guarantees”(18). In turn, according to Clark, this, “... leads the clients to view marriage with a foreign woman as a commercial transaction, one characterized by a “satisfaction guaranteed, or your money back approach.” Further, if the client is not satisfied with the provided product, he can always “return and exchange” his bride...” (19)

Clark cites Scholes (citing Glodava) in support of her view of the victimizing husband:

It is not unlikely that the men who choose to pursue the search for a wife through the “‘mail-order’ bride” path might be looking for just such a woman [i.e. “submissive, docile, faithful and loving domesticated wives who are looking to build a traditional, old fashioned home in which they will cater to their man”]. It is also likely that a man who is seeking out a submissive woman is not seeking an equal partnership, but rather a relationship of dominance and control. It is further likely that a man who marries a bride from a mail-order match will expect her to fit this stereotype...It then becomes likely that if a wife turns out not to “live up” to the advertised standard, the husband, who was seeking control in a relationship, might turn to abuse in order to force the wife to live up to that standard.

Although Clark acknowledges that “little research has been done to investigate this issue” she maintains that “the little information available does point to the fact that men seeking mail-order brides might indeed be searching for the stereotyped woman” and this, according to Clark, makes them more likely to abuse.

After referencing the pioneer “‘mail-order’ bride” in glowing terms, (“The practice....can be documented as far back as the revolutionary war” (17), Clark’s tone changes radically when discussion turns to the contemporary practice. The women are economically desperate:

...the rise of the Internet, coinciding with the fall of the former Soviet Union and the subsequent economic collapse which plunged many families into desperate economic conditions, contributed to the meteoric rise of the Russian mail-order bride industry (17).

In the section “Documentation of Abuse,” Clark offers seven anecdotal instances including, predictably, Blackwell and King to buttress her charges against IMOs and IMO husbands. (In a third case, she references a woman who ‘had married a US citizen who had corresponded with her romantically for ten years’—hardly our sense of a ‘mail-order’ bride). No additional ‘documentation’ is provided, no quantitative or qualitative research referenced (save for Glodava ala Scholes). Rather Clark cites the BBC News, and several newspaper and website articles as evidence.

Clark’s testimony is followed by that of Donna M. Hughes, Ph.D., a strong critic of the practice, who images IMO wives as naïve and “extremely vulnerable...Driven by poverty, unemployment, and media images of Western lifestyles, women accept risky offers of marriage in hope of finding a better life. Although some women may find the romance and opportunities they seek, many become victims of violence, sexual exploitation, and sex trafficking” (23).

Her description of IMO husbands is limited to one, undocumented claim: “The women are clearly being marketed to men who have been failures at establishing relationships with American women” (23).

Hughes expends her energies however, representing the evil IMOs: “...women are marketed using sexual, racial, and ethnic stereotypes. The web sites often include sexualized and semi-nude pictures of the women” (23). Hughes maintains that IMOs engage in “blatant and subtle marketing of children for sexual purposes” by citing *one* Philippine agency and “several” agencies from Russia, Ukraine and Moldova that “have underage girls listed as *correspondents or future wives*. (Italics added.) And based on her “suspicions” she contends, “There are imagines and texts on marriage agency web sites that have raised my suspicions that pedophiles may seek a foreign wife with children as a way to have sexual access to children.” Hughes then charges that IMOs are involved in the sexual abuse and exploitation of women and children with disabilities:

There are also marriage agencies offering introduction services and pornography of women with disabilities. One site from Russia markets women with missing limbs. The services are marketed to men with fetishes for missing limbs, amputated limbs or congenital malformations...On the same agency site are photographs of orphans with disabilities. Viewers are urged to send gifts or adopt them...Women and orphans with disabilities are extremely vulnerable...after viewing this site, one is left with a sick feeling for how they maybe exploited and abused by men who offer to marry or adopt them (24).

But Hughes provides neither specifics nor evidence to defend this incredibly damning charge. While her description of those who prey on the disabled is decidedly disturbing, it is unfortunately hardly limited to predators using IMO websites. Even a brief internet search produces numerous 'hits' for national (as opposed to international) US dating services providing those same services.⁴⁶ Certainly, there is no evidence linking IMOs with such abuse.

While Hughes' target may have been IMOs, her testimony clearly imaged IMO husbands as sexual 'perverts,' i.e., pedophiles and/or disability fetishists.

Finally, Hughes represents IMOs as traffickers. Despite acknowledging that "It is harder to prove involvement of these agencies in sex trafficking [than sexual exploitation]⁴⁷ she maintains "There are a number of aspects of these types of agencies that indicate that they are likely to be involved... the agencies have extensive personal information about the women and their families that *is often used to coerce women into prostitution once they are abroad.*" However she provides no evidence for this highly inflammatory charge other than speculation.

While her list of references suggests she is appealing to relevant new empirical data, a review of her sources, seven studies authored by Hughes, herself, makes it clear that she is not. Other than demographic information (on, e.g., the number of IMOs in Russia and number of females using them), these sources merely *speculate* that IMOs are, e.g., involved in trafficking. In "The Role of 'Marriage Agencies' in the Sexual Exploitation and Trafficking of Women from the Former Soviet Union," for example, Hughes offers the speculations of two NGO representatives to support the view that IMOs

traffick IMO wives. In fact, despite its title, Hughes concludes “Linking significant numbers of trafficking cases to “marriage agencies” is difficult at this point.” (Indeed, Hughes does not cite a single documented case.) Yet she holds, “The findings of this research create a framework for further research on the links between “marriage agencies,” sexual exploitation and trafficking of women”(13).

The final testimony of the hearing, provided by Suzanne Jackson of George Washington Law School, again images IMO wives as naïve victims⁴⁸ and IMO husbands as evil controlling pimps/traffickers or abusers. However, again, her attack is primarily directed against IMOs.

Jackson charges that “IMOs have been linked to criminal trafficking in several ways” (37), yet none of the sources she cites (including the GSN report) involve women who actually believed themselves to be IMO wives. She maintains “An IMO can also be a useful tool of, and sometimes a knowing collaborator with, an individual man who wishes to obtain control over a woman in order to exploit her.... Men have also used imprisonment and vicious violence to sexually exploit and prostitute young women” (37-38). Jackson ‘buttresses’ this claim with two examples, a “Honduran woman ...kept a prisoner—together with the U.S. citizen’s wife” and “a seventeen year old from the Philippines.” However the Honduran woman is not identified as an IMO wife⁴⁹ nor does Jackson speak to the corresponding vulnerability of the US citizen’s wife who was similarly imprisoned. Jackson provides no other identifying information about the seventeen year old, including whether or not she was an IMO wife.

Although Jackson acknowledges the existence of a hitherto unmentioned study in which “the CIA found that “[m]ail order bride brokers...are not traffickers per se,” Jackson chooses to emphasize that the study held, “where there is deception or fraudulent non-disclosure of known facts concerning the nature of the relationship being entered into or the criminal or abusive background of the client, the brokers should be liable as traffickers.” Jackson maintains, “Individuals using IMOs to find women whom they prostitute to others or use as their own “personal prostitutes” or domestic servants should be criminally liable as traffickers on the same theory.” Yet her reference to “personal prostitutes” was taken from an article describing the enslavement of a fifteen year old Costa Rican *boy*. Finally, she

interprets “the fact that not one sex trafficking case has been brought against an individual who has used a mail-order bride organization to obtain and sexually exploit a vulnerable immigrant woman” as proof that the DOJ is failing to protect IMO wives, rather than as evidence that either there are few such instances or that the sexual exploitation of all SDIs is sufficiently commonplace so as to make initiating a legal action (based on trafficking) impractical.⁵⁰

Jackson’s testimony then is of a piece with the rest of the Hearing, insisting on the accuracy of prevailing representations of IMO marriages, even while acknowledging the lack of corroboration for and sometimes evidence contradicting the charge that IMO wives are a distinct and particularly vulnerable sub-population of SDIs.

IMBRA and Hegemonic Representations

Thus the two primary resources used to support and ‘justify’ *IMBRA*, the *USC&IS Report* and *Senate Testimony*, consistently favored ‘the truth’ of hegemonic representation over all available credible social science data. The methodologies used by these sources are, in fact, so inexcusably and obviously flawed so as to make them altogether undependable. In turn, those responsible for developing *IMBRA* opted to utilize those resources rather than also considering data emerging from studies with better research methodologies, (ones that failed to embrace prevailing representations and their related ideologies). While *IMBRA* has emerged purely as a response to hegemonic representations, it has, in turn, legitimated them. *IMBRA* reinforces our ‘knowledge’ about the evil of IMOs and IMO husbands, and the desperation and vulnerability of IMO wives.

But the role of the jurisprudence system in reinforcing (or challenging) hegemonic (racist, sexist, classist, etc.) representations does not always end with the establishment of law. Because law is, in effect, made by the courts as well as by legislatures, (by striking down laws or narrowing or expanding their acceptable application), they, too, contribute significantly to the creation and reinforcing of hegemonic representations (and ideology); the manner in which legal decisions *represent* activities and populations are critical to how a culture understands and values them. Thus court challenges

can reinforce or attempt to undermine the accuracy of relevant hegemonic representations. The sole such challenge to *IMBRA* heard to date, clearly reinforces the underlying ideology and bias of the law.

European Connections & Tours v. Gonzales, N.D. Ga. 2006

In 2006, the U.S. District Court for the Northern District of Georgia heard the first constitutional challenge to *IMBRA*. Testimony was taken from Preston Steckel, President of European Connections and Tours, Inc., who was seeking an injunction against *IMBRA*, and from Jeanne Smoot, Esq, public policy counsel for the Tahirih Center, which “served as an expert consultant to Congress in its drafting of the federal legislation” (6).

In the Court decision U.S. District Judge, Clarence Cooper, not only accepted the views of Smoot, Scholes and the *USC&IS* Report without question, but even converted their explicitly tentative claims into certainty. Indeed, Cooper falsely suggested the existence of far greater/more compelling evidence than anyone had previously suggested, e.g., “the IMB industry has been the subject of extensive study by Congress and scholars” (7).

Cooper’s use of language images IMO wives, husbands, and agencies in predictable patterns. IMBs are constructed as evil exploiters and/or traffickers of women, “women are “brokered through international marriage brokers” (6). “IMBs use websites to market women...” (8) Cooper cites the *USC&IS Report’s* claim that “an unregulated international matchmaking industry presents numerous opportunities for exploitation” (5), repeating the contention that “these are relationships fostered by for-profit enterprises, where the balance of power between the two individuals is skewed to empower the male client who may be seen as ‘purchasing’ a bride...” (11) Similarly, Cooper accepts the *USC&IS* claim that: “Unlike dating services or personal ads, the mail-order bride *transaction* is ‘one where the consumer-husband holds all the cards’” (Italics added, 12). Cooper further reinforces the unsubstantiated charge of the “possible connections between mail-order marriages and trafficking,” referring to the “vast array of information” that exists on the subject of “mail order marriage”...including by trafficking experts...The information on trafficking suggests that mail-order brides may become victims of international trafficking”(13). Indeed, Cooper

strengthens this unsupported charge by noting a 2001 Department of State advisory brochure which “warned that mail-order bride agencies, among other seemingly legitimate businesses, may actually be fronts for trafficking operations” (14). However Cooper fails to disclose that the brochure lists IMO’s fifth on this list of suspect businesses, following “Model agencies, Travel agencies, Employment companies and “Au Pair” babysitting services” (US DOS 2001, 1).

Cooper’s decision images IMO husbands as victimizing abusers; Noting that “there have been notable cases of extreme violence committed by United States citizens toward “mail-order brides”...[including] the drugging, isolation, stalking, sexual abuse, mental abuse, physical abuse, and, in some instances, even the murder of the female, immigrant spouse,” Cooper states “...the United States male perpetrators of these crimes often were involved with multiple foreign women and were seeking to become involved with other foreign women at or around the time they committed the crimes” (7). However his sole source for this claim is the Congressional record.

He incorrectly cites the trial transcript to support his claim that: “An estimated 70% of abusive U.S. citizen spouses, *including* those who consummate relationships through IMBs, withhold the filing of the proper paperwork necessary to validate the legal status of their immigrant female partners to cause them to fall out of legal status and to hold the threat of jail or deportation over the woman” (Italics added, 7). But Cooper never asks what the rate of such abuse is within IMO marriages, specifically, nor why this general claim regarding all SDIs would support *IMBRA* rather than requiring a provision in *VAWA* protecting all SDIs.

Cooper ultimately accepts Scholes view that “potential husbands might need to be screened” but fails to mention that Scholes based this recommendation on a single comment by an executive director of one NGO.

With regard to why prostitution-related arrests are relevant to the K-1 visa application, Cooper states: “Prostitution-related disclosures are ...mandated under *IMBRA* to ascertain information which is potentially relevant to the issue of human trafficking” (27). In this claim, Cooper does what no “expert” has done before, that is, to draw a connection between IMO *husbands* (rather than agencies) and trafficking. Similarly, Cooper

is the first to explicitly claim a relationship between prostitution related arrests (of IMO husbands) and domestic violence “Congress rationally may use these “indicators” (i.e., arrests...[for] prostitution) of domestic abuse potential...”(27)⁵¹

In embracing the representation of IMO wives as poor, vulnerable, desperate victims, Cooper maintains “These women typically do not have access to the Internet themselves”(8). But his only source for that claim is Seckel’s testimony that European Connections’ *Ukrainian* clients don’t generally own computers. (Rather they use internet cafes.) Cooper states, “These English-language websites are directed to the male client rather than the female recruits, who typically have limited or no English proficiency”(8). But Smoot’s vague and unsupported testimony that this is the case for *Soviet* women is the only evidence Cooper provides.

IMO marriages also worsen under Cooper’s analysis. He states “Since 1999, the number of foreign fiancées who came into the United States on the K-1 visa have [sic] increased by more than 50 percent, and there *has also been a corresponding increase* in the number of domestic violence cases involving women brokered through IMBs (Tr. at pp. 74-75)” (Italics added, 8); But his source, Smoot’s testimony, only claims that the Tahiri Center has “noticed an increase” in the number of abuse cases involving IMO wives.

While acknowledging that “no national figures exist on abuse of alien wives”...Cooper accepts Scholes’ claim that “there is every reason to believe that the incidence is higher in this population [i.e., IMO wives] than for the nation as a whole” (12). Cooper points to the “limits of administrative sources” to explain the lack of data supporting his claim of a higher incidence of domestic violence in IMO marriages, while simultaneously ignoring the data from the *USC&IS*’ self-study that of the 740 new petitions for relief under *VAWA* reviewed in Vermont in February 1998, “...researchers classified 5 or 0.68 percent as definitely or probably mail-order introductions. Both of the administrative samples based on self-petitioning cases result in the conclusion that less than 1 percent of the abuse cases now being brought to the attention of the INS can be attributed to the mail-order bride industry” (*USC&IS*, 16). In Cooper’s rendering, of the *Report*, all such evidence contradicting the claim of a higher rate of

domestic violence have become invisible. Instead, we are given the distinct impression that, but for “administrative source limitations,” an increased rate of domestic violence would be established.

Much of my objection to *IMBRA* surrounds the question of whether or not IMO wives constitute a relevantly distinct population such that it is appropriate to ‘single them out’ for special ‘protection.’ On the one hand, I have raised criticisms regarding the presumed difference between IMO wives and the larger SDI population. However, *IMBRA* also distinguishes those who meet through IMOs from those whose marriages are arranged through “a traditional matchmaking organization of a cultural or religious nature *that operates on a nonprofit basis*.” *IMBRA* explicitly does not cover/protect women in these marriages.

Cooper speaks to the latter issue in response to the Plaintiff’s equal protection challenge (charging that *IMBRA* fails to provide a rational basis for distinguishing between IMOs and these other organizations “arranging” marriages). Cooper responds: “A statute is considered constitutional under the rational basis test when there is any reasonably conceivable state of facts that could provide a rational basis for it”(32). Cooper cites the United States R.R. Retirement Bd. v. Fritz, 449 U.S. 166, 179 (1980)) decision that “...the absence of ‘legislative facts’ explaining the distinction...has no significance in rational-basis analysis. In other words, a legislative choice is not subject to courtroom fact-finding and may be based on rational speculation unsupported by evidence or empirical data” (33 (original page 315)).

Given the pains to which Cooper’s Opinion has, until this point, attempted to justify treating IMO wives as a distinct population, this is a peculiar and logically inconsistent response. While his response *may* be satisfactory from a legal standpoint, it is certainly not logically compelling (even if we ignore the challenges to ‘rational speculation unsupported by evidence or empirical data’ that have been raised over the past fifty years by post-modern, feminist, perspectivist, etc. scholarship). But whether or not speculation is *rational* is surely open to contestation. As a logician, I certainly contend that the arguments offered by proponents of *IMBRA* are not. For example, Cantwell et al argue that because some of the women come from countries where domestic violence is tolerated or condoned, they are more likely to accept abuse and thus to be abused (See Cantwell,

7). But if domestic violence is more likely to occur when an individual is so acculturated, than IMO wives would be in a significantly *lower*-risk group relative to many other SDIs. Perhaps the most common SDI marriages involve women marrying men who have emigrated from or are ethnically/racially identified with the woman's country of origin. (E.g. Indian born U.S. male citizens or U.S. born ethnically Indian/American citizens commonly seek marriages with Indian women. They prefer to marry [most often through traditional religious or cultural arrangements] a woman from "the old country").⁵²

But if the wife's acculturation in a society that condones domestic violence increases her chance of abuse, how much greater is her risk if her husband is similarly acculturated? Though nothing can be known without empirical studies, *rational speculation* would suggest that the rate in non-IMO, SDI marriages is likely to be far greater than in IMO marriages.

Indeed, it is in part because *IMBRA* explicitly exempts traditionally arranged marriages that I am concerned about the underlying racism of the law. Given that 'rational speculation' suggests that marriages involving same race/ethnicity partners, both of whom come from cultures that "condone domestic violence" are far more likely to result in domestic violence than IMO marriages, it is exceedingly peculiar that the latter, which are generally interracial or inter-ethnic marriages, are the only ones subject to special 'protective measures.'

Similarly, those defending *IMBRA* distinguish IMO marriages because these agencies function on a for-profit basis—often charging men disproportionately or solely for their services. Thus, it is held IMOs encourage men to believe they have purchased a wife. Although this claim goes unchallenged in the decision (and elsewhere), it is clearly logically flawed. Compare the two scenarios:

A. Traditionally men have paid for the costs of heterosexual 'dates.' Sometimes, this is part of the dynamics of date rape because some men believe that paying for a date entitles them to sexual access to the woman; they believe they have purchased this right.

B. There is a long tradition of 'ladies night' in bars, clubs, etc. Women are charged lower or no fees for entrance, beverages, etc. This practice has not been associated with abuse of women.

Logical speculation does not justify a belief that IMO practice is more like A and thus more likely to generate abuse. In fact logically IMOs function more like ‘ladies night’ in that in both instances, the male is paying fees directly to a third party (the bar/club or IMO), whereas in date rape, the woman is benefitting directly from disproportionate costs.

As a traditionally trained analytic philosopher, the number of *logical* arguments (i.e., ones based purely on ‘rational speculation’) that I can mount against the supposed distinction between IMOs and marriages arranged through “a traditional matchmaking organization of a cultural or religious nature” is considerable. But I am here only concerned with two points; first, that while legally, “rational speculation” may be an acceptable basis for law, *wild* speculation surely is not. The arguments offered for distinguishing IMOs from other types of marriage agencies must at least be reasonable. But only a little thought demonstrates that they are not. Secondly, the discussion above should further underscore the reason that despite legal precedent, “rational speculation unsupported by evidence or empirical data” is a thoroughly impoverished justification for policies or laws.

Conclusion

While legislation often embodies prevailing ideology, *IMBRA* is a sterling example of how the legislative process is capable of ignoring the need for any credible evidence, (and indeed can fly in the face of the available evidence), in order to address hegemonic representations. At no time does the supposed evidence for the law (whether in the *USC&IS Report* or the Senate Hearings) constitute a good (let alone compelling) reason to place additional burdens on the immigration procedures of this tiny subpopulation. Anyone with a reasonably critical eye and limited understanding of social science research methods would recognize this immediately. *IMBRA* clearly fails to establish any basis for distinguishing IMO wives, as a distinct population, from other SDIs.

What *IMBRA* does do is not simply respond to hegemonic ideology, it also constitutes an exceedingly powerful force in its creation, reinforcement and dissemination. *IMBRA*’s meaning is that IMO wives are so exceptionally vulnerable so as to require additional legislation/protections, not necessary

for any other group of immigrants. By so marking them, *IMBRA* effectively reinforces and legitimizes the absolute and simplistic representation of the “‘mail-order’ bride” victim, a naïve, uneducated, unsophisticated, victim of the global trafficking in and exploitation of women. *IMBRA* images IMO wives as running from, not to, and thus as being easy, ready victims for abusive exploitive men seeking helpless, unwitting slaves. It is not surprising that women involved in IMO marriages find such paternalistic ‘protection’ offensive, condescending and racist, suggesting their inferiority when compared to other immigrant women. While there is no question that IMO marriages do sometimes result in both fraud and domestic violence, existing data does not support the claim that either are more significant factors in these marriages than any others. *IMBRA*, however, not only suggests this is the case, it embraces it.⁵³

In truth, most IMO wives struggle with far less dramatic issues; cultural unfamiliarity, isolation and the lack of power that arises not just from differences in the relative situations of the husband and wife, but, more importantly, from power differentials that are created by immigration laws and the lack of social services available to *all* status dependent immigrant women. While hegemonic representations allow legislators to focus on unsubstantiated concerns, the real struggles faced by all SDIs can continue largely ignored.

Endnotes

¹ In addition to Critical Legal Studies, this approach is also found in the emerging Cultural Study of Law (see, e.g., Sarat 2003).

² I am indebted to S. Lily Mendoza for this insight.

³ Indeed, representation in law is likely to carry particular authority.

⁴ Because the phrase ‘mail-order’ attaches only to the female it suggests that (only) the woman is the agentless (sexual) object, to be selected by a male.

⁵ Admittedly, this definition is problematic. It is inaccurate (e.g. not all grooms are “foreign nationals of the receiving countries”) and it is questionable whether it identifies a clearly definable and distinguishable population.

⁶ Since 2000, at least eighteen films have been released about “‘mail-order’ brides” including “*Mail-Order Bride*” 2003, *Mail-Order Wife* 2004, *Two Brothers and a Bride* 2003, *Birthday Girl* 2001, *Original Sin* 2001, and *Russian Bride* 2005.

⁷ Even a cursory search turned up twelve television series episodes featuring “‘mail-order’ brides” including: CSI: “Nesting Dolls” (2005) and *Malcolm in the Middle* “Reese’s Job” (2001), one

made-for- television fictional film, and two television documentaries including *To Russia for Love: Mail-order Brides* (1999). Not surprisingly, they are also the subject of 'talk shows' and one contestant was identified as a 'mail-order' bride on an NBC game show. In 2001 an episode of *Law and Order: SVU* ("Parasites") imaged virtually every hegemonic representation; the Romanian IMO owner who also trafficks some IMO wives into enforced prostitution, the IMO fiancé, a violent sexually degrading rapist who has 'returned' his Russian fiancée after the "ninety day trial period" and replaced her with an Asian "mail-order' bride." Of three Russian IMO wives in this episode, one is trafficked into prostitution, one murdered by a trafficker and one steals her dead sister's identity. One character describes his former fiancé as "like Russian Natashas, a gold-digger."

⁸ This lengthy list unfortunately includes a paper presented by the author. (Author 2002b)

⁹ See Constable 2003, *USC&IS* Report, Appendix A, 3.

¹⁰ The propensity to bifurcate 'othered' populations is described by Stuart Hall in "Cultural Identity and Diaspora" (229) while others make the far more generalized claim, i.e., "...that societies tend to organize their models of the world in terms of polar oppositions." (Miller, 2002, fn8)

¹¹ This extreme version of "blaming the victim" is also evident in news coverage of sexual assault victims. (See Benedict 1992.)

¹² *The Times* was equally harsh in its portrayal of a second victim, Veronica Johnson, a former "mail-order' bride". (See Consalvo 1998, 200.)

¹³ See e.g., the various Senate testimonies and Smoot's testimony in *European Connections & Tours v. Gonzales*.

¹⁴ Orientalism represents Asian women as eager to please and be dominated as well as being strikingly "exotic". See, Said, (1978).

¹⁵ This includes being the subjects of several hard core pornographic films.

¹⁶ *Filipinalovematch.com*, for example, includes a 'Rate the Photo' game in which users can rate female photographs.

¹⁷ Even in contemporary 'pioneer' contexts, the couples are represented as same race. (E.g., in *Alaskan Mail-OrderBride: an Alaskan Romance* (1995) though set in 1995, the film involves marriage between two white women from Iowa and two white men from Alaska.

¹⁸ For example, in *Naked Jungle* 1954, Eleanor Parker, a "mail-order' bride", arrives at a cocoa plantation dressed in high heels and a frilly dress.

¹⁹ The reporter, however, clearly did not check the Equality Now study itself. Though often cited, a quick overview of the study reveals, rather obviously, that its methodology is highly problematic.

²⁰ Simons cites two studies claiming to demonstrate a lower abuse and divorce rate, but the methodologies of the studies are problematic.

²¹ The social stigma attaching to these marriages discourages self-identification of test subjects, making it difficult to locate a relevant unbiased population. Studies that are highly critical of these marriages often obtain their information through NGOs working with battered immigrant women (e.g., Glodava, Tahirih Center, GSN). Studies that are more positive about these marriages (e.g., Constable and Simons) often locate female subjects through their US spouses. Clearly neither method presents what can comfortably be assumed to be a representative sample.

²² Even if we had data on, e.g., domestic violence rates in IMO marriages, determining marital "success" would require comparison to other relevant populations, e.g. the overall domestic

violence rates in the wife's adopted country, in her country of origin, etc.

²³ Women meeting their U.S. GI husbands/fiancés abroad are often subject to considerable scrutiny by the USC&IS on suspicion that they are prostitutes.

²⁴ Though the law is positioned as protecting men from marrying unscrupulous victimizing women, it was, in fact, simply a thinly veiled effort to avoid permanent settlement (and reproduction) by Chinese men working in the mines and on railroads. For a most insightful discussion, see Lee 2003.

²⁵ In general, those entering on K-3 visas must file an additional form (I-765) for employment authorization after entry.

²⁶ As of February 2008, the government had still not created the pamphlet.

²⁷ For a description of the 'victimized prostitute', see Author 2002a, 57-61.

²⁸ The Immigration and Naturalization Service (INS) was originally mandated to produce the report, however the agency changed its name to the U.S. Citizenship and Immigration Service (USC&IS) before the report was completed.

²⁹ My first draft of this article contained 22 pages outlining fundamental methodological and logical failures of the *Report* that undermined any rational support for the *Report's* conclusions.

³⁰ For additional discussion of the *Report's* inadequacy, see Simons 2001.

³¹ Indeed, the only 'statistical data' offered on IMO wives was a 'guesstimate' cited from an Albany newspaper article.

³² The rest of the quotation is an argument against legal paternalism ("Just because the agencies make money is not enough cause for condemnation. Neither is the fact that some may choose partners on the basis of nationality. It would be too difficult to decide on where to draw the line in a free society.") But this stance against legal paternalism runs contrary to much of American legal tradition/precedent.

³³ I.e., "...The proposed regulations are obviously a ploy of the feminists.... The feminists do not want to see men happy. The INS should not be the puppet to the feminists' strings." (7)

³⁴ "Mail-order marriage is not a new phenomenon – it is an inseparable part of North American history and the settlement of the United States...." (3)

³⁵ Clearly, she also suffers, according to the report, from the INS' painfully racist construction of the non-Western abusive family.

³⁶ The Philippines ranks sixth in overall gender (equity) rankings while the U.S. is ranked thirty first. The Philippines ranked first in "educational attainment" and the "health and survival subindex" (equity) rankings, and in gender 'economic participation and opportunity'.

³⁷ Although their overall ranking in the Global Gender Gap Index is forty fifth (compared to the US's thirty second) the Russian Federation ranked 16th (as compared to the US' 14th) on the "economic participation and opportunity" index and three and a half times higher than the US on "educational attainment".

³⁸ Clearly there is no evidence demonstrating that "relationships fostered by for-profit enterprises" are more likely to result in pairings with significant imbalances of power than other relationships. All marriages (especially those in which the husband is wealthier than the wife), run the risk that the husband will see himself as 'purchasing a wife'. But relationships arranged by traditional cultural or religious organizations also tend to lead to terrible imbalances of power...Indeed, pairings arranged by traditional cultural or religious organizations are statistically the most likely to be 'forced'—i.e., performed without the woman's consent, and

to then result in “servile marriages”—a form of trafficking. The very cultural and religious traditions embodied in these arranged marriages are, as a rule, exceedingly patriarchal. Significant male dominance and female subordination are both a given and enforced. Yet neither the *Report* nor *IMBRA* speak to this.

³⁹ Despite the cultural tendency to assume that IMO wives are trafficked, the question of whether or not they truly are is exceedingly complex. According to the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, to constitute trafficking, one of two conditions must be met: 1. the individual was forced or coerced to immigrate or 2. the decision to immigrate was based on fraudulent representations of the immigrant’s future situation. Fraud, in this sense involves dishonest representations regarding the type of labor, conditions of labor, etc. The available ethnographic research indicates that IMO wives are rarely coerced into entering these marriages. (See, e.g., Constable 2003) However, legitimate concern regarding trafficking should be raised in terms of the second condition. Once the marriage occurs, does it involve forced labor, servitude, slavery or sexual exploitation (often accompanied by threats of deportation)? In order to determine if IMO wives are trafficked in that sense, considerable longitudinal studies are required. Barring such evidence, claims that IMO wives are more likely to be trafficked cannot be rationally sustained; they appear, rather, to be justified solely by our hegemonic ‘knowledge’.

⁴⁰ “The administration has identified 1,362 victims of human trafficking brought into the United States since 2000, [i.e. 195 annually] nowhere near the 50,000 a year the government had estimated.” (Markon, 2007) In 2006, the Department of Justice’s initiated 168 investigations, charged 111 individuals, and obtained 98 convictions for all forms of human trafficking. (U.S. DOS 2008)

⁴¹ Ten years after the murder, a CBC interviewer still asked me repeatedly about Blackwell.

⁴² Simons (2001) offers an excellent critique of Scholes’ methodology and his problematic rendering of other studies.

⁴³ (gozips.uakron.edu/~mmartin/mailind.htm#top). Despite numerous attempts, I was unable to identify M. Martin. Nor is there any evidence that this quote references anything beyond an informal and uninformed opinion piece.

⁴⁴ E.g., Scholes states: “Older men, says Glodava, often want women “they can mold” and therefore do not want those who are too educated. “They would just become like any other American woman,” they said. She concludes that, “It is apparent that power and control are critical for the men.” (Scholes 1999, 4)”

⁴⁵ King was murdered by her IMO husband in 1999 (after the USC&IS Report was completed). Of particular interest was the fact that she was her husband’s second “‘mail-order’ bride”; King’s first had divorced him for domestic violence.

⁴⁶ It is worth noting that despite the prevalence of such dating services “... 44 percent of the perpetrators [of sexual abuse against the disabled] were paid service providers who committed their crimes in disability service settings”. (Elman 1997)

⁴⁷ Indeed she offers none other than the claim that “Workers in the St. Petersburg Psychological Crisis Center for Women in Russia report that they have heard of women recruited by marriage agencies being trafficked into the sex industry. (28).

⁴⁸ “Women from other countries often assume that all governmental agencies in the United States – a country with extraordinary resources and technology – have access to information held by other agencies, that facts asserted in applications for immigration benefits would be checked, and that a man who had been convicted of serious violent crimes would not be permitted to bring a spouse or fiancée into the U.S. from abroad.” (37)

⁴⁹ Indeed, given the existence of the US wife, it is unlikely that the Honduran woman was a correspondent wife.

⁵⁰ Indeed the sexual exploitation of all women, including US citizens, by their partners is sufficiently commonplace so that it is rarely pursued in the courts.

⁵¹ I have never before encountered this claim, not in my seven years of researching prostitution, my fourteen years as a volunteer domestic violence crisis counselor, or in any materials I have taught in courses on domestic violence.

⁵² Indeed, this phenomenon is so common place that it is the subject of the Bollywood satire, *Bride and Prejudice*.

⁵³ Although clearly there are many such instances, there are, unfortunately, many such instances in all populations. But is there any reason to assume that IMO wives are at greater risk? Indeed, given that domestic violence tends to increase during times of financial stress, isn't the rate is likely to be higher for SDIs whose husbands are immigrants and thus less likely to have secure financial situations

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**Photos from 6 March 2011
(continued)**



Sylvia Hamilton, 8th Chair



Mount Saint Vincent University Art Gallery



Sharon Batt, 7th Chair



Rita Shelton Deverell, 12th Chair

Section III

Essays by:

Sylvia Hamilton (Nancy's Chair, 2001-2004)

Through her work as a filmmaker and writer, Ms. Hamilton has brought the life experiences of African Nova Scotians to the mainstream of Canadian arts. She has achieved international prominence through her award winning films as well as through her publications, public presentations and extensive volunteer work with artistic, social and cultural organizations on the local and national levels. Best known for her groundbreaking film *Black Mother Black Daughter*, Ms. Hamilton recently completed two major documentary projects that also charted new territory; *No More Secrets*, a documentary about violence against women in the Black Community and *Portia White: Think On Me*, a documentary about the legendary Canadian contralto Portia White, known as 'Canada's Marian Anderson.' Ms. Hamilton holds a B.A. from Acadia University and an M.A. from Dalhousie University. She was a co-founder of the innovative New Initiatives in Film Program (a program designed to provide opportunities for women of colour and women of the First Nations to make films) at the National Film Board's Studio D. She brought her rich and varied experiences to the Women's Television Network (WTN) Foundation, where she was WTN Foundation Vice Chair and Chair of the Program Committee. Other professional involvements include the Writer's Federation of Nova Scotia Board of Directors and the National Executive of the Canadian Independent Film Caucus.

Sharon Batt (Nancy's Chair, 1999-2001)

Sharon Batt is a writer and activist who has achieved prominence for her work focusing on breast cancer. Ms. Batt holds a Master's in Psychology from the University of British Columbia. Prior to accepting her position as Nancy's Chair, she was director of policy and research for Breast Cancer

Action Montreal, the advocacy group she co-founded in 1991. Diagnosed with breast cancer in 1988, Ms. Batt was struck by the invisibility of women with breast cancer in society and the fact that their perspective was absent from discussions about the disease. She began to examine this absence of voice in her writing, first in articles and radio documentaries, and eventually in the book, Patient No More: The Politics of Breast Cancer (1994). She has won citations and awards for this book and for her two-hour documentary on mind-body theories of cancer, broadcast on the CBC radio series Ideas. Her recent writing questions the use of drugs to prevent breast cancer.

A frequent international guest speaker about breast cancer, Ms. Batt has also served on many national and international public policy committees dealing with the issue. She was a member of the scientific peer review panel of the Canadian Breast Cancer Research Initiative's Streams of Excellence grants program, on the Program Committee of the Second World Conference on Breast Cancer Advocacy sponsored by the National Breast Cancer Coalition, and was an advocacy member of the Etiology working group of the United States National Action Plan on Breast Cancer established by President Clinton in 1993.

Rita Shelton Deverell (Nancy's Chair, 2009-2012)

Dr. Rita Deverell's distinguished career has included work as an academic, broadcaster, television producer/director, journalist, arts administrator and theatre artist. She holds a BA in Philosophy from Adelphi University, MA in History of Religions from Columbia University and EdD in Curriculum from OISE at the University of Toronto, and was the first woman to lead a journalism program in Canada in her position as Director of the School of Journalism at the University of Regina in the 1980s. She completed her term as head of news and current affairs at the Aboriginal Peoples Television Network in 2005, mentoring her Aboriginal successor, and is a founder of Vision TV, the world's first multifaith and multicultural network. Recently Dr. Deverell has produced, directed, written, or acted in 12 theatre pieces and television dramas, as well as being an Editor and/or Contributor to three books. She was recognized in 2005 with the Order of Canada for her pioneering work in journalism, with the CanWest Global Fellowship at the

University of Western Ontario in 2007, and as Storyteller in Residence at Centennial College's Centre for Creative Communications and in 2008. In 2011 Nancy's Chair celebrated its 25th. anniversary and the contributions of the Chair, Senator Nancy Ruth, Deverell, and the Mount were recognized by a Resolution presented by Diana Whalen, MLA in the Nova Scotia Legislative Assembly.

A Bridge Along the Way

By Sylvia Hamilton

“Until all of us have made it, none of us have made it.” Rosemary Brown

2011 is a significant year for anniversaries to be celebrated in Nova Scotia:

One quarter century for Nancy’s Chair in Women’s Studies, the 100th Anniversary of International Women’s Day, and the centenary of two beautiful women artists with deep Nova Scotia roots—contralto Portia White and poet Elizabeth Bishop.

We are in great company as we pause to applaud 25 years of Nancy’s Chair; and, it would be remiss of me not to also laud Atlantis, in year 36, whose home base is here at the Mount.

What was the value of Nancy’s Chair to my work as an independent filmmaker?

Let me offer a metaphor. The word that comes to mind is bridge, a word that can be a noun and a verb: Think for a minute about these two meanings.

As a verb:

- To build a bridge across an obstacle to allow people or vehicles to get across it
- To create a means of communication or understanding between people or a means of reconciling their differences.

As a noun:

- A structure that is built above and across a river, road or other obstacle to allow people or vehicles to cross it
- Something that provides a link, connection, or means of coming together

I hope that by the end of my comments you will see why it was a bridge for me.

When I arrived at the Mount in 2001, it was not my first exposure, either to this great institution, or to Nancy's Chair. I did not study here but my late mother Maria Waldron Hamilton did, she took courses in early childhood studies in the 70's and was great friends with Dr. Joyce Kennedy. Both had a passion for the care and nurturing of young children. Later, in the mid 80's the Mount awarded my mom an Honorary Degree, it was a great celebration.

At another time, when my daughter Shani was young, the three of us took part in an event organized by the late Mary Sparling who was the Director of the Art Gallery at the time.

During this period of the early 1980's I was working in the Women's Program of the Department of the Secretary of State (the department no longer exists, it was dismantled, some programs were transferred to the Department of Canadian Heritage. A greatly reduced and modified Women's Program eventually landed at Status of Women Canada).

But it was through the Women's Program that the Chairs in Women's Studies were launched. So, I recall a number of meetings with officials and leaders here at the Mount during that early period in the development of the Chair.

It is worth noting that the Women's Program officers across Canada worked very closely with an array of women's advocacy organizations. The Program budget provided grants and contributions to support projects at women's centres, shelters, for women organizing in the workplace, for local, provincial and national conferences, workshops, research and publications. There was an enormous amount of volunteer time and energy contributed by women across Canada—all directed towards advancing women's equality in all sectors of society. As program officers, we pushed within the bureaucracy to get as many projects funded as we could, to provide some measure of financial support. It was never enough, needs outstripped the budget, but at least there were funds and an acknowledgement of their necessity. We wrote briefing notes, reports, memos and evaluations to demonstrate that the funds were used effectively, and to justify why budgets should be increased, not reduced. Some of the work coming out of feminist research at universities and from action based community research, gave us data to bolster our case.

Indeed, many of us who were program officers came out of some type of activist, *community* development, or arts background—and had worked in community and understood the needs and aspirations of organizations seeking equality for women, and who were unafraid of challenging the entrenched attitudes on display in the public and private spheres. Some of us also brought an analysis of race, as well as class into the program, at the same time as they were placed at the centre of the debates in the broader women's/feminist movements.

The invisibility of women who faced physical challenges, the plight of First Nations' women, and the tenacious issue of violence against women, were thrust on to the agenda of many of our women's program meetings as we tried to find ways to support the growing number of projects and part of the strategy was figuring out how to pull more money from other Departmental programs into projects that came to the Women's Program. That was then.

Subsequently, when I began working at the National Film Board (NFB) in 1989, there was a similar group of women, the women's marketing group, who helped to promote and market films produced by Studio D, the women's studio, and all films related to women from any NFB studio across the country. What is not surprising was that many of the women (Secretary of State women's program officers and NFB women's marketing staff) knew each other, and would find themselves at the same events. For example, at film screenings, workshops or conferences organized by women's centres, or women's groups that were funded by the Women's Program.

There was a network—before the word became trendy, of women who shared a perspective about how society could, and should be transformed to make it better for women and for everyone. Not that everyone agreed on strategies, or approaches on how to get there. I don't want to paint a picture that ignores the many conflicts, debates and disagreements that were ever present, but only to suggest that on the core issue of gender inequality—I think there was a shared understanding—some common ground. Rosemary Brown put it best when she said: "*Until all of us have made it, none of us have made it.*"¹

In 2000 I had finished a long-term project on Portia White, the superb Canadian contralto, born in Nova Scotia in 1911, who took the concert

world by storm in the 1940's. I called my resulting documentary, *Portia White: Think On Me*, a rescue mission aimed at bringing to light the life and career of this remarkable Canadian artist.

At the same time as I was making the film I was working on an MA, Dr. Margaret Conrad, long-time friend, brilliant scholar, was my thesis supervisor. She held Nancy's Chair at the time. I went from thesis meetings in her office to the edit suite. When I disappeared from the edit suite, little did my editor know where I was headed.

On the day of my defense, I presented, defended and promptly returned to the suite to meet a pending deadline for delivery of a cut of the film.

As an independent filmmaker, your job does not end when you have finished the film, you have to quickly switch gears to begin work on getting the film out to audiences. It was with great fortune that in 2001 when I arrived at the Mount I was able to continue this work of connecting the film to audiences, and as my program of work during my tenure, to engage in research for other projects. Having a budget for travel was a gift: I was able to accept invitations to give talks and offer screenings that otherwise would not have been possible. One event in particular bears mention. *Portia White: Think on Me* was screened in a small women's film festival in New York; it had won an award but the festival organizers did not have funds to support my travel to go for an encore screening during the final awards ceremony. I was able to attend because I had travel funds through the Chair. The event took on even greater meaning because it was held about a block away from New York's Town Hall where Portia had her debut in 1944, the first Canadian to do so.

As a documentary maker I have a 'grocery list' of films I would like to make. And as with any grocery list you have to identify your priorities match the list with your budget. The one on the top of my list that I brought with me was a film about Canada's legal segregated public school system and those involved: teachers, students, parents and community leaders.

The backstory is this: when I was at the NFB I began research on a two part project examining the issue of race in Nova Scotia from the point of view of African Nova Scotians—then and now. One of the events I filmed during the research phase was a reunion of retired teachers of segregated schools of Nova Scotia that my Mom was involved in organizing. When

the building that housed the Halifax NFB office burned, I along with other filmmakers, lost our footage, and in my case, files of research.

I went on to make part 2, which became *Speak It! From the Heart of Black Nova Scotia* released in 1993.

After that I made other documentaries, but I knew I had to return to that first idea but in so doing, decided to focus on education, and the little known story of segregation in Canadian education. Had I been able to complete the original plan, education would have been a part of the documentary. Starting anew, it was freed to become the prime focus.

The travel and research budget, and especially the amazing administrative support provided by Toni Gaunt and Ruth Samson that came with Nancy's Chair enabled me to do the work necessary to complete several applications for development funding, the first significant phase for the type of long form documentary film I was planning. Due to the nature of many of my films, I am involved in a lot of primary research: conducting oral interviews, digging through archival documents, old newspapers, and reports and traveling to relevant locations to absorb the hidden stories. Having the support to sort through the material and the transcriptions of interviews which Ruth Samson patiently transcribed, enabled me to produce a richer script outline and therefore stronger applications.

Another important aspect of my tenure at the Mount was the opportunity to interact with students and other researcher-scholars through teaching and giving presentations in classes and participating on various committees; and to engage in a broad range of conversations about feminism, culture, education, race, the arts, and political engagement. Creating courses allowed me to share what I knew but also to continue my own learning process and at the Mount, lifelong learning is valued.

Yesterday I took part in the Women in Film and Television, Atlantic's Women Making Waves Conference. It was an exciting, nourishing and long overdue event. I was reminded of *The Margaret Perry Seminar* that I organized in April 2003 as I completed my term. I called it an 'extended conversation' about women independent filmmakers and their work and named in honour of Margaret Perry (1907-1998), Nova Scotia's first woman filmmaker. Before using her name, I wrote to Margaret Perry's son Stan to explain my plan and to request permission to use his mother's name.

He responded:

I am thrilled that you have chosen to name your seminar in honour of my mother. Were she alive today I know she would be delighted, but in her quiet way would probably say, “*What’s all the fuss about?*” I have never thought that Mom thought of herself as a pioneer in her role as a woman photographer, she just loved what she did and the results are obvious.

With funding from Nancy’s Chair we were able to bring together local filmmakers with filmmakers from other provinces, and it was open to the public.

Naming the event in honour of Margaret Perry gave me an opportunity to recognize her pioneering spirit. She was hired in 1946 by the Nova Scotia government to lead a newly created film division. Initially she was a one-woman show: she shot, edited and produced the films. She headed the unit for 24 years, retiring in 1969. Filmmaker Shelagh MacKenzie convinced a very shy Margaret Perry to be in a documentary she was making about her for the National Film Board’s Atlantic Centre. *Margaret Perry: Filmmaker* was released in 1987. The Mount recognized these two original producers with honorary degrees: Perry in 1990, and the late Shelagh Mackenzie, in 2003.

After completing my term it took me a few more years of research and development before I was able to finish my film on segregation in education.

The Making of the Little Black School House: When the Personal is Political

My connection to this story was not random. Earlier in this presentation I explained that my late mother Marie, a former school teacher and early childhood educator was involved in the reunion of teachers who had taught in the segregated schools. I have another direct link. From Grade Primary to Grade 3, I attended a segregated school in my home community of Beechville, a rural Black village near Halifax, settled by Black refugees from the War of 1812. I still remember my teacher, Marion Skinner, with tremendous fondness. A more dedicated teacher could not be found. She

drilled us in spelling, arithmetic, proper penmanship, and the correct way to stand when answering a question (feet together, back straight, chin up, steady gaze). A day did not pass without her imploring us to study hard, to do well in school and to uphold the essence of the values promoted in the African Baptist tradition—love your neighbour, respect others and yourself, and find ways to do good in the world. I didn't realize she was also preparing me for a big hurdle I would soon face.

When I reached Grade 4, I transferred to the white school more than a mile away. In contrast to the supportive environment Mrs. Skinner created, my entry into the white school was a shocking, alienating experience. The white teacher placed all Black students in one row, off to one side of the classroom.

It didn't take me long to learn that, in contrast to Mrs. Skinner's high hopes and expectations for us, many of the new teachers I would encounter in the succeeding years would hold us to much lower standards. On my first day in high school I still remember my grade nine teacher urging me to enter the "general" stream. She assumed that because I was Black, I would not amount to much academically. "If you take the general course and *if* you can finish high school, you might find a little job for yourself," I vividly remember her saying. This lack of moral support proved disastrous for the futures of some of us. Though I went on to pursue university and graduate studies, many of my bright and talented schoolmates did not.

While the little black school houses had few material resources, they had an intangible, affirming power over us. My mother, often spoke of the very special role Black teachers played in the communities and the importance of the inter-relationships among teachers, parents, students and community leaders. The '*little black school houses*' are therefore symbolic both of the strength, unity and dedication of the Black educational tradition but also the discrimination and alienation that marked Canada's educational system.

Like authors being asked about their next book, filmmakers are most often asked "What is your next film?" When I began to give the video jacket blurb—*this film is about segregated schools in Canada, the teachers who taught there and the students they taught*, I am hardly finished before I was asked with disbelief: "*In Canada? When? A long time ago, right?*" I responded with "*Yes in Canada, and no, not that long ago—into the early 1960s.*" I added

that I attended an all-Black segregated school for the first three years of my school life in Nova Scotia. Shock, surprise and head shaking followed. My conversationalists just didn't know what to do with this information. It did not fit with their knowledge of this country's past and its very recent present. They too wondered why they never knew.

The Little Black School House is an exploration of the complex truth of Canada's segregated schools: a manifestation of racism, at the same time as a *site* where in spite of the lack of resources and the poor conditions, dedicated teachers taught and encouraged their students to succeed, while along with community leaders, they fought against the racial exclusion. The documentary was filmed in several locations throughout Nova Scotia and Ontario in the fall of 2006. One year later, September 2007, it enjoyed a sold-out premiere screening at the Atlantic Film Festival as part of the ViewFinder's youth program. Halifax's Oxford Theatre seating some five hundred, was packed with young people and adults, many of whom had traveled from long distances to attend.

After the screening, as part of the Viewfinder's Festival in a Van traveling program, we toured to high schools around the province for screenings in auditoriums filled with students. In several of the locations members of the public were invited to the screenings. It was an exhilarating experience to present the film to hundreds of students in each location and to engage in a question and answer session with them afterward. Following a screening in New Glasgow, Student Support Worker Deanna Mohamed talked with students and community elders about the film. She wrote that:

The students said that it was very informative and eye-opening, because many of them did not know that segregated schools existed in Nova Scotia. Community members also expressed just how much they enjoyed the film and thought it was a brilliant piece of work. It was also very inspiring as it invoked a sense of necessity for teachers to recognize the emotional/psychological impact that they have on African Canadian students and they should always critically assess and reflect upon whether or not they have high expectations for them and truly encourage them to be all they can be.

The responses I have received from educators in high schools and universities across the country echo her comments. It is especially encouraging that university educators in faculties of education are using the film in their teacher training courses. Many have commented on the importance of the closing line of the film delivered by Zanana Akande, former Cabinet Minister in the Ontario Legislature and a long time educator.

Resolute and direct she said:

Those children, they're going to be running this country. And if you cannot close your eyes and imagine that your doctor might not look like you and that your prime minister of Canada might be somebody totally different from who it is now, that she may in fact be Chinese or Black or First Nations. If you can't do that you shouldn't be in a classroom.

The Little Black School House has been broadcast on CBC, TVO (Television Ontario), and the Knowledge Network in BC, and has been shown in festivals (New York, Missouri, Toronto) and at conferences and workshops.

Endnotes

¹ The kick-start given to *The Little Black School House* by the support I received during my time as Nancy's Chair was foundational, invaluable. It was the bridge I needed.

Every Nancy's Chair holder's story will be different based upon individual circumstances. But in broad strokes, regardless of how we come to the post, the value of the infrastructural support, the credibility and reputation of the institution, and the unapologetic focus on women is tremendous. I will be forever grateful for what Nancy's Chair allowed me to accomplish.

Becoming the Seventh Nancy's Chair

By Sharon Batt

I was appointed to the Nancy's chair in 1999, after ten years of women's health activism. For the 20 years before that, I worked in feminist and consumer protection publishing and journalism. How, then, did I end up in a women's studies chair?

After high school in Ottawa I attended Carleton University where I earned an honours degree in social psychology. If I can take you back for a moment—of the twelve or so professors in the psychology department at Carleton at that time, only three were women.

Another memory: In my final year, I was sexually assaulted by one of the fellow students who shared the honours students' study space. When I learned that the same student had similarly assaulted two other students, I thought the three of us should jointly file a complaint—but to whom? In those days, sexual harassment offices did not exist.

I continued on to graduate school at the University of British Columbia where the psychology department—which was double the size of Carleton's—had only *one* woman professor. I gained a Master's degree from UBC but didn't complete my doctoral studies. Looking back, it's not surprising that many of us didn't.

When I left graduate school in the early 1970s, I could feel the ground shifting. Women on campus had been organizing consciousness-raising groups. By the mid-'70s, a new cohort of female professors, including some I had been in graduate school with, had carved out the space to teach women's studies courses; at some universities they were able to develop whole programs.

Feminism in the Community

I took a different path. In the 1970s, a thriving publishing community was emerging in Canada. I had moved to Edmonton, where I saw an ad in

the local paper inviting women who were interested in starting a national feminist magazine to come to a meeting. A half a dozen strangers met that night and together we founded *Branching Out*, Canada's first feminist magazine. The one-night meeting turned into a seven-year project. For me, *Branching Out* was transformative. Working with a group of women committed to politics, ideas, and artistic expression provided the oxygen of an intellectual community that affirmed women's lives in a way that my university experience had not.

Jump ahead to the late 1980s. I had relocated in Montreal where I eventually found work at a consumer protection magazine, *Protect Yourself*. My life took another unexpected turn when I was diagnosed with breast cancer. Wanting to make sense of this experience, I began writing about breast cancer, questioning the received wisdom about that disease at the time and the silence that surrounded it. *Protect Yourself* had folded and I lost my job, leaving me adrift financially. I managed to complete a book, *Patient No More: the Politics of Breast Cancer*, which the feminist press *gynergy*, published in 1994 (Batt 1994). Drawing from my years at *Branching Out*, I also started an activist group of women with breast cancer as a way to create a supportive community and to speak, from the patients' perspective, about breast cancer policy issues. In the eight years that followed, Breast Cancer Action Montreal and the feminist segment of the international breast cancer movement were the focus of my life. (Although I and the other co-founders of members of Breast Cancer Action Montreal identified as feminists, the American scholar Maren Klawiter has pointed out that the breast cancer activist community is comprised of many "cultures of action" (Klawiter, 1999). Recently, feminists have begun to unpack the commercialization of the breast cancer movement and its divergence from the ideals of the women's health movement to become a massive fundraising and marketing force (Ehrenreich, 2001; King, 2006; Sulik, 2010). These important critiques should not overshadow the fact that a feminist discourse has always existed within the larger movement. By the end of the 1990s, however, our voices were less and less audible amidst the product endorsements and the clamour for cures.

In 1999, a friend suggested I apply for a chair in women's studies here at the Mount. I certainly needed work: community activism pays poorly if at

all, and the same is true of freelance journalism. But I was not an academic, and I couldn't imagine that my academic record as a PhD drop-out would impress the hiring committee. Nonetheless, I sent in an application and to my astonishment I was shortlisted, and then offered the position.

Being the Nancy's Chair

At the Mount I discovered an institution founded by women, with a strong tradition of filling women's education needs. I found a community of feminist scholars—and a dedicated women's studies chair.

As the Nancy's chair-holder from 1999 to 2001, I loved the excitement of teaching feminist students, some of them young, others not-so-young. I was impressed by the Mount's carefully selected art collection and its presence in common spaces like the library. I was astonished to find that the library held a unique collection of lesbian pulp fiction. The building which housed women's studies had the best office in the university, dedicated to the Nancy's Chair. And right across the hall was another sign of how much the university had changed since my days as a student: a lawyer staffed an office dedicated to educating the university community about sexual harassment and other human rights offenses. Her responsibilities included hearing, and attempting to redress, complaints and grievances.

After my decade of intense work as a community activist, those two years offered precious time to read and reflect, to teach and to learn. My cancer diagnosis and health activism had raised my awareness about the use/misuse and overuse of pharmaceuticals, particularly among women. Several of the projects I undertook in the Nancy's chair involved looking at these questions from a place on the border between activism and scholarship.

One particularly exciting project arose from my concern about drug advertisements that were aimed at consumers. The federal government at the time had decided to relax the Canadian ban on drug advertisements aimed at the public. Drug ads were appearing on billboards in downtown Halifax, in buses, and in the women's washrooms of local bars and universities. I discussed my interest in these ads with Ingrid Jenkner, the curator at the art gallery, and she proposed that we collaborate. We enlisted Heather Anderson, a young art student from NSCAD who was doing an internship

with Ingrid, and Jessica Bailey, a student in one of my courses, and together developed a display that combined advertising images, text about the ad regulations under review, and needle-points of drug company logos by Nova Scotia artist Colleen Wolstenholme. We mounted the result in the three display cases in the library and produced a catalogue in the form of a zine (Batt, Bailey and Anderson, 2001).

A second project I was able to undertake through the Nancy's Chair was a public lecture by arts journalist Eleanor Wachtel. I had met Eleanor in the 1970s when she was one of the editors of the feminist literary journal *A Room of One's Own* and we had remained close friends. Despite a ferocious storm that almost closed down the airport, Eleanor's plane did land, but I wondered whether anyone would come out in the storm to hear her. They did, of course—the hall was filled to capacity and Eleanor gave the best talk I have ever heard her deliver. (One of her anecdotes concerned an article she had written in the days when she freelanced for the business press. It was a profile of Nancy Ruth, who had endowed the Nancy's Chair. She assured the audience that she did not make up the title, "The Day Daddy Died and Nancy Got Rich.")

Life after the Nancy's Chair

The Nancy's Chair launched me on a trajectory that I continue on today, one that explores the intersections between scholarship and activism. During my time in the Chair, I began to appreciate the impact feminist scholars had had on research theory and methods. In my formative academic years, in the late 1960s and early 1970s, positivism reigned. As young students in the social sciences we were indoctrinated with the principles of the scientific method and the imperative of keeping ourselves out of our observations, our analyses and our writing. The word "I" was taboo in academic texts and qualitative research was in its infancy. Arriving at the Mount, I soon discovered that feminist scholars had challenged the sacred ideal of objectivity (Harding 1993, Haraway 1991) and in doing so, greatly expanded the horizons of research inquiry. Whole texts discussed narrative inquiry as a legitimate approach to scholarship in which researchers intentionally breached the barriers between the researcher

and the researched (Bloom, 1998; Reed-Danahay, 2001). Rather than remaining invisible, feminist theorists argued that researchers should make their presence and perspective known to the reader (Smith, 1987; Harding 1993, Haraway, 1991). Rather than pretending that scholarly researchers were a special breed of human, devoid of passions and politics, feminists argued that emotions and political convictions were in fact potent drivers of much scholarly inquiry; research methods should thus include passionate voices and political views (Behar, 1995; Ellis 2005). I am still exploring the enormous literature that began, in large part, with feminist academics in the 1970s who refused to accept the boundaries to scholarly inquiry erected during centuries of male dominance in the academy.

A few years after my term in the Nancy's Chair ended, I entered a PhD program at Dalhousie University, examining the phenomenon of patients' advocacy groups that receive funding from the pharmaceutical industry. Returning to graduate school after holding a prestigious chair seemed to many of my friends like a step backwards; for me it was a natural continuation of the journey in which my two years in the Nancy's Chair were a pivotal step. At MSVU I began to integrate two sides of my identity, the activist and the scholar. This duality is built into the Chair's vision, as a position open to feminists who have contributed in the community as well as to those who build their reputation primarily in academia.

Reconciling these two faces of the women's movement is not always easy; thankfully, the Nancy's Chair provided me with the opportunity to do that.

Editor's Note

This just in: On February 7, 2012, Sharon Batt successfully defended her dissertation at Dalhousie University. Congratulations to Dr. Sharon Batt.

Endnotes

¹ In fact I had the unusual privilege of two feminist chairs in succession. Immediately following my term in the Nancy's Chair, I had the honour of being appointed to another endowed chair, the Elizabeth May Chair in Women's Health and the Environment, at Dalhousie University in Halifax.

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Slavery Engangers the Master's Health But Please Don't Shoot the Messenger

By Rita Shelton Deverell

1971-72

There are shadowy brown people creeping around the edge of what feels like a USA Wild West town square. It resembles 1940s Texas, where I grew up, in my mind's eye.

But focus. Get a grip woman. This is not Texas. This is Canada, my new country, in the 1970s. This is Thunder Bay, Ontario. I am still black; however these brown people are not Afro-Canadians.

Regina is my final destination this first trip west from Toronto, and there I come to understand that these mysterious brown people are Aboriginal. The *déjà vu* feeling is correct though. Aboriginal persons are literally and figuratively on the margins. They are excluded from the centre of the society's hustle and bustle.

In those days I was an actress and thrilled beyond words to have been hired by Regina's professional theatre, The Globe. Black and other visible minority actors working in "mainstream" theatre was not easy then, and not much easier now. But that's another story for another article.

1971 is only three years after the assassination of Martin Luther King Jr. and memories of the civil rights era were still fresh. Many Regina citizens still have vivid memories of news footage featuring police dogs, fire hoses, and angry mobs shaking their fists at little black girls. When Saskatchewanites mentally connect me with this racial trauma they've witnessed on television, they begin to chant with passion and compassion, "We are not racist" (in Canada).

Quickly I discover that these same "not racist" people believe that Indians are all on welfare, are lazy and shiftless, are not pro-active about their children's educations, have messy family lives, and are drunks. I tell at least three individuals per day that these attitudes directed at an identifiable group constitute "racism." They have become convinced that only if their

negative feelings are directed at black people, of whom there are almost none in Regina, are they being racist. “Racism” and “Aboriginal peoples” are not yet terms that can be logically linked together for most folk.

So I tell at least three people a day that I, a middle class, well educated, employed in professional theatre of all places, black person identifies with the Aboriginal targets of racism. Never mind that I know next to nothing about the lives, issues, history, and concerns of these Plains Indians. It’s a skin deep, knee jerk identification thing that has followed me for 40 years.

Now to the actual work I’m in Regina for, performing on the Globe Theatre School Tour in over 100 Saskatchewan communities from Thanksgiving to Labour Day. Our company carries three plays, one for K-3, another for grades 4-6, and a high school anthology called “*Shakespeare’s Women*.”

When we get to our first small town school that is near a First Nation we all spot several rows of dark big guys and gals with baseball hats at the back of the gym. Who are they? Teachers tell us ‘the Natives may have to catch the bus early. Pay no attention when they walk out.’ Or, if ‘the Natives don’t listen to your show, don’t worry, the others will.’ This isn’t quite good enough for actors as an explanation of how our art is being received.

All high school audiences are tough. Go to a Stratford Festival “school matinee” if you don’t believe me! And, as with any successful performance, when our shows work well it is because the audience finds something with which they can identify at a very deep level. Theatre people are artistically and ethically responsible for that kind of true communication, and when it’s working the audience meets you halfway and you commune. My inclusion made the Globe cast multi-racial.

Sometimes the communication was true and real. Then the big guys who were bused in from First Nations had tears in their eyes at Shakespeare’s tales of betrayal, abandonment, jealousy, love, romance, hate, corrupt government, and witchcraft.

Sometimes we blew it. Then there would be a near riot of gum popping, snoring, catcalls, and spit balls. Five actors from Toronto learned a lot about what happens when you don’t connect with an audience, across your differences, about what’s most important to them. But we would sometimes get it right with those audiences, and there is no high like it.

1975-76

Broadcasting is now another of my occupations, obtained after another three year stint in Toronto. I become an official messenger, a reporter, a presenter. I have the opportunity to do feature stories for "24 Hours," the CBC TV supper hour news show in Regina. True this is the hind-end of the CBC system. We are so under-resourced that our Regina studio is in Moose Jaw, and "most days" I can get a crew. But I've been hired as a messenger. How am I going to use that power?

In an early meeting with the News Director I say: "Aboriginal people are 30% of the population. You'd never know that from looking at our show. So I'd like to do stories with them, about their issues."

The News Director's response was pretty close to: 'I'm not going to stop you, but I'm not going to help you. Those people are impossible. They are always late, or don't show up at all, pay them on Friday, they don't show on Monday, etc., etc. Good luck to you.'

The Aboriginal stories get on the air though. And I do learn a few basic lessons in "diversity journalism" which continue to come in handy and, I hope, deepen over the years. Some of those lessons are:

- Women are excellent story contacts, experts, and spokespersons in Aboriginal communities, and most other communities as well.
- It takes time and patience to develop relationships, but relationships pay off for the media person. My crew and I went on night patrol with a Native Women's organization, got an exclusive with the spokesman for the Warrior Society, got inside the economics of inner city housing, and more.
- Being the messenger has its dangers. I was questioned by the police twice simply because of being seen with the interviewees in my stories. To this day I cannot say whether the police wanted information from me, which I wasn't going to give beyond what was on television and therefore readily available. Or, was I being warned off the Aboriginal subject matter, contacts, issues, the messages?
- Finally, there was the dawning understanding of how I came to be "middle class, well educated, and working at my chosen professions"

in spite of having grown up black in the violently segregated and racist US south. Privileges and opportunity were mine for a number of reasons: My parents had been able to own land and houses from the beginning of their long marriage in 1940, as had their parents and grandparents. While by no means rich, they had steady employment, savings, insurance, were able to obtain mortgages, thought education was the most important thing in the world, and were able and willing to pay my tuition fees through graduate school. I, as an only girl child, had two ambitious, intelligent, politically astute parents deeply devoted to my development, and their own advancement in the world. Canada was happy to welcome an immigrant in 1967 who brought all those assets into the country. I came to understand over time that these were all advantages that most, though not all, Aboriginal people who had been here since time immemorial, simply did not have.

With hindsight I also know that I didn't know much then. There are Aboriginal realities that other Canadians, recent or long-term immigrants, have to work hard to discover. For example, during the Saskatchewan years I drove by the former residential school at Lebret many times. I did not know what it was, found out nothing about residential schools, nor were the schools mentioned in my stories. My contacts weren't yet ready to reveal their experiences, and I didn't even know what questions to ask.

1985-89

Being a professor of Journalism, and then acting Director of the School of Journalism and Communications at the University of Regina, places me in an official capacity to train messengers. This was both rewarding and frustrating in terms of First Nations issues specifically.

At that time there was very little information, investigation, or even curiosity from the "white" students I was teaching. During my five year tenure there was a grand total of two visible minority students: one was a Spanish speaker, a recent immigrant from South America; the other was a Muslim with a Pakistani background who had been in Saskatchewan since elementary school.

Co-existing with the J School was the Indian Communications Arts (INCA) Program of the Saskatchewan Indian Federated College, later to become First Nations University. We could not establish a working relationship, regardless of how potentially fruitful and necessary it appeared. The settler journalists certainly needed to learn from INCA students and faculty, and they in turn could have made use of our resources, human and material.

I am very pleased to look at the U of R and FNU websites in 2010 and see that there is a relationship, and that the settler journalism school knows that it is in Treaty #4 territory. For me 25 years ago though, this was a crisis in training messengers.

1990

Lurching to another more visible and famous crisis, the telephone call came out of the blue during Oka. Dorothy Christian, an Okanagan-Shuswap woman I had never met, phones me at Vision TV and asks if I'll do the peaceful side of the Oka story. She and a number of other women were going to make a peace march to Oka and do peace ceremonies behind the barricades.

Dorothy said she could not interest any mainstream media in this story and perhaps the current affairs unit of Vision TV would be interested. Well we certainly were, all three of us who produced an hour, weekly current affairs magazine show for a network that had little money.

Thus began a working relationship with Dorothy Christian that lasted for 10 years and a friendship that continues. She had no formal media or journalism training, was slightly over 40, however was very willing to learn, deeply committed to telling several other sides of Aboriginal stories, committed to communicating with the settler and recent immigrant production team, and with our audiences.

We were patient with Dorothy learning the tricks of the TV current affairs trade. She was even more patient with what we didn't know about Aboriginal issues. Dorothy produced, directed, and wrote award-winning stories. She was on pundits panels. She did phone-ins from various locations, and was very active in our annual production team planning meetings.

There was a truckload of learnings that came from this experience:

- Peace stories are hard to do in media, but are important.
- We needed to introduce our multifaith and multicultural audiences to a diversity of Aboriginal points of view, not just one POV.
- As long as we were willing to play ball there would be Aboriginal people ready to do the work of educating us and our audiences. They would also be ready to respectfully share in whatever expertise we had to offer.

1991-99

Those annual production planning meetings were significant. Over the years we went from producing a weekly show, to daily current affairs series, and frequently both at the same time. The teams, technical and editorial, usually consisted of persons with the following faith and ethnic backgrounds: Muslim, Jewish, Hindu, Quaker, Roman Catholic and Protestant Christians, Humanist/atheist, Buddhist, new age, Aboriginal spirituality; recent or ancient ancestry in Chinese, Japanese, Pakistani, British Isles, West Indian, Swiss, American, prairie Mennonite, Atlantic and Pacific regions, Quebec, urban and rural cultures; diversity in class, ability, sexual orientation, and age.

We had to be able to explain our personal and professional assumptions to each other. We had to do this non-defensively, with humour, and with trust. These annual production planning meetings had a strong educational component. That was why we were getting together. First, over the days and seasons, everyone got to lead the team in meditation/worship/reflection/their spirituality, or whatever you'd like to call it. Second, everyone got to lead the team in their storytelling expertise. We had team members with dazzling picture sense, or brilliant writing skills, or wonderful approaches to editing, or riveting presentation techniques. We were sharing our strengths as workers, individuals, and as cultures, and the production teams became stronger every year. We were award winning: Geminis, Women in Film and TV-Toronto, Canadian Council of Christians and Jews, Urban Alliance on Race Relations, etc. Our stories ranged from serious investigative journalism, to profiles, to multifaith comedy.

1999

It was also during these years that the first serious information came into my head about residential schools, in the way that it came to many non-Aboriginal Canadians, via Phil Fontaine.

On the 10th anniversary of Vision TV we decided to do 10 programs on human rights topics in 10 provinces and territories. Fontaine, then National AFN Chief, talked about the physical, sexual, and cultural abuses endured in residential schools. He said: "These things happened to me. It's time I talked about it."

There was tremendous power in the humility of Phil Fontaine's message at that time. He was willing to appear vulnerable and weak, a way of being strong for other survivors. Now I knew a bit more, and residential schools stayed with me as a subject to be explored with ROC, the rest of Canada.

2000

"The churches will be bankrupt!" by the residential schools settlements is the rumour that is flying through the corridors Vision TV. Since "churches" are one of the many constituencies with whom we work, and we've always dealt with Aboriginal issues, and we share some of our information programming with CBC Newsworld, I propose a co-production. The third partner is to be the just-launched APTN where a longtime colleague Dan David, Mohawk from Ganawake, is news director. The project was ambitious and fraught with editorial and technical pitfalls for all of us, but especially for APTN which had been on the air about 14 months.

Finally, we have five hours on residential schools to be broadcast on all three networks. The host for newbie APTN is splendidly articulate Rick Harp. I'm fronting for Vision TV, and veteran Anne Petrie is there for Newsworld. In addition, APTN and VTV are responsible for the documentary style "field pieces" that walk with real survivors, victims, and players. Newsworld handles the studio segments in which early participants in the Aboriginal Healing Foundation examine the present and the future as well as the past.

Our programs are called "*Canada's National Shame*" and we are tripping over landmines. The churches are wary of the economics of apology. The government isn't apologizing. Both parties finger point. Some Aboriginal

people don't see why APTN should talk to Vision TV and CBC Newsworld. CBC seriously questions how the other two production partners can be "objective" about such an emotional subject.

We survived. We went to air. Everybody managed to tell the truth from where they stood. Working out those shows was a major exercise in cross-cultural communications and finding solutions. We have no regrets.

2002-05

After 30-ish years in the TV trenches, I'm invited to be Director of News & Current Affairs at APTN. The task is to mentor my Aboriginal successor and kick start a daily news show. On editorial content I seldom try to convince my all Aboriginal team that something is or is not a story. They know more about that than I do. My job is simply to clarify, to keep our writing and our focus sharp, and to build the kind of well-oiled machine that can reliably produce daily, 52 weeks of the year.

Part of my learning curve is to hear almost weekly about the fallout from residential schools on our live open – line show "*Contact*," on *APTN National News*, and naturally on specials. The other big story is The Ipperwash Inquiry. We decide to broadcast three hours a week of the hearings. Mainstream media outlets are really not covering this Commission created by the government of Ontario after ten years of pleas and threatened lawsuits from Sam George, brother of the murdered unarmed protestor Dudley. The disinterest in the Ipperwash proceedings in Forest, Ontario speaks volumes about a land claims story that takes 70 years to resolve. It is a story of the appropriation, mis-appropriation, exploitation, and reclaiming of land. It is a long story. The mainstream can only deal with sound bites.

In August 2005, near the end of my time at APTN. Hurricane Katrina makes landfall on the Gulf Coast. For five days after Canadian newspapers run front page pictures of 100,000 trapped, poor black people. I know those people. But nobody is talking about the racism, classicism, and cronyism that trap those former slaves. I ask permission to write an op-ed piece from my boss, APTN CEO Jean LaRose. He says 'go ahead.' Mr. LaRose, Abenaki from Quebec, is disturbed by the news coverage too.

And as an Aboriginal person he immediately sees that the same thing could and does happen in Canada.

The news gets it right on the 6th day after the hurricane though. That is, they get the racism part right. They don't get that it could and does happen here. I don't have to write that editorial right then. But three years later, I've worked up a head of steam about all the money, time, and tears Canadians are spending "down there" without looking in our own backyards.

2008

Therefore this year sees a play written and performed by me in Winnipeg named "*Big Ease, Big Sleaze*." A reviewer said, to paraphrase: 'The Natives don't need to be saved by liberals, ask a Native.'

None of us likes negative reviews, of course, and we remember them forever. Actually I don't think "*Big Ease, Big Sleaze*" was my finest hour, and this review indicates that I failed to make my primary point. What I intended to say is: 'Before Canadians attempt to achieve salvation by assisting people in far flung lands, like the 9th ward of New Orleans after Katrina, let's recognize that we have tons of sins to deal with right here.'

We save ourselves by recognizing those sins and changing our relationship to Aboriginal peoples, beginning with being truthful. My central characters in "*Big Ease, Big Sleaze*," both Canadians, are an older brown gentleman and a young white woman. They both realize they don't have to get on an airplane to attempt to right wrongs. The wrongs are at their doorsteps.

2006-09

More successful than "*Big Ease, Big Sleaze*," I hope, is a TV docu-drama "Not a Drop," first broadcast in 2009 on OMNI. By nature of service, mandate, and conditions of license OMNI, a multi-lingual broadcaster, does not deal with Aboriginal languages and issues (APTN does that), or Francophone matters (Radio-Canada and TVA do that). OMNI is interested though in the story I want to tell about the relationship of recent or long term immigrants to Aboriginal peoples. The story centers down on a fictionalized graduate school class in Diversity Journalism, based on real

events. One of the students, Jeremy, who is black, stresses that he almost didn't take the course because:

"Like from my own personal background I didn't think there was anything I could even learn about diversity, but when you showed us some of those other experiences of people who've been here for so long, but still feel disenfranchised, still feel isolated, it made me think to myself—like there's way more to cover out there than fatherless Jamaican families, not to put that down..." (#1)

While we were in pre-production for "*Not a Drop*" the Sunrise Propane Explosion hit Toronto on August 10, 2008. This caused me to write an op-ed piece in the *Toronto SUN* on the differences between Ontario's downtown capital city and the Walpole Island First Nation where the documentary portions were being shot.

Just how high and how fast can last Sunday morning's Sunrise Propane explosion make Queen's Park jump?

If I were a gambling woman, I'd say the provincial government will close the loopholes around the Technical Standards and Safety Authority in three months. ...

Now, here's another bet: Just how high and how fast can Queen's Park jump about some longer term chemical problems in the province?

I wager it'll take 50 years for politicians to vibrate and pontificate about Chemical Valley. The dice are loaded. I've won already, because it has taken them at least that long to date.

Who lives in Chemical Valley? The people of the Walpole Island First Nation, the Sarnia First Nation, and the small city of Sarnia. It's the area that produces approximately 40 per cent of the oil, gas, and petrochemicals for Eastern Canada.

We're talking the southwestern part of the Queen's Park empire, on Lakes Huron, Michigan, and St. Clair, and the St. Clair River. It will take a lot longer, if ever, to decide what an acceptable level of risk is for those people. They are farther away from the center of power, fewer in numbers, many of them Aboriginal, and it's a slow, cross-generational danger. More like a leak than an explosion.

Sunday's dangerous events happened to thousands at once. They're getting lots of justified media attention, in a fairly well-off

postal code, in the capital city. Toronto was also beyond lucky that only two people died.

How can that be compared to 50 years of gradual chemical spills, and possibly related gradual deaths, and non-births?If the warning system works, at least people are told not to swim, not to drink the water, and not to eat the fish. Sometimes they're not warned in time though, and that makes the communities suspect that the high number of miscarriages, new diseases, birth defects, and fish with cancer has something to do with chemical spills. ...

Walpole Island can make its own laws, just like Queen's Park. It's on territory that was never ceded to the Crown. Trouble is, the laws can't stop spills from coming down the river to the First Nations, or into Sarnia and Wallaceburg.

What has been agreed upon by the Government of Ontario and the Walpole Island First Nation is that their unceded territory is home to 50 endangered or at risk species. Maybe that's 51, if we add in human beings.

There is no universal agreement in Chemical Valley that gradual hazards to life are such a bad thing. The refineries are major employers of people in the cities and minor employers of First Nations citizens as well. Therefore not everybody is calling for new legislation, instant investigation, and the closing of loopholes. Not as many live within sudden death distance like we've just experienced in Toronto.

They just live in the shadow of slow, quiet, possibly fatal, health and environmental hazards. (#2)

In “*Not a Drop*” the people of Walpole Island eloquently explain to the young journalists, and all the rest of us in the audience, the place of the land in their worldview. And they give us a tour of the slice of creation for which they feel spiritually responsible.

2009-11

The Halifax Mayor's apology to the people of Africville happens during the time I'm privileged to live and work in the Atlantic region. True, the damage was done 50 years ago. A historic black community that had lived on the shores of the Bedford Basin for generations found their church bulldozed in the middle of the night, their possessions and themselves

loaded onto garbage trucks and dumped into public housing in the inner city. Halifax needed to build a bridge where Africville's destroyed homes had been.

I'd produced a program for *CBC Access* about Africville 33 years previously and so thought the problem had been solved! It took a lot more than one of my shows for the land to be reclaimed. The apology includes a commitment to a new church to be built on the site of the old one, and there is to be an interpretive centre that explains how the land of these black citizens came to be expropriated. Financial compensation goes to the black community, not to individuals.

Roberta Jamieson, distinguished head of the Aboriginal Achievement Foundation, was a convocation speaker at Mount Saint Vincent University in the spring of 2010. Her honorary doctorate was presented at the ceremony for graduates in Education. Why? The administration hoped, and Ms. Jamieson agreed, that what is said to these people who are teachers and principals in Nova Scotia schools is terribly important. They are the people who will continue to put false histories or true communication about the Aboriginal past, present, and future into the classroom. They are important gatekeepers for positive self-images of young Native people and the esteem with which all ethnicities hold each other. What did Roberta Jamieson say?

She said that the grads have a choice. They can build classrooms and worlds of inclusion or of exclusion. They have this power. The educators are the people who will tell the truth, or not, about the bulldozers, garbage trucks, airplanes, and other expropriation vehicles of history.

We welcomed her message. Roberta Jamieson was very generous to give the graduates another chance to decide which path to take. However, being the slave masters is very bad for the masters' health. It is our tradition in Canada to shoot the messenger who brings this news, that we are killing our souls when we exclude. We have charged messengers with exaggeration, lying, inaccuracy, or simply mis-interpreting the intentions of the masters forever. 1907 was the publication year of Dr. Peter Bryce's book about residential schools [The Story of a National Crime](#). Bryce was talking about death rates of nearly 50% in western Indian residential schools, and the suppression of this evidence by the Canadian government and churches.

We shot the messenger then. But the time has long since past when

we can afford to silence the bad news, about residential schools, about land, resources, or our lives with one another. The mental, physical, and spiritual health of those of us who are black (like me), brown, yellow, white—or red—depends on our speaking, walking, and living the truth.

Endnotes

1. Deverell, Rita Shelton, “*Not a Drop*”, screenplay, OMNI, 2009.
2. Deverell, Rita Shelton, “*Toronto blast gets action, what about elsewhere?*”, Toronto SUN, August 15, 2008.

Endnotes

Thank you, Senator Nancy Ruth, for your passionate work on behalf of women's studies, women's issues, some might go so far as to say the "Women's Agenda." Thank you for your staunch advocacy through times thick and thin, when issues of women and gender were popular and when they were met with indifference. Thank you for believing in the Mount and supporting our mission—the advancement of women.

Before your arrival in Halifax for this party you expressed only one dislike, Senator, a taste to which we did not attempt to convert you: broccoli. My resident chef, dear husband Bill, has avoided this verboten item and all has been well at the dinner table. Would all flavours out of favour were so easily avoided.

Senator Nancy Ruth, throughout your long career you yourself have never avoided:

- Trying to do something about the low percentage of private and corporate spending that goes to improving the lives of girls and women.
- Contradicting the false statement that violence against women is no longer an issue.
- Stating that the long story of equal pay for work of equal value has not yet had a happy ending.

The Chair you endowed at the Mount has now been in place for 25 years, and thanks to that endowment, it will continue its fine work in perpetuity. What a lovely word. It means forever.

And as noted by Dr. Meredith Ralston, Chair of Women's Studies here at the Mount, our Senate last month approved a charter for our new Institute for Women, Gender, and Social Justice. Both the Institute and Nancy's Chair will be housed in the first academic building to be constructed on the Mount campus in 40 years, a building that will be dedicated to

honouring women and will be home to all the Mount's academic initiatives that advance the status of women.

This Centre for Teaching, Learning and Research will recognize 12 Inspiring Women in its central atrium, and it will also provide an opportunity to celebrate 2,012 remarkable women in our daily lives by reserving spaces in their names on the Women's Wall of Honour. We plan to break ground in the spring of 2013, and we are well on our way to reaching our goal.

There is a great deal for us to celebrate in the wonderfully generative past 25 years of the Nancy's Chair in Women's Studies. We thank you, Senator Nancy Ruth, for your belief in the Mount all those years ago, and for your gift that made possible the splendid future that lies ahead.

Ramona Lumpkin, PhD
President and Vice-Chancellor



The Honourable Senator Nancy Ruth, C.M.

Nancy's Chair in Women's Studies

Nancy's Chair in Women's Studies was established at the Mount in the mid-1980s. Endowed by well-known Toronto-based feminist and philanthropist The Honourable Nancy Ruth, C.M., the Chair raises awareness of women's issues by bringing to campus distinguished scholars in women's studies and activists who have contributed to the advancement of women. The presence of the Chair adds substantially to the intellectual strength of women's studies at the Mount and in the Atlantic region. Duties associated with the Chair include teaching, research, and public presentations on campus and around the Atlantic Provinces.



The Institute for Women, Gender, and Social Justice
Mount Saint Vincent University
Halifax Nova Scotia Canada