This edition of Dialogue, e-Journal includes another selection of papers that were presented at the postgraduate conference *Challenging Politics: New Critical Voices*, held in June last year and sponsored by the School of Political Science and International Studies at the University of Queensland. These papers bring together some important critical perspectives to a number of issues on ethical trade and the experiences of women smallholders in food production and on gender-responsive budgeting and women’s movements in Timor-Leste. In addition, as a special contribution to this edition is an interview by Julie Connolly with Katharine Gelber, on her recent book *Speech Matters: Getting Free Speech Right*.

In the first article, Kiah Smith discusses the extent to which the lived experiences, values and concerns of smallholder framers, particularly women, are recognised and incorporated into global ethical trade. In order to open up what is described as much needed space in which to re-conceptualise the relationship between the micro level of smallholder farmers and the macro level of global ethical trade regulations, a hybrid theoretical conceptual framework is proposed using insights from political-cultural economy, gender theory and sustainable livelihoods frameworks. Smith argues that by taking such steps theoretically, the possibility emerges of creating a dialogue between the values of ethical trade and the concepts and situated knowledge from local gendered livelihoods.

Monica Costa then looks at how NGOs and women’s movements in Timor-Leste play an important role by supporting the effectiveness of government-led initiatives on gender-responsive budgeting (GRB). In particular, Costa focuses on Redo Feto, as the peak organisation for women’s groups in Timor Leste, and the Platform for Action, as two mechanisms that work towards ensuring that women’s interests and participation on a broader community and grassroots level are engaged with. She argues that these mechanisms influence government policy-making by encouraging a clearer understanding of what constitutes women’s rights and that while these initiatives demonstrate a degree of autonomy exists in the women’s movement more broadly, they indicate how the broad directions of government policy can be supported while ensuring efforts to address gender equality reflect more specific interests of women in Timor-Leste.

In the interview with Katharine Gelber, Julie Connolly opens up for discussion some key themes raised in *Speech Matters*. Gelber takes up the opportunity to reflect not only on the complexities about what constitutes free speech, but also upon the motivations underpinning such an examination. What follows is an illuminating conversation driven by the author’s interest in the impacts and influence of speech
which points towards the importance of understanding the relationship between free speech and democracy beyond an absence of government interference. Here we begin to gain a sense of the implications for discussing such a freedom in the Australian context where regulatory reform on sedition laws receives bi-partisan support and public commitments to free speech tend to crack under pressure when politics contests the status quo. Gelber argues for the need to spark a much greater debate on the challenges of protecting rights imagined as fundamental and universal yet with shallow cultural roots.

Following this interview is the first of three book reviews for this edition in which Julie Connolly reviews Gelber’s book Speech Matters. Gelber examines the protection and regulation of free speech in the Australian political context and uses a series of examples on how political speech such as sedition laws, hate speech and art, reveal the scope of political debate the nature of public perceptions. For Connolly, Gelber’s analysis makes a valuable contribution both in terms of pointing to sites of governance from the local to national level that regulate free speech and as a theoretically informed analytical framework. Connolly adds that it’s a timely statement on the vulnerability and fragility of free speech in Australia and suggests that a number of recommendations are put forward here on what a stronger commitment to such an ideal might look like.

Still on the theme of rights and democracy, Connolly examines the role of human rights in the context of rights-based advocacy and community development work as encountered in Human Rights from Below: Achieving rights through community development. Author Jim Ife sets out to use the language of rights in order to overcome perceived divisions between theory and practice in various forms of community development work. Connolly argues that while the implications of such a task could be scrutinised further by examining the limits of a rights framework, it does advance the possibility of developing an understanding and application of rights at the community level convincingly.

Paul Williams then reviews Understanding Religion and Science: Introducing the Debate by Michael Barnes, in which the author explores the possibility of coexistence between science and religion. For Barnes, this potential can be found in a number of areas where science and religion are considered to overlap on questions deemed important for humanity such as the role played by knowledge and values. Williams notes that parts of Barnes’s argument raises some well rehearsed irreconcilabilities but this shouldn’t detract from what is a good introduction to key issues in the broader debate between science and religion.

To all of our readers, we would like to thank you for taking the time to visit Dialogue, e-journal and mention that your comments and feedback in the form of letters, article replies or general suggestions are all welcomed. If you are interested in contributing an article or a book review, please contact us a dialogue@uq.edu.au

We would like to take this opportunity to warmly thank all of the contributors to this edition and the anonymous reviewers whose support makes the publication of this journal possible.
And finally, I would like to thank the departing co-editor Constance Duncombe for all her help and dedication to towards the compilation of Dialogue, e-Journal (2010-2011). She has been an invaluable source of support and the Dialogue team wishes her all the best with her future endeavours!

George Karavas
25 October, 2011

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Contesting the Values of Ethical Trade: Connecting political-cultural economy, gender and sustainable livelihoods

By Kiah Smith

Abstract

The values and institutions of global ethical trade food networks are widely criticized (by a growing number of both scholars, practitioners and producers) for being highly gendered and for reflecting unequal power relations between Northern retailers, regulators and consumers and Southern ‘beneficiaries’. This raises questions about ethical trade’s ability to bring the values and concerns of Southern food producers – and especially women - to the forefront of debates around improving the livelihoods of the poor and marginalized through export horticulture. To date, however, most research has focused on the impacts of ethical standards in vertical supply chain analyses, with little attention given to the ways that ethical food networks are constructed and experienced at the local level in combination with relations of power, gender and livelihoods. In this paper, I argue for the need for researchers to re-conceptualise the relationship between the micro level of smallholder livelihoods and the macro level of global ethical trade regulations, by grounding ideas about structure/agency, micro/macro, and local/global in the voices and lived experiences of Southern actors. I propose a ‘hybrid’ theoretical approach combining insights from political-cultural economy with gender theory and the sustainable livelihoods framework. This creates theoretical space to consider the situated knowledge, strategies and values of women smallholder farmers that are often beyond the scope of ethical trade regulations to address, and brings together micro and macro analyses of gender and ethical trade.

Introduction

In a challenge to mainstream sociology, Connell has suggested that a “radical rethinking” (2007: xiii) of sociological theory is required if we are to forge democratically inclusive ways of knowing about the social world. In taking up this

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challenge, this paper – which is drawn from a doctoral study of ethical trade, gender and sustainable livelihoods for women smallholders in Kenya – presents an in-depth theoretical consideration of how we might re-conceptualise the relationship between the micro level of gendered, smallholder livelihoods and the macro-structural level of global ethical trade standards. This aims to address current theoretical divides within ethical trade research, by bringing together the concepts of networks, conventions, situated knowledge, participation, empowerment and livelihood strategies and outcomes.

Ethical trade refers to a “variety of approaches affecting trade in goods and services produced under conditions that are socially and/or environmentally as well as financially responsible” (Blowfield, 1999: 754). Emerging in the context of ethical consumption, regulatory privatisation, alternative trade, and the rise of voluntary corporate social responsibility (CSR) regulations, ethical trade aims to address concerns that food producers living in the global ‘South’ are systematically disadvantaged by food production and consumption relationships (Blowfield 1999) by incorporating environmental and social sustainability into private, voluntary and/or multi-stakeholder regulations. Ethical trade standards have thus become the conduit through which a host of new ethical values are articulated. These include quality (fresh, local, seasonal, sustainable source), social justice (animal welfare, fair trade, work conditions, gender equity), environment (climate change, land use, biodiversity, organics, soil), health (safety, nutrition, cultural) and fairness (affordability, access, socio-economic status) (Lang 2010).

However, a large body of literature has critiqued ethical trade for: the lack of participation of Southern stakeholders in defining, implementing and monitoring ethical trade standards; limited benefits which are dependent on commodity, country context, employment status, and gender; restricting market access for some producers, especially smallholders, due to the high costs of accreditation to ethical standards; institutionalising the ethical values of consumers, the priorities of NGOs and governments and food retailers rather than the norms, values and priorities of producers; and thus, failing to enhance the livelihoods of Southern farmers on whose labour the export of high-value horticultural foods depends. In sum, there remains a disconnect between the micro level of smallholder livelihoods and gender, and the macro level of global markets and the values and goals of ethical trade regulations.

This presents a paradox for ethical trade, as well as for research that seeks to better understand these disparities. A few studies have begun to question whose worldview informs the construction of ethical standards (Bendell 2005; Blowfield and Dolan 2008; Dolan 2010; Friedmann and McNair 2008; Raynolds 2002), and what this might mean for structure, agency, power and knowledge across the new forms of relationships emerging. But very few have attempted to define the values and priorities that women smallholders do hold in relation to creating and sustaining food networks that meet their local needs, or to compare these to the ethics currently embedded in ethical trade standards operating at a global level. How the gendered construction of values within local ethical food systems may or may not shape the macro aspects of
Contesting the Values of Ethical Trade

trade, production and consumption is rarely considered. Likewise, few studies have specifically explored the market-livelihood connections for women smallholders engaged in ethical trade; of those that do bring livelihoods to the forefront of the analysis (see for example, Bacon, et al. 2008; Neilson and Pritchard 2009), gender has not often been a specific focus.

Conceptually, this is symptomatic of a broader theoretical ‘impasse’ between traditional, structuralist political economy approaches, post-structuralist, network theories, and actor-oriented gender and development theory concerning the most effective way to interpret ethical trade’s grassroots implications (Goodman 1999; Marsden 2000). Ethical trade research to date has tended to focus on (a) global agrirestructuring resulting from processes of neo-liberal globalization, such as the changing international division of labour; (b) the vertical functioning and power of markets, firms and other upstream actors; and (c) shifting consumption-production values (again, of upstream actors such as consumers) related to sustainable development and alternative trade (i.e. key concerns of structural political economy) (see Burch and Lawrence 2007; Busch and Bain 2004; Buttel 2001). While such approaches draw attention to the complex sets of social and political relationships between actors involved at every stage of the food chain (see Buttel 2001), they have been criticized for an over-emphasis on structural power (Rosin and Campbell, 2009), resulting in ineffectively considering nature (see Goodman 1999; Marsden 2000), as well as the importance of local-level resistance and power ‘from below’ (Cheshire and Lawrence 2005: 9). Ethical trade research has also largely been confined to assessing impacts and benefits of ethical codes at the point of production, by focusing mainly on employment-related constraints or livelihood concerns limited to income, market access or labour rights. Many such studies inadvertently position Southern women food producers as less powerful actors embedded in global food supply chains which are directed by more powerful multinational corporations, reflecting traditional political economy approaches interested in the structural constraints that neo-liberalism, globalisation, deregulation and financialisation present to small farmers. This contrasts with a growing body of post-structural agri-food research that highlights the culturally and socially constructed nature of food networks, suggesting that ethics, livelihoods and sustainability in ethical trade standards are contested and subjective concepts, influenced by relations of power and agency (see Blowfield 2003; Raynolds 2007; Dixon 2002). This insight is also evident in a large body of feminist scholarship highlighting gender relations within food and environmental systems (see Allen and Sachs 2007) as well as within debates around the methodological benefits of participatory and action-oriented research (Chambers 2002; Cornwall 2003). In summary, there remains a gap between explanations of the impacts of ethical trade and post-structural livelihood analyses. In particular:

- Much of the analysis remains focused on the global scale and power ‘from above’ (see Pimbert et al. 2001);
- While some theoretical approaches do investigate gender, they do so without specifically incorporating a feminist perspective (consider for example, Smith and Dolan 2006);
The value chains concept remains dominant, despite the fact that ‘networks’ much better encapsulate the local-global webs of power, knowledge and negotiation in which women smallholders are embedded (Raynolds, 2002);

Where the agri-food literature draws on the discourse of livelihoods, it rarely defines what this might mean for different actors within South-North food networks, and rarely includes the voices of Southern food producers themselves (Hale 1996; Tallontire et al. 2009).

To bridge these gaps in the field, I argue that what is needed is a theoretically informed approach to linking the micro level of women smallholders’ livelihood values (i.e. agency) with the macro-structural level of ethical trade regulations (i.e. structure) that shape power relations in global agri-food networks (see Blowfield 2003). The remainder of this paper will develop a hybrid conceptual framework which enables the analysis of women smallholders’ own perspectives on (1) the structure of their food networks, (2) their participation and empowerment strategies within ethical trade processes and institutions, and (3) their own definitions of well-being, environmental sustainability and food security outcomes, bringing together three main bodies of theory.

Three bodies of theory

Ethical trade can be understood through three main bodies of theory, all vying to explain structure and agency in the global agri-food system: (1) political and cultural economy; (2) gender theory; and (3) sustainable livelihoods (from development studies). Each of these consist of multiple and varied theoretical and methodological positions, which have in themselves contributed to rich debate and the evolution and refinement of theoretical trajectories within their own fields. Within debates around ethical trade however, these three bodies of theory have remained distinct.

By bringing political-cultural economy, gender and the sustainable livelihoods frameworks together, the remainder of this paper outlines a hybrid theoretical approach to exploring the local level knowledge, strategies and outcomes that women smallholders themselves value, and which are also intrinsically connected to the broader context of globalised ethical food networks. Specifically this section draws on concepts of food networks (horizontal and vertical); conventions; situated knowledge; participation and empowerment; and livelihood strategies and outcomes. Where these perspectives intersect, new insights emerge which provide a basis to better explore the structure-agency nexus in smallholder ethical trade food networks in the South. This approach seeks to rectify what Henderson, et al. describe as “analytic disjunctions” (2002: 436) that result from focusing solely on either the macro level of abstraction or the micro level of processes. The theoretical framework developed here (illustrated in Figure 1) responds to the need for agri-food studies to go beyond the structure-agency dichotomy (Larner and Heron 2002), re-embed ecology (Murdoch; Marsden and Banks 2000) and foreground the issues of gender (Allen and Sachs 2007; Dixon 1999) and livelihoods (Pimbert et al. 2001).
In light of the emergence of alternative food networks such as ethical trade – and the concurrent interest in ‘Southern’ actors in these – the field of agri-food studies has been forced to find ways to reconceptualise structure, agency, power and knowledge across the new forms of relationships emerging. First, agri-food theory has embraced the need to focus simultaneously on global structures and local dynamics (Curran 2008: 108). As environment-society relations have moved to the forefront of debates, agri-food sociology has shifted from traditional, structural political economy - such as pure commodity systems/ supply chain analyses (Buttel 2001) – towards a revised political economy in which social relations are paramount (Marsden 2000), and which highlights the role of norms and values in shaping production, distribution and consumption in agri-food networks. These post-structural concerns are in line with the well-documented and much debated ‘cultural turn’ within sociology more generally, and towards ‘cultural economy’ more specifically. Dixon in particular, has attempted to “augment political economy accounts with ones that have an explicit appreciation of cultural concerns” (1999: 156), by considering how power relations shape the construction and production of value, redefining production, consumption, distribution and exchange of food as not just economic activities, but as “truly social” (2002: 150) processes.

In this shift from structural political economy towards a culturally-informed, post-structural political economy, networks and conventions have emerged as key concepts useful in ethical trade research.

*Food networks:* Networks have been described as a ‘paradigm’ (Murdoch 2000) or ‘metaphor’ (Lockie 2006) for understanding how economic relations are embedded within natural and social relations and thus help to conceptualise how food systems are constructed (see also Murdoch et al. 2000). A network
approach emphasizes that there are differing network types, and that agency is enacted in the links between components of networks, rather than a characteristic of actors themselves (Marsden, Flynn and Harrison 2000: 112-3). For example, according to actor-network theory (ANT), structure and agency in commodity networks occur simultaneously (Raynolds 2002), whereby food networks are both “constructed by powerful actors so that rural participants find their room for maneuver limited” (Murdoch 2000: 416) as well as emerging in situations of innovation, learning, trust, flexibility and diversity; i.e. where agency is more important than just power. Two types of networks structure agri-food relations: vertical networks and horizontal networks (Murdoch 2000). Vertical elements include the structure and links between actors, the functional division of labour and the role of standards in global agri-food sector governance. Horizontal elements relate to more general local processes of economic and social change, including poverty, gender, labour and the environment; i.e. livelihoods. Vertical and horizontal analyses also explore how change is driven by power ‘from above’ (such as through standards) and ‘from below’ (i.e. though mediation at the local level) (Bolwig et al. 2008). Based on the assumption that “markets are not an autonomous sphere in modern capitalism but are embedded within social relationships” (Lockie 2006: 25), network theories also connect environmental and social aspects of ethical trade food networks, as food networks are always open to redefinition in light of changing power relations, technologies, natural/environmental contexts and knowledges (Murdoch 2000). A political-cultural economy approach to food networks would position the environment as an actor, consider the embeddedness of ethical regulations in cultural norms and values (Macdonald and Marshall 2010), and give greater emphasis to agency over structure (see also Henderson et al. 2002).

Conventions: Conventions theory is concerned with “how actors materially and ideologically engage particular norms, rules, and quality constructions across production, distribution and consumption arenas” (Raynolds 2002: 409; see also Ponte and Gibbon 2005; Renard 2003). Defined by Rosin and Campbell, conventions represent “commonly recognised meanings and standards” (2009: 37) that correspond to different paradigms of moral philosophy (see also Ponte 2009) by which actors in globalised food networks can justify how the common good (i.e. in this case, quality food from ethical food networks) should be achieved. In the case of ethical trade, the acceptance of ethical standards will depend on how the meanings of ethical are being constructed and by whom, as well as how those meanings resonate with existing understandings of food ethics. By addressing both processes and meanings, conventions theory has been applied in studies of food networks with the aim of highlighting how, for example, ‘quality’ is a construct dependent on the complex ‘micro-politics’ of legitimation and delegitimation of cultural values (Campbell and Le Heron 2007). Applied to the study of African horticulture, conventions analysis has led to observations that the ‘moral economy’ represented by ethical trade standards more closely reflects histories of colonialism, pro-poor development agendas,
and patriarchal attempts to control the labour of women (Freidberg 2003b), whereby actors in the North aspire to 'save' the African worker from the downside of globalisation (Dolan 2005). Sociological understandings of conventions theory focus on ‘worlds of justification’, and their associated ‘orders of worth’ (Rosin and Campbell 2009). A typology of conventions inspired, domestic, civic, green, market and industrial summarises the range of ways that principles, norms and values can be used to justify how food networks should be governed identifies. Ethical trade falls within the civic and industrial worlds, as it is based on assessments, labels and certification systems regarding social and environmental impacts and a collective commitment to welfare (see Ponte 2009: 239-240). However the outcomes of this valuation process may be different for actors engaged in food production compared to actors at the retailing, standard making and consumption sites in a network (see Murdoch et al. 2000; Raynolds 2002).

In line with a post-structural political-cultural economy perspective, each of these concepts highlight the social processes through which structures develop, rather than on the constraints these structures place on the capacity to act (Le Heron 2007; Rosin and Campbell 2009). This requires recognising that globalisation - and thus the global reregulation of South-North food networks – is “a process in the making” (Larner and Heron 2002: 416). Methodologically, this emphasises the need to explore local, lived experiences within food networks at the same time as finding out about the global processes that both shape and are shaped by those experiences. While in this sense there are clear overlaps between a political-cultural economy approach and gender and feminist development theory, explicit attempts to integrate livelihoods into these analyses are still missing.

(b) Gender theory

Implicit in the literature on gender and ethical trade is the assumption that “gender [is] a constitutive element of all social relationships and … signifies] a relationship of power” (Cornwall 2003: 1326). Feminist research into gender and agriculture is broad, having explored the economic contributions of rural women to food production, women’s relationships with nature, patriarchal relations in agriculture, the effects of colonialism and (de)colonisation on the status of women farmers, and women’s resistance. In terms of gender inequality and agriculture in the global South, theoretical consideration has been given to the private (households, family work and reproduction) and the public (labour, employment, restructuring) realms of women’s activities; culminating in the now irrefutable impacts of global agri-restructuring on gender and governance, democratization, environmental degradation, labour markets, land ownership, poverty, and empowerment, in Africa and elsewhere (Allen and Sachs 2007; Dolan 2001, 2005; Hale 1996; Hale and Opondo 2005; Razavi 2009; Thomas-Slayter and Rocheleau 1995; Verma 2001). There has also been a transition in how the problem of gender is defined: from an initial focus on women’s absence from development theory and practice, to new emphasis on social relations defined by
women’s subordination and inequality. Research has shifted from simply integrating women, to considering their situated knowledge, participation and empowerment, as discussed below.

Situated knowledge: The gendered basis of local knowledge, perception and practice has been widely recognised by feminist development scholars (Thomas-Slayter, Rocheleau and Kabutha, 1995). According to Haraway (1991), all knowledge claims are partial and situated; a concept that is closely related to the broader scholarship on feminist epistemologies. While being careful not to homogenise the experiences of all women, much feminist research nonetheless asserts that “women have different ways of knowing and acting based on their common oppression and that this oppression provides them with privileged vantage points for viewing and changing social relations” (Sachs 1994: 119). For rural women, “their knowledge is situated in their localities and daily activities” (Sachs 1994: 119), as this is where they experience the gendered division of labour and sexual domination which characterises rural areas. An emphasis on situated knowledge therefore foregrounds women’s agency and power in relation to social, political and economic structures, and it’s through their situated knowledge that women can gain alternative perspectives and strategies for affecting change. In ethical trade networks, for example, Hale argues that “it cannot be assumed that [women’s] perspective on labour standards and the appropriateness of different strategies will be the same as that of men” (1996: 13). Considering that the lack of representation and participation by women in determining or implementing ethical standards means that standard-making bodies can be selective about what is included (Bain 2010), a focus on women’s situated knowledge has other important implications: having a unique ‘voice’ does not necessarily equate to being heard (Cornwall 2003). As such, numerous scholars have turned their attention to the ways in which women participate and are empowered on the basis of their ‘situatedness’.

Participation and empowerment: Much of the feminist literature argues that women in the South draw on a range of unique experiences, strategies, and forms of resistance that are often overlooked in structural accounts of gender and smallholder farming (Agarwal 1997; Allen and Sachs 2007; Thomas-Slayter and Rocheleau 1995; Verma 2001). Women commonly lead movements to create environmentally sustainable and socially just food cultures and systems, and actively engage in resistance to environmental degradation. However, in Haraway’s (1991) theorisation of situated knowledge, these overt forms of political and social action are rare compared to the day-to-day resistance based in their everyday experiences. In the case of ethical trade, analysis of how women’s participation in groups that ‘make the rules’ (see Agarwal 1997) is crucial to understanding the extent to which women’s knowledge, needs or values are reflected in the resultant ethical regulations. Women’s participation (or lack of) is closely entwined, therefore, with their empowerment. This is defined by Sen and Batliwala as: “the process by which the powerless gain greater control over the circumstances of their lives. It includes both control over
resources (physical, human, intellectual, financial) and over ideology (beliefs, values, and attitudes)” (2000: 18). Bringing together participation and empowerment reflects concern that “the power relations that have to be transformed enmesh women’s lives at multiple, interlinked levels: the household/family, the community, the market and the state” (Presser and Sen 2000: 7). This also reflects Gibson-Graham’s (2006) feminist critique of political economy, in which women are seen as powerful agents in a community economy, of which ethical trade is but one part within a larger set of context-dependent economic and social factors.

These concepts provide theoretical spaces to consider how local, gendered values and definitions of ethics (as situated knowledge) are integral elements of the same globalised food networks concurrently being regulated by ethical trade. Conceptualising women’s relationships with their food networks in this way recognizes that ethical trade regulations – and any assessments of their relevance, impacts or effectiveness – cannot be viewed in isolation from the broader social and cultural processes by which knowledge is constructed, structures are negotiated, or strategies are implemented (Bolwig et al. 2008: 26). This supports literature suggesting that standards are highly ideational: that is, they reflect particular constructs of well-being and ethics depending on who is defining the standards, the goals or the desired outcomes of ethical trade schemes (Blowfield and Dolan 2008). Methodologically, gender theory has highlighted the importance of incorporating women’s knowledge (both analytically and practically) into the research process, often through action-oriented, qualitative and participatory methods (see Cornwall 2003). However, there remains the need to go further: if women’s livelihood knowledge is situated both within and outside of food networks, this observation also provides further opportunities to redefine how food networks fit into the bigger picture of women’s livelihoods.

(c) Sustainable livelihoods framework

Interest in the livelihoods of Southern farmers has further challenged agri-food researchers to find new ways of understanding relationships between the micro level of food producers’ livelihoods and the macro level of ethical trade regulations. ‘Livelihoods’ have provided fair trade researchers in particular, a tangible entry point for the analysis of local level impacts of alternative trade and have gone a long way towards countering structural accounts with rich analyses of individual experiences (see for example, Bacon et al. 2008). However, across numerous case studies, the livelihoods concept remains either both broad and undefined, or is narrowly conflated with income and employment prospects. By contrast, the ‘sustainable livelihoods framework’ is an established and continually evolving tool, in which sustainable livelihoods are defined: as the capabilities, assets and activities required for a means of living (Chambers and Conway 1992).

The framework opens up spaces for individual conceptions of what constitutes sustainability, by framing this in terms of the vulnerability, stresses and shocks...
experienced in diverse contexts. Next, it draws on the discourse and measurement of ‘assets’—whereby social, human, natural, financial and physical capital affect people’s capacity to engage in particular livelihood strategies. It also emphasises the importance of institutions and organisations in mediating these livelihood strategies, for example by enabling access to livelihood resources. Private sector structures combine with local culture, laws, and institutional processes to determine the livelihood strategies available (Chambers and Conway 1992). Finally, the framework specifies desirable livelihood outcomes (Department for International Development 1999; see also Scoones 2009).

This approach emerged out of multidisciplinary efforts to bring capability analyses of poverty, environmental sustainability, governance, local knowledge, culture, power and participation together to help explain how people in diverse contexts combine different activities in order to cope, adapt, improve, diversify and transform the strategies and outcomes that affect their livelihoods (Scoones 2009). It also emerged in response to questions about how global sustainable development might be embedded or enacted at a local level, and helps to identify key issues associated with integrating micro and macro issues (Hinshelwood 2003). Within the field of development studies, the sustainable livelihoods framework is therefore commonly implemented as both a theoretical and methodological tool for planning and managing poverty alleviation. The sustainable livelihoods framework consists of a number of key components of interest in this study, namely livelihood strategies and outcomes:

Livelihood strategies: Livelihood strategies refer to “the range and combination of activities and choices that people make/undertake in order to achieve their livelihood goals” (DfID 1999: 23). The choice and range of strategies that individuals and groups are able to pursue also influences (and potentially, transforms) structures and processes. Structures can come from the private sector, the state or civil society; processes include laws, policies, institutions and culture. The Department for International Development (1999) suggests that a useful starting point is to consider the relationship between individuals or communities and the structures and processes governing them; in this case, ethical trade regulations and the market-based institutions associated with them.

Livelihood outcomes: Livelihood outcomes are defined as “the achievements or outputs of livelihood strategies” (DfID 1999:25). The term recognizes the diversity of desirable outcomes, and rejects assumptions that all people will be primarily interested in maximizing income by seeking “to understand the richness of potential livelihood goals” (DfID 1999:25). Reduced vulnerability and increased income, well-being, food security and environmental sustainability are seen to be key outcomes of combining assets, structures and processes, and livelihood strategies. Thus, livelihoods shape and are shaped by both individual contexts and agency, as well as by structures and processes outside of individuals’ control (Chambers and Conway 1992: 12). These broad sustainability objectives are unlikely to be shared by all, however, and may not all be relevant in every situation. While these themes are presented as common goals for individuals in the South and for development interventions designed to
help them, the values and meanings of these outcomes are contextually dependent.

Put simply, “the sustainable livelihoods frameworks in particular linked inputs (designated with the term ‘capitals’ or ‘assets’) and outputs (livelihood strategies), connected in turn to outcomes, which combined familiar territory (of poverty lines and employment levels) with wider framings (of well-being and sustainability” (Scoones 2009: 177). By considering the broader regulatory and cultural contexts within which livelihoods evolve, the framework considers material needs, quality of life and ending discrimination on the basis of gender as components in achieving social, environmental, local and global sustainability (Chambers and Conway 1992). The framework also connects the political economy of food networks – the actors, regulations, and commodities – with the well-being of actors located at the local level. However, only a handful of studies have attempted to apply the framework to studies of ethical trade, generally by considering (1) the ‘transforming structures and processes’ (TSP) box; (2) ‘livelihood outcomes’; and (3) ‘capital assets’ separately (Blowfield et al. 1999; Tallontire 2001). Much livelihood research has been criticised for narrowly focusing on describing the vulnerability context and/or exploring ‘capitals’ (de Haan and Zoomers 2005: 33). Political analyses of structural transformation and the structural bases of power have mostly remained on the margins (Scoones 2009), and discussion of gendered livelihood components within ethical trade food networks has been limited. Scoones (2009) therefore suggests that greater attention needs to be given to the knowledge, scale, politics and dynamics involved in the construction and reproduction of power relations that shape and constrain livelihoods. That is, structure and agency need to be more clearly integrated into the framework.

Towards a hybrid conceptual framework

A growing number of theorists have recognised the need to combine theoretical insights in the study of ethical trade, gender and livelihoods, although there is little consensus about which frameworks are best. As previously discussed, the sustainable livelihoods framework helps to bring gender, culture and the environment together with institutional and regulatory structures, and specifies livelihood goals in ways that existing agri-food theory fails to do. Conversely, post-structural agri-food theory provides important theoretical concepts that complement the sustainable livelihoods methodology; including the explanation of values and meanings provided by conventions theory and theorising power relations within and between horizontal and vertical networks. Gender theory elaborates on the importance of recognising women’s situated knowledge, and the ways in which women’s empowerment affects their ability to negotiate gendered cultural norms and participate in strategies supporting particular livelihood outcomes. It remains for these three areas to be brought together into a cohesive theoretical framework.

Hybrid political-cultural economy approaches to the analysis of ethical trade have been attempted by some. Others have begun the task of integrating livelihood
analyses with various perspectives, again, namely from political economy. All of these provide some insights into how to adapt the sustainable livelihoods framework for gender and ethical trade research, and respond to critiques of existing analyses of ethical trade. For example, Bolwig et al. (2008) argue that existing gendered value chains approaches, such as that developed by Barrientos, Dolan and Tallontire (2003), remain overly focused on employment and labour. Bolwig et al. (2008) also argue that environmental aspects of value chains are not well incorporated in value chain analyses. In response, their value chains-livelihoods framework integrates the horizontal (poverty, gender, labour and the environment) and vertical elements (governance, coordination, standards and certification, division of labour, and participation) of value chains. They focus on the types of actors both in chains and in networks which may be excluded, and how the participation of these actors in value chains may be changing due to changes from above (governance, value structure, standards, certification) and from below (actor capabilities and local factors) (Bolwig et al. 2008: 6). Tallontire et al. (2009) have presented a similar framework. Only Blowfield et al. (1999), Tallontire (2001) and Hobley (2001) have attempted to make links between ethical trade, the market and livelihood components through adaptation of the sustainable livelihoods framework.

Such studies have reinforced the need to consider “power relations that exist within the value chain itself, but also at the local systems and networks within which the individuals concerned and the groups that they are part of are situated” (Bolwig et al. 2008: 19). However, it does not appear that they have had a lasting effect on the theorisation of markets in the sustainable livelihoods framework. Nor have they led to approaches in which the macro level of ethical trade networks and the micro level of women smallholders’ livelihoods are linked (see Fold and Gough 2008).

I suggest that the way forward lies in exploring where political-cultural economy, gender theory and sustainable livelihoods overlap. Specifically, this means framing a research strategy around the following three themes:

1. Women’s local knowledge of food networks, particularly the horizontal and vertical connections between social, economic and environmental flows, gendered power relations and the socio-cultural embeddedness of these in the broader regulatory system (cultural/political economy + gender theory);
2. Women’s capacity for participation and empowerment in their chosen livelihood strategies, as shaped by both local and global contexts (gender theory + sustainable livelihoods); and
3. The extent to which livelihood outcomes - increased income, well-being, food security and environmental sustainability - as defined by women smallholder farmers might represent alternative values or conventions currently outside the scope of ethical trade regulations (sustainable livelihoods + cultural/political economy).

The table below further clarifies the elements of each theoretical tradition that can be usefully combined, pointing to both new conceptual directions and empirical research questions that could be asked.
Table 1 Directions for a revised conceptual framework

<table>
<thead>
<tr>
<th>Theoretical field</th>
<th>Key concepts</th>
<th>Research questions</th>
<th>Structure-agency nexus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political-cultural economy + Gender</td>
<td>Networks (horizontal and vertical)</td>
<td>How do women smallholder farmers describe the social, environmental and economic relationships in their food networks? How significant is gender in shaping these power and knowledge relationships?</td>
<td>Knowledge and power</td>
</tr>
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<td></td>
<td>Situated knowledge</td>
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</tr>
<tr>
<td>Gender + Sustainable livelihoods</td>
<td>Participation and empowerment</td>
<td>What strategies do women smallholder farmers use to respond to or negotiate the challenges associated with their food networks? To what extent is women’s agency enhanced or reduced through their participation in these strategies, and with what effect on the structures of ethical trade?</td>
<td>Strategies</td>
</tr>
<tr>
<td></td>
<td>Livelihood strategies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainable livelihoods + Political-cultural economy</td>
<td>Livelihood outcomes</td>
<td>How do women smallholder farmers define their own well-being, and how do they understand food security and environmental sustainability in their local food networks? What conventions do they draw on, and how do these compare to the ‘values’ embedded in existing ethical trade standards?</td>
<td>Outcomes</td>
</tr>
<tr>
<td></td>
<td>Conventions</td>
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</table>

In this framework, ethical trade standards (both in terms of the values they promote and the processes through which they regulate smallholders) can be analysed alongside the livelihood (a) knowledge, (b) strategies and (c) outcomes valued by women smallholders in the South. These themes emerge directly from specific elements of the sustainable livelihoods framework (structures and processes, strategies and outcomes), and the concepts of networks (horizontal and vertical), conventions, situated knowledge, participation and empowerment. This approach clearly aims to link structures and processes (i.e. the broader political economy in which ethical trade initiatives are located) with the agency of women smallholders to assert their own priorities for livelihood outcomes. In doing so, this incorporates the gendered power relations (i.e. structure and agency), knowledges, strategies and values at the local level that are just as much part of ethical food networks as are those emphasised at the global level. Methodologically, by rejecting a linear view of agri-food system relationships in preference for horizontal and vertical networks, this gives greater emphasis to agency over structure, and “allows us to link together the development issues that are internal to rural areas with problems and opportunities that are external” (Murdoch 2000: 417). This hybrid theoretical approach therefore provides opportunities for ethical trade and
gender research which is grounded in smallholders’ lived experiences, provides a mid-level theory between market and livelihoods, and engenders relations of power, structure and agency in food networks. Pimbert et al. argue that the benefits of taking this kind of approach are that

A combined food system-livelihood system approach grounds the analysis of global processes of economic change in notions of livelihood, scale, place and network. It recognizes that rural people’s economic behaviour is embedded in a complex, often extensive web of social relations and globalised networks of economic and political organizations. Issues of cultural identity, social capital, gender and locality are central to this focus ... A food system perspective can thus usefully balance and broaden the livelihoods lens used by development theorists and practitioners (2001: 5).

While there is not space here to explore in more depth the methodological implications of such a theoretical approach (see Smith 2011), all of the concepts brought together here are consistent with the ontological and epistemological foundations of post-structuralist research, including a commitment to participatory, qualitative research methods underpinning the sustainable livelihoods framework and a gender/feminist perspective. The approach therefore creates both theoretical and methodological space to consider the situated knowledge, strategies and values of women smallholder farmers that are often beyond the scope of ethical trade regulations to address. It also better reflects the structure-agency tensions that women smallholders experience within ethical food networks, and enables the analysis of gendered power relations and values at both micro/local and macro/global levels. Doing so also acknowledges the role of Southern women in both the construction of food networks and in the research process itself; women are not powerless, unknowledgeable objects, but are actors who can affect change, create knowledge and transform the social, political and environmental contexts within which they live (Verma 2001).

**Conclusion**

In this paper, I have presented a hybrid theoretical framework for ethical trade research which takes seriously the insights gained from the discipline of development studies alongside agri-food political-cultural economy and gender theories. Research into gender and ethical trade can be improved by focusing on the three tiers of (1) knowledge; (2) strategies; and (3) outcomes, thus helping to theorise the structure-agency nexus between global ethical trade standards and local gendered livelihoods. This connects the concepts of food networks, conventions, situated knowledge, participation and empowerment with livelihood strategies and outcomes, thus bringing local level experiences into dialogue with the values and processes embedded in ethical trade regulations at the global level. In doing so, this paper demonstrates a mid-level approach to grounding ideas about structure/agency, micro/macro, and local/global in
the voices and lived experiences of Southern actors, and complements existing impact assessment and value chain approaches to ethical trade research.

Notes

1 This paper is drawn from my PhD entitled ‘Contesting Ethicality: Ethical trade, gender and sustainable livelihoods for smallholder farmers in Kenya’. In the larger study, the theoretical framework presented here is applied to the analysis of qualitative data generated from participatory research with over 100 women smallholders in Kenya. While the research questions, data and findings are all closely related to the theoretical ideas presented here, the purpose of this paper is to focus solely on presenting a theoretical framework – which although it has been applied in my own PhD study - is also suitable for research into gender, ethical/alternative food networks and livelihoods more generally. See Smith (2011). The methodological implications of the framework, however, are not addressed in detail here.

2 In this paper, the terms ‘Northern’ and ‘Southern’ are used rather than undeveloped/developed, Western/developing, periphery/metropole dichotomies, following Connell (2007: xii-ix).


4 Definitions of ‘smallholders’ vary immensely in both the literature and across horticultural industries. In this study, farmers owned between ½ and 5 acres, and were viewed as ‘smallholders’ by their export company employers.

5 Structuralism and post-structuralism are key ontological perspectives or ‘worldviews’ underpinning modern sociology. In general terms, structuralism is associated with a focus on general and unvarying principles of social structure (such as codes, norms and underlying rules of society). Post-structuralism emerged from critiques of structuralism’s tendency to exclude lived, bodily experiences, and instead emphasizes the creative capacities of human subjects to shape social relations. For example, post-structuralism posits that discourse is not fixed or universal (as would a structuralist perspective), but is socially constructed and contingent rather than predetermined. They therefore differ in their perspectives on the role of science, human creativity, language, ideology and power, and in individuals’ capacity to challenge and operate outside of social structures (see Cuff, Sharrock and Francis 2005).

6 Conventions theory and the associated typology of conventions was originated by Boltanski and Thévenot (1991) and developed more recently by Ponte and Gibbon (2005) and Rosin and Campbell (2009). Please see these papers, as well as Smith (2011) for a more in-depth discussion of the theretical components of each type of convention.

7 Ponte and Gibbon (2005) combine conventions with value chains; Friedberg (2003b) links conventions with comparative cultural approaches and actor-network theory; Barrientos, Dolan and Tallontire (2003) and Smith and Dolan (2006) combine global value chains with gendered economy perspectives; and Raynolds (2002) combines insights from cultural studies, actor-network theory, conventions and commodity systems into a political economy framework. While these have provided rich insights into structure and agency in ethical trade networks, they rarely draw specifically on development theory and practice.
Bolwig et al. (2008) have aimed to do this by integrating global value chains with livelihoods, as have Barrientos and Kritzinger (2004), Kanji, MacGregor and Tacoli (2005), Neilson and Pritchard (2009) and Pimbert et al. (2001), who also included gender. Fold and Gough (2008) have combined smallholder livelihoods with conventions theory, and Gibson-Graham (2006) has combined feminist political economy with livelihoods. Utting (2009) has combined sustainable livelihoods with impact assessment. Interestingly, in their study of gender, environment and development in Kenya, Thomas-Slayter and Rocheleau (1995) have presented the closest example of a framework for linking gender with policy. Bringing livelihoods together with other approaches has proved complex, however; this is exemplified by Neilson and Pritchard (2009) who claim to address livelihoods but focus more on reinserting institutions into value chain governance.
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Contesting the Values of Ethical Trade


21 Contesting the Values of Ethical Trade


Emerging Opportunities for the Women’s Movement in Gender-responsive Budgeting in Timor-Leste

By Monica Costa

Abstract

Gender equality has been a feature of the political agenda and discourse in Timor-Leste. However gender inequality remains widespread including in the education sector where only one-third of adult women are literate. This paper argues that the women’s movement has drawn on its umbrella body, Rede Feto, and a mechanism to identify the prioritized concerns of women through a Platform for Action, to influence policy-makers. While the women’s movement cannot alone change policies and budgeting, these features of the women’s movement have the potential to further government-led efforts to improve the responsiveness of policies toward gender equality commitments. This paper uses a range of qualitative data to explore the practices, potentials and constraints faced by the women’s movement in Timor-Leste to influence policy and budgeting decisions and processes. It uses interview data, published research and grey literature, including minutes of focus group discussions among the women’s movement on views on gender equality.

Introduction

The role of non-governmental organizations (NGOs) and women’s movements in supporting gender-sensitive changes in budget processes and allocations is well supported by research. The trials of the pioneer experience in Australia illustrate how government-led gender-responsive budgeting (GRB) initiatives need to be coupled with significant external political pressure if they are to be successful (Sharp and Broomhill 2002). This point was also picked up in the 2000 United Nations Development Fund for Women (UNIFEM) report, Progress of the World’s Women 2000, which argued that ‘[t]he most effective way of holding governments accountable for the impact of fiscal policy on women is a combination of an inside government project and an outside government project’ (UNIFEM 2000: 13). Nonetheless, little remains known about how to effectively engage NGOs, and women’s movements, in making gender-sensitive changes in policies and budget processes.

1 University of South Australia and Australian National University
For over more than two decades, GRB initiatives have expanded to involve more than 90 countries (UNIFEM 2008). GRB is not a separate budget for women. These initiatives involve an analysis of the gender-differentiated impacts of government’s budget, and strategies to change budgetary policies and processes to improve gender equality (Sharp and Elson 2008). GRB involves an analysis of gender inequalities, the participation of women and men in policy and funding decision-making and an understanding and recognition of women's rights and demands (Bakker 2002). Rhonda Sharp and Diane Elson (2008: 2) argue that GRB-generated improvements would include better sex-disaggregated statistics, gender-sensitive indicators, women’s involvement in budget decision-making processes, recognition of unpaid care work, improvement in the gender impact of both the expenditure and revenue side of the budget, development of gender-sensitive macroeconomic policies and highlight gender issues in aid-related processes. NGOs and the women’s movement can provide a significant contribution in each of these areas. Importantly the institutionalization of GRB adds difficulty to any effort of identifying the contribution of those outside government (see Andrew 2010).

Globally GRB initiatives led by institutions external to government have expanded significantly since the early 1990s (Budlender and Hewitt 2003). These initiatives have encouraged democratic debates on budget processes and allocations as well as fostering independent critical analysis of gender bias in public budgets and policies (Sharp and Broomhill 2002, UNIFEM 2008). How NGOs and social movements have engaged with GRB initiatives has taken a diversity of forms both within and across countries. Debbie Budlender and Guy Hewitt (2003: 59) talk of a spectrum of approaches ranging from ‘technical’ to ‘political’, placing different actors in civil society along that spectrum depending on the country’s context, their nature and objectives of the initiative. In Indonesia for example, GRB has had a long history among NGOs partly linked to the democracy and anti-corruption movement. Some of these organizations have engaged in advocacy work while others have focused on the provision of training to the bureaucracy (see Costa, Sharp and Elson 2010).

Increasingly women’s movements have influenced policy-making and its funding to demand government accountability towards women’s needs and interests. UNIFEM uses the concept of a ‘spectrum of “voice”-based (demand) to “choice”-based (supply)’ (2008: 47) to illustrate the wide variety of activities and strategies women have used to influence policy and funding and make service delivery work for them. These relations were outlined in 2004 in the World Bank’s World Development Report – Making Services Work for Poor People, which argued that service delivery can be improved through expanding choices and participation in tailoring service delivery (World Bank 2004). More recently UNIFEM (2008) observed that in a context such as that of Timor-Leste, with limited quality and meaningful alternatives to public services, the participation of women can contribute to making policy planning and service delivery more responsive to gender equality and sensitive to women. However the option of ‘choice’ does not address the existing conditions of gender inequality and tends to reproduce unbalanced power relations. Participation based initiatives position women as negotiators around their interests, engaging in political influence to ensure that public service delivery is improved (UNIFEM

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2 For a full discussion on these terms see UNIFEM (2008: 19).
Research elsewhere has highlighted that formal democratic structures for transparent, accountable and participatory budget processes (fiscal democracy), requires the active engagement of well-informed, autonomous and well-organized women (Elson 2004). Analysis of the civil-society led GRB experience in Mexico hinted at the issue of accountability specifically responding on the question ‘to whom’. Since the 1990s several NGOs and community-based organizations have engaged with GRB in Mexico, through training and awareness raising, research analysis and advocacy. According to Helena Hofbauer (2002) a central characteristic of this initiative has been the close collaboration between a diversity of advocacy and research actors representing broad based and nationwide networks. However, other commentators have noted that the feminist organizations engaged in this exercise have been disconnected from women and their interests, and are deeply dependent on both international agencies and the government (Cooper and Sharp 2007). Hofbauer (2002) observed that broad community and NGO participation has remained limited due to the lack of technical skills. Jennifer Cooper and Rhonda Sharp (2007) agreed that the Mexican experience has failed to engage grassroots communities and draw attention to the fact that a large part of the feminist organizations in Mexico are too remote from women and too close to the government to engage in an independent and critical analysis.

The concerns of women intersect across other identity categories such as class, ethnicity and sexuality, as a result ‘women do not mobilize as women simply because they are women’ (Hassim 2005: 176). This points to the need for a nuanced analysis of the women’s movement and how decisions are made; how concerns are put forward in the political agenda; how strategies to bring about change are adopted and when and how alliances with other organisations are built. Shireen Hassim (2005) argues for a distinction between ‘strong’ and ‘weak’ women’s movements. She describes a strong social movement as capable of communicating the interests of its constituencies, mobilizing these constituencies and determining strategies for action to further their interests, which might involve partnerships with other movements (Hassim 2005: 176). Research on the Australian second-wave women’s movement, concerned with women’s workforce participation, highlights that the women’s movement was diverse and decentralized. One of the issues identified in this case study was the lack of a peak body wherein decisions on the course of the movement could be made (Andrew 2008). This research points to the role of a mechanism to determine the shared interests and the concerns of women. These collective action efforts to determine shared political platform can contribute to consolidate a discourse around women’s rights by raising awareness of women’s political agenda (Goetz and Jenkins 2005).

Research elsewhere points to the range of choices around strategies the women’s movement are faced with to bring about institutional change ranging across ‘autonomy’, ‘integration’ and the hybrid strategy of ‘double militancy’ (Franceschet 2004: 501). Timing around strategy choices is important. This was well illustrated in a study of the success of the second-wave feminism in Chile in bringing about institutional change. Susan Franceschet concludes from this research that ‘[m]ovements must have the autonomy to develop demands that challenge fundamentally the status quo but must use an insider strategy to get these demands on
to the public agenda’ (2004: 525).

Translating the concerns of women into political change means negotiating with political parties, members of parliament (MPs) and the government (see Waylen 2007). The work by Laurel Weldon (2002: 1171) on policy responses to violence against women suggests that the interaction between women’s movements, government and women in the legislature provides a more accurate picture of the opportunities and spaces to influence democratic policy processes. Moreover efforts to bring the concerns of women to the political agenda need to be paired with the institutional capacity to respond if frustration and alienation are to be avoided (UNIFEM 2008). Others have observed that an emphasis on the women’s movement as a development partner reduces its potential to challenge norms and values both within the state and amidst social movements (Hassim 2005: 192).

This paper seeks to examine the conditions under which NGOs and the women’s movement in Timor-Leste are engaging with the debate of how to make the public purse more gender-sensitive. This paper draws on a range of qualitative data including interviews and grey literature. The data used covers the themes of why and how NGOs and the women’s movement are engaging with the budget while highlighting the constraints that remain to be overcome. It uses semi-structured interviews collected as part of a research project Gender Responsive Budgeting in the Asia Pacific Region. I was involved in this project, which was led by Professor Rhonda Sharp (University of South Australia). These interviews took place in Dili in 2008 and involved nine men and 15 women from a range of sectors including NGOs, international agencies, members of parliament (MPs) and civil servants. In the text the interviewees are described as R1, R2 and so on. These interviews cover the themes of practices, opportunities and the constraints ahead of expanding the role of NGOs and the women’s movement in the GRB initiative in Timor-Leste. A range of languages was on offer to the interviewees, including Tetum, Portuguese and English. Data was also collected from published research and grey literature including minutes of focus group meetings collected by Rede Feto, in preparation for the development of its policy agenda, the 2008 Platform for Action. I was involved in providing advice to the team leading this exercise in its initial stages. These focus groups involved women and women’s groups in the districts (see below). Specifically the paper will use the focus groups commentary on access and quality of education services to explore the potential of the Platform for Action to bring about policy reform. This paper will map the views of women against the policy directions pursued by the government.4

The Emergence of the Women’s Movement in Timor-Leste

In many corners of the world, democratization created opportunities for the women’s movement (see Hassim 2005). This pattern is also evident in Timor-Leste. During four centuries of colonisation by the Portuguese, and more than two decades of

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3 For more details on this project please visit www.unisanet.unisa.edu.au/genderbudgets.

4 Many thanks to Professor Rhonda Sharp for making interview data available and to Rede Feto for access to the summary of the focus group discussions and the Platform for Action. I gratefully acknowledge the extensive and helpful suggestions made by Professor Rhonda Sharp, Dianne Arboleda, the editor, and the two anonymous reviewers to earlier versions of the text.
Indonesian occupation, public spaces were dominated by colonial powers, traditional systems and the church. In the mid-1970s, the civilian arm of independence guerrilla movement also moved into these public spaces (Hunt 2008). The women’s movement was strongly interwoven with the independence movement. The first mass women’s organization in Timor-Leste, Organização Popular das Mulheres Timorenses (OPMT), emerged in 1975 as part of a pro-independence political party, Fretilin, and sought women’s emancipation which included demands for the revision of cultural norms such as polygamy and ‘bride price’ practices (Trembath and Grenfell 2007). Over the years women established important international networks and drew from the experiences of civil society in Indonesia, East Timorese women in Diaspora and international women’s fora. In the mid-1990s civil society organisations started to surface, including women’s rights advocacy groups. The first evidence of women voicing their rights as a distinct political issue is found in a 1998 protest rally concerning violence against women (see Charlesworth and Wood 2002). Irena Cristalis and Catherine Scott argue that:

[The women in these [women’s] organizations became spokespersons for women in East Timor [Timor-Leste]. They provided a focal point for a women’s movement and an essential base for bringing women into politics once East Timor had broken free from Indonesian rule (2005: 48).

By 1999 gender equality issues were filtering through to the independence agenda (Cristalis and Scott 2005).

In the advent of independence and democracy, these organisations started to mobilize to ensure gender equality issues were considered in the design of new political and electoral institutions including the constitution and the electoral law (see Charlesworth and Wood 2002). This coincided with the emergence of new spaces for women under a United Nations (UN) administration (1999 – 2002). Women’s groups moved swiftly to take action. One of its initial challenges was to develop a political agenda. By June 2000 the first National Women’s Congress was convened with more than 500 East Timorese women. This congress resulted in the 2000 Platform for Action for the Advancement of Women (here onwards Platform for Action), the establishment of a peak or umbrella body for cohesion around gender and women’s issues, Rede Feto, and a campaign for women’s political representation. The Platform for Action identified a series of long-term priority issues, and recommendations, including on poverty, education, violence against women, and decision making and institution-building (Hunt 2008: 103; Cristalis and Scott 2005). Rede Feto brought together national and local organizations concerned with gender or women’s issues, it aimed to promote women’s interests, improve gender equality and women’s rights and engage with national and international development issues. Its membership is varied. It includes religious organizations, NGOs and women’s wings of political parties (Trembath and Grenfell 2007; Hunt 2008). Since then Rede Feto has held regular national women's congresses (every four-years) to review progress and outline a series of new policy priorities. The last national women's congress was held in 2008. More recently the Timor-Leste NGOs Alternative Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the 2008 Platform for Action have been used to raise concerns over public policy and funding.
Monica Costa

Timor-Leste’s independence in 2002 brought new roles and opportunities to NGOs and the women’s movement. With the appointment of the first government it became evident that NGOs were not clear on how to engage with the government. Similarly the government was unfamiliar with consultation on policy-making and was increasingly becoming closed to NGOs (Hunt 2008). The pressure over the women’s movement increased with the departure of many donors and renewed demands for improved accountability and transparency (Hall 2009). The women’s movement continued to push for policy changes while maintaining engagement with practical action through services for victims of gender-based violence (Trembath and Grenfell 2007). This work had grown to be an avenue for East Timorese women to become ‘much more aware of human rights’ (Charlesworth and Wood 2002: 338). NGOs and women’s groups for example, were successful with a legal initiative to ban the sale of local wine on the roadside by arguing that alcohol consumption was linked with increased incidences of domestic violence (Cristalis and Scott 2005; Costa, Sharp and Elson 2009).

In contemporary Timor-Leste ‘[g]ender is an important and frequently cited area of discourse and activity’ (Trembath and Grenfell 2007: 11). This owes to the commitment, cooperation and creativity of a range of NGOs, community groups and feminist activists (Trembath and Grenfell 2007). However the women’s movement alone, cannot guarantee political attention to issues of gender equality. Institutions with a mandate to focus on gender, both in parliament and government, play a vital role in translating the demands of women into policy change and service delivery. In Timor-Leste the establishment of a national women’s machinery in government and a cross-party women’s caucus in parliament have proved to be critical actions towards achieving gender equality goals. The Secretary of State for Promotion of Equality (SEPI), with a permanent seat in the Council of Ministers, has been mandated to ensure that government systems, resources and instruments are gender-responsive. SEPI established a series of consultation mechanisms including regular meetings with civil society, international agencies and with women MPs. SEPI has led much of the work on GRB in Timor-Leste in particular by supporting training and influencing planning processes to become gender-responsive (Costa, Sharp and Elson 2010).

The women’s movement has not been shy from actively engaging with political parties and the parliament. The campaign for quotas remains one of the long-standing features of the Timor-Leste women’s movement, which has lead to significant changes in the electoral law and was underpinned by the Platform for Action (see Ospina 2006). In fact, in 2011 women constitute 29.2 percent of the legislature (IPU 2011). These women have established an active cross-party caucus to ensure that ‘women’s voices and needs are heard’ (Costa 2009: 4) and are integrated with the agenda and business of the parliament. As part of this the women’s caucus has established a coordination mechanism and joint initiatives with a range of players including women’s groups and organizations (Costa 2009).

An important feature of the success of women’s movement has been the support of the international community. This was well illustrated by Nina Hall in an assessment of the campaign against domestic violence led by the women’s movement, who ‘leveraged off the presence of the UN (United Nations) and other international NGOs to legitimate and fund their activities’ (2009: 323). The UN and
international organisations are said to have provided significant creative, financial and technical assistance to NGOs working on gender issues. UN Women and AusAID for example, have funded training on GRB to both men and women MPs, government officials and NGOs (see Costa, Sharp and Elson 2009). Following some of these training sessions, discussions on specific sectors of the budget were undertaken. Further to this, support was provided to enable Rede Feto’s advocacy officer to participate in GRB training held in Senegal. This has not however, been a one-sided relationship. The national women’s movement has been instrumental in keeping gender issues on the table amongst international organisations, including in the UN machinery (Trembath and Grenfell 2007; Costa, Sharp and Elson 2009).

The Role Of the Women’s Movement in GRB

The first steps on GRB, led by the government, have focused on building an institutional framework and providing awareness raising and training opportunities (Costa, Sharp and Elson 2009). Most efforts have has been focused on the enactment stage of the budget. The institutional framework for GRB emerged in 2008 with the introduction of a short gender statement in budget papers. This statement outlined the government’s commitment to develop, through SEPI, a broad government policy for women and making both development plans and the following budget more gender-sensitive (Timor-Leste Ministry of Finance (TL MoF) 2008). This statement has since disappeared from the budget papers (2011) after being blended with the statement on cultural issues in the 2009 and 2010 budget papers.

Additional support to the government-led GRB initiative comes through a resolution drafted by the women’s cross-party caucus and approved in 2009 by the parliament. This resolution assigned roles for the implementation of GRB to a range of institutions including the Ministry of Finance, line ministries and the women’s machinery in government, NGOs and donors. Specific reference to the national women’s congress, led by Rede Feto, is made through recommendations that a mechanism is established to foster collaboration between government and civil society. Concerned with policy implementation, the parliament has also recommended that the government adequately funds NGOs that complement service delivery, in particular in support of survivors of domestic violence (Parlamento Nacional 2010).

Until recently public funding was a marginal issue for NGOs and the women’s movement. However, since 2008 NGOs have become increasingly engaged in the debate over public expenditure management. Specifically local and national NGOs have encouraged the government to adopt a conservative approach to the spending of petroleum revenues and have provided input into financial management legislation and budget documents. One of the features of Timor-Leste’s main revenue raising instrument – the Petroleum Fund - is its consultative council which is mandated to advise the parliament on its activities and the effectiveness of the budget allocations derived from the Fund. With NGOs holding two seats in this Council, Rede Feto has been engaged to represent the voices of women (Costa, Sharp and Elson 2009; Costa 2008). The women’s movement has been supportive of government-led efforts to implement GRB. In 2008 the women’s movement joined a government-sponsored statement, the ‘Dili Declaration’, which outlined a broad
commitment to collaborate on the implementation of GRB.

The Practice and the Constraints

GRB is emerging as an element of the women’s movement agenda in Timor-Leste. This is nonetheless a new development within the women’s movement which has been more focused on institution-building including constitutional, electoral and domestic violence law.

As mentioned above the interest of NGOs in public finance can be traced to mid-2008. At the time of the mid-term budget debate the government proposed a more than doubling of the expenditure, which led many people to the streets demanding a more conservative approach to public spending and more transparency (Costa 2008). This moment was described by a male NGO representative as critical for NGOs. Faced with a dilemma on whether to challenge this budget proposal, NGOs decided to engage with the budget. He summarizes: ‘we had to get involved with [the budget] and we did some analysis and did a testimony and did training’ (R5). This NGO member draws attention to the approach used to engage with the budget including a range of technical skills and political influence.

Engagement with the budget remains far from simple. A male NGO member drew attention to issues of access to appropriate and timely information. When describing a last minute budget amendment to the 2009 budget which allocated US $85million for an electric generator, this interviewee noted ‘the prime minister gave almost an hour speech about why this project was important which was filled with misinformation and distortions but the way that the parliamentary process works there’s no time for anybody to analyse what he said or to check if the facts are right’ (R5). A women’s movement representative argued that community and NGO input in policy and funding has been constructed as a rubber-stamp exercise rather than a dialogue on policy and budgeting directions and its expected outcomes. Further compounding the situation the policies, legislation and budgets are all presented in Portuguese; a language familiar only to a few and which marginalises women in civil society and communities and adds difficulty to substantive analysis and recommendations (R3).

One of the ways in which women have been able to affect change is by forming strategic alliances between women inside and outside the women’s movement (see Waylen 2007). This pattern is also evident in Timor-Leste. A female politician described the way in which MPs draw on the skills and knowledge of NGOs, and the women’s movement, to assess and provide critical input to legislation. She described these organisations as ‘very well equipped … and independent’ (R2). Further, a leader in the women’s movement drew attention to the role that has been played by this movement in organising an initial training on GRB for women MPs (R1). As mentioned above this strategic partnership between women inside and outside the women’s movement benefits significantly from the existence of supportive institutional structures, such as SEPI, a committee with a mandate on gender issues and the cross-party women’s caucus. A leader of the women’s movement observed that this pattern was the result of on-going consultation and collaboration around initiatives towards gender equality (R3). This close relationship...
is also a result of the horizontal connections (see Piscopo 2011) with women engaged in the women’s movement moving to senior political positions in government and in parliament. This was also mentioned by this interviewee who drew attention to the path of the current Minister for Social Solidarity, Maria Domingues Alves who has held positions in the women’s movement and in the women’s machinery (R3).

The range of strategies adopted by the women’s movement to influence the policy agenda of political parties were well displayed in the last elections (2007) when Rede Feto conducted a range of activities to raise the profile of women candidates and women’s political agenda including a debate with women candidates from all the political parties. The Platform for Action provided political currency for the women’s movement to engage with political parties. Rede Feto observed that through these initiatives issues in the Platform for Action ‘were continuously raised’ (Rede Feto 2008a). At the time twelve women’s organizations in political parties agreed on a women’s political platform which included a commitment to empower women and sensitize leaders and local organizations for women’s access to formal and non-formal education programs, to carry out literacy programs for women and to strengthen gender and human rights both in education and in training opportunities (PST et al. 2007). This initiative provides an example of how the women’s movement has adopted, at times, a ‘double militancy’ strategy (see Franceschet 2004: 501) and is feminizing the political parties’ agenda.

A favourable government structure is critical to affect changes in policy and budgeting. Two of its achievements include the translation of the gender mainstreaming approach into the national development plan and efforts to strengthen a network of gender focal points in line ministries and district administrations (NGOs 2009). According to a leader in the women’s movement this has been achieved with limited financial backing. She observed that the gender focal point in the agriculture sector for example, had no budget allocation to support women in the community. She went on to say that these gender focal points (currently being upgraded to gender units) are ‘shadows’, with a name but with limited capacity to influence change.

The issue of the politics that surround the budget (see Sharp and Elson 2008) was mentioned by a representative of the women’s movement, who argued that senior politicians’ preferences and background have a determinant impact on budget decision-making. She illustrated her perceptions over policy and budgeting decision-making and the need to have a stronger representation of women in the political arena this way: ‘Prime-Minister is a veteran so mostly of his work pays attention to veterans’ (R3). However, presence is not a sufficient condition for change. Victorino-Soriano (2004: 21) argues that demands for women’s presence in politics have been coupled with a sense of impatience when women fail to speak up in the public space. This was further corroborated by a male senior public official who described women as unable ‘to speak’ (R4), which he attributed to poor qualifications. While acknowledging that women’s issues have significant support among political parties, a women’s movement representative recognised that political party discipline dominated the parliament, with women holding limited capacity to influence party decisions (R1). The president of the cross-party women’s caucus in parliament goes further and describes the parliament as ‘a male-dominated’ (Costa 2009: 4) institution and called for more accountability of political parties for their gender equality commitments. The women’s movement understands well the importance of engaging
with and backing activists in politics. This was well displayed in 2007 when Rede Feto and a range of its members organised a celebration ‘to say THANK YOU to women for getting involved in the political process and for having a go’ (Rede Feto 2007: 1).

There is a debate around the role that the women’s movement, and its peak body specifically, should play in GRB. A women’s movement representative (R1) argued that the women’s movement peak body, Rede Feto, should have a central role in the budget planning stages, an area in which the SEPI is focusing. In her words ‘when the budget is being developed by the government, each ministry… should … coordinate with Rede Feto, so that Rede Feto engages organisations that work in the area, say education, so that they can provide their ideas for the budget of the Ministry Education’ (R1). An MP went on to argue that NGOs and the women’s movement could provide technical input to direct decision-making. She observed that MPs are looking for ‘people that can pull out data, tell us [MPs] this is what’s going on in this area’ (R2) and advise on policy directions. This points to the potential that mechanisms, such as the Platform for Action, can have for advice to the parliament and government on how best to direct its support (see below). Some have remarked that where this participation occurs (i.e. parliament, ministry of finance or SEPI) matters for the effectiveness of the women’s movement. While the Platform for Action has been presented to key policy-makers, a more strategic and targeted approach to influencing policy-makers, politicians and civil servants could improve its effectiveness.

Improved planning however, does not guarantee improved transparency. The women’s movement and NGOs can contribute to this by ‘following the money’ from planning to delivery in the community. This was an issue raised by a senior public servant who pointed to monitoring and evaluation stages as a budget entry point for the women’s movement and NGOs. He went on to say that the women’s movement and NGOs had a role to play in identifying and documenting inequality (R4).

In Timor-Leste the women’s movement has faced significant constraints. One of which is its difficulty in attracting and maintaining qualified and skilled staff (R6) to keep high quality analysis and engagement with policy-making and budgeting. Others have added that the relationship between government and NGOs and the women’s movement could be improved (R1).

Potential of the Platform For Action to Influence Change: The Case of the Education Sector

Gender-sensitive data collection and analysis is crucial to progress GRB work. Data collection and analysis is important for an understanding of the gender gaps and how policy and budgeting can reduce these. Some gender-sensitive data and analysis has been produced by NGOs and the women’s movement in Timor-Leste, one of which is the Platform of Action. Over the past decade the Platform of Action emerged as an important mechanism to determine the shared interests and concerns of women in Timor-Leste. Rede Feto has held a leading role in this mechanism. In practice, in 2008, a small group of Timorese NGO activists were trained to lead a two-day focus group session for which women’s organisations and women were invited by the
organizers. These focus groups took place in each of the districts. The list of questions discussed in the focus group sessions were drafted by a team of Timorese activists. These questions focused on assessing progress on gender equality against the CEDAW targets including education. Three key areas of education policy were covered: (1) women’s access and participation in literacy initiatives; (2) girls and women’s access to education (in particular scholarship programs and cash transfer programs); and (3) access to information on gender equality.

The minutes of the district-based focus groups were compiled by a small group of activists in Dili who transformed these into a Platform for Action which gained support in the 2008 Third National Women’s Congress. This national congress brings together representatives elected in the district-based women’s congresses. This exercise gathered significant support, including financial and technical support from the international community. Significantly the government also contributed financially and facilitated a focus group session with gender focal points in line ministries to assess progress in responding to women’s concerns. The outputs of this event were presented to senior policy-makers. While this Platform has been used to demand policy change such as the demand for quotas, it has had a more limited use in the engagement with the budget process. But can the Platform for Action be used to provide advice to policy-makers?

These focus group sessions are explored here as a proxy for a GRB tool; the gender-aware beneficiary assessment. The summaries of these focus group sessions are used to unravel the views of women over how their needs are being met and whether they, as well as men, are satisfied with the quality of service delivery (see Elson 2002). Specifically this section explores the potential of the Platform for Action to influence public policy and budgeting. The education sector is used here as a case study to illustrate this potential.

Women’s access to literacy training

The government has been implementing several programs to address the current high illiteracy rates including three non-formal literacy programs for adults (Tetum and Portuguese). In addition, a three-year program to attain primary school qualifications was reaching eight districts in 2009. While the education sector budget expanded over 20 percent, in absolute terms, between 2008 and 2009, the ‘share of adult and non-formal education decreased from 44 percent in 2008 to around one third in 2009’ (Costa, Sharp and Austen 2009: 8). The Rede Feto-led focus group sessions identified significant shortcomings in these initiatives including limited support to women’s involvement on literacy programs in the community and poor accessibility with training not reaching the village level. Participants observed that these programs neglected to accommodate competing demands on women’s time and that women participants had little input into decisions-making over its format (such as venue, time and method). Further it was remarked that literacy trainings are occasional and are not available to young drop-outs (Rede Feto 2008b).

Women’s access to financial transfers

To address the issue of poverty and food security in 2008 a monthly cash transfer program, ‘Bolsa da Mãe’, was established. According to the Minister of
Social Solidarity it targets widows and mothers in vulnerable situations with monthly transfers for children’s food, clothing and furniture and school materials (Alves 2009; Ministry of Finance 2009). Recommendations for who should benefit from the program are provided to the Ministry for Social Solidarity through the village chief, a mere 1.2 percent of which are female (Ministry of Finance 2009; Ospina 2006). The government estimated that funding was provided to 7200 beneficiaries in 2009, at a total cost of $0.876 million. For the period 2009 – 2012 costs have been estimated at $5.232 million (Ministry of Finance 2009: 336). In addition, a scholarship program for children of martyrs of the independence struggle was expected to reach three hundred students in 2009 (Alves 2009). The perceptions of the Rede Feto-led focus groups were that the budget allocation for the scholarship program remains limited. Participants highlighted that monthly payments were insufficient to cover the real education costs. Moreover participants remarked that the criteria used in awarding scholarships were unclear and that scholarships appeared to be more readily available to better-off families (Rede Feto 2008b).

**Girls and women’s access to education**

The government has been focused on strengthening a framework for a national education system, with nine years of basic and free education, taught in Tetum and Portuguese. The government’s 2008 and 2009 annual national priorities included teachers’ training, improvement of school facilities, development of teaching and learning materials and a practical approach to the language of instruction. The 2009 budget included an investment of $3.34 million in school grants on school meals, maintenance and minor supplies, calculated on the basis of the number of children enrolled. Moreover, to facilitate access to education in the rural areas, it included funding for the construction of a number of new schools and technical schools outside of the capital (Ministry of Finance 2009; Costa, Sharp and Austen 2009). The use of Portuguese as one of the languages of instruction is described by the Rede Feto-led focus groups as making classes unpopular. It is seen as aggravating dependency on international teachers and translators in a context of lacking teaching materials. Concerns with weak teaching capacity and harsh punishment used in schools were also commented by participants. Further concerns with the lack of support to girls subject to violence, sexual abuse or that become pregnant (often prevented from returning to school) was referred to in several district-based focus groups. Infrastructure was also a concern including housing for teachers, access to toilets and water (Rede Feto 2008b).

The concerns that emerged from these Rede Feto-led focus group sessions highlight that while the government might be working on the appropriate broad policy directions, a failure to understand the specific conditions that affect women and girls educational behaviours and outcomes may result in poor overall educational outcomes (see Costa, Sharp and Austen 2009). This case study also suggests that the Platform can be used as a starting point to advise on policy and budget directions. However, these focus group summaries are poor in the depth of analysis provided. This is partly a result of the diversity of issues that were covered in the focus group discussions, leaving little time to discuss the details of the policies and possible recommendations for improvement. Significantly the questions raised were identified by a group of activists in the capital with support from the international community. This approach may have obscured the real priorities for women in the communities.
To influence change these broad recommendations need to be supported by in-depth analysis to provide significant direction to policy-makers. Improved sex-disaggregated information and a more active role for research organizations and academia may assist in complementing the work of Rede Feto and effectively influencing policy and funding decisions.

It can be argued that the Platform for Action is critical in giving political legitimacy and autonomy to the women’s movement. This is partly derived from the approach adopted with focus group consultations at the district level and a wide debate at the national level in the national congress. While no doubt many women were not engaged in this exercise, the approach that was used by Rede Feto gives some indication that the results are representative of a broader collective of Timorese women both in the districts and in the capital. However, there is some silence on the inner workings of the women’s movement which needs to be further explored. Nina Hall (2009: 319) for example, described the NGO sector as Dilicentric a result of the fact that UN, international NGOs and the political leadership are located in the capital, Dili. She observes that the campaign for domestic violence failed to engage with women and was driven by Dili-based and middle class activists (Hall 2009). With Rede Feto (2009) bringing together a range of NGOs, women’s wings in political movements and faith-based organizations, it is possible to imagine dissent around a range of issues such as the debate on the decriminalization of abortion in the context of penal code reform. Focusing on access to education for girls and women as a gender and development issue may offer a more important avenue for women to continue to forge alliances, act strategically and influence policy and budgeting around specific issues (see Waylen 2008).

Conclusion

This article has argued that the women’s movement draws on its peak body, Rede Feto, and a mechanism to identify the concerns of women, a Platform for Action, to influence public policy and its budgeting. The national women’s congresses, which occur every four-years, have established themselves as a vehicle to consolidate a discourse around women and raise awareness and support for women’s rights. This suggests that women have been able to cooperate around common issues on women’s rights and service delivery such as on issues of domestic violence. The women’s movement has adopted some autonomy in establishing their priorities while engaging with political parties, government and parliament to get their concerns into the political agenda. As a collective, these women are influencing the institutionalisation of gender equality goals beyond what would be possible to them as individual organisations. Through this process elements of a ‘strong’ women’s movement have emerged (see Hassim 2005).

The women’s movement cannot alone change budget decisions and processes. It can however contribute to the budget’s responsiveness to gender equality. While the Platform for Action is presented to key policy-makers, a more strategic and targeted approach to influencing policy-makers, politicians and civil servants may render the women’s movement more effective. The interview data suggests that critical enabling conditions are gathered for the women’s movement to engage in GRB work including a supportive international community, an active women’s
machinery and engaged women MPs. Over the past decade the women’s movement has been involved in GRB work by organising and participating in training and awareness raising opportunities and by raising the concerns of women. They are working under significant constraints including with limited technical skills, and poor data collection and analysis to advice policy-makers. However the women’s movement holds in the *Platform for Action* an important tool to engage on the policy and funding debate. The case study on the education sector indicates that this *Platform* provides rich information on what could be done to improve overall educational outcomes by documenting and discussing the specific conditions that affect women and girls educational behaviours and outcomes. In the case of education this *Platform* provides support to the broad policy directions set by the government while highlighting the gender specific issues that need to be addressed. This case study also stressed that the *Platform* needs to be coupled with in-depth analysis to provide effective advice to policy-makers. As the government and the parliament advance their GRB work the women’s movement can increasingly draw on the *Platform for Action* and the national women’s congresses, through Rede Feto, to ensure that policy-makers take note of women’s concerns.
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Exploring the meaning of free speech with Katharine Gelber

By Julie Connolly

Introduction

Associate Professor Gelber has recently taken up a position in the School of Political Science and International Studies at the University Of Queensland. Her interest in political speech has been the subject of her research for the past decade, culminating in her recent book *Speech matters: getting free speech right* (reviewed in this issue of *e-dialogue*). In this book Gelber, explores the regulation of political speech in Australia. She examines not only the forms of legislation which function to constrain political expression, but Australian attitudes towards the regulation of speech and the implications for our political culture. In the following interview I ask Gelber to reflect on her findings and in particular to consider how we might change Australia’s regulatory and political culture in order to protect political speech.

KG Katharine Gelber
JC Julie Connolly

JC Can you start by explaining to us what you think political speech is as opposed to general forms of speech or discussion?

KG: That’s a really great question because in free speech literature, and free speech theory, there is often an assumption that political speech ought to be protected to the highest degree possible. That is, out of all the kinds of speech that you might care to mention political speech is particularly important because it epitomises all the special reasons why speech is important.

Broadly speaking there are four arguments about the importance of speech. 1) Speech is important because it constitutes a search for truth: even if what you say isn’t necessarily true the process of engaging in speech helps us to further knowledge and to learn more about the world and to challenge beliefs and so on. So that’s the argument from truth. 2) The argument from a right - that we simply have a right to say things as human beings; there’s something intrinsic about being a human being that means we have a right to speak. Again this argument favours political speech because political speech is particularly important in terms

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of what it means to be as a human being living in a society, living in a community. 3) The argument from democracy, also privileges political speech: the argument that we need to be able to engage in speech in order to self-govern, and to do that in a democratic way. 4) The argument from self-fulfilment: engaging in speech so that we develop our own individual capacities.

In free speech literature there’s an assumption that political speech ought to be particularly protected. However, in that same literature there’s very little clear elucidation of what political speech is. In my work I have tended to think of political speech as that speech which is facilitative of both one’s ability to live socially and to govern socially - to self-govern, that is, to have a society that is democratic in which we can participate.

So it helps us; speech helps us make democracy happen; speech is part of making democracy happen. For us as citizens, speech is constitutive of what we need to be able to do to develop our ability to participate in relevant democratic processes. So at both the individual level and the social level, political speech is the means by which we make democracy happen.

JC Can I follow up? How do you distinguish political speech from other forms of speech? Has the distinction to do with the arena in which speech takes place? Or is it about the content of the speech?

KG: Again, that is a very good question. But it is not very clearly answerable. Three types of speech are set off against free speech. Commercial speech is not regarded as, or is set off as distinct from political speech: even in the United States, commercial speech is much more easily regulable than other types of speech. Obscenity, particularly pornography, certain types of pornographies, is also set off as distinct from political speech. And the third one might be artistic speech. But again there’s a blurry line because it depends on the kind of art you’re talking about. Some art, which seeks to be a sort of expression of creativity, might not be definable as political speech. But some art I can think of would be very political.

JC: The distinction you seem to be pointing towards has to do with the purpose of the content of the speech. But in your book you discuss the use of flags and also certain kinds of artistic enterprise as political. Why is it, in particular, that you see flag use as a form of political speech?

KG: What I’m interested in is what speech does as opposed to trying to define political speech with reference to its content, or with reference to the context in which it’s spoken, or with reference to its audience, or with reference to its speaker. I guess all of those things are elements of it, but what I’m interested in is what speech does.
When somebody raises a national flag, or burns or desecrates a national flag, they are trying to say something. So that to me is speech, quite clearly an example of speech, even though not everyone might agree with that. It’s also widely recognised now that the distinction between what I speak, or what I say, and what I do, is quite difficult to sustain at a theoretical level. There’s a very wide body of literature that acknowledges that when we say things we are also doing things. So if I knock on your door and you say come in, you’re not just saying come in because it’s your opinion, you’re actually doing something, you’re giving me permission to come into the room. That’s a very simple example, but there are many more complex examples in society. When we say something we are pretty much always also doing something. The things that we are doing might have greater or lesser importance, greater or lesser significance, greater or lesser impact on the people who hear it, but we’re always doing something by speaking.

JC: That’s interesting because it’s the kind of definition that enables us to look at a range of activities as speech, but also to include people who don’t have a capacity to speak in the way that we usually understand it. I was going to ask you next why political speech is relevant to human rights and democracy. You started to answer the question already but do you have any further thoughts on the particular relationship between speech and democracy? How is it that speech makes democracy possible?

KG: I think that many people assume that for democracy to happen people have to be able to participate and that somehow if by protecting free speech what we do is not interfere in people’s ability to speak then they will somehow automatically be able to be engaged in the democracy. And so the dominant ideas about how to protect free speech are what you might think of as negative in human rights terms. That is, they emphasise that government not interfere: that people have a right to speak when they are free from restraint by government. So in human rights terms, it is a very negatively conceived freedom. I think that’s inadequate. I think that in order for any freedom to be meaningful we must also think of it in positive terms, if you want to use human rights language. And I think that should apply to speech just as much to anything else.

So to me speech is important to democracy. Not just in so far as a government doesn’t interfere in people’s right to speak, but also where a government or a polity recognises that not everyone has the same ability to speak; that some people’s speech, even when they speak, might not be heard by others because they are systematically marginalised in society. We hear this often, for example in feminist arguments - when a woman says no and it’s not heard by a man - all those kind of situations. And I think this insight can be applied more broadly. I think for speech to be meaningful in a democracy, the democracy must do more than not interfere in people’s rights to speak, it must have a positive or enabling concept of what the polity must do so that citizens can participate in making their own democratic practice.
JC: And do you have any ideas about what that might mean? Is it about creating forums for discussion? Is it about controlling media ownership or regulating media ownership? What kinds of things might a polity do to that end?

KB: Those are very good examples. There are others. Another example might be that where there is a particularly marginalised community it might be incumbent on policy makers to provide that sub group with particular resources, educational resources for example, and material resources to enable them, to empower them to speak. Either to speak back in response to events that have happened to them, or generally to speak and express their view. I think there’s a very strong educational role in encouraging people and providing people with the conditions and capabilities they need to be able to speak. And that can apply at lots of levels where it doesn’t now apply.

But, yes, I would also include media ownership laws. I would also include how we conduct elections and campaigns in elections, as examples of the kinds of things that polities might do. Recognising the dominance by those with money in election campaigns and the difficulty for smaller groups and marginalised groups and those not with money to be heard. I think that’s an important consideration. There’s a whole realm of public policy areas where this might be applicable.

JC: One of the questions I was going to ask, and it picks up on something you said before about political speech being distinguished from just, say, commercial speech, obscenity and what was the third one?

KG: Artistic.

JC: Artistic. How does hate speech fit into that taxonomy?

KG: A lot of hate speech is political speech. This is why in countries that support a very libertarian approach to free speech, like the United States, it has been so difficult to produce policy that regulates hate speech that can survive First Amendment constraints. The First Amendment, in its current incarnation - in its current understanding of what the first amendment means - it’s very much seen as protecting political speech. So people who support the first amendment approach, a very libertarian approach to free speech tend to say:

“Well yes hate speech might be horrible and it might even be harmful [there are even concessions that it’s harmful], but nevertheless it’s political speech. And we must protect political speech if we are to allow the public to determine what is right and what approach it wants to take to policies and so the government can’t prejudge matters. That’s not democratic; it’s inherent in democracy that people are able to make those decisions. So even if this speech is abhorrent, even if the speech is harmful, we nevertheless must allow it.”
I agree in the sense that much hate speech is political speech, I do agree. But I don’t agree with the libertarians that therefore we can do nothing about it.

JC: Can you give me an example of how hate speech is political speech?

KG: Okay, pretty much any expression that is intended to maintain an existing systemic discrimination and marginalisation, that is thereby hateful, can be seen as political speech. This includes even the crude kind of in-your-face epithets that you might think of. I was reading a case this morning about a homosexual man who lodged anti-vilification complaint in NSW because a man moved into his neighbourhood and started hurling homophobic abuse at him. So at one level that’s just horrible homophobic abuse and you might not think of it as political, but on the other hand what the abuser was doing in making those comments was seeking to perpetuate an existing marginalisation against homosexuals, whether he was aware of that or not. The context, the lifeworld, to use a Habermasian term, within which he made those statements is one in which same sex attracted people have, for a very long time, encountered discrimination and marginalisation. So by throwing those kinds of epithets around he, the speaker, was making a claim that in this lifeworld, in this context, in Australia in the 21st century, it’s still okay for gay people to be marginalised and discriminated against and targeted for violence and abuse because of their same sex attraction. So even though it might have been at first blush just an insulting epithet, when you investigate more closely it was still an example of political speech.

JC: I’ve often wondered about the distinction between hate speech and straight forward slander and libel where you also say horrible things about people that aren’t necessarily true. And the distinction that is drawn has to do with the relationship between speech and a form of structural injustice. Is that correct?

KG: For me, it is. For me that’s very much the differentiation.

JC: So where would something like Holocaust Denial fit in to that? Is that a form a hate speech?

KG: Yes, in my view there’s not a doubt that Holocaust Denial is hate speech. In fact internationally it’s one of the most widely recognised forms of hate speech because it seeks to perpetuate a very gross anti-Semitism that contributed so directly to the slaughter of millions of Jewish people. So there’s just such a clear relationship between Holocaust Denial and marginalisation of people who have experienced discrimination for a very long time historically - it’s very clear case of hate speech.

JC: Okay. In your book you argue that Australians take their rights to free speech for granted. I was wondering what you meant by that? How does that manifest in our political culture?
KG: In the book I cite some survey data that show that if you ask Australians, do you think you have free speech, a vast majority of them will say yes. And if you ask them, do you think we should have free speech, a vast majority of them will say yes: there is a wide spread assumption that free speech exists in Australia, that free speech is important and also that somehow it is part of the national fabric. When I say they take it for granted what I mean is that, as I try to show in the book, the evidence shows that that commitment to free speech is only skin deep and that when you push people on whether people who say things that are a bit uncomfortable or that are harmful or that make them feel a bit uncomfortable - and if you press them and say well should people be allowed to say this or should people be allowed to say that - their support for free speech crumbles very quickly.

I don’t think that the Australian public very well understands that the true test of whether we have free speech is what happens at the coal face on a day to day level: whether people allow somebody to say something even though it makes them feel uncomfortable. In Australia, there is a lot of evidence that people don’t want speech to be heard if they feel that it is uncomfortable. That’s why I think they take free speech for granted.

JC: You’ve mentioned a couple of times the notion that speech can be harmful. I remember that saying from childhood: sticks and stones will break my bones but words will never hurt me. We’re brought up with this notion that speech doesn’t harm. So how do you think speech might be harmful?

KG: I don’t agree at all with that childhood poem or rhyme, or whatever it is, because I think that is what people used to tell children in the past to help them cope with the hurt that they were feeling. But in a way it’s dismissing the hurt that they were really feeling and dismissing the harm that they may have felt.

I guess there are two distinct ways in which speech can be harmful. But I don’t want to suggest that everyone who’s ever targeted by hate speech is immediately victimised and therefore marginalised, disempowered and silenced. In fact, some people are galvanised by being targeted by hate speech. They’re galvanised into response. They’re galvanised into solidarity with others who’ve experienced the same fate and they’re galvanised to fight discrimination, the discrimination that hate speech represents. So I don’t want to suggest that everyone who’s ever targeted by harmful hate speech is somehow victimised and assumes that identity. But to go back to your question about how speech harms; harmful hate speech might lead to further acts of violence or discrimination. Hate speech is capable of creating a climate within which further acts of violence are more liable to occur. We have plenty of examples of this. What happened in Germany in the 1930’s is a very clear example, but there are others. What happened in Rwanda much more recently for example. In Australia, arguably, the hate speech and misinformation that has been propagated around refugees has contributed to an environment
within which it’s possible for people to carry out acts that ten years ago would have seen, been seen much more clearly as a breach of human rights. So there’s that kind of argument about what it leads to.

Then there’s a second argument that hate speech is in of itself harmful: hate speech is a discursive act of discrimination. In saying things that constitute hate speech, not just insults but statements that connect with systemic marginalisation and therefore constitute hate speech, you are enacting that discrimination discursively. And so it is in and of itself an act of discrimination. Most people would agree that the first interpretation: that hate speech is speech which leads to something else. It might incite violence. It might incite hostility. It might lead to discrimination or violence. The second definition, the one that suggests that hate speech is in itself harmful, is less widely accepted. I accept it but not everyone does.

JC: The debate regarding whether or not if hate speech promotes violence is particularly controversial when you think about pornography. There is a school of feminist thinking that argues that pornography is a form of hate speech that makes violence against women more likely or possible, part of an acceptable social imaginary. And I ask you about this partially because pornography wasn’t one of the issues that you considered in the book and has been brought up with you on a number of occasions, not only by me. So I was wondering what is your response to those kinds of arguments?

KG: I didn’t discuss pornography in this book because pornography deserves a book on its own.

I do think that much of what passes for pornography is deeply misogynist, that it contributes to a climate within which women are denied agency. It presents women as passive, and it certainly denies women real forms of sexual pleasure. It insinuates and implies, or actually says directly, that the best form of sexual pleasure is one in which the men’s erotic desires are first and foremost secured and hers are secondary. So it is deeply misogynist in many ways.

However, I think that much of what goes on in the media, and in portrayals of women in society, is also deeply misogynist. And by that I actually do mean the advertisements that we see on the television every night for cleaning products - particularly toilet cleaners I guess are a favourite of mine, a pet hate of mine - those kinds of things. We are constantly bombarded. You go into any car workshop and look at the calendars on the wall: naked women are used to sell everything from car parts to whatever. Women are portrayed, in the advertising media, as most content and most happy when cleaning their toilets and servicing the needs of their families. There’s very little recognition of women’s intellectual capacity in those advertisements. There’s very little recognition of women’s agency as anything other than either mothers or lovers. So I find all of that kind
of advertising also deeply misogynist and contributing to a very similar climate in which women’s agency is denied and so on.

I, therefore, am unsure in my own mind whether the sexual component of what happens in pornography sufficiently differentiates it from all that other misogynist stuff out there, to make it particularly deserving of regulation. And I should stress in this I am talking about the mainstream pornography, what you might call the boring pornography, as it’s the mainstream pornography where women are just denied agency. I’m not talking about child pornography, which to my mind completely unacceptable under any standard whatsoever and the making of it and the consuming of it constitutes a gross crime against children and should be prosecuted to the maximum point of the law. I’m also not talking about specialist types of pornography around which you might need to make more complicated arguments, such as S & M pornography or gay and lesbian pornography, or fetish pornography. I’m just, I guess, making that point about much of that mainstream, kind of run of the mill pornography.

JC: But it does suggest to us some of the complexities surrounding this notion of regulation which I wanted to get back to because one of the things in the book that you trace is the development of a series of laws and legislative or regulatory strategies which have worked in Australia to actually reduce our scope for free speech in the last decade or so. I think you discuss sedition laws; you examine SLAPP suits. What do you think these developments represent for Australian political culture? Is there a declining commitment to free speech?

KG: To be able to make an argument that free speech commitment was declining you’d have to compare it to where the support might have been ten or twenty years ago and I don’t have any information that tells me that. What I do know is that in the survey data, which is included in the book and covers a period from 1991 til 2009, there was a remarkable consistency. And that consistency pertained to a broad general commitment to free speech that easily fractures when small specific questions about difficult speech are asked. So I don’t know the answer. I don’t think that there’s, at least in the last twenty years, evidence of a declining commitment to free speech. But I do think that there’s evidence that our commitment to free speech is weak.

JC: Okay. And so what do you think of the implications of those kinds of things that I’ve just mentioned, the sedition laws and the SLAPP suits? What kind of impact do you think that might have on Australia political culture?

KG: I think people underestimate the impact of these laws, things like the use of SLAPP suits, the introduction of the sedition laws. When the sedition laws were first introduced, in 2005 as part of a package of anti-terrorism reform, there was a lot of opposition I have to say. There were not only lawyers and human rights lawyers but journalists and all kinds of people saying this is a step too far. But in the parliament there was bi-partisan support for the enactment of those laws.
There was a little bit of discussion about it, but it was generally bi-partisan support. So I think that the passage of the sedition laws demonstrated the weakness of the public’s commitment, particularly when parliament agrees, and the majority of the time that both major parties agree.

As I say there was an exception over the sedition laws where people did notice but that went away. Even in the human rights arguments around counter terrorism laws the free speech concerns become marginalised in favour of what is seen as more egregious human rights abuses in those laws, such as indefinite or extended detention without communication. Those kinds of issues tend to have more resonance in the public consciousness than the free speech issues do. So I think that it’s just very easy in Australia to restrict and regulate free speech without people noticing.

JC: So what do you think of our constitutional protections for free speech? Do they exist? Are they meaningful?

KG: They only exist in implied form in Australia. Our constitution doesn’t contain any express protection of freedom of speech. The founders decided not to put it in 1901 and since that time there have been various attempts to introduce bills of rights or, either in constitutional or statutory form and none has been successful at the federal level.

Since 1992 we’ve had a doctrine of implied freedom of political speech in the constitution. The High Court said our constitution sets up a democratic form of government and you can imply that it is essential to that democratic form of government that we have freedom of speech on political matters. But the scope of that doctrine is quite limited even if a law is seen to limit political speech. If law is considered to be appropriate and reasonable and achieves a legitimate government goal then it can still be upheld by the courts as valid.

For example, in Victoria several years ago, there was a challenge to a law that limited the entry of protestors into duck shooting areas and that challenge went all the way to the High Court. The High Court said: we can see that this law does infringe on freedom of political speech because it does stop protestors going into a duck shooting area. However, the purpose of this law is to ensure public safety. We think that it’s valid for the Victorian government to have a law that says you can’t go into a duck shooting area without a licence. Because the purpose of going into the duck shooting area is to use guns and shoot ducks, and that represents a threat to public safety. If we have people running around that area who aren’t licensed, and people don’t know they’re there, then there’s a serious risk to human life. So the High Court says yes we can see this law infringes on political speech, but we’re going to say that it’s okay anyway.

JC: So from all of the research that you’ve done do you have a sense of what could happen in the legislative space or the regulatory space in Australia? One of the
things I note in your book is that there are lots of examples where functionaries of
the state - police, perhaps people working for city councils - are effectively
shutting down the possibilities for different kinds of expressions. Do you see that
there is a role for legislation or anything else to change that dynamic in Australia?

KG: There’s always an interaction between laws and political culture. So having laws
that better protect free speech is important, for example: better protection of the
right to assembly which some states are considering enacting and better protection
against SLAPP suits, that is, corporations suing activists, which some states are
considering enacting. Those kinds of laws are very important.

Councils, I think, need to be much more aware that their role is not simply to
promote commercial interests within their council areas but also to protect
citizen’s rights. Councils, generally, should be much more aware that they have
an enormous scope to restrict free speech and that they shouldn’t always choose
to shut down speech. Sometimes they should allow speech to happen even if some
of their citizens feel uncomfortable about it. I think that there’s a lot that can be
done to increase awareness among councils, both at the official council level with
respect to the implementation of by-laws and also in terms of council officers,
such as rangers and so, on who find themselves on the front line when somebody
does something in a council area.

So yes there’s plenty of regulatory space at council level, at State and Territory
level and at Federal level, to implement laws and by-laws and to allow those laws
to interact with political culture in such a way that people become more aware of
the need to protect free speech and that free speech does, sometimes, mean that
people will say things that make you feel uncomfortable.

JC: Which is, I suppose, one of the challenges that becomes very evident in your
book. Other than education, which you’ve already mentioned, is there anything
else that people can do support us becoming more accepting of speech that makes
us uneasy?

KG: Well, read my book. Free speech hasn’t had a lot of prominence in Australia
partly because we don’t have a First Amendment and we don’t have explicit
constitutional or statutory free speech protection at the federal level. So until now
free speech has primarily been protected through the common law and then since
1992 with the implied constitutional doctrine. And these are very specialist ways
to protect freedom of speech. The average person on the street is unlikely to be
aware of even what the common law is, let alone its effect on them.

I think we need to generate a discussion, a national discussion, about free speech,
which I hope the book will contribute to. Parliaments at State and Territory and
Federal levels need to be made aware. Councils need to be made aware. Citizens
need to think twice before they call for something or other to happen.
There’s probably a role for the media to play there as well in terms of the kinds of stories they cover and the kinds of attitudes they promote in such stories. Wouldn’t it be nice to see some stories about a group of marginalised youth in a community getting together and being funded to do a project that would help to give expression to their voices to overcome their disadvantage? Wouldn’t it be nice to see coverage of those kinds of issues rather than the typical things we see on the television at night?

Notes

1. SLAPP is an acronym for Strategic Litigation against Public Participation and refers to suits that have been conducted by corporations against community activists and campaigners who have targeted corporate activities for opposition. Chapter 7 in Speech Matters discusses the development and prosecution of SLAPP suits in Australian and elsewhere.
- Book Review -


Gelber’s incisive analysis of Australia’s political/cultural approach to the protection and regulation of political speech in *Speech Matters* has much to recommend it. The topic is of undoubted significance for democratic polities. As Gelber’s analysis demonstrates, despite a general public commitment to free speech and implied constitutional protection for speech, any consensus regarding the protection of speech easily fractures when controversial or offensive speech is considered. Perhaps, she suggests, this is why Australians have been apathetic in light of recent legislative endeavours, including sedition laws, which threaten to criminalise forms of political speech deemed by government to be dangerous; why we are far from concerned about a raft of local regulation and administrative procedures which limit available spaces for speech, or at least render such availability conditional on administrative approval. Indeed one of the strengths of Gelber’s book is that it uncovers the various levels of government that play a role in the regulation of speech, including local jurisdictions; likewise the various public organisations, from city councils to police to arts funding bodies, that effectively regulate public political speech in Australia. This analysis suggests a matrix of quasi-judicial instruments and agencies whose combined influence has a “chilling effect” on Australia’s political culture and thereby democracy. This is not a conspiracy theory, rather an indictment.

This, however is not the only strength of Gelber’s book; she articulates a theoretically nuanced but accessible defence of “free speech”, which will be recognizable to those familiar with deliberative and developmental democratic theories. Gelber argues that protecting free speech has the capacity to advance political debate, encouraging greater political deliberation and accountability. Additionally, however, engaging in political speech acts can have a positive effect on participants, developing their capacities, both generally but also for political activism in particular. These two criteria also function to indicate when regulating speech might be warranted; that is, when speech undermines democracy and/or individual capacities. Of course determining when this might be the case is a difficult task. Gelber believes, however, that the Australian public and politicians err on the side of conservatism in this regard.

Each chapter examines a different form of political speech, from flag use to art. Using recent Australian illustrations of controversy for each topic, she proceeds to examine the regulatory infrastructure that exists (and has been proposed) to regulate speech in each instance, and draws upon survey and interview material to explore public perceptions of the relevant issues further. The judicious use of presumably exemplary quotations, provides nuance to statistical data presented, allowing interview participants to explain the reasoning that might inform Australia’s low level of tolerance for public protests, for example. Gelber acknowledges that “there will no
doubt be readers of this book who will wish I had focussed on other examples”. I happen to be one such reader. At the book launch I queried the author about the censorship of pornography, in the ensuing discussion Gelber explained that the argument she developed in the book regarding the promotion of a robust framework to protect speech – with the exception of hate speech, narrowly defined – could be extended to give consideration to appropriate forms of censorship with regards violent pornographic material. In other words, Gelber’s framework for analysis potentially extends beyond the case study material collated for this book.

However, the most important contribution of *Speech Matters* is the argument regarding how vulnerable our rights to speech are to retraction under the auspices of law and regulation. Gelber demonstrates this time and again. On my reading, *Speech Matters* contains a series of instructive recommendations regarding how speech might be more effectively regulated in the Australian polity in order to protect democratic freedoms and to protect individuals from harms that may be inflicted by some forms of speech. These are more or less implicit in the text, but nowhere summarised, so I will attempt to do so here: These recommendations reflect the multifaceted nature of the discussion contained in *Speech Matters* that pays attention to the variety of legislation that has an impact on the regulation of speech, the different jurisdictions that are implicated in the regulation of speech, and the range of agencies that are either empowered, or arrogate to themselves the capacity to limit speech. In essence I contend that Gelber’s recommendations are threefold: 1) to develop legislation that prohibits the initiation of SLAPP (strategic litigation against public participation) suits; 2) to initiate national review (perhaps led by the Australian Law Reform Commission) that identifies and analyses the justifications for the raft of legislation and regulation that functions to limit speech; and 3) an education campaign for public officials regarding the importance of speech.

The implementation of such regulations might go some way to reforming the regulatory culture that constructs the contours of protected speech in Australia. But what about the political culture? Gelber’s analysis suggests specific flashpoints at which the public commitment to the protection of political speech appears to ebb away: when forms of political and corporate authority are questioned; when national mythologies and symbols are tarnished; when social heterogeneity is represented. However, she does not offer an analysis of why this might be the case. Maybe there is no overarching reason. Such matters are not restricted to Australian political culture; both Socrates and Jesus were famously executed for speech acts from which they would not resile. Nonetheless, developing a political culture that is supportive of free speech is a task that extends beyond regulatory reform. For individuals this would mean developing the capacity to listen and to tolerate the discomfort that may arise when speech is challenging. This is a hard task indeed, and is perhaps the final challenge that Gelber’s book offers.

*Speech Matters: Getting free speech right* is available in Australia from University of Queensland Press for $31.77 paperback.

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- Book Review -


I first encountered Ife’s work on human rights while doing research for a disability advocacy organisation. It is almost as if this book is a direct response to a nagging doubt that accompanied this project: sure rights-based advocacy is a useful tool with which to address individual and egregious instances of discrimination, but how can human rights be useful for more generally empowering people who are marginalised by disability?

As the title suggests, in this book Ife addresses the possible intersections and tensions between rights-based advocacy and community development work. The book comprises an attempt to overcome a series of seemingly spurious divides between theory and practice in possibly cognate fields of social intervention: rights advocacy, community development and scholarship. Early on Ife identifies a lexical affinity between the fields, rights and community development, which cohere around a transformative agenda to realise justice. The purpose of the book, and the chief argument, is that such lexical affinities can be realised in practice to the benefit of communities. Ife is not ignorant of the critiques levelled at both rights advocates and community development workers. He is sceptical of the universalism of rights, and the organic metaphors employed to define communities. Both factors can blunt the critical potential of rights and community development. The critical issue for this text is whether Ife can effectively avoid the pitfalls he identifies, in articulating a version of rights from below, that is defined by and for communities.

*Human Rights from Below* is structured in four parts which serve to introduce community development and human rights, explore the connections between them and develop a series of practical tools, including conceptual frameworks with which to employ human rights within a community development paradigm. The book concludes with an appendix that consists of a tool kit for community educators who may choose to pursue rights discourse as a means to develop the capacity of actors and communities to use rights to empower themselves. This structure means that the book moves from theoretical analysis of key concepts to address a series of more practical questions. It is thus useful for both undergraduates and practitioners interested in the subject matter.

Ife’s argument, that rights can be defined by communities such that they may constitute an important framework through which to consider, inter alia, issues of inclusion, distributive justice, and cultural integrity, involves first determining a typology of seven categories of rights: civil and political rights; survival rights;
economic rights; social rights; cultural rights; environmental rights; and spiritual rights. With this list, Ife intends to incorporate and supplement the notion of rights bequeathed to us from Enlightenment liberalism, with additional and contemporary political concerns. His approach to rights is pragmatic: “human rights are contentious and political” (p204). He does not enter into the more tricky debates regarding whether rights such as those listed above are universal or whether they belong to individuals or groups; thus the justificatory theories for human rights are left largely untouched by his analysis. Nonetheless, his discussion serves as an excellent introduction to the field which touches upon issues ranging from the intellectual legacy of positivism to the challenges of globalization. Similarly valuable are his discussion of some of the problems which attend conceptualizing communities as coherent wholes, rather than politically constructed vehicles for agency that can be more or less respectful and inclusive of difference.

At various points in the text I was worried about the level of generalization and the way the he sidelined legal advocacy as a necessarily top-down approach to community empowerment: dealing competently with the courts would seem to be a necessary part of any program of community empowerment. But such concerns are not unexpected in a book which covers a great breadth in a manner that is both intellectual and accessible. Nonetheless, two substantive critiques remain. The inclusion of case studies would have increased the plausibility of key arguments regarding the putative complementarily between rights and community development. Ultimately, whether “human rights”, as opposed to an alternative rubric like capabilities, is the best framework for the program of empowerment he advocates remains unclear. Not all political demands that may empower communities can be translated into rights claims. While this is not in and of itself problematic, an analysis of the limits of rights to achieve social change was warranted, and would have both augmented and completed Ife’s argument.

*Human Rights from Below: Achieving rights through community development* is available in Australia from Cambridge University Press for $56.95 paperback.

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- Book Review -


Religion has made something of a comeback in scholarly and popular literatures, but perhaps not as some intended. At a time when the ‘Evolution versus Creationism in public schools’ debate ramps up in the United States – one now involving the seemingly more acceptable creationist label of “intelligent design” – a couple of recent tomes have given a real voice to atheism. Christopher Hitchens’s *God is not Great* (2007) and *The God Delusion* by Richard Dawkins (2006) have only whetted appetites for a clash between faith and science.

Michael Barnes is Professor of Religious Studies at the University of Dayton in Ohio, yet his theological background does not impede or obscure his treatment of this volume on how science and religion might co-exist. Bible references, for example, are few, and made only in context. The book could therefore be a potential text for beginner and intermediate religion or philosophy undergraduates. It offers insights for the lay reader, too, but not without contention. Twenty reasonably sized chapters in seven parts – covering methods in religion and science, atheism, evolution, and ‘human nature’ – are, for the most part, appropriately tackled.

Barnes’s entry point is the historically uneasy relationship between science and religion, and he cites the persecution of Galileo and Darwin in the 17th and 18th centuries as obvious examples. Barnes’s argument is that, while there are clear tensions between faith and science, regarding the existence of God, the role of faith, the plausibility of ‘miracles’, and so forth, there are commonalities, too. Barnes discusses four ways in which science and religion overlap – ontologically and epistemologically – for the benefit of humanity. They are at least plausible.

First, each represents “basic human sensibilities” that indicate “how we know what we know”. Their end conclusions undoubtedly differ, but the frameworks for discussion are invariably similar. Second, they each offer “value perspectives”. Again, the values in question might vary, but neither science nor religion exists in a nihilistic void. For those who dispute the morality of science, look no further than today’s increasingly rigorous standards of research ethics which demand that intellectual curiosity does no harm. Third, and most obviously, both science and religion mould humanity’s image of itself. Even the uninterested will self-categorise as leaning towards a science-based or faith-based view of the world. Last, they each locate humanity’s “place in the scheme of things”. While this last point might assume a degree “higher intelligence” more disposed to religion than science, who could dispute that astronomy has, in recent times, altered our sense of “self”? In short, Barnes argues that religion and the empirical sciences need not be enemies, even though, invariably, they will remain in conflict.
Yet a few of Barnes’s arguments will never be accepted by some materialists. In critiquing the methods and alleged “limitations” of science, Barnes appears almost obstinate in problematising certain “truths”, even those “logically” derived. Barnes, for example, finds fault in the basic syllogism: if A = B and B = C, then A must equal C. To an empiricist, this is irrefutable, yet Barnes maintains that “truth” all depends on the operative “if”, adding that, “establishing the truth of the premises can be difficult.”

Many will find this objection all too easily dismissed. Indeed, it’s not unrelated to that other great point of contention regarding the reversal of onus of proof. For centuries, the faith-based have insisted that science cannot prove God does not exist. For scientists, this is an outrage: the onus of proof rests with the proponents of the God thesis; the absence of tangible, observable and repeatable proof in support of a proposition must necessarily debunk that proposition. Yet, for the religious, “faith” becomes the bridge that requires no further discussion. Of course, a deadlock results.

Despite this, a few sections are particularly interesting. The two chapters on atheism, for example, are unashamedly philosophical in asking whether God exists. But there’s nothing inherently misguided or misplaced about such discussions in a text likely to be used by university students. And while science-based atheism receives an entire chapter, it is disappointing Karl Marx’s analysis – so influential for so long over so much of the world’s population – receives just a single page. Part Five’s ‘Cosmic Evolution’ is also thought-provoking, especially the chapter discussing “varieties of universes”. Here, Barnes recounts 12 – he concedes it is an “incomplete list” – cosmos models.

That this is a reader-friendly volume is indubitable. Chapter outlines, ample subheadings, a readable prose, further reading and an index makes Barnes’s book a worthwhile introduction to the topic. After all, philosophy is not about the destination of agreement but, rather, the journey of debate.

*Understanding Religion and Science: Introducing the Debate* is available in Australia from Continuum for $38.99 paperback.

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