

# Conservative Backlashes to Women’s Bodily Integrity in Latin America; The Cases of Mexico and Chile

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# 1 Introduction

This research aims at understanding the dichotomy between the continuous efforts to advance women's human rights and gender equality and the pervasive resistance to this advancement, by looking into women's bodily integrity, specifically gender and sexual based violence and women's sexual and reproductive rights in Mexico and Chile. The research will be guided by the questions of (1) how are resistances/backlashes to women's bodily integrity perceived and addressed by policy makers and advocates?, and (2) why is women's bodily integrity a particularly contested sphere of women's rights and gender equality? By using empirical analysis and qualitative research, I hope to contribute to the gender equality research by looking at the conditions and processes that result in a backlash to women's bodily integrity, while understanding social change as a non linear process, where some areas may advance, some lag behind and some may recoil.

Globally, there is ample evidence that due to uneven power relations and discrimination based on gender women tend to be worse off than men and their socially constructed roles limit their autonomy and participation in decision making. Unequal gender relations are deeply rooted, and are strengthened by social systems that constrain women's access to power and resources, and give them lower status (Sen & Grown 1988, Chafetz 1988, Moore 1994, Walby 1989, Molyneux & Razavi 2002, West & Zimmerman 1987, UNIFEM 2008, UN-Women 2011, United Nations 2010, UNDP 2011, Connell 2002). Despite this, societies change, and in the last centuries social movements have struggled, and many times succeeded, in dismantling systems of oppression. This struggle is now part of the international and national development agenda, that under the framework of social justice and social progress, has committed to move for more just, equal and sustainable nations (United Nations 2000). However, there are persistent gaps between these development principles and real life outcomes in women's - and men's - lives. A gulf - identified by Molyneux & Razavi (2002) - in the application of global principles into national settings, and identified by Cornwall et al. (2007) as general problems in the translation of legislative reforms in political and economic realities. This suggests that the social changes needed to dismantle gendered power structures face systematic resistance. There is also evidence that this resistance is translated into a backlash, and that this non-linear characteristic of social change needs attention (Bunch 1995, Long 2005, Momsen 2001, Oakley & Mitchell 1997, Cudd 2002, Mansbridge

& Shames 2008).

This resistance/backlash to gender equality is relevant globally, across societies and in different cultural settings. But Latin America have some interesting particularities, with increasing development and economic growth and high development indicators in many areas, and persistent inequality and discrimination - with low indicators - in other areas, particularly some issues on women's reproductive health and prevalence of gender based violence. Moreover, changes in gender relations linked to modernization and democratization processes still have the weight of conservative and traditional social relations. The region is a particularly fertile ground to understand the contradictions of societies moving away from traditional/authoritarian societies to modern democratic states, and the effects of the resistance to these shifts. The colonial past, authoritarian regimes and later neoliberal policies have affected Latin American societies in ways that distinguish them from western industrialized countries and the developing world of Asia and Africa.

In some parts of the region, demographic trends have changed in three generations, with a decrease in fertility and mortality rates, countries have entered the second demographic transition (De Barbieri 2000, Chant 2003). Educational levels have raised for the population as a whole, and women have increased their access to employment, in an increasingly urban population. Structure of families have also changed, with an increase in divorce and cohabitation, delay in marriages, increase of female headed households,

reduction of the size of families and increase in teenage pregnancies. For example, according to figures of the ECLAC (2012) fertility rates are on average 2.1 per woman. The highest of 3.7 in Guatemala and the lowest of 1.5 in Cuba, Chile with 1.8 and Mexico with 2.1 (2011). Participation of women in the labour force is on average 56.7% with the highest participation in Bolivia with 62.7%, Chile with 43.4% and Mexico with 44.2% (2011). The educational gap between men and women has been eliminated since the 1990s, but the gender wage ratio is 74.9% In Peru, 80.1% in Chile and 79% in Mexico. The highest percentage is of 98.0% in Costa Rica (2011) (ECLAC 2012)<sup>1</sup>. Indicators of sexual and reproductive rights are lagging behind, with high levels of teenage pregnancies, unmet needs in the access to contraception and safe abortion. To illustrate, figure 1 show that Latin American countries are much higher on teenage pregnancies compared to OECD countries (X axis), but have some overlap on labour force participation (Y axis). Violence against women is widespread, for example 41% women in Peru have been victims of violence by their partners, 40% in Nicaragua and 43% in Brazil (ECLAC 2007, ECLAC - UNFPA 2010).

During the 1990s social and economic changes were fast, and the younger

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<sup>1</sup>Latin American states - however - are highly unequal and some aspects of modernity have reached just a few (Hoffman & Centeno 2003, Korzeniewicz & Smith 2000, Karl 2003, Portes & Hoffman 2003). Indigenous, black, rural communities and women have been at front line against a mestizo/white, urban and male dominated state in the struggle for inclusion (Jelin et al. 1990, Karl 2003). Indicators used at national level hide significant inequalities amongst and within countries, amongst social groups and geographic locations, i.e. schooling and maternal mortality rates tend to be significantly worse amongst poor, rural and indigenous populations (ECLAC 2010).

### Teenage pregnancy versus women's employment

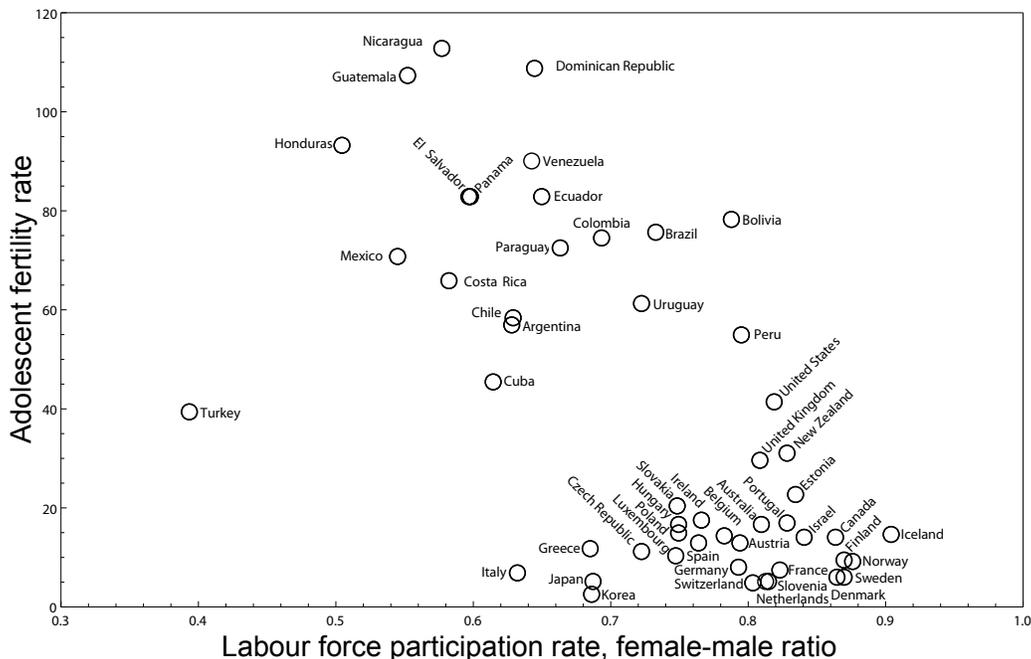


Figure 1: Ratio of female to male of the population (ages 15 to 64) that actively engages in the labour market by adolescent fertility rates in Latin America and countries belonging to OECD (UNDP-HDR 2012)

generation's family arrangements were different from the ones they grew up with (Arriagada 1997, ECLAC 2005, Chant 2003, Sunkel 2006). These changes happened later and faster than in industrialized countries. As De Barbieri (2000) highlights, the demographic transitions in Europe started in the XVIII century and happened in 200 years, in Latin America it took place in six decades. The adjustments of norms and habits to real life changes was fast and heterogeneous. For example in Mexico, in only three generations women passed from having eight children for four to survive, to a fertility rate of 2.2 in 2012 (INEGI Mexico n.d., De Barbieri 2000). As highlighted in

the Chilean case by Valdés (2006) the demographic transition of the 1980s and 1990s, implied a shift from a traditional/rural society to a urban society. But the reach of this transformation was not the same as in western industrialized societies; it was characterized by the confrontation of conservative and liberal views of private life. This is due to the country's cultural history, a state with limited reach, profound social inequality and exclusion, and the influence of religion in stopping secularization and limiting judicial reforms (Valdés 2006, Olavarría 2001*a,b*). This coexistence of modern and traditional relations amongst genders and within families is also relevant in other countries of Latin America (Valdés 2006, Arriagada 1997, ECLAC 2005, García & De Oliveira 2011, 2005)

Current democratic governments in the region have approved extensive legislation to advance gender equality in an effort to secure their place in the democratic and modern international community, in many cases breaking with an authoritarian past (Alvarez 2000, Craske & Molyneux 2002). These political reforms address discriminatory laws and remove some gender-differentiated elements of divorce laws adjusting national legislation to international instruments and commitments (Chant 2003). However, these efforts have met the resistance of conservative groups that have been successful in restricting women - and men's - reproductive choices (Molyneux 2010, Kampwirth 2006, Amuchástegui et al. 2010, Guzmán et al. 2010), and states have been inefficient in protecting women from violence, despite legal provisions

and policies in place (ECLAC 2007, García-Moreno 2000, García-Moreno et al. 2005, Olavarrieta & Sotelo 1996, Pick et al. 2006, Rivera-Rivera et al. 2004, Valdés 2010). This questions the assumption that with industrialization and the creation of modern democratic states, social change will push towards democratic and inclusive access to resources, decision making and empowerment for both men and women.

## **2 Conceptual Framework**

The following text will deal with a resistance - or backlash - to women's advancement first at conceptual level and later by looking at how it has been - or not - part of development paradigms. I will review the use of the concept of backlash in the literature, and based on that, draft a working definition applicable in this research. I will then look more broadly at development paradigms - including the gender and development scholarship - and their understating of social change, power structures and gender relations to identify how the idea of a backlash - and therefore a non-linear concept of development - has been or not part of development thinking. I will use feminist scholars that have convincingly argued that traditional development paradigms have failed to incorporate the political and contested nature gender equality into its paradigms (Sardenberg 2008, Baden & Goetz 1997, Beneria & Sen 1982).

## 2.1 Backlash

The Concise Oxford Dictionary of Politics defines “backlash” as a “hostile reaction to reform, especially white backlash against civil rights, and anti-feminist backlash.” (McLean & McMillan 2009). The Oxford Dictionary of English defines it as “a strong negative reaction by a large number of people, especially to a social or political development: a public backlash against racism.” (Stevenson 2010). These definitions draw from the two main areas analyzed by the scholarship on backlash; studies of racists attacks in the Unites States’ South (Hall 2005, Cudd 2002) and feminist authors analyzing the active resistance to changes in gender relations (Faludi 1991, Chafetz & Dworkin 1987, Cudd 2002, Halliday 1998, Kimmel 1987, Avakame 1999, Okimoto & Brescoll 2010, Ranchod-Nilsson 2008).

Previous research has used the concept of backlash in psychological theories of individual behaviour to understand deviances of gender stereotypes (Rudman & Fairchild 2004, Rudman & Glick 2002, Rudman 1998) and the increase in rape (Avakame 1999). In the area of education, the concept of backlash has been used to understand the reaction of institutions and educational systems to the increase in the gap amongst boys compared to girls (Lindbekk 1998, Mobley & Payne 1992, Martino et al. 2009, Douglas & Lingard 1999, Lingard 1998), and against women gaining political representation (Okimoto & Brescoll 2010, Ranchod-Nilsson 2008). A conservative backlash has been identified in reaction to the strengthening of women’s

rights in the international human rights and development agenda (Sandler & Rao 2012, Connell 2005, Bunch 1995, Laidler 2008, Halliday 1998, Sen 2005, Long 2005), and more locally, women's demands and advances in the Middle East and Latin America (Tsujiigami 2009, Keddie 2007, Kampwirth 2006). Finally, authors have studied backlashes against women's rights and gender equality more broadly, and described the evidence available and searched for causal explanations based on particular hypothesis or theories (Oakley & Mitchell 1997, Mansbridge & Shames 2008, Thomas 2008, Hawkesworth 1999). The following section will look into this body of literature to develop an approach to backlashes that I can apply to the current research.

A seminal study is Susan Faludi's (1991) book "Backlash: The undeclared war against American women". This journalistic account of the conservative reaction to feminism of the 1980s in the USA, succeeded in drawing attention to the reactive nature of conservatism. Faludi's critical analysis of the mass media's coverage of scientific research and demographic data in the USA, highlighted how conservative sectors used "propaganda" to convey the idea that women's liberation had negative consequences. She argued that the backlash was triggered by the perception that women were gaining more equality, fueled by the conservative analysis of personal, social and economic problems in contemporary society interpreted by men as threatening to their economic and social well being (Faludi 1991). Faludi's approach drew attention to the reactionary power of conservatism and its

capacity to influence public opinion against feminist claims. However, her focus on media and public opinion did not provide adequate evidence to analyze how the backlash has affected women's rights and their situation(s). The book's journalistic approach and descriptive nature, undermines its capacity to provide theoretical tools applicable in a broader context (Cudd 2002, Thomas 2008). But, it was influential amongst feminist scholars who used Faludi's ideas in the analysis of women's situation, to analyze political events in the USA (Hawkesworth 1999, Rapping 1994).

The task of understanding and analyzing a backlash should start with the definition of the phenomenon using descriptions that reflect awareness of the relationship between the backlash and other relevant events, and be as precise and systematic as possible (King et al. 2001). Within this guiding principle, our understanding of backlash should be applicable globally - allowing for comparative analysis - and rigorous enough to define the focus of study. The scholarship that has done this comes mainly from two conceptual frameworks: philosophical analytical feminism and social movements theory. Cudd (2002) is a philosopher using analytical feminism to understand the backlash. As much of the western scholarship in this area, she focuses on the backlash to progress achieved during the civil rights and women's movements of the 1990s 2000s in the USA. She provides a broad definition by using the violence against blacks in the USA's Jim Crow south as paradigmatic case<sup>2</sup>.

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<sup>2</sup>Similar example is the increase in violence during the 1980s and 1990s following progress of the women's movement in the USA

Cudd concludes that backlashes are systematic changes in laws, institutions and social climate transformed into a reverse in social progress through the dismantling of rights that were in place before. She draws attention to some of the intrinsic difficulties in the identification of particular events as a backlash; first, a single event is not necessarily a backlash; and second, a period that opposes a previous period is not necessarily progressive, it could be conservative. This shows that the researcher should not only make a descriptive analysis of the phenomenon, but take a normative stand to understand a backlash. I will discuss more of this latter.

The scholarship addressing backlash has also used social movements theory (Chafetz & Dworkin 1987, Mansbridge & Shames 2008, Thomas 2008). In this area, Mansbridge & Shames (2008) have - again - looked at the conservative backlashes in the USA to identify what a backlash is and apply this concept to other contexts. They conclude that a backlash is a reaction of those in power to the push towards social change and challenges to entrenched power structures by a group disadvantaged by the status quo; i.e. a resistance of those in power to a sense in declining power. Mansbridge & Shames insists that a backlash is reactionary and involves the use of coercive power or force. This force can be non violent and include social structures that lead people to act unknowingly to their own disadvantage, while the power can be exerted through subtle or less subtle forms such as violence i.e. rape or lynchings directed against agents of change.

Both these definitions highlight the essential components of a backlash; its reactionary character and the defence of power structures and interests of some social groups. Mansbridge & Shames do not provide an explicit directionality, or a normative framework, guiding the processes. But according to Cudd, the parameters used to analyze the backlash must be situated within the context of social progress or social justice and include a normative perspective (Cudd 2002). I would agree with this proposition, otherwise the concept does not provide the tools to understand it as a backlash and not just as more or less contested social changes. With a normative perspective we can situate the use of coercive power of a backlash as reaction to challenges in power structures - and the status quo - and as an attempt to stop a push towards social justice. This follows Cudd's argument that social progress is a process of social change to be encouraged. It is fashioned by a basic liberal bias - I would include here that it opposes a conservative ideology - but it does not require a unique outcome. Cudd's views are based on the analysis of social justice and oppression. A social group is oppressed when they suffer harm from social institutions or practices, and this harm is perpetrated through unjustified coercion or force, while other social groups benefit from it. Social progress is the reduction of harm - or oppression - that comes about through the redesign of social institutions. As oppressive social institutions benefit some social groups, their interests are opposed to progress. This is the basis of a backlash, and the reason why a backlash almost always follows progress. In this view, a backlash is regressive because it

is a push towards the strengthening, or a turning back into oppressive social institutions or structures (Cudd 2002).

Looking specifically at the backlash to feminist gains and rooted in the tradition of the social sciences, Oakley & Mitchell (1997) analyze the backlash as a cultural construction, linked to the changes in economic production and social reproduction, i.e. the division between public world and private life. To their understanding, this backlash is driven by the will to counteract the power of feminism in changing women's lives and gender equality accomplishments rooted in XXth century changes in gender relations. With a more global perspective, they are able to situate social changes and the backlash to these changes within specific cultural formations and different social realities. Moreover, Oakley & Mitchell stress the need to clearly define what the backlash is opposing. A backlash against feminism, is directed towards feminism's supposedly misguided and damaging nature, with a nostalgia for the past where unequal gender relations prevailed. This analysis opens up the space for linking backlashes against women to power structures that subordinate or oppress women - or some women in particular - while also looking at social changes that at institutional and individual level are moving towards more gender equal societies.

Connell (2005) tackles the particular effects of changes in men's situation and the consequent conservative backlashes against gender equality policies and women's rights globally. To Connell, the core of the resistance is

driven by the fact some men are benefiting from the “patriarchal dividend” and social changes might threaten their masculine identity, reflecting the ideological defence of male supremacy. Connell identifies the power structures and systems of privilege that are at play in a backlash. But I would caution that changes in women’s and men’s lives have taken different paths and have different timings according to different social realities. The analysis of institutions and structures behind the backlash must be tailored to particular social contexts and the ways social change is expressed.

In a general framework, backlashes are reactions to social change from a descriptive perspective, and reactions to an increase in social justice or social progress from a normative perspective. From both perspectives, agents react to shifts in power structures. The literature has looked at who is challenging the power structures, who is reacting and how this relationship plays out by individuals and institutions. In line with the research on social movements, Chafetz & Dworkin (1987) propose a cultural and historical theory of antifeminist movements, by using a comparison of first and second wave feminism in USA and the UK as case study. They conclude that backlash movements are pro-institutional social movements supportive of the status quo, that resist or try to reverse social change emerging when the movement against which they are reacting grows relatively large or effective. These countermovements arise out of existing social groups whose material and status interests are threatened by other social movements’ gains or can be a

reaction against social change in general.

Countermovements are of two types: (1) Vested interest groups; because feminism challenges structures of privilege, some groups with a privileged position in the economy or society are threatened by the success of feminist social movements. These groups are likely to be religious and from economic sectors, composed by elites with common class interest that funnel resources to countermovements. (2) Voluntary associations; these groups organize because new economic and structural patterns may disrupt social and occupational status of members of the same social category as the members of the movement they oppose. This group includes role encapsulated - or traditional - women (Chafetz & Dworkin 1987). This last point requires a small clarification, why would women support a countermovement? In another paper, Chafetz (1988) argues that gender power relations are reinforced at macro and micro level and some women - the ones she defines as "role encapsulated women" - do not feel coerced and do not perceive the system as fundamentally inequitable, but as apparently legitimate. Moreover, she argues that because of the sexual division of labour, many women are economically dependant on men, and the gender ideology, the norms and stereotypes that reinforce the gender division of labour - and male power - is strengthened both the micro and macro level.

Chafetz & Dworkin (1987) found evidence that as countermovements - in general - grow in response to the success of women's movements, they can

take several years to emerge. This might give the impression that public opinion is changing or reversing, but this is not necessarily so, as they represent a consolidation of diffuse opposition that was always present. They also found evidence that - amongst vested interests - religions have provided support for antifeminist movements, and sometimes this support is overt like lobbying and exerting political pressures. Voluntary associations arise after the most public demands of feminism are gained, and will not emerge strongly as long as vested interests groups, specially economically based ones, are able to resist change through political institutions. The common ideological base of these countermovements relies on a traditional view of the family and women's role within it - that also has class and status dimensions - while its rhetoric is often shaped by patriotism and religion (Chafetz & Dworkin 1987).

In a similar line, Connell (2005) highlights that the masculine politics that are driving backlash processes are quite nuanced. Men's explicit backlash or conservative movements do not have great influence. Nationalistic, ethnic, religious and/or economic movements where men's interest are side effects are more relevant. To this scholar, neoliberalism and contemporary neo-conservatism in particular, are quite important for the development of backlash movements. In promoting free markets, individualism and rejecting state control, neoliberalism can be particularly beneficial for some men and damaging for some women (Beneria & Sen 1982). This can be seen - for example - in the worsening of the situation of women during the shift to

capitalism in Eastern Europe and the negative effects of neoliberal policies in the 1980's in Western Europe. Connell argues that neo-conservative politics can function as masculine politics because of the powerful role of the state in gender relations, and because of the role of conservative men as cultural authorities and managers of key institutions such as religious organizations and transnational media conglomerates.

In general societies change and shift, and modern industrialized states have moved towards more equal relations amongst individuals, transforming gender relations and relations amongst generations in families and in the public sphere (Beck-Gernsheim 1998, Giddens 1991). Latin America is no exception. Scholars like Chant (2003) show that traditional ideas of femininity and masculinity, in particular machista ideas that were hegemonic, have declined during the last decades. Male privilege is challenged by the incorporation of women into the labour force, and women are demanding more flexible domestic arrangements. Research in the shifts on gender relations in Latin America in the last 30 years discusses a crisis of masculinity. A clash between men's culturally attributed roles and women's reaction to social changes, creating a gap in gender relations (Vigoya 2001). Changes in women's roles have affected gender relations, but men have resisted this change, or have changed slowly, creating grounds for conflict or a backlash (England & Farkas 1986, García & De Oliveira 2011). Evidence from Chile (Valdés et al. 2006) also shows that these changes have been driven by the

availability of a modern discourse allowing more equalitarian and non hierarchical relations. Chant (2003) argues that men still have an advantage over women in most domains, but some feel that they are losing out by perceived or actual advances in women's situation and resist the changes. Some of this resistance is manifested in men prohibiting women to participate in the labour force; withdrawing financial support; not assuming parental responsibilities; and using violence against women, children and the elderly. Dore (2000) has shown that in the creation of modern nation states in Latin America did not necessarily imply the dismantlement of structural inequalities, as they did in Western countries. In some cases, liberal state policies increased gender inequalities, by dismantling some pre-existent protective institutions over the course of the XIXth century. The effects of institutionalized exclusion from the states' reach can still be seen today, with unequal access to services and sources of income, and some groups in general out of the reach of the state and the rule of law (Hoffman & Centeno 2003, Craske & Molyneux 2002, Jelin et al. 1990, De Barbieri 2000).

## **2.2 Backlash in development theory**

Backlashes are manifestations of resistance to challenges to power structures. By analyzing the backlash we can understand - to some extent - the resilience of certain power dynamics and institutionalized systems of oppression. If development thrives to eliminate human suffering and poverty, and follows

the principles of human dignity and equality at global and national level (United Nations 2000), the social change required to fulfill this agenda will imply the shift of systems of oppression at individual and institutional level in western and non western countries. This agenda is complicated because some commitments to gender equality are pushed by local women's movements in alliance with the development community at international level, but may be lacking the buy-in of national states and internal power elites (Keck & Sikkink 1998, Alvarez 2000). It is not a coincidence that backlashes to feminists achievements or to social changes towards more gender equal societies are at the core of the literature on these issues. Systems of dominance and inequalities amongst genders seem to be quite persistence, entrenched and difficult to curtail (Molyneux & Razavi 2002).

In general, the prevailing development paradigms have failed to address the resistance to social change produced in societies moving to more gender equal relations and institutions. But development thinking is not monolithic, and several development schools express the particular ideologies that have been at the centre of development debates in particular moments of time (Potter 2002). Looking at the history of development ideas allows us to grasp their ideological and normative stands and go beyond a unilinear history of development (Kothari 2005, Kothari & Minogue 2002). Running the risk of oversimplifying, this section will analyze the main areas in the development literature and look at the challenges of including women and gender

into development paradigms, touching on how this relates to the analysis of power structures and the contested and political nature of the struggles for gender equality. I will argue that the required challenges to systems of gender discrimination and exclusion identified by the gender and development approach, challenges gendered power relations and traditional views of the roles of women and men that can lead to a backlash as manifestation of resistance to these changes. This is what feminist have identified as the contested nature of women's empowerment as an instrument of social transformation (Sardenberg 2008), a view that has not always been present in development thinking and practices.

### **2.2.1 Three development paradigms**

The question of what development “is” is not unproblematic. As a starting point, scholars agree that the concept of development can be categorized as a theory and as a practice, while it also refers to ideologies and paradigms that shape and inform these theories and practices (Hettne 2002, Potter 2002). Development theory tries to understand how development has happened in the past and predict how it should occur in the future, and is therefore both normative and positive (or descriptive). Development strategies provide practical paths to change existing economic and social structures and institutions while finding solutions to the problems facing decision makers. And finally, development agendas, with their goals and objectives, constitute de-

velopment ideologies (Hettne 1990).

To start, classical, or modern, ideas of development originate in the Enlightenment. This era shaped basic ideas of progress, growth and social change that are still part of development thinking, and the division of tradition versus modernity that has since then shaped the interpretation of societies (Power 2002). However, to some scholars, the first stage of international development thinking per se, resides in positivist classical economic orthodoxy and modernism of the 1950s (Edelman & Haugerud 2005). To this western - and US - based theory, development is an evolutionary transformation through the diffusion of western modern values, heavily invested in purely economic solutions and linked with US policy (Leys 1996). It did not include the challenges to power structures that social progress might entail, The transition from traditional to modern societies, and the imposition of western economic systems and values is taken for granted. Modern development ideas failed to fulfill expectations, particularly to alleviate poverty and increase peoples control over the their lives (Edwards 1989). According to some scholars, their main failure is caused by their reliance on evolutionary and functionalist ideas (Booth 1985) and the belief that development is accomplished by the acquisition of western values (Schech & Haggis 2002). As we will see in the following section, this failure is also relevant for a gender analysis, because the paradigm did not only fail to address power relations in western/non-western countries, industrialized/traditional societies, but also

failed to take into account the gendered nature of social relations (Beneria & Sen 1982).

Postmodern development surged as reaction to the crisis of modern development paradigms. It drew from the voices of the third world, environmental activist and feminists, that highlighted the costs and consequences of development in the reproduction of gender, class and race relations. Some postmodern critiques rely heavily on the work of Edward Said and Michel Foucault (Edelman & Haugerud 2005). For example, Rist (2003) addresses development as a system of beliefs, and criticizes the assumption that development is positive, desirable and necessary. He discards the normative elements of development thinking and argues that social development has been naturalized as directional, continuous, cumulative and irreversible, highlighting modern development theories' failure to understand the reversibility of social development. Postmodern development thinking address key problems in modern theories that hinder the understanding of backlash as defined in the previous section. The failure to take into account the reversibility of social development processes and power relations that the development processes might carry. However, postmodern narratives also may fail to take into account the power dynamics within societies and cultures. As the postmodern project has the quest to be sensitive to cultural differences, there is a danger of an extreme relativism that becomes a conservative ideology (Simon 1997). The horizon of social justice and human well being that is

part of the gender equality agenda, and that is necessary to grasp backlashes to gender equality - or more generally social justice - might get lost.

Since the 1980s, development discourses have reflected about human well being and the meeting of the material needs of peoples, eliminating their purely economic focus (Elliott 2002). According to Green (2002), the failure of the modern paradigm led to the creation of the human development approach, a qualitative proxy for human well being that includes social exclusion, discrimination and the differential access to resources mediated by social relations. Under this framework, the most influential tool is the human development approach. This was the product of Amartya Sen (1999, 1990) and other scholars' efforts to look beyond economic prosperity as a way to achieve and measure development, understanding development as an integrated process of expansion of substantive freedoms. By shifting the focus from means to ends, it breaks with the functionalist tradition and does not aim at being an explanatory theory of poverty, inequality and well being, but a tool to conceptualize and asses them (Tiwari 2007). To Sen (1999, 1990) reasoned social progress is central to lay out the basic elements of human development. To him the challenge is to assess development through the expansion of human capability or the substantive freedom of "people to live the lives they reason to value and enhance the real choices they have" (Sen 1999, p. 293). Capability is a person's freedom to choose her/his ways of living, allowing for the evaluation of the efficiency of development efforts and see

the unequal social relations and institutions that curtails peoples freedoms (Sen 1990). Social change is evaluated in terms of the richness of human life and peoples capability to function in society (Sen 1999).

For the purpose of relating this theory to the analysis of backlashes, it is important to note that Sen argues that the capability approach must take into account comprehensive outcomes, i.e. outcomes that consider the processes through which the final culmination outcome happened. This acknowledges the role of social values in influencing freedoms and social features such as gender equality, childcare, family size, fertility patterns, etc. In that sense, development processes must include women as active agents of change and providers of social transformations (Sen 1999).

In sum, the modern classical view of development relied heavily on economic growth as the main goal, assuming that development processes involved the change from traditional to modern social and economic structures, already in existence in western countries (Leys 1996) with a firm belief in social evolution and progress. This view did not leave space for addressing the shift in power structures coming about with the required changes, and the resistance to these changes. Moreover, classical economic development failed to address gendered, race and ethnic structures at play. The postmodern development critique emphasized the failure of orthodox development in providing change in peoples' lives and the lack of understanding of gender, class, racial and ethnic power relations in development theories, policies and

practices (Edelman & Haugerud 2005). Finally moving from the impasse created in development studies by the loss of faith in the modernist paradigm vi-à-vis postmodern reflexivity (Schuurman 2002, 2000), but still looking at social justice (Nussbaum 2001), the human development approach is useful to analyze backlashes. On one hand, it emphasizes outcomes as measures of development goals, considering the processes by which these goals were achieved and the entrenched gender racial and ethnic inequalities that individuals might face; while - on the other hand - it highlights the flexibility and consensual and contested nature of the indicators selected to measure said development goals (Sen 1999, 1990).

### **2.2.2 Gender and development**

The Human Development approach draws to some extent from feminist critiques of development agendas' masculine bias. This critique started by questioning development paradigms' lack of understanding of women's role in development and of how development practices and policies had different consequences in women and men (Benería 1982, Connelly et al. 2000, Kabeer 1994, Pearson & Jackson 1998, Boserup et al. 2007). Since the 1970s, this critique has driven the push for the inclusion of women's issues in development theory and practices at global level. First under a modernist paradigm, and latter under a critical understanding of classical development theories, scholars and activists succeeded in pushing governments and international

agencies to develop international principles, policies and instruments that take into account gender equality and women's human rights. The Beijing Platform for Action of the Fourth World Conference on Women (1995), the United Nations Convention on the Elimination of all forms of Discrimination against Women - CEDAW - (1979) and other international declarations, and conventions are a reflection of these efforts (Kabeer 1994, Connelly et al. 2000, Molyneux 2001, 2010).

The women in development approach (WID) of the 1970s was the first body of ideas that made the case for integrating women into development. It did not question the prevailing modernist paradigm of development itself, but tried to integrate women into the existing development policy and practice. The deconstruction of fundamental social institutions - such as the household, the economy, and relations of production and reproduction - was key to this scholarship (Pearson & Jackson 1998). Fraser & Nicholson (1988) highlights the problem with this approach, and in general with early feminist theories. WID, relayed on a totalizing theory that looked for one key explanatory factor, missing the several layers of discrimination and the diverse power structures involved, and the local, cultural and historical specificities of women's experiences (Pearson & Jackson 1998, Kabeer 1994). The reflexive critiques of WID approaches resulted in the gender and development (GAD) approach. This analysis took a step forward by questioning the epistemological bases of development paradigms, rejecting essentialist and

universalizing ideas of women, emphasizing difference and the experience of non-elite women affected by development processes (Pearson & Jackson 1998, Talpade 2003, Beneria & Sen 1982). It is also based on a critical gender analysis of social relations and power structures that put women into a subordinate position, where gender is combined with other social determinants such as class, race, ethnicity, age, sexual orientation, etc. (Pearson & Jackson 1998, Fraser & Nicholson 1988).

As expected, GAD approaches are not monolithic, but they have been successful in strengthening the power of feminist ideas in development thinking. National and international bureaucracies, and the development community, has adopted a gender focus and transformed it into technical devices such as gender mainstreaming. Important as manifestation of the will of development agencies to embrace gender priorities, the effectiveness of gender mainstreaming has been questioned by scholars and evaluations (Moser & Moser 2005, Razavi et al. 1995, UNDP 2006, UN-Habitat 2003). At instrumental level, the critiques are on the ineffectiveness of gender mainstreaming to deliver in particular institutions (UNDP 2006, UN-Habitat 2003). At substantive level, the appropriation of gender into mainstreaming development are thought to have de-politicized it by removing issues of power and power relations that are always present when challenging gendered social relations and institutions (Baden & Goetz 1997, Sardenberg 2008). In particular, Sardenberg (2008) critiques the liberal view of women's empowerment,

that emerged with the advancement of neoliberalism. To her, this approach has assumed empowerment as a neutral process, possible to move forward without conflict, solved technically or by women accessing resources or services. But, she argues, women's empowerment aims at changing relations of domination and is not neutral, therefore conflicts will surface. The political and contested nature of development processes that moves towards women's rights will create resistance by those that have benefitted from the previous status quo - directly or indirectly - or believe they did. And as seen in the first section, this could form the basis of a backlash. Not addressing this characteristic of social changes moving towards social justice, is not to be prepared to the resistance to these changes, and will curtail the application of global human rights and gender equality principles.

### **2.3 Women's bodily integrity**

In this section I will outline the concept of bodily integrity and the components of sexual and reproductive rights and violence against women, and review the literature that has analyzed the resistance to women's bodily integrity globally and in Latin America.

There are two ways to understand bodily integrity. One, as defined by Nussbaum (2000) "be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for

choice in matters of reproduction”. This approach aims at providing a philosophical base for basic principles to be respected as the minimum required for human dignity. Bodily integrity is one of them. The second approach comes from the human rights framework. Mainstream human rights discourse has understood bodily integrity as part of civil and political rights. Specifically, the right to life, liberty and security of person, including the right to not be subjected to torture. A feminist critique to this approach - however - uses the term increasingly to name particular forms of invasive physical violations, including on sexual violence and humiliation and interventions to control women’s sexual and reproductive lives (Reilly 2009). According to Reilly (2009), this approach exposes wider social and cultural power dynamics and cultural mores that facilitate or hide such abuses. I would argue that the differences in using the concept of bodily integrity from a capabilities or a human rights perspective are not quite relevant for this research. But will refer to the human rights frameworks and its specificities in understanding bodily integrity. This will give me a better focus to narrow the object of study.

Demands for a gendered view of bodily integrity come from the feminist critique of the conservative tendency to naturalize reproduction, sexuality and the family (Correa 1994). I would argue that this conservative tendency is at the heart of backlashes to women’s bodily integrity. Correa (1994) poses that fundamentalism - as a political phenomenon - has constantly used wo-

men's bodies as a battlefield in the struggle for state power, manipulating religious, racial/ethnic and nationalist loyalties at national level and interfering with the debate on reproductive rights at international level (Correa 1994). In a similar argument Cornwall et al. (2008) show that debates on sexuality at policy level are commonly hijacked by conservative ideologies, particularly at international level and in UN debates. To Cornwall et al. these are not exclusive to current times. These patterns can be observed over history "whenever rapid reconfiguration of the economy, the state and private public boundaries take place" (Cornwall et al. 2008).

At a global level, Reilly (2009) and Long (2005) have shown that women's human rights in general - and sexual and reproductive rights in particular - have become subject of backlash in UN, regional and national policy, where conservative governments and NGOs have been mobilized to contest them claiming to defend culture, tradition and religion (Long 2005). Reilly (2009) links this to the influence of fundamentalist projects and to a neoliberal resistance to rights-based approaches that are viewed as threat to free market and global economy. From the analysis of evidence of a multi country analysis, The report of Pathways of Womens Empowerment (2011)<sup>3</sup> state that conservative reactions to women's sexual and reproductive rights can be caused by the breaking of social expectations about women's sexuality

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<sup>3</sup>Pathways of Womens Empowerment is an research programme linking academics with activists and practitioners to find out what works to enhance womens empowerment. Funded by UKAid from the Department for International Development. <http://www.pathwaysofempowerment.org/index.html>

affected by globalization, moral conservatism and fundamentalism, particularly when there is a disruptive change that may trigger a retreat to tradition (Hawkins & Lewin 2011). Other authors that have identified backlashes to women's bodily integrity at international and national level include Sen (2005), Corrêa & Slatter (2000), Hawkins & Lewin (2011), Sandler & Rao (2012) and Petchesky & Judd (1998).

In Latin America, a society centred around families (Jelin 1994, Jelin & Arriagada 2005, Sunkel 2006), where ideals of femininity and masculinity are shaped by *motherhood* and *machismo* create a gender order where the control of people's bodies is at the centre of gender identities. Craske & Molyneux (2002), argue that, historically, the Latin American conservative society and the catholic church have succeeded in controlling women's bodies and stopped advancements in reproductive rights. Despite that early liberal states - in the early XXth century - included some changes driven by a modern framework, they still protected masculine authority and privilege. The regulation of women's bodies and their sexuality was part of the process of state making. These scholars show how states made an explicit effort to regulate the new emerging class of working women and of women that demanded - and enjoyed - more freedom than previous generations. With a decline in birth rates, the state used the motherhood centred societies to construct women's identities, and promoted the "duty" of women to bring more citizens to the nation. For example, Chile introduced a prohibition against selling of breast milk and

regulations against wet nursing in this period (Craske & Molyneux 2002).

I would agree with these scholars' proposal that maternity and fertility became resources to regulate women's bodies, and for the purposes of this research I would link it to the resistance to the protection of women's bodily integrity. This trend has continued through history. During the 1970s 1980s authoritarian states controlled women's bodies and sexuality with conservative policies and - in some cases - sexual torture of political prisoners (Bunster-Burotto 1986). Although the control of women's sexuality and reproduction has always been present - as seen before - the last decades have seen the emergence of a conservative religious opposition to women's reproductive rights (Craske & Molyneux 2002, Shepard 2000, Correa 1994).

### **2.3.1 Sexual and reproductive rights**

According to Petchesky (2003), the language of reproductive rights has its origins in the women's health movement in the North of the 1970s and 1980s. However, the current understanding of sexual and reproductive rights is highly influenced by the analysis of women from non-western industrialized countries that enlarged its understanding to include reproductive health. These perspectives contributed by questioning not only the restriction of women reproductive choices, but also the control of women's reproduction by coercive policies aiming at limiting women's fertility. (Petchesky 2003). The relationship between policies on sexual and reproductive rights in the region

are to a great extent embedded within demographic planning policies, at least during the early XXth century. These policies either followed or reacted to global population strategies. During the first stage of this relationship - up to the 1970s - Latin American countries reacted to global development policies to reduce fertility in third world countries by promoting pro-natalist policies targeting women. The second phase of this relationship countries embraced the anti-natalist discourse and encouraged fertility control as a path to development (De Barbieri 2000, Correa 1994, Chant 2003).

The normative framework on sexual and reproductive rights is based mainly on the Plan of Action of the International Conference on Population and Development (ICPD) held in Cairo in 1994<sup>4</sup> and the 1995 Beijing Platform for Action (BPfA)<sup>5</sup>. This blueprint however does not necessarily translate into improvement in the lives of women in the ground. The challenges in Latin America are identified by ECLAC - UNFPA's (2010) review

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<sup>4</sup>The ICPD in para 7.3 states “[...] reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community [...]”

<sup>5</sup>The BPfA states in paragraph 96 that “[t]he human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.”

of the implementation of the ICPD in the region. According to this report, despite some advances, key issues such as sex education and access to confidential services for girls - including HIV prevention - are ideologically contested, while condom use and emergency contraception generate strong controversial reactions in some countries. Moreover, in some countries, reproductive rights recognized in the international and national legal frameworks have been challenged in court decisions, setting back principles in international law and national legislation. In other cases, general principles must be translated into laws and policies; there are problems with implementation and funding; and laws are not translated into real services, particularly for adolescents and young people.

### **2.3.2 Violence against women**

Violence against women (VAW) exists in every country in the world. It is manifested in a range of behaviours from female infanticide to female genital mutilation to trafficking of women, and much of it is physical, psychological and sexual violence from women's intimate partners (United Nations 2006, ECLAC 2007, Watts & Zimmerman 2002, Krantz & Garcia-Moreno 2005*a*). The World Health Organization's multicountry study found that the prevalence of violence against women by their partners is most commonly between 23% and 49%, with the lowest level in Japan (13%) and the highest level (61%) in a Peruvian community (García-Moreno et al. 2005). Strong evid-

ence supports that violence against women is entrenched in power relations and gender hierarchies (Krantz & Garcia-Moreno 2005*b*, Larraín 1994, United Nations 2006, Watts & Zimmerman 2002).

In general, women and children are the main victims of domestic violence, and many - if not all- forms of violence are framed by the ways men and women construct, understand and enact their gender identities (Munck 2008, Moore 1994). Violence reproduces relations of domination and subordination of women (Sardenberg 2008, García-Moreno et al. 2005, Agoff et al. 2006). Because families in general are based on hierarchical or power relations amongst their members, they are particularly prone to violence, in a social context where violence directed to women and children is tolerated to different degrees (Corsi & Aumann 2003, Gelles 1980, Goode 1971). Moore (1994) posit that in social settings where dominant discourse of gender are based on mutually exclusive categories of woman and man and these are within a hierarchical structure, violence is highly sexualized and linked to the notions of gender and gender differences. Moore's main argument is that interpersonal violence, more than a manifestation of a breakdown of the social order, is a sign of a struggle for the maintainable of certain ideas of identity and power. I would argue, of male identity and power over women and children. Moore's perspective is interesting to understand a region where women and men's identities have been so marked by conservative ideas of motherhood and *machismo*.

Violence could be embedded in most social transformations in Latin America and is part of the daily lives of many (Briceño 2002, Munck 2008). Violence has been entrenched since the violent conquest, the colonization processes - with the legacies of slavery - a violent independence and the violent overtaking of resources and lands by Latin America's powerful elites (Karl 2003). More recently, violent authoritarian states and guerrilla movements have left their mark in social relations and institutions. The data show that after sub Saharan Africa, Latin America is the most violent region in the world, with an average rate of 20 homicides per 100,000 people in 2002 (Dahlberg et al. 2002, Cruz 1999, Buvinic et al. 2005). However, there are significant inequalities within the region with Colombia with 31, El Salvador 69 and Honduras 92 homicides per 100,000 in 2011, Mexico with 24, Costa Rica 11 and Chile 4 deaths per 100,000 <sup>6</sup>.

In this context, gender based violence is part of a social and cultural system of general gender, ethnic and class based exclusion and inequality where traditional male dominated practices still prevail (ECLAC 2007, Hoffman & Centeno 2003). According to the report by ECLAC (2007), the main common characteristics of VAW in Latin America are that it is positioned in a context of inequality, exclusion and impunity. Although aggregate or comparable regional figures on violence against women are not available due to discrepancies or lack of national data, some studies show that 41% of women have been victims of domestic violence in Peru; 40% in Nicaragua and

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<sup>6</sup>Data from the World Bank <http://data.worldbank.org/indicator/VC.IHR.PSRC.P5>

43% in Brazil. And that this violence is mainly directed to women by their husbands or partners (ECLAC 2007).

The region have shifted towards democracy and strengthened its institutions. It has adopted legislative measures to guarantee women's right to live free from violence. According to ECLAC (2007) the region has one of the most comprehensive legal frameworks in the world. All countries have adopted the CEDAW convention and are signatories to the Inter-american Convention to Prevent, Sanction and Eradicate Violence - Belén do Pará (1994) - that aims at tackling discriminatory practices in the judicial and legal system and the cultural practices that make violence possible. Countries have legislation in place to eradicate VAW that follow the progressive agenda of Belén do Pará. However, the main shortfall - at institutional level - is the implementation of said legal frameworks: creating the appropriate justice systems, harmonization of legal systems; budgeting for policies in areas such as education, health, public safety and within law enforcement agencies (ECLAC 2007). This lack of implementation of legal principles, and the insufficient response from state actors to violence against women, has lead the region to be known by its high level of impunity. The cases of Chile - and Mexico in particular - will illustrate this more clearly.

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Table 1: **Research Aim and Research Questions**

<b>Aim:</b> To understand the dichotomy between the continuous efforts to advance women’s human rights and gender equality and the pervasive resistance to this advancement, though looking into women’s bodily integrity, specifically gender and sexual based violence and women’s sexual and reproductive rights in Mexico and Chile.		
<b>Research Question</b>	<b>Research Area</b>	<b>Sub-question</b>
1. Why is women’s bodily integrity a particularly contested sphere of women’s rights and gender equality?	Perception	1.1 How to does violence against women and sexual and reproductive rights influence women’s situation? 1.2 What are the differences in perception between violence against women and sexual and reproductive rights?
	Institutional	1.3 Which issues are the most contested? 1.4 In what areas are efforts less effective?
2. How the resistances/backlashes to women’s bodily integrity perceived and addressed by policy makers and advocates.?	Perception	2.1 Are they considered as part of the social justice agenda? 2.2. Is there some tabú on issues of violence against women and sexual and reproductive rights policies?
	Institutional	2.3 Are there institutional problems to address violence against women and sexual and reproductive rights? 2.4 How are contested issues on women’s bodily integrity managed by intitutions/organizations?