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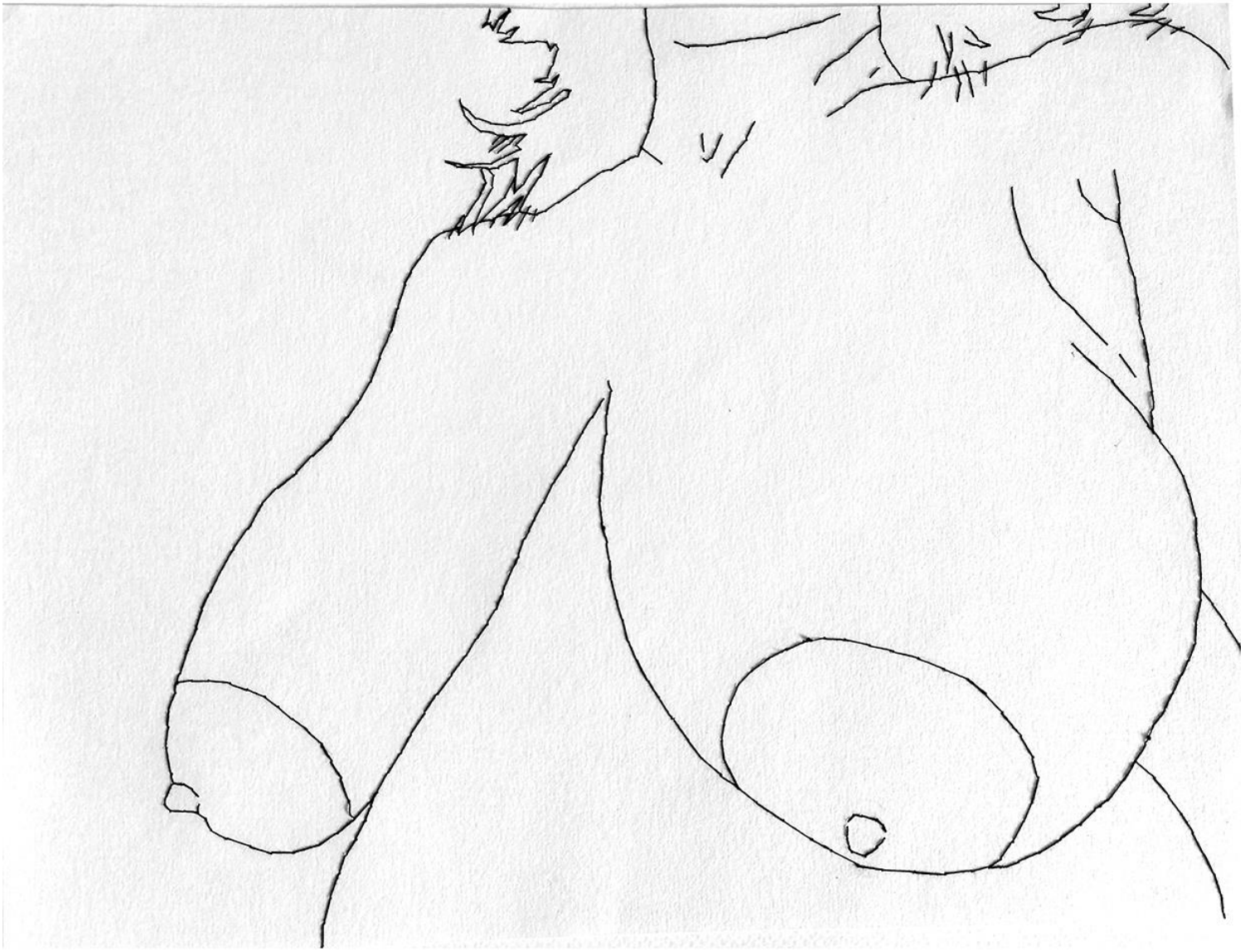

PLAYGROUNDS FOR MOTHERS, FATHERS, STATES AND IDEOLOGIES

Analize – Journal of Gender and Feminist Studies *is an on-line, open access, peer-reviewed international journal that aims to bring into the public arena new ideas and findings in the field of gender and feminist studies and to contribute to the gendering of the social, economic, cultural and political discourses and practices about today's local, national, regional and international realities.*

Edited by the The Romanian Society for Feminist Analyses AnA, the journal intends to open conversations among eastern and non-eastern feminist researchers on the situated nature of their feminism(s) and to encourage creative and critical feminist debates across multiple axes of signification such as gender, sexual orientation, age, disability, ethnicity, religion, etc.

The journal publishes studies, position papers, case studies, viewpoints, book reviews from practitioners of all grades and professions, academics and other specialists on the broad spectrum of gender and feminist studies.

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"Maternity test"

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Mihaela MICHAILOV

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The landscape of motherhood has gone through important social and political changes in recent years, due to relevant demographic changes, assisted reproductive technologies, work force migration, economical pressure and also profound impact of feminist thinking and practice.

In the last decades, maternity has continuously reshaped its social design, confronting on one hand with the challenges of emancipation and on the other hand with new capitalist frames of individualism and constrictive needs.

The current issue investigates the politics and intimate fields of motherhood, proposing intersectional perspectives that broaden the understanding of a whole range of representations, searching for new territories of reflection on maternity. The issue covers different aspects regarding maternity, related on economical implication of childcare to ethical dimensions and personal choices, thus covering a diversity of layers of identification.

In her text **Introduction to Kazakhstan's Contemporary Gendered Nationalism: The Case of 2019 Protests of Mnogodetnye Materi**, Aizada Arystanbek explores the conditions of life of *mnogodetnye materi* - mothers of multiple children – and their protests in Kazakhstan in 2019, searching to relate daily life to political and economical issues. 2019 has been a turbulent year for Kazakhstan, from the transition of power belonging to Nursultan Nazarbayev, an authoritarian president who had ruled for nearly 30 years, to Kassym-Jomart Tokayev. This period of transition gave birth to continuous civil protests. One of the well-known group of protestors has been a large and diverse group of *mnogodetnye materi* who has started protesting against the small welfare allowance for families with multiple children (families with four or more children). Aizada Arystanbek applies V. Spike Peterson's theoretical framework of gendered nationalism - **Sexing Political Identities/Nationalism as Heterosexism** - to argue that both the lenient treatment of *mnogodetnye materi* protests by the government and the backlash it has received could be

explained by analyzing the mothers' roles as biological reproducers and cultural carriers of the nation-state.

The essay **Born in Corruption: Maternity Care after the Change of System in Hungary**, written by Sarolta Kremmer, researches Hungarian maternity care seen from the perspective of a an over-medicalised approach to childbirth and also of an informal payment network that makes the level of corruption increase. The author emphasizes that technocratic maternity care and gendered corruption (especially the chosen doctor - model of care) are interconnected and support each other. The approach of the research changes the main field of interest. Instead of looking at data obtained from mothers, in-depth interviews recorded with healthcare professionals were thematically analyzed to identify key problem areas of maternity care and their intersections, thus broadening the understand of the political and social context of childbirth.

In their article **Undoing Motherhood**: **How IVF Breeds 'New' Mothers**, Xhenis Shehu and Maria Trifon focus on how the in vitro fertilization (IVF) method, as assisted reproductive technology (ART), recombines biological and social identities and defines new ways of understanding maternity. The two authors analyze the reconceptualization of motherhood in the new era of advanced technologies and re-established gendered roles and expectations, exploring different forms of control imposed by society, which most of the times embody patriarchal prescription. Motherhood is defined as a patriarchal institution, initiated as a promising premise for every girl-child, from the first menstrual evidence, culminating to the moment she gets impregnated or decides to have a child. IVF, alongside other ARTs forms have dissolved the fixed boundaries between good and bad motherhood conduct, emphasizing an individualized process of becoming, conditioned merely by a high degree of personal involvement, which can take diverse forms.

The myth of wonder woman: motherhood & entrepreneurship challenges surveys different types of pressure that women feel, having to assume various roles: good mothers, productive employees, housewives. The essay conceived by Adela Alexndru and Rodica-Corina Andrei is centered on interviews with 10 entrepreneurs who are mothers about their relationship with themselves, with their partner, with their child, with the job and with the state. One of the aspects that the author emphasizes is free access to specialized psychology/psychotherapy services, both

during pregnancy and after giving birth and the need to create efficient policies in order to support mother.

In his article **Male gaze in the cinema. How women in general, and mothers in particular, are represented in the movies of the ′70s**, Matei Lucaci-Grünberg explores the construction of feminity in the Romanian cinema and the positions of power structured in the way the viewer imposes his authority, creating, most of the times, desired objects of perception. The essay has as a starting point the references evoked by one of the most important cinema critic, Laura Mulvey, who depicted the male gaze from a feminist perspective, identifying ways and means of objectification and subordination of women through artistic creations. This model of analysis is related to the cinema industry in the 70's in Romania, focusing on female directors who gave motherhood an important place in their creations.

Est-ce qu'une femme peut disposer de l'enfant auquel elle donne la vie ? Une approche éthique de la maternité de substitution is a relevant reflection on the controversial issue of surrogacy. The author explores ethical aspects regarding the motherhood of substitution, the surrogate mothers and the way they are perceived. The issues of applied ethics are envisioned by Ana Luana Stoicea-Deram from a feminist perspective at the intersection with technological interventions. The research gathers various aspects of motherhood such as: social practice, economical contract, right of disposing of a child, commercial transaction, genetical relation as well as legal and ethical interpretations.

In the nonthematic section of this issue you will find also three very interesting studies as follows.

The article **Bias and the Politicization of Gender Studies Scholarship** sketches various ways in which opposition to gender studies research has manifested itself in Europe, Brazil or the Russian Federation, confirming stereotypes regarding the *threatening other*. The essay written by Kristína Kállay and Veronika Valkovičová into account multiple strategies of haressing and bullying gender studies scholar, as well as the inferior epistemic status of gender studies in the epistemic cultures of higher education.

The study entitled **Women in the Arab Feminist Discourse: Between the Transnational Feminist Theory and the Islamic Feminist Theory**, written by Ilham Zemouli aims at providing historical as well as theoretical background, analyzing the rise of the Arab feminist discourse in

activism and in scholarship and the Islamic feminist theory in the context of broader intersectional reflections. The article focuses on Arab Muslim women's representation, their distinct resistance to multidimensional oppression, as well as their quest for liberation.

Dunya Suleymanova centers her essay - **Is it possible for an "Islamic Feminism" to exist?** – on significant changes that shaped the politics of gender equality in Muslim countries. Dunya Suleymanova refers to important personalities that reflect on Islamic Feminism, a term that arose in 1990, and its deep connections to religion and tradition. Among them, she mentions Margot Badran, the author of Feminism in Islam, Amina Wadud - the world's first woman who delivered a Friday Khutbah - a role traditionally taken by men - in a Cape Town's mosque in 1994, Asra Nomani, a writer-activist who views the practice of men and women praying separately as sexist, Alaa Murabit, an activist who fought for women's rights and needs, founder of "The Voice of Libyan Women", a social networking program for women. In 2012-2013, the volunteers of the program conducted an educational campaign in Libya: they went to homes, schools, universities, mosques and talked to fifty thousand people. Taking into account relevant changes in approaching Islamic Feminism, the author concludes that there are still important and necessary transformations to be expected.

Also the issue includes two book reviews: **Women, Civil Society and Policy Change in the Arab World**, edited by Nasser Yassin and Robert Hoppe and **Sharīʻah or the Human History of Divine Will,** by Alina Isac Alak.

The review of the book **Women, Civil Society and Policy Change in the Arab World**, edited by Nasser Yassin and Robert Hoppe, reflects on the Arab Uprisings, with a focus on women and their role in the revolutions that shook up the Middle East in 2011 and subsequent years. The author of the review, Frank Elbers, examines the profound relevance of the implication of women in shaping the revolts against the autocratic regimes of Tunisia, Egypt, Libya, Yemen and even Bahrin.

Marius Lazăr contextualizes Alina Isac Alak's book, **Sharīʻah or the Human History of Divine Will**, as a key research on Islamologic studies. The book proposes a reflection on the status and evolution of the juridical-theological corpus designed by the generic term Shari ah. The fundamental thesis of the book is that Shari ah is not a sacred normative corpus, but a historical collection of successive doctrinary developments. The author pays special attention to the status of women in different systems of Islamic jurisprudence.

Introduction to Kazakhstan's Contemporary Gendered Nationalism: The Case of 2019 Protests of *Mnogodetnye Materi*[1]

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Abstract

The text is centered on the continuous protests of mothers of multiple children (*mnogodetnye materi*) that have started in February 2019 in Kazakhstan. By applying V. Spike Peterson's theoretical framework on gendered nationalism, the author seeks to explain the lenient treatment of protesting mothers by the authoritarian Kazakhstani government, as well as an extensive backlash that the movement of the mothers have received both from the general public and certain governmental officials. The article argues that by emphasizing their roles as biological reproducers and cultural carriers of the nation *mnogodetnye materi* were able to distance themselves from pro-democratic grassroots movements that have started to emerge around the same period in Kazakhstan and, therefore, secure a more tolerant reaction from the government that consistently cracked down on protesters throughout 2019. However, an open critique of their current economic condition has undermined the mothers' adherence to standards of hegemonic femininity, which implies obedience, 'purity of heart' and does not presuppose active protesting and calling attention to the precariousness of their positions as mothers of multiple children.

Keywords: *gendered nationalism, motherhood, Kazakhstan, Central Asia, parental welfare.*

2019 has been a turbulent year for Kazakhstan, from the transition of power form Nursultan Nazarbayev, an authoritarian president who had been in power for nearly 30 years, to Kassym-Jomart Tokayev to continuous civil protests. One of the well-known group of protestors has been

[1] The Russian term for mothers with multiple children is used in this essay, as there is no specific name for such mothers in English language.

a large and diverse group of *mnogodetnye materi* (mothers of multiple children – Russian). These mothers have started protesting the small welfare allowance for families with multiple children following an infamous fatal accident of one family in February 2019. On the scene of burgeoning civil protests in the spring and summer of 2019, *mnogodetnye materi* have actively engaged in peaceful demonstrations for their cause of increasing social welfare for families with multiple children. The reactions to the mothers' protests have been rather ambiguous with some people siding with their demands, while others seeing their frustrations as over-reliance on the government to solve their problems. The persistence of the mothers' protests and reactions they produced from the government and the public make this case an illustrative example of V. Spike Peterson's (1996) argument. According to Peterson, social and economic processes of the state are always gendered and constantly influenced by the family/household relations how a family/household situation is a site of gendered processes that both affect and are affected by state nationalistic politics. In my paper, I apply Peterson's theoretical framework of gendered nationalism to argue that both the lenient treatment of *mnogodetnye materi* protests by the government and the backlash it has received could be explained by analyzing the mothers' roles as biological reproducers and cultural carriers of the nation-state. Whereas the mothers' emphasis on their contribution to the reproduction of the nation and detachment from pro-democratic protests and feminist ideology have helped them to earn a more civil treatment from the government, the critique of *mnogodetnye materi* could be explained by their failure to comply with the state standards of hegemonic femininity.

In Kazakhstan, *mnogodetnye* families are considered to be families with four children or more[1]. Drawing a complete picture of the situation of the protests and policies that followed in response to them would go beyond the scope of this paper. Therefore, I will focus on briefly outlining the timeline of the protests and the major aspects of the government's response to them. According to the 2017 statistics, there are around 300 thousand families with four or more children[2]. The problems with underfunding and inaccessibility of social support have existed before but the

[1] Kseniya Voronina, 2019, "Почему Помощь Многодетным Семьям Важна Для Будущего Всего Казахстана," *Sputnik Казахстан*, March 5, 2019, https://ru.sputniknews.kz/exclusive/20190305/9509918/mnogodetnaya-semya-kazakhstan-pomosch-unicef.html.
[2] Kseniya Voronina, 2019, "Почему Трагедия Одной Семьи Стала Горем Для Всего Казахстана - Мнение Детского Омбудсмена," *Sputnik Казахстан*, February 13, 2019. https://ru.sputniknews.kz/exclusive/20190213/9277637.html.

situation took a dramatic turn after the tragic death of five children, aged from 11 months to 12 years, on the night of February 4th, 2019. The five children died from carbon monoxide poisoning after a fire has started in their *vremyanka* home (a poorly built construction with an iron stove as a source of heating that is usually constructed for a temporary living). Both parents were out working night shifts when the fire broke out. Children of working-and lower-class families dying in fires, especially during the heating season, is not a rare occurrence in the country[1]. However, after the accident in early February, more and more *mnogodetnye materi* have started to address the local governments all over the country about the inadequacy of the support they have been receiving. The case received a lot of attention from the public with multiple social media posts condemning negligence by the government of its people. It uncovered extremely poor conditions in which *mnogodetnye materi* and their children have to live in and unsatisfactory amounts of money that they receive as part of the social welfare system.

Mnogodetnye materi have staged multiple protests throughout 2019 by occupying local *akimats* (regional governmental offices) and public spaces all over the country. Their consistent demands have resulted in the creation of family centers and state-sponsored foundations to tackle the problem[2]. Nazarbayev, the president of the country at the time, announced the resignation of the current government due to its failure to resolve social issues in the country shortly after the accident and Yerbolat Dosayev, the vice-prime minister at the time, created a working group tasked with coming up with solutions to the problems of social support of *mnogodetnye* families[3]. The details of the policy change that followed the February accident and the unrest of the families, while important, are not as relevant for this paper. However, it is necessary to notice that the response from the government, in terms of public speeches and setting off the reforms targeting financial support and accessible housing on paper, was quite swift. Whether or not such a response will turn out to be consequential for families with multiple children, in the long run, remains yet to be seen.

I argue that what is worth focusing on in this situation is the government´s engagement in a more or less consistent dialogue with the mothers and the negative comments made by both government's officials and members of the public accusing the mothers of depending on the state

[1] Ibid.
[2] Olga Loginova, 2019, "Материнский Раздор," *Власть*, August 19, 2019, https://vlast.kz/obsshestvo/34841-materinskij-razdor.html.
[3] Aleksei Aleksandrov, Svetlana Glushkova, and Ganizat Ospanov, 2019, "Kazakh Mothers: Proving A Force For Change," *Current Time*, February 21, 2019, https://en.currenttime.tv/a/kazakhstan-mothers-protests/29880082.html.

to solve their problems. As previously mentioned, 2019 has been a tempestuous year for Kazakhstan with multiple protests erupting in the country advocating for different causes. The government has cracked down heavily on the freedom of assembly and the freedom of expression resulting in some ridiculous arrests[1]. However, the group of protesters that have been spared arrests and received arguably the most democratic treatment has been the group of *mnogodetnye materi.* They were the first group to openly protest in front of the parliament, an unprecedented occurrence, which led to a meeting with the vice-minister of labor and social welfare and vice-akim (vice-mayor) of the capital[2]. The juxtaposition between this rather civil treatment of the *mnogodetnye materi* and consistent jailing and surveillance of, for instance, members of the pro-democratic *Oyan, Qazaqstan* (Wake up, Kazakhstan) movement could be explained with the feminist critique of nationalism.

Peterson (1999) reiterates the use of "women as heterosexual/biological reproducers of group members"[3] described by other scholars like Anthias and Yuval-Davis (1989) and Vickers (1990). Nationalistic rhetoric puts women in a position where they are reprimanded to "fulfill their duty to the state/nation by bearing children in the service of group reproduction."[4] Biological reproduction guarantees survival of the nation and when women fulfill their role as the reproducers they are usually raised to a higher status within the society due to their labor of being a mother. Since *mnogodetnye materi* have positioned themselves first and foremost as caring mothers eager to carry out their "duty", they are being given special treatment by the government because they represent a useful resource to the state/nation. In the scenario of a patriarchal state, "women are cast as baby-makers requiring protection to ensure group reproduction."[5] Not only *mnogodetnye materi* have fulfilled the implied mission of their lives by contributing to the increase of the country's population, but their demands are also focused exclusively on their conditions as mothers. Peterson argues that the contemporary state is a patriarchal institution that assumes the role of the protector of the nation, where the state itself is masculine and strong, while the land is

[1] Daniel Victor, 2019, "A Man in Kazakhstan Held Up a Blank Sign to See If He'd Be Detained. He Was." *The New York Times*, May 9, 2019, https://www.nytimes.com/2019/05/09/world/asia/kazakhstan-protests-blank-sign.html.
[2] Tamara Vaal, 2019, "Группа Многодетных Матерей Собралась На Акцию Протеста в Центре Столицы." Власть, July 12, 2019, https://vlast.kz/novosti/34320-gruppa-mnogodetnyh-materej-sobralas-na-akciu-protesta-v-centre-stolicy.html.
[3] V. Spike Peterson, 1999, "Sexing Political Identities/Nationalism as Heterosexism," *International Feminist Journal of Politics* 1 (1): 45.
[4] Ibid., 44
[5] Ibid., 45

feminine and in need of protection. *Mnogodetnye materi* coming out and claiming that they do not receive enough support from the state is the accusation that the state has failed to fulfill its primary role as the protector of women, who have held their end of the bargain by reproducing the members of the nation.

Here, it is necessary to mention that Kazakhstan is one of the countries with the least density population in the world[1]. The importance of the growth of the population has been emphasized by Nazarbayev for years[2] with various policies implemented that warrant financial incentive to give birth to more children[3]. The call for the reproduction of the nation has been such an active part of the politics of independent Kazakhstan that *mnogodetnye materi* exposing how inadequate the state has been in supporting women who do produce many children has undermined the role of the state as the masculinist protector. This exposure to the state's masculinist inadequacy could be one of the reasons why the government was so swift in its response to *mnogodetnye materi.* The instantaneous and continuous response to the demands of the mothers, whether or not it is proving to be fruitful for the change of their quality of life, could be interpreted as the Kazakhstani state trying to rectify its reputation of the protector of fertile women.

Furthermore, asides from *mnogodetnye materi* representing the group of women who have successfully fulfilled their biological "destiny", the response of the state to the mothers' protests could also be explained by looking at their assigned roles of "social reproducers of group members and cultural forms."[4] The agenda of *mnogodetnye materi* movement is securing financial support from the government and making sure that this support reaches them. Unlike many other movements, they do not specifically demand democratization in the country and eschew the feminist agenda in their protests. Thus, it could be said that *mnogodetnye materi* do not cross the line of their role as cultural reproducers in a specific way, in which they do not frame their demands as fighting against the status quo of the current political system of the country. The women of the

[1] "Countries By Density Population," 2019, World Population Review, September 30, 2019, http://worldpopulationreview.com/countries/countries-by-density/.
[2] *Диапазон*, 2010, "Назарбаев Возмущен Плохой Рождаемостью," March 5, 2010, https://diapazon.kz/news/9029-nazarbaev-vidit-paradoks-v-snizhenii-rozhdaemosti.
[3] Aygerim Abilmazhitova, 2016, "Бэби-Бум Казахстана Надо Поддерживать – Назарбаев," *Tengri News*, December 15, 2016, https://tengrinews.kz/kazakhstan_news/bebi-bum-kazahstana-nado-podderjivat-nazarbaev-308280/.
[4] V. Spike Peterson, 1999, "Sexing Political Identities/Nationalism as Heterosexism," *International Feminist Journal of Politics* 1 (1): 45.

mnogodetnye materi movement seem to be complicit in their role of "cultural carriers" and do not threaten the men of the group by demonstrating the lack of respect towards the dominating culture. Therefore, *mnogodetnye materi* represent a group of women that fulfill their primary function in the eyes of the patriarchal nation-state by giving birth to multiple children, as well as upholding the cultural values of the state by not going explicitly against the regime itself but rather demanding more stable support for their contribution to the survival of the nation. Both of these factors, biological reproduction and lack of cultural critique, could explain such tolerant reaction that *mnogodetnye materi* have received from the Kazakhstani government compared to the other protesting groups.

Now, let us turn to the criticism that *mnogodetnye materi* have received from the government officials and members of the public. The main point against the movement has been that the mothers are demanding for the government to take responsibility for their individual choices to reproduce. They have been accused of recklessness by continuing to get pregnant and giving birth to children when their families do not have enough resources to support all of the children. I argue that this critique is taking the situations of these mothers out of the context. In addition to the families simply agreeing and complying with Nazarbayev's message that families should have more children, the critique also does not take into the account multiple factors like poor access to contraception, religious reasons not to use contraception[1], absence or bad quality of sexual education, historic background of the Kazakh Soviet past when having more children was considered a norm. Moreover, men often demand the continuation of their bloodline with either as many male heirs as possible or until a woman produces a male heir. What Peterson describes as men's appropriation of a "familial model of reproductive ties but their distancing from reproductive activities" could account for why men desire more children. Their detachment from the processes of pregnancy, giving birth, and bringing up a child alleviates the burden of having more children in their eyes. At the same time, the patriarchal model of the nation-state demands from men to produce as many children as possible as a legitimization of their masculinity. All these factors are being overlooked when the blame for having "too many" children than one family can financially handle is placed on mothers. This blind spot in the critique stems from the way the

[1] The majority of Kazakhs are Sunni Muslims and contraception is considered to be a sin by many Muslims.

masculinist nation-state emphasizes women's responsibility for what is going on inside a family rather than exposing the way patriarchal institutions affect the private sphere.

Another reason why *mnogodetnye materi* draw criticism towards their actions could be that, while they do fulfill their role as biological reproducers, some people may perceive these women being in breach of their roles as cultural reproducers in a way that goes against the standards of femininity. Deputy of the parliament Qaraqat Abden has published an opinion piece in November 2019 appealing to the public to remember who the "real" mother of multiple children is. In her article, Abden states that, for decades, *mnogodetnye materi* have had a reputation of women full of kindness, elegancy, purity, and tenderness[1]. Abden urges to remember this image juxtaposing it with "rude, untidy, embittered woman constantly yelling obscenities,"[2] which is supposedly how she sees the members of the *mnogodetnye materi* movement. According to Abden, even before *mnogodetnye materi* did not live in lavish circumstances but still managed to remain the epitome of purity and light. Abden's critique is quite telling of how quickly women tend to fall from grace when they show some level of aggression and dissatisfaction.

While *mnogodetnye materi* have succeeded in distinguishing themselves from the critics of the political regime and thus reinforcing their roles of cultural carries in this sense, their active speaking out against their treatment by the state still obstructs gender roles assigned to them. "Whenever women speak out, claim equal rights, control their reproduction, […], they disrupt gender stereotypes and masculinist practices."[3] By displaying negative emotions *mnogodetnye materi* become hysterical and unhinged, which impedes the credibility of their demands. This creates a double bind for these mothers, in which asking politely by going through the system of complaints has resulted in little alleviation of their circumstances while clamoring for change more aggressively paints them as ungrateful and duplicitous. What Peterson describes as hegemonic femininity, an unachievable set of gender roles that are rooted in nationalist rhetoric, becomes even more unattainable for *mnogodetnye materi* who overtly state their discontent defying the role of complaisant women-nurturers. Moreover, men are largely absent from the movement, even though many of the mothers do have legal marital partners. This reiterates the fact that it is women who

[1] Qaraqat Abden, 2019, "Кто она — многодетная мать?" *Вечерняя Астана*, November 5, 2019. http://vechastana.kz/kto-ona-mnogodetnaya-mat/.
[2] Ibid.
[3] V. Spike Peterson, 1996, "The Politics of Identification in the Context of Globalization," *Women's Studies International Forum* 19 (1–2): 10.

are assigned the responsibility of taking care of the children and who are the ones to take the blame for both reckless reproduction and the audacity of asking for state welfare.

What such criticisms of *mnogodetnye materi* like that of Abden misses is that, while feminist agenda is actively absent from the movement's framework, the issues that the mothers are tackling are very much feminist issues that have little to do with the women becoming too dependable on the state but rather directly connected to the gendered policies of the state that tend to put women in the substandard position, to begin with. Peterson (1996) outlines how poverty is a feminist issue by simply looking at the statistics. "Worldwide, women earn less (approximately 60% of men's earnings) and own less (approximately 1% of the world's property) than men even as they are responsible (up to 30 % of households are headed by women) for themselves and society's children."[1] Peterson argues that state policies on welfare and benefits are gendered both because women tend to be poorer and because "current policies reproduce gendered (and ethnic/racist) divisions of labor and, therefore, power."[2] Thus, while it may seem that it was a conscious choice of *mnogodetnye materi* to continue having children knowing that they cannot provide for them, Peterson's theoretical framework allows us to understand that women exist in the system that is designed for them to fail in the first place, while also pressuring them to reproduce by placing the authority of their reproductive power into the hands of men.

To conclude, this essay places the recent emergence of the protests of *mnogodetnye materi* in Kazakhstan in the context of the feminist critique of nationalism by Peterson. Peterson posits that studying public sphere topics, like nationalism, without taking the gender aspect into the account, provides skewed results that cannot fully account for the social phenomenon in society. By showing how these mothers are perceived by both the government and the public, I argue that rather than placing blame on individual choices of those women, we need to understand the circumstances in which they are encouraged to fulfill their roles as both biological and cultural reproducers, as well as the rigid constraints, that are being placed on them due to their identities of women and mothers. While the value that *mnogodetnye materi* represent to the masculinist institution of the nation-state, especially in the context of a small population of Kazakhstan, has earned them a more magnanimous treatment from the Kazakhstani government, the women have

[1] Ibid., 8.
[2] Ibid.

still come under the attack for defying the impossible standards of femininity and maternity. What Peterson's work on gendered nationalism teaches us is that such treatments of women are never accidental and should be accounted for from the gendered perspective, as it is impossible to ignore the gender aspect in the system of the contemporary nation-state which nationalism rhetoric and public policies are inherently gendered themselves.

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Born in Corruption: Maternity Care after the Change of System in Hungary

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Abstract

By today Hungarian maternity care is defined by both an over-medicalised approach to childbirth and an almost universal corruption problem. The current article aims to explore the relationship between technocratic maternity care and informal payments in Hungary, to provide a framework for understanding the context in which Hungarian women regularly engage with subsets of gendered corruption during the perinatal period. Looking at the development and current situation of modern maternity care in Hungary and assessing the historic development of public healthcare and micro-level corruption lays out the theoretical foundations for the article. Drawing on recent findings in the intersections of informal payments and maternity care the chosen doctor-driven subset of informal payments is introduced. Thematic analysis of in-depth interviews with maternity care professionals resulted in identifying 7 significant problem areas which are interlaced with corruption in maternity care. Revision of the selected interview excerpts led to the conclusion that in the Hungarian context modern, technocratic maternity care and gendered corruption (especially the chosen doctor - model of care) are interconnected and support each other. Further research is needed to discover how these phenomena became interlaced historically and to formulate women-centered policy recommendations for resolving this issue.

Keywords: *gender, maternity care, birth, corruption, informal payments*.

1. Introduction

Even though maternity services are publicly funded and free of charge, today, in 21st century Hungary, more than 60% of pregnant women plan to give birth with a personal obgyn contracted

unofficially (KSH, 2019). In most cases the "chosen doctors" are compensated after the birth in the form of under the table payments but publicly available data about birth interventions suggests, most of the time women may be paying for suboptimal care. (Baji et al., 2017, p. 18-19. Rist, 2019)

Researchers working in the fields of sociology of childbirth wrote in great depth about the processes through which modern, medicalised childbirth was normalized, but the issue of informal payments in maternity care remained mostly uncharted territory. In recent years, authors like Petra Baji, Tatiana Stepurko, Nicholas Rubashkin, Imre Szebik and their fellow colleagues addressed certain aspects of under the table payments' effects on maternity care but many questions remain unanswered. Baji et al. found that women are most likely to be paying to secure a known provider and according to Gaál and McKee's typology, informal payments are following the fee for service model in maternity care. (Baji et al., 2017, Gaál and McKee, 2005)

In this article I intend to explore how modern obstetrics and informal payments are interacting in Hungary. Is it possible to look at maternity care in Hungary without taking into account system-wide micro-level corruption? Seeking to answer this question, I chose a different approach from recent studies on informal payments in maternity care. Instead of looking at data obtained from mothers, in-depth interviews recorded with healthcare professionals were thematically analyzed to identify key problem areas of maternity care and their intersections.

To put the interview excerpts in context, first I will discuss the transformation of maternity care in Hungary and the significance of medicalised childbirth in women's health. Given the countries' historic background as a former member state of the Soviet Union, the development of the Hungarian public healthcare system and micro-level corruption with a focus on maternity care is described as well. The method of thematic analysis and my theme-selection process is explained before discussing the interview excerpts.

2. Transformation of maternity care

Only 120 years ago, pregnancy and birth were still women's domain in Hungary as well as in all other countries of the world, regardless of their position in the world system. The vast majority of births, approximately 95% happened at home and were attended primarily by midwives (Novák, 2015). Birth was not considered and treated as a medical event, but rather a common, normal

episode of a woman's reproductive life, a family matter. Pregnancy and birth were managed through culturally embedded, local knowledge - something women passed down through generations, something that belonged to them. (Svégel, 2018, p. 238)

This perception of birth and midwifery started to shift when the state's interest in the management of populations took effect. By the end of the 19th century, improving the health of infants, children and mothers became an important issue: to tackle maternal mortality, centralized midwifery training was introduced and enforced on all birth attendants. (However due to the insufficient number of midwives in the country, lay midwives were not deterred from attending deliveries.) After the First World War, the first birth centers were built, but these institutions were mostly used in the capital, Budapest until the 1950s. Countryside women continued to rely on local midwives' care and preferred to give birth at home. (Simonik, 2011, p.15)

The reasons many Hungarian women of the last century were hesitant to give birth in healthcare institutions are manifold: the displacement of birth meant the discontinuation of a significant rite of passage in its traditional form, the separation from family and friends and the fear of death being adjoined with the fear of the unknown. According to a countryside midwife's monograph, in the early stages of medicalisation women instinctively avoided birth centers as they believed, those who gave birth in institutions, died, while those who remained home, survived childbirth. (Szécsi, 2015) This assumption was likely to be a result of intergenerational experience: until the 1950's, the leading cause of maternal mortality was puerperal fever, an infectious disease women were more likely to contract in hospitals, where doctors tended to a wide array of illnesses. The widespread use of antiseptic techniques just began at the turn of the century (Gárdos and Joubert, 2001). In 1953, when about two-thirds of births still happened outside the hospitals and birth centers, a new law took effect, aiming to relocate all births to institutions in the following 4 years. Nevertheless, this change of birthplace took place gradually and was only complete by the 70s. (Novák, 2015)

The displacement of birth can be perceived both as an indicator and an essential criteria of the great transformation of maternity care in the 20th century: the medicalisation of birth or, in other words, the technocratic paradigm shift. The medicalisation of birth can be described as a fundamental change of perspective: the perception of birth shifted from normal to pathological, from something that happens in its own pace to a dangerous event of which one should gain control

of. Robbie Davis-Floyd identifies the focal points of the technocratic approach as measuring birth against objectively assessable, quantified standards, and applying technological interventions to normal, physiological processes. Technocratic birth culture relies on the complete handover of power, liability and responsibility from the birthing woman to the healthcare professional in charge. (Davis-Floyd, 2003) The exchange of power comes with a new vocabulary of risk evaluation and the false promise of overcoming death in the domain of pregnancy and birth - if and only if women do as they are expected. This point of view utilizes scientific rationality as the only means to achieve a positive outcome. From this perspective, the female body poses a threat to both itself and the fetus, and labor and delivery can be deemed normal only in retrospect. (Murphy-Lawless, 1998, p.5-7.) Cherniak and Fisher suggest that contemporary obstetrics employs the engineering model of the body, in which body and mind are separable instead of interconnected and decisions are solely based on objectively measurable information. The slightest deviation from the narrow limits of normal requires an intervention to prevent complications. (2008) A birth is considered successful if both the newborn and the mother are alive at the end - variance in their overall wellbeing, like breastfeeding problems, postnatal depression or incontinence, just to name a few, stemming from the psychological and physiological effects of unnecessary surgeries, interventions and disrespectful care, is rarely taken into account.

Contemporary Hungarian maternity care customs align with the aforementioned technocratic - medicalised paradigm as indicated by high rates of surgical interventions and high levels of obstetric violence. Amongst many other indicators used in the medical community, the rates of obstetric surgeries provide a straightforward objective quality control measure against which countries', hospitals' or even individual healthcare professionals' performance can be evaluated. Population-based caesarean-section rates are widely used as an indicator of maternity care availability and quality of care. (Escuriet et al., 2015) The number of caesarean-sections in proportion to all live births could signal an underdeveloped healthcare system, or, on the other side, as suggested by the World Health Organization, when the frequency of c-section rates exceeds 10-15%, it is likely that they are used excessively causing more harm than good. Sandall et al. writes that c-sections may have negative short- and long-term effects on the health of women such as uterine rupture, ectopic pregnancies and placental abnormalities. They could also cause altered immune development in children born via surgical birth, along with asthma, obesity and allergies. (Sandall et al., 2018, p. 1352) The most recent data from Hungary is from the year 2018,

when 41% of all live births ended with a c-section. (WHO, 2015, 2018, Rist, 2019) Data obtained from Eurostat shows a different rate for the same year in Hungary (38.083 %) but allows for a comparison between other EU countries, making Hungary the 5th in line - only Poland, Romania, Bulgaria and Cyprus have a higher rate of c-sections. Another interesting variable is the rate of episiotomies: according to the latest data from 2018, an episiotomy, the surgical cutting of the vaginal opening was conducted in 55% of vaginal births, whereas routine use of episiotomies is contraindicated by the WHO. (WHO, 2015, Rist, 2019)

At the same time the emergence of the homebirth-movement in the 1990s and the grassroots birth rights movement 26 years later can be perceived as indicators of Hungarian women's dissatisfaction with this model of care. (Kisdi, 2013)

3. Development of public healthcare and micro-level corruption

According to a study carried out for the European Commission, when it comes to the expansion of healthcare corruption, Hungary ranks as the 4th worst amongst EU member states - 89% of the population agreed that corruption is widespread in the country and 10% admitted to having had to give an out-of-pocket payment in order to receive treatment in a public healthcare institution. (European Commission, 2017) The *Updated study of healthcare corruption* specifies six healthcare corruption typologies, out of which in the present paper, informal payments are selected for further analysis due to their prevalence in Hungarian maternity care. An informal payment is defined as an unofficial payment for a healthcare service the payee is entitled to through healthcare insurance. (Baji et al., 2017) Informal payments for maternity care are predominantly different from IPs in other areas of healthcare in the sense that more than two thirds of Hungarian women choose a single obstetrician to follow their pregnancies and deliver their babies. Personalized care in public health facilities is not compensated by universal health insurance, but rather comes hand in hand with informal payments affecting the quality of care women receive. (Baji and Sági, 2018, European Policy Brief, 2013.)

For a comprehensive understanding of the issue, I will first elaborate on the development of the Hungarian public healthcare system in which informal payments' developed and locate the time IPs appeared in a similar form as they exist today.

The beginning of the 20th century was the turning point for mandatory social health insurance in Hungary: by the 1930's one third of the population, mainly industrial workers, public employees and their family members participated in the national health insurance scheme. A few state hospitals existed, however most healthcare was carried out in the private sector until the early 1950's, when the new communist regime defined public healthcare as the state's responsibility. (Gaál et al., 2011) The new arrangement brought an increase in life expectancy and an improvement in the overall health of the Hungarian population, but the lack of sufficient resources resulted in the emergence and expansion of informal payments. (Gaál et al., 2011, Gulácsi, 2001)

Gaál and McKee, based on their review of 22 studies, outline three distinct explanations for the development of the informal payment-system: the socio-cultural, the legal-ethical and the economic understandings. (2005) According to the socio-cultural approach, informal payments appeared prior to the socialist period. They are voluntary, similar to a gift - a simple display of gratitude for healers, with no adverse effects to the quality of care. The economic concept defines the causes of informal payments as a result of inadequate working conditions, an insufficient level of medical supplies and physicians' low wages. From this perspective, informal payments allowed the socialist healthcare system to keep running. Lastly, according to the widely criticized legal-ethical understanding the low moral standards of physicians and a lack of legal consequences provided an ideal environment for IPs to become widespread. (Gaál and McKee, 2005, p. 1448) The studies cited by Gaál and McKee often apply more than one of the aforementioned approaches to the analysis of the informal payment-systems' emergence. Buda, for one, mentions multiple reasons for the government's apparent decision to turn a blind eye to the healthcare corruption issue: IPs were a means to reduce the likelihood of criticism of the socialist regime coming from doctors, an essential group of white-collar intellectuals. IPs also allowed for the compensation of inadequate working conditions, provided doctors with extra income and a sense of autonomy. He also ties the offering of different objects, services or even favorable positions as bribes to the further strengthening of the feudalistic hierarchical structures in the medical community. (Buda, 1992)

To avoid unnecessary simplification of these accounts, Gaál and McKee advise an alternative to the trifold classification by distinguishing the motives of IPs: the fee-for-service and the gratitude or donation models. (2005) In their later works, Gaál et al. suggest disregarding the gratitude

element and the socio-cultural explanation and rather applying the fee-for-service model in the Hungarian context. (Baji et al. 2017)

After the change of the socialist system, market solutions aiding the Hungarian population in accessing private healthcare appeared in the form of supplementary health insurance companies and voluntary mutual insurance funds. (Vallyon, 2011) Even so the systemic informal payment issue did not decline, but rather a strange brew of privately and publicly funded healthcare services appeared in the form of double practice.

Double practice refers to the phenomenon of a doctor having a private practice while also working in a public healthcare institution. In this indistinct, obscure network, care for an illness often starts in a doctors' private office, but surgeries or diagnostic imaging services are carried out in public hospitals, usually by the very same doctor, for an informal payment. (European Commission, 2017) This course of action increases inequalities as those able to afford private appointments may get privileged access to publicly funded services. Double practice is especially frequent in maternity care: prenatal appointments are often scheduled to an obgyn's private clinic, while births take place in public hospitals.

Until recently there has been no serious attempt to prohibit informal payments or double practice by law. Only slight adjustments were made to legislation but prosecution for bribery or any other offence related to healthcare corruption is rare. Current laws do not allow medical professionals working in public health to accept informal payments in advance, nor can they ask for any money directly. Nevertheless, de jure, they are entitled to accept any payments offered after a treatment or an appointment and they are allowed to answer the question if a patient makes a query about the amount they are usually paid for a specific service. (Hollán and Venczel, 2019) These exceptions are problematic on many levels, e.g. the high prevalence of chronic illnesses allows for a murky definition of the time a patient-physician relationship is over.

In 2012, the revision of the Labor Code granted hospital directors the right to forbid their staff members from accepting informal payments but no institute made such a policy ever since. In a 2019 interview, public health researcher Péter Gaál suggests informal payments are a means for keeping healthcare professionals in public institutions - considering their low wages, without IPs many would flee either to private hospitals, or even abroad, risking the collapse of public healthcare in Hungary.

The issues of informal payments and double practice stem from the same root causes, the overall lack of proper funding of public health, healthcare workers' low wages and understaffed clinics and hospitals. (European Commission, 2017) After joining the European Union in 2004, migration of healthcare professionals escalated, doctors within the 20-49 years old age groups are most likely to leave the country and approximately 60% of resident doctors plan to work abroad for at least 2-3 years. The latter groups' main motivations for moving are higher wages, better working conditions and more opportunities for professional development. Great Britain, German-speaking and Scandinavian countries are the most frequently mentioned destinations. (Eke et al. 2009, p. 814) Botezat and Ramos point out that the possibility of a 10% increase in wages increases doctors' inflow by approximately 20%. (2020) Since Hungarian medical professionals' income is about one-tenth as much as that of their Western colleagues, the prevalence of doctors' migration to the above mentioned countries comes as no surprise. (European Commission, 2017) In October 2020 a new healthcare bill was passed in parliament introducing a long term wage settlement plan for doctors and prohibition of informal payments. The new healthcare law came into effect in January 2021, however multiple accounts suggested that obgyns will be the exception to the new bill's section prohibiting double practice.

4. Informal payments' impact on maternity care

Multiple accounts about the Hungarian informal payment issue mention that maternity care is among the most severely affected fields. (Bognár et al. 2000, Antal, 2016) By now, in middle class families, informal payment is considered a necessary element of maternity care - a sphere in which predominantly healthy people are looked after. Even so, in the Hungarian context there are only a handful of studies addressing this issue specifically. Out of these few, two accounts examined women's experiences and took a predominantly empirical approach aiming to shed light to women's motives, the prevalence of IPs and the association of IPs and obstetric interventions. Both of these studies found that the act of paying is intertwined with having a chosen, personal doctor (an obstetrician who agreed to be present during delivery prior to the birth): Baji and Sági state that in the sample they examined, all women who had a chosen doctor, paid informally. (2018, p. 82) In a study of internet-using women who gave birth in the 5 years prior to completing a questionnaire in 2016, Baji et al. found 79% of women with a chosen obstetrician gave an informal payment. Preliminary results of a countrywide cohort-study from 2018 display that 97% of

pregnant women planned to give birth in a public hospital, 35% with a chosen doctor, 29% with both a chosen doctor and midwife and 5% with only a chosen midwife present and 2% decided on a private maternity unit. Altogether, only 29% planned on giving birth with the help of the midwives and obstetricians on call. (KSH, 2018)

Drawing on the results of the Baji et al. study of 2017 and the patient-typology of Tatiana Stepurko's ethnographic study in a Kiev hospital, I suggest making a distinction between the informal payment given to a chosen doctor (or midwife) and the informal payment paid to the on-call personnel based on the different motivations for these payments. (2013) The gift or money given to on-call obgyns and midwives after birth may be compliant to what Gaál and McKee describes as the donation hypothesis: a payment out of sheer gratitude, rooted in cultural traditions and absolutely voluntary. While the payments handed to chosen doctors and midwives is a perfect example of the fee-for-service hypothesis: it's based on shortage on both sides of the relationship. In this framework patients (pregnant women) are short of personalized, women-centered perinatal care in public health, therefore they aim to secure a provider they get to know during pregnancy to deliver their children. Such private services are not compensated for by health insurance, so obgyns get paid by their private clients informally. (Gaál and McKee, 2005, Baji et al. 2017)

In the following paragraphs I will focus on the chosen doctor - model as giving birth with a chosen provider is more widespread than using the on-call health professionals' services. The hypothesis I would like to test is that in Hungary the synchronous development of the system of informal payments and modern, technocratic birth culture was not a mere coincidence but they have a certain level of interconnectedness. To corroborate this concept thematic analysis of interviews with maternity care workers are utilized and compared to relevant literature. Further research is needed to examine their level of co-dependency and interconnectedness, especially in light of the most recent changes to the Hungarian healthcare law attempting to prohibit IPs and double practice.

5. Methods

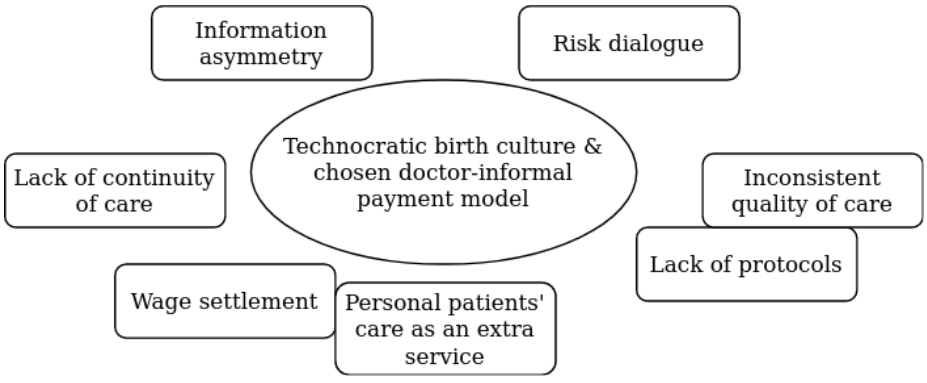
The interviews analyzed were recorded in 2016 by members of the Hungarian birth rights NGO Emma Association. In 2015, Emma Association started a research project in three distinct roma communities about Roma women's maternity care experiences. Later they conducted interviews with healthcare professionals of the three hospitals the previously interviewed roma women most

frequently mentioned. The chosen hospitals represent the Hungarian public health institutions in their progressivity levels: a small city-funded institution, a county-funded level 2 hospital and a level 3 teaching clinic with a neonatal intensive care unit were included in the sample. Members of the association approached the institutions aiming to record interviews about caring for roma women with healthcare professionals from all walks of maternity care: health visitors, midwives, doctors on different levels of hierarchy. The personnel were selected for interviews by the heads of each labor and delivery department and Emma Association's members recorded open-ended in-person interviews with them. 25 interview transcripts were shared with me by Emma Association, members of a local working group on corruption in maternity care. I decided to use the interviews for the current article because even though their intended focus was different, informal payments and obstetric interventions were mentioned in almost every one of them.

Interview transcripts were analyzed thematically and several themes were identified. A theme is defined as a repeated pattern relevant to the current discussion. Coding was conducted deductively. After coding and identification, themes were selected based on their relation to the hypothesis, namely the interconnectedness of interventionist obstetrics and the chosen doctor-based informal payment system. Both manifest and latent variables were included in the analysis. (Marks, 2004)

The themes left out of the current analysis were mainly those that affect all subsets of Hungarian healthcare: e.g. the issues of understaffed institutions, burn-out syndrome of healthcare professionals, no sense of appreciation by patients, a generation of experienced doctors missing because of migration, an overall sense of fatigue and work overload, especially with administrational tasks, a lack of proper medical instruments and devices (both in quality and quantity) and varying attitudes towards Roma patients.

Fig. 1. shows the themes selected for further analysis:



6. Technocratic birth culture and the chosen doctor-informal payment model

6.1. Information asymmetry - the cornerstone of negative birth experiences?

As the displacement and medicalisation of birth facilitated the discontinuation of traditional knowledge transfers, the hegemony of obstetric thinking superseded the perception of birth as a normal process. Evidence-based and woman-centered information about pregnancy and birth became difficult to access and information asymmetry developed in maternity care. (Murphy-Lawless, 1999, Pairman et al. 2019) Information asymmetry is related to the concept of healthcare as "credence goods" in health economy: the consumers (patients) do not know how much or what exactly they should purchase, rather the seller (the medical establishment) decides on the amount and type of "goods" the consumers are offered. This very dynamic is sustained by the extreme information advantage healthcare professionals have over patients that is strongly affecting maternity care as well. (Pairman et al. 2019, Gaál and McKee, 2005) The theme of information asymmetry, the perception that women in general are lacking some kind of knowledge medical professionals take for granted, appeared on multiple occasions in the Emma interviews from different perspectives. Some professionals have an understanding that women should acquire the necessary knowledge themselves: "*She reads on the internet and everywhere and on the other hand women are not really prepared for birth and it is astonishing how little they know about their own bodies' functioning, for which one doesn't need to be a doctor. They should be aware of the basics."*

While others hold the lack of knowledge responsible for negative birth experiences: "*They don't always understand what happens in the delivery room so they look at it (their experience) negatively."*

The shared notion in these excerpts is that members of the medical establishment define what is a "proper" knowledge of birth or what are the "basics" - meanwhile, when women are affected negatively by not understanding what is happening to them, healthcare professionals do not draw a connection between the negative experience and their own role in it. Women are held responsible for their own negative birth experiences. And at the same time on another account there seems to be an explanation for this issue:

"*No one is stupid fundamentally, and if one explains it to them, they understand. And the colleagues don't have the time for this."*

A lack of time for thorough explanations is a shortage women may try to compensate for in the chosen doctor-informal payment model. Nonetheless information asymmetry and the paradigm shift in women's perception of normal birth do not leave much room for them to choose an obgyn by objectively assessing their attributes as a healthcare professional. As one account explains, "*One thing I know today is that if a woman spends a lot of money on a famous obstetrician, it is very likely that they are going to operate on her during their day off"* The underlying assumption in this excerpt may be related to Baji et al.'s finding that women with a chosen doctor are more likely to have a c-section than those with only the on-call provider present. (2017) Their findings also suggest that women may not be able to determine whether obstetric interventions such as the induction of labor, caesarean section or episiotomy were medically necessary, as the occurrence of these did not affect the frequency of informal payments (2017). Modern obstetrics' self-definition and portrayal in popular media outlets as a "good science", the only right instrument to ensure maternal-neonatal wellbeing leaves little room for questioning an individual doctor's limits of decision-making capacity or common practices. (Murphy-Lawless, 1999, Stone, 2009)

Another related issue is that Hungarian women are rarely choosing their doctors based on their positions in the hospitals' hierarchy or by considering their caesarean-section frequency. As someone explained, referring to younger doctors without much authority taking on private clients, "*...the women trust them, but in reality the doctor is not the one held responsible, the patient develops a sense of false security. They buy the illusion"*

Similarly, according to Stepurko et al.'s study of a Kiev hospital, women do not have any means to assess an obstetrician's professional skills, so they often rely on online forums, friends' or relatives' recommendations to choose one. (2012)

6.2. Assessing risks as a means for control

In the technocratic model of care, the discourse around pregnancy is strongly influenced by frequent evaluation and re-evaluation of what could go wrong in this period. Modern maternity care defines birth as "a pathological event demanding hospitalization, medical surveillance and medical intervention." (Scamell, 2014) Cartwright and Thomas, drawing on Ulrich Beck's

foundational work on risk society writes that the medicalisation of childbirth has changed the defining discourse around it: from a discourse of danger (something unavoidable, against which a wait and see approach is applied) to a discourse of risk, bringing an activist approach to the management of birth. (2001) This discourse accompanies Hungarian women from their first antenatal appointment, when they are faced with an assessment and their pregnancies are categorized as low- or high-risk. This distinction determines what kind of care the women must seek: high-risk pregnancies must be cared for by an obstetrician, while women with a low-risk pregnancy may opt for midwifery care.

The discourse of risk applies to the healthcare professionals maneuvering maternity care as well: as modern obstetrics claims to minimize risks and relieve compliant women from the burden of responsibility, the medical establishment aims to decrease risks of litigation. Risk evaluation processes are connected to defensive medicine, or, as Losonczi writes, an approach more self-defensive than protective. Interventions may be carried out when a doctor's safety could be compromised, not only when they are medically necessary. (1991) According to Lothian, when labor begins, a shift of risk assessment takes place and the focus moves from evaluating risks for the fetus and mother to those of the hospital and healthcare professionals. This position was represented in the interviews as a significant motivation for interventionism on multiple accounts:

"*A colleague's saying goes like "good medical records start with addressing the honorable court", like if we were writing it for them. We are not healing as we would like to, as we know best, but as it is defendable."*

"*If everything goes well, then it's all good, if not, then we can go to court."*

It was also framed as a possible reason why hospital midwives may not be keen on seeking independent praxis:

"*they (the midwives) can't even imagine to sit in a birth by themselves and work taking independent responsibility...they are really afraid of legal consequences too. "*

In Hungary the risk-aspect of pregnancy and birth is accentuated by micro-level corruption as well: in 1991 Losonczi already took into account a possible association between the risk discourse and informal payments when she wrote about the ever-increasing level of high-risk pregnancies

requiring regular medical attention in the group of middle class women (of good financial standing).

In 2017 Baji et al. confirmed that specific intervention rates are higher with a chosen doctor and among the explanations for this phenomenon they suggest that women may associate interventionist obstetric care with quality. Taking the discussion further, I would like to offer a reflection: since women are primarily rewarding obstetricians' presence with informal payments, it is possible that chosen doctors spend more time with and give more attention to the laboring women than their on-call colleagues, the probability of them observing the slightest deviations from normal increases:

"*No one was ever reported for operating on a patient. Who would dare to take responsibility for not reacting to the slightest deviation? No one. Why would we do that? This is not the right direction. Some coolness is necessary for this profession. I never pull the leg of the head obstetrician on duty for operating on someone."*

As the logic of technocratic birth culture and defensive medicine dictates, these observations increase the probability of medical interventions. Thus informed consent may be reduced to informed compliance or, as it regularly happens in Hungarian maternity care, medical interventions may be carried out without the consent of the woman in labor. (Szebik et al., 2018, Baji et al. 2017) For many women, the antidote to risk-taking is accepting modern obstetrics' authority over pregnancy and birth - nevertheless, this approach does not take into account the risks that come with technocratic maternity care itself. It is not considered either that at the end of the day it is the woman herself who will bear the consequences of medical decisions.

6.3. Inconsistent quality of care and a lack of protocols laying the foundations for the chosen doctor-model

Differences in quality of care can be identified on multiple levels: between individual doctors, between care from the on-call personnel and chosen doctor (and/or midwife) and between hospitals as well. All of these are related to a lack of central guidelines for maternity care in Hungary and were referred to in the interview transcripts. Aside from the lack of centralized regulations, the theme also appeared as the lack of local guidelines as well. E.g. one doctor mentioned having and regularly revising a set of written guidelines while another from the same institution clearly stated

not having anything of the kind. Accounts from another hospital were generally mixed, though more oblivious, some obstetricians and midwives referred to a protocol but it is not clear whether it was a proper written guideline or just a general set of common rules and understandings. There was one hospital where a doctor stated they have a TÜV-certified quality control system. It is no wonder that in many interviews, the themes of a lack of quality control and differences in care have emerged.

Even though the inconsistent quality of care is apparent in other segments of Hungarian healthcare, it was selected as a theme because it is an important driver of the chosen doctor-system: according to the European Policy Brief on corruption in maternity care, the main motives for IPs are securing more attention, better quality of care and a more skilled obstetrician. (2013)

Interviewees underlined this notion, the theme of differences in quality of care was represented as a motive for choosing a doctor: "*by building a relationship with an obstetrician, women are seeking to validate a certain principle for themselves*". In this case, the underlying assumption may be that the chosen doctor is able to reflect on women's individual needs. The difference between care from on-call and personal obgyns emerged in a controversial form as well: at the same time it is perceived as a belief system associated with women and something healthcare professionals are acting on as well:

"*First, we need to change the consciousness, the women's consciousness, so they believe that if they just go in an institution, they receive the same care, but this is something obstetricians need to be made aware of, too."*

On a different level, the wide range of intervention rates and differing rules about what a laboring woman is allowed to do indicates that the quality of care is highly inconsistent in Hungarian hospitals. To give an example, the lowest episiotomy rate registered in 2018 was 15,86% while many institutions have a frequency above 80% and yet there's no empirical evidence on how the stretchiness of one's perineum changes depending on where she resides. (Rist, 2019) On the other hand in some institutions women can only give birth in a supine position, while others allow vertical positions or water birth as well. Choosing a doctor may be as much of an aim to choose a maternity ward as well as securing a known provider because of the differences between hospitals due to a lack of guidelines: "*Today the quality of care of a maternity ward depends on the head of the department's attention to detail, enthusiasm, and power. This is why disparities are so wide."*

The lack of systemic quality control could also explain these differences: "*From Hungarian healthcare, it is the quality control that is missing the most. Measurable indicators that would need to be taken seriously. We have indicators but just on the level of clowning around."*

And just like between clinics, there's a strong variation in individual obgyns practices, but again, these different approaches aren't corroborated with or questioned by scientific evidence: "*Yes, of course there are differences. We don't talk about these as long as nothing bad happens."* Even the administration of drugs can be unregulated and linked to personal preferences or beliefs of doctors: "*The use of oxy always depends on who is the lead obstetrician on duty and how they administer it. More or less everyone does the same, but eventually this is not written down."*

The lack of written guidelines seems to be connected to the main aim of avoiding risks and at the same time explains Hungarian women's preference for a chosen doctor: "*You can do whatever you want, as long as there is no trouble. This is a guideline."*

To minimize these differences, a new maternity care guideline was developed and published in December 2019, however it is not likely to facilitate nationwide change in maternity wards. Members of grassroots birth rights group Másállapotot a szülészetben were allowed to attend one session of the development process; however their suggestions were not represented in the final guideline. They criticized the guideline for not adhering to scientific standards of evidence-based care and only offering recommendations for providers and institutions instead of setting clear expectations and rules for professional conduct. Instead of rewarding those medical professionals or institutions where the quality of care transcends the standards, the new guideline only allows them to continue. Moreover, the problem of informal payments was not even mentioned in the guideline.

6.4. Care for personal patients as an extra service and wage settlement - would the increase in doctors' wages solve the informal payment problem?

In the Emma interviews, doctors often mentioned taking on personal patients as a means to secure a certain quality of life through the extra income. Applying the notion of informal payments as a fee for service, addressing shortcomings on both sides of the healthcare system, the themes of wage settlement and personal care as an extra service were identified. These themes are strongly linked to the chosen doctor-informal payment model: "*I will tell you a number, for about 1-1.5*

million forints I would not accept informal payments...one thing is sure, to deliver a third-time mother's baby, to do this, I am not needed...I would not be crowding here night and day to do the professional tasks I live off now" Personal care for women is seen by healthcare professionals as an extra service as well, requiring extra payments: "*Now does my sense of vocation obligate me as well to make myself available for someone in my free time? This needs some kind of regulation. This is extra work, this should involve compensation."*

Parallel to a 2017 representative study on doctor's attitudes towards informal payments, obstetricians spoke of the drawbacks of this system as well. (Szinapszis, 2017) One widely accepted negative side effect is that the chosen doctor-model is pulling back young doctors' professional development. To quote a resident obstetrician: "*In two years I did not get a single gynecological surgery...a few c-sections, but not too many".* It is also seen as a contributing factor to the standard of care being suboptimal: "*If women would not hire doctors, if they would not give informal payments, that would be the solution...there is a better chance with the on-call doctor that not a frustrated, burnt-out colleague will care for you but a smiley, patient colleague, who knows that if their working hours are over, they can leave but now being here with you is their job...more likely than going in and calling a colleague away from their wife, from their family"*

Multiple accounts aligned with the results of the Szinapszis survey on informal payments and declared a clear preference for wage increases over informal payments and second shifts at private clinics. (2017) "*If we could secure a wage standard that is approaching the German, Austrian standard, then I don't think that there would be a single obstetrician sacrificing their free time."* However, opinions were divided, whether wage settlement would solve all aspects of the informal payment problem at once: "*How am I supposed to convince someone to do a laparoscopic hysterectomy when in the same amount of time they could do a few D&Cs*[5] *and a vaginal hysterectomy and makes five times as much money? … Q: Do you think there is enough money to break this group? A: Don't you think they would do the same if they were given ten times as much?"*

My main point here is that the chosen doctor - IP model is different from other segments of healthcare ridden with informal payments because birth is unpredictable. To reference Gaál and McKee's model and build on Baji et al. 's finding, the extra service women are rewarding with a fee is the well-known doctor's presence and availability. (2005, 2017) Therefore doctors engaging

in personalised care are kept at a constant standby, obstetricians and midwives are compensated for being constantly on call and being available to attend a birth in the middle of the night or on their days off, leaving their partners and families at any given time. Nevertheless, as suggested by the above interview excerpts this position may increase the probability of interventions aiming to make birth more predictable (through inductions and elective caesareans) or faster (by administering synthetic oxytocin or indicating the need for a caesarean mid-labour).

6.5. The need for continuity of care in public health

The interviews in which the theme of continuity of care was identified were predominantly recorded with midwives, displaying a fundamental understanding of women' need for continuity of care in the perinatal period: "*there are personal births already, a lot, because the presence is needed...like the mother for a little child, to be there, to see her".* "*There is more and more, mothers request it but only a few can afford it here. What is essential for the mother is that she is in contact with a person, she gets to know them better, she opens up to them better and at the end she trusts them better"* An interviewee also reflects on women's need for psychological support from a familiar provider and even have a clear preference for working as a chosen midwife: "*it's easier to work with those who we get to know a little. Eventually we develop a relationship of trust, she puts her trust in me, that I want her good, to give birth nicely, and she accepts what we say, we can guide them better. It is good to develop a connection in time also for that."*

It's interesting to see the theme appear in such a context, because midwife-led continuity of care models were the norm before the hegemony of technocratic birth culture developed. If a midwife learned about a pregnancy, she followed its course, gave advice to the woman, helped with the delivery and visited and supported the new mother and baby through the early days of the postpartum period. (Borbély, 2011) And yet midwife-led continuity of care is a scarce phenomenon in current day Hungary: it is mostly available through the few independent midwifery practices attending home births and there are a few hospitals where selected midwives are allowed to care for low-risk women independently. In Hungary there are no midwife-led units or independent birth centers available.

Compared to different models of maternity care, midwife-led continuity of care has been linked to better health outcomes: intervention levels are lower, breastfeeding rates are higher and mothers' overall satisfaction is better when they are seen by the same midwife or small group of midwives

throughout pregnancy, birth and the postpartum period. (Sandall et al. 2016) As mentioned in relation to the risk dialogue, midwives are not necessarily keen on gaining independence because of the increased responsibility, Szöllősi et al.'s 2016 findings also support this: their research concluded that 32% of hospital midwives would not like to work on their own. They have asked mothers about their provider preference too: 75% of women answered they would choose an obstetrician over a midwife for prenatal care. Hungarian women who want continuity of care are probably drawn to the chosen doctor-system because midwifery independence in public healthcare is still in its infancy and they may identify the obstetrician's presence as a sound attempt to decrease risks.

The obstetrician-led care model, however, does not have the same positive effects on health outcomes but, as Baji et al. has shown in relation to the chosen doctor-model of care, often results in more interventions and less satisfaction with the birth experience. (2017) One midwife precisely described the distinction between the role of the midwife and the obstetrician: "*More and more choose a midwife and a doctor too, but more and more choose a midwife. A doctor is not always necessary. Lot of women do this because they know that the midwife will be there from the beginning while the doctor is there only when the cervix is two fingers dilated and the epidural comes, and then at the birth."*

Drawing on the interviews and scientific evidence, introducing a midwifery-led continuity of care model to Hungarian public healthcare could work as an ideal substitute for the chosen doctor-informal payment system of care. In this model all women would be able to receive personalized care regardless of their financial situation allowing for a decline in information asymmetry. Developing care protocols for independent midwifery practice could also alleviate the need for transparency and equal standards of care throughout the country.

Conclusion

Plenty of evidence confirms that systemic corruption and informal payments in healthcare have a negative effect on health outcomes, just like contemporary interventionist obstetrics takes a toll on maternal and neonatal health and wellbeing. (Baji et al. 2017, Sadler et al. 2016, Solnes Miltenburg et al. 2018, Miteniece et al. 2017, European Policy Brief, 2013)

In Hungary the development of technocratic maternity care shifted to high gear during the socialist regime, when informal payments started to interweave the newly funded public health institutions. The first part of the hypothesis I wanted to test, namely that in Hungary the synchronous development of the system of informal payments and modern, technocratic birth culture was not a mere coincidence needs further research. However the Emma interviews and available literature provided sufficient evidence to support the second part of my argument: the chosen doctor - informal payment system and highly interventionist obstetrics are interconnected in the Hungarian context. They have several shared underpinnings, such as the dialogue of risks in pregnancy and childbirth causing women to seek personalized care in order to hand over the responsibility over their bodies and obstetricians to mitigate the likelihood of litigation. Information asymmetry prevents women from properly assessing the care they receive and doctors may take advantage of their upper hand by carrying out unnecessary interventions or interventions without consent. For women, the lack of available protocols and guidelines along with sharp differences in clinics' handling of birthing women accentuates the perceived risk of giving birth with a risk of unpredictability. This aspect allows for the chosen doctor-model to look like ideal means for mitigating the risks that come with birthing in the public health system. On the other hand, doctors' performance cannot be compared to a uniform standard. Low wages for healthcare professionals create an environment defined by shortage, in which the fee-for-service model of informal payments proliferates. Nevertheless the time and energy shortage that stems from taking on personal clients is rarely accounted for - it is women taking the toll for this deficit. At the same time, wage settlement is not a cure-for-all in this environment: women's need for continuity of care and the embedded tradition of informal payments seems hard to challenge all at the same time.

Appropriate policy measures are urgently needed to stop healthcare professionals from contributing to the further development of preventable health problems. However it is hard to formulate such interventions, as the Hungarian model of care is unique in many aspects. To resolve the issues of suboptimal maternity care, any course of action should take into account both the technocratic culture of birth and the effects of the chosen doctor-informal payment system and develop it's instruments accordingly. As long as obstetricians' attendance of personal clients' births is unregulated, technocratic birth culture remains hard to challenge and until quality of care has such discrepancies among institutions and individual healthcare workers, Hungarian women may try to ensure their access to what is perceived as better quality care through contracting a

chosen doctor. Even those few who accumulated evidence-based, woman-centered information about the physiology of pregnancy and birth may resort to the chosen doctor-system because of discrepancies of public hospitals' quality of care and because only a handful providers are known for being committed to such care standards.

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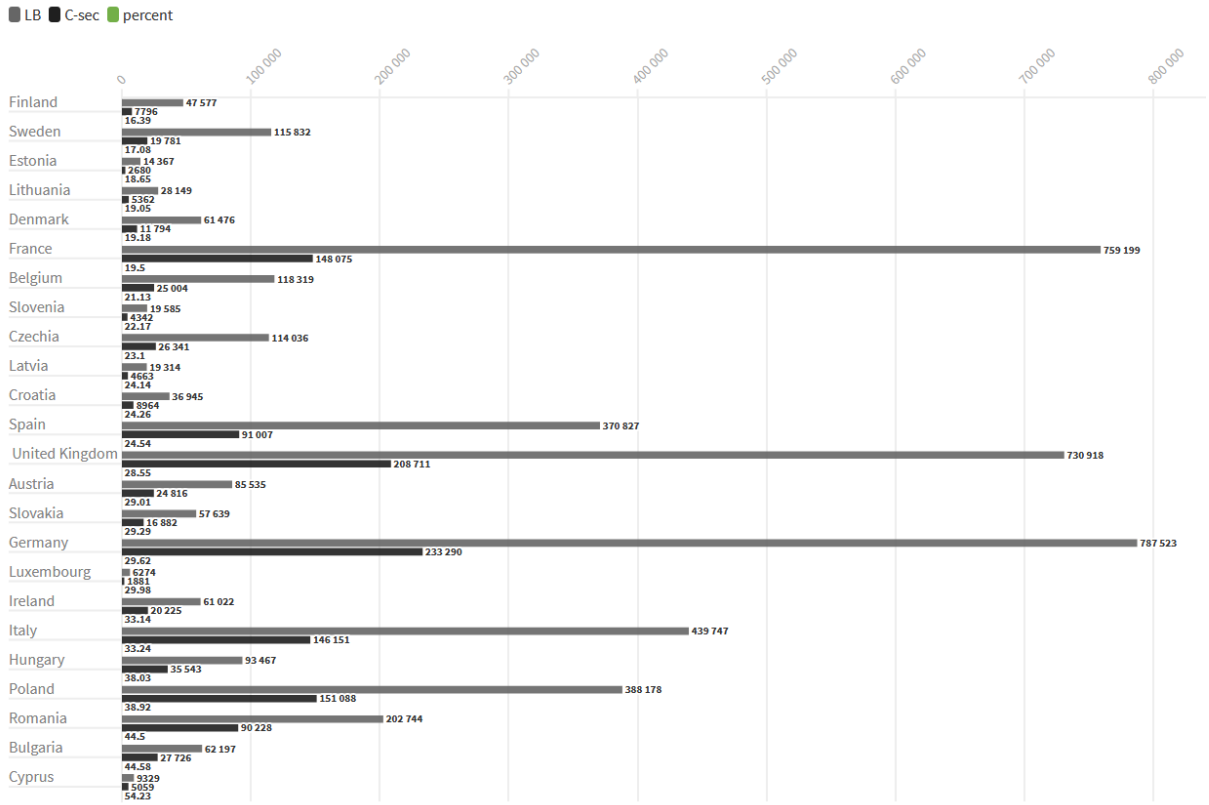
Appendix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Undoing Motherhood: How IVF Breeds 'New' Mothers

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Abstract

The following article addresses the gender norms inscribed in the institution of motherhood through biological construction. Using the anthropological scholarship on processual kinship, we aim to outline how kin formation and performance defy the a priori biological imperative. Focusing on how the in vitro fertilization (IVF) method, as assisted reproductive technology (ART), recombines biological and social identities, we intend to discuss the new premises that the institution of motherhood can attain after the deconstruction of the events that establish motherhood as a patriarchal source of subjugation. Using a feminist perspective and a generous body of ethnographic research concerned with IVF experiences of women, we deploy the reconceptualization of motherhood in the new era of advanced technologies and re-established gendered roles and expectations.

Keywords: *motherhood, assisted reproductive technologies, kinship, biological, good/bad.*

Introduction

The conceptual 'maternal body' is an identity thoroughly constructed to be related literally and figuratively to the family, but most of all to describe gender norms (Albury 1997; Miller 2005; Rich 1995; Young 2005). Biological motherhood surrenders to the natural conceptual relationship between a mother and her child, to define a form of control, delimitation and condemning the order or disorder of the society itself. By perceiving the reproductive body as a site of invoking power to embody patriarchal prescription, motherhood establishes the division between two large

conceptions of "good mothers" and "bad mothers." For an institution that demands stringent requirements, it is quite easy to fall under each category and the stakes considerable. A woman who diverges from the social expectations inscribed in the process of becoming a mother is stigmatized as a bad mother simply because her reproductive decisions do not meet the gendered role criteria (Abrams, 2015, 179). However, what defines the biological standards of motherhood can be transformed according to the new reproductive methods revolutionizing the traditional notions of mother-child relationship. In the past decades, the assisted reproductive technologies (ARTs) have given birth not only to children for those naturally unable to procreate, but also to a revolutionary perspective over what has been previously defined as 'natural' for reproduction, conception and kinship. Besides their capacity to convert childlessness and infertility into life, assisted reproductive technologies have the potential to undermine the centrality of nature (biology and genetics) as grounding condition for the emergence of kinship by detaching conception from filiation. ARTs incorporate a diverse range of technological reproductive methods such as in vitro fertilization-embryo transfer (IVF-ET), gamete intrafallopian transfer (ZIFT), frozen embryo transfer (FET) and surrogacy; all these methods are promising and have the capacity for displacing the biological element from the experience of motherhood. Embracing a processual and experiential view of kinship (Carsten 1995, Rich 1995), locating it as an individualized choice (Strathern 1992), we aim to discuss how ARTs (with a focus on in vitro fertilization treatments) can redefine motherhood and its relation to maternity and conception. It is not a matter of complementing or assisting nature through technology; instead we argue that ARTs breed new understandings of motherhood, fluidifying both social and biological boundaries that encapsulate it. Expanding the debate around biology's centrality in defining kinship, we examine the potential of ARTs to transgress and defy the patriarchal chains wrapping the motherhood institution. Analyzing several ethnographic accounts on IVF experiences from a feminist perspective, we aim to outline how ARTs enabled versatile ways for motherhood to be performed.

This article is divided in three main sections. Firstly, we will address the biological and social construction of motherhood and the power implications of this role as a gender norm. By considering maternity as a femininity trait, its role and expectations will constitute the axes of good and evil through the established differences between femininity and masculinity. Secondly, we aim to stress how biology has been fallaciously attributed as a primordial precondition for kinship, drawing mainly on the anthropological and ethnographic accounts of Schneider, Carsten,

Strathern. We will focus on how ARTS recombine biological and social identities and the roles associated with them, birthing new ways of performing kin by cutting it. The last section analyses from a feminist perspective, a generous body of ethnographic research concerned with in vitro fertilization experiences of women, meaning to deploy the reconfigurations of motherhood in the new era of advanced technologies and re-established gendered roles and expectations.

The Magical Womb of Patriarchy

In the following section we are going to present motherhood as a patriarchal institution, initiated as a promising premise for every girl-child, from the first menstrual evidence, culminating to the moment she gets impregnated or decides to have a child. The experience of mothering a child differs from women of different occupations or backgrounds, and it is grounded on the relationship between the mother and her child. However, motherhood is an established institution from which no girl or woman can find an escape-route and every one of them has been affected at least once in their lives directly or indirectly by the pressure of desiring or refusing to have a baby. Even though childbearing is the reason why human life continues to exist, mothers were not recognized legally until the middle of the nineteenth century and motherhood had no legal status or existence (Smart 1996, 44). The very interpretations of desiring or refusing have been regulated by policies and social norms that every woman is obliged to submit. Since a fragile age, while playing with their baby dolls, little girls learn that their purpose in life and their greatest accomplishment would be bearing and raising children. This rushing over the biological hour, to catch it before it fades away, puts women under humiliation, shame and alienation for those who want to procreate, but biologically aren't capable and also for those who refuse to become mothers. Making sense of motherhood is an overly complex and hard responsibility. Feminist theorists have been trying to understand whether motherhood is established firstly through pregnancy, or the biological factor does not count (Rich 1995; Sanger 1956; Abrams 2015; Miller 2005)? Can a mother be also a woman, or keeping both identities is dangerous and lead to the inescapable journey of bad-mothering? What provides the crossroad between bad-mothers and good mothers into motherhood?

If we let our imagination flow towards the idealization of Western motherhood, the first symbolic representation we would recount would be the embodiment of Madonna, the Virgin Mother, a timeless figure, mostly depicted with a scarf over her head, bowing to her baby child that she is

holding to her breast. She is the incarnation of goodness and purity, a sacred model of motherhood. Yet the patriarchal order has reframed her power of giving life; she has to remain pure, an impossible divine model to follow for other women who will always try to reach her, but they never will. Having Madonna as the primal identity for maternal representation, everything that crosses beyond these boundaries, constructs clear identities which are framed as good/bad, outside/inside, pure/impure, sacred/profane (Young 2005, 84-5). Idolizing a divine model as a pure representation for maternal love, undoubtedly will cause frustration and pressure towards the relationship between a mother and her child, a mother in relationship with other mothers and mothering as a processual event. Even though models of good/bad mothers differ culturally according to different rituals, beliefs, expectations or norms, the role of mothers and their predisposition to mothering is "not written in the stars, the primordial soup, the collective unconscious, nor in our genes" (Thurer 1995, XV). The mommy myths never cease to surprise us, even though what is understood by good and bad changes through time, motherhood that we know remains strong and unyielding defining the exception, becoming the central oppressor for women and an instrument on patriarchal hands. This is how Adrienne Rich would consider motherhood, as a patriarchal institution. Furthermore, she distinguishes between two possible meanings of motherhood that conform one another: "the potential relationship of any woman to her powers of reproduction and to children; and the institution, which aims at ensuring that the potential- and all women- shall remain under male control" (Rich 1995, 13). What follows this definition is the certain understanding that motherhood is instituted under biological circumstances and these biological circumstances are subjected under the power of the patriarchy. The conception that motherhood is solely limited to female biology has narrowed women's perspective and expectations of their bodies, regarding their reproductive power, or the lack of reproductive power as a destiny, rather than a resource of physicality different from every woman.

On the other hand, Simone de Beauvoir (1953) approached motherhood under the terms of otherness and women in this case are tied forever to their role as the Other[1]. According to de Beauvoir, women are used to connect motherhood to their essence of life and being, but the decision to become mothers does not come freely as it should, but rather as an enforced maternity. Her approach has raised many speculations and criticism over the essentialism of her theory,

[1] It is not in the aim of this article to develop a further explanation on the concept of otherness and womanhood. For further reading Beauvoir, Simone de. The Second Sex. New York: Alfred A. Knopf, 1953.

however they still agreed on her perception on maternity and how motherhood perpetuated the inferiority of social and economic status of women (Neyer și Bernandi 2011, 165). Pateman (1988) insisted in her book "The sexual contract" that motherhood as an institution established a clear sexual separation as a means for patriarchal construction that is according to her a sexual contract, created and preserved by men as equals between them. Given this, the contract, claims Pateman, demands natural childbearing since this is the natural call for women. Shulamith Firestone sustains through a more radical stance that love along with childbearing are the main oppressors of women in the male culture. She asks: "What were women doing while men created masterpieces? Women were barred from culture, exploited in their role of mother. Or its reverse: women had no need for paintings since they created children…women are not creating culture because they are preoccupied with love" (Firestone 1970/2015, 113).

Judith Warner found a metaphor for motherhood; she called it - the mess. This mess comes by being consumed for the children in mind, soul and body, leaving only small chunks to themselves (2005, 19). Love can come at a cost, to be left in weariness and in oblivion, disappearing day by day as a result of intensive mothering which demands unrealistic expectations. Nevertheless, the focus of the mess has serious implications on biological determination and comprehension as a universal event. Carol Smart (1996, 37) states:

> *Motherhood is not a natural condition. It is an institution that presents itself as a natural outcome of biologically given gender differences, as a natural consequence of (hetero) sexual activity and as a natural manifestation of an innate female characteristic, namely maternal instinct. The existence of an institution of motherhood, as opposed to an acknowledgement that there are simply mothers, is rarely questioned even the proper qualities of motherhood are often the subject of debate. Motherhood is still largely treated as a given and as a self-evident fact rather than as the possible outcome of specific social processes that have historical and cultural location which can be mapped.*

Considering motherhood an institution invests it with a specific function in the wider context of society, having attached a prescribed set of practices. Motherhood is instituted by a series of events, defined by specific narratives in the patriarchal context; without each one of them, the institution of motherhood may cease to exist. Maybe we can relax the dominant constraints that categorize

women as bad or good mothers to dismantle the internal structures of motherhood from its oppressive functions. The series of events unfold as follows: sexual activity – leads to pregnancy – leads to birth - leads to mothering; the sequence as a unity leads to the instauration of motherhood (Smart 1996, 39). Rich recounts one of the letters in Margaret Sanger's Motherhood in Bondage[1], where a woman writes about seeking advice for birth-control after she had intercourse with her husband, fulfilling her matrimonial duty as a wife and as a mother: "I am not passionate, but try to treat the sexual embrace the way I should, be natural and play the part, for you know, it's so different a life from what all girls expect." Rich emphasizes the contradiction of the role of women: to be natural and play the part at the same, under the institutionalized heterosexual marriage which treats them as mere bodies to be used for sexual (male) satisfaction and procreation. She compares the experience of maternity with sexuality which according to Rich has been interconnected to serve male interests. Motherhood in the patriarchal context cannot survive without heterosexual intercourse (Rich 1995, 41-2). Any other alternative behavior such as abortion, adoption, new reproductive technologies, lesbianism would undermine the institution and therefore are considered as undesired since they have the possibility to defy the gendered norms which perceive women as natural bearers or as outcasts who refuse to obey the institutional structure of motherhood. Even women who want to bear children, but due to their biological construction are struggling with uterine problems, damaged fallopian tubes or ovulation disorders are recognized as persona non-grata, since there is a possibility in their non-aptitude to challenge the gender norms. Their biological condition is translated as a social dysfunction and therefore they are labeled as deviationist from their classical motherhood path. On the other hand, abortion as an escape-route has been made difficult in order to preserve the natural chain of sex-pregnancy-birth. However, being associated with stigma and strong rejection, the abortion debate continues to cause controversy, especially because the campus of the claimed 'pro-lifers' still cannot comprehend the importance of women's humanity or prefer to fully neglect it. By fully human, feminists understand that "women's activities are as social, as consciously, intentionally, historically organized as men's. Thus, reproduction, which includes sexuality, family forms, and domestic life, as well as the consciously mediated process of birthing that continues the species, is a fully human

[1] Motherhood in Bondage (1928/1956) is a compilation of confessions from women from different social and economic positions that found themselves trapped into maternity and sought advice of birth control from Margaret Sanger who was a nurse and women's right advocate at the time.

activity; it is not merely natural (Harding, 1984, 204). As a result, these gendered norms considered so far as natural or as a biological destiny, are blind to those who really belong to the decision and what are the cultural and social implications behind every biological argument. It is not a surprise that women are usually perceived through their ability to bear children, this ability is transformed as an expressive power for biological and social functioning, separating them from men who are defined by their rationality and their "transcendence of purely biological." This is where the separation of public/private sphere begins; women are bound to the private sphere of the family, distancing themselves from the sphere where the decisions about their bodies are taken (Albury, 1997, 524).

Both pregnancy and feeling like a mother represent a private experience, but also a public event. There are specific practices to be followed if you want to become a good mother, which demonstrate the risky and the moral path to responsible motherhood (Miller 2005, 47-8). After carrying the baby for nine months "a woman gives birth to herself", through a painful, but purposive process that demands "the creation of the new " (Rich 1995, 156). The creation of the new seeks a new place which can calculate and survey the whole experience under the gaze of an expert. This is how childbearing was transferred from home to hospital under a male-dominated care which regards pregnancy as illness but is accepted as a safe and responsible practice which any good mother would agree with (Miller 2005, 50). Even if the medicalization of pregnancy and childbearing should make the whole process easier for women, enduring pain during labor is still the crucial and magical ingredient for division and love expression. Rich asks if there is a difference between pain that creates anew and the pain that destroys. The answer she constructed asserts that patriarchy has convinced women that their suffering has a meaning that surrounds their existence and the new creation, and from that pain they gain value (Rich 1995, 158-9). After birth, the new mothers are required to be willing to sacrifice, to love their child unconditionally every single second of the day, to succumb maybe in anger, but never cease to smile and cherish their child's activity, yet not too much, otherwise spoiling will do no good. Though mothering can be as oppressive as other events mentioned above, even if social norms can be extremely demanding on how to raise your child properly, we consider that mothering can be a very intimate and personalized experience that may follow or defies the rules of motherhood. We have claimed that mothering is a relational experience between a mother and her child, but the relationship between them does not have to be essentially biological and materialized in the female womb. Firestone

believed that the development of cybernetics and new technologies would free women from the biological family (Firestone 1970/2015, 193). Alternative forms such as ARTs have the potential to substitute the natural component of the sacred womb within which patriarchal motherhood as we know it, takes form and power or at least to alter the persistent normativity of producing life. For women to be released from the biologic and oppressive tyranny, we have to revise the events that have established the institution the way it is and rebuild it.

Is blood still thicker than water? An anthropological account on reproduction

"Kinship is whatever the biogenetic relationship is. If science discovers new facts about biogenetic relationship, then that is what kinship is, and was all along." (Schneider 1980, 23) – at the core of this sentence lays not only the essence of American kinship, as analyzed by Schneider, but, primarily, the prevailing view that dominated kinship conceptualizations up until him. Starting with Morgan, McLennan and Rivers[1], the anthropology of kinship has always been centered around biology as the universal natural basis defining kinship (in terms of consanguinity and predetermined blood ties enabled by sexual reproduction between male and female). Whether from the functionalist perspective of descent theory voiced by Evans-Pritchard and Fortes (Fortes and Evans-Pritchard 1940) or the structuralist theory of alliance articulated by Strauss (Lévi-Strauss 1969 [1940]), kinship was understood as the social recognition of biological facts, consisting of a given set of biogenetic relationships to which given social functions correspond. How anthropologists have almost religiously treated kinship as a theoretical notion undeniably biologically grounded has been highly contested by Schneider (1972), who argued for a cultural relativist perspective that has the potential to address more comprehensively the specifics of kin in each culture. However, his argument did not dismantle the "natural basis", rather it endorsed a view of kinship as based in nature and fertilized through culture. For him American kinship has been seen as a mix of substance (order of nature) and code for conduct (order of law, norms imposed by men on nature) (Schneider 1980) in a similar way in which for Strathern (1992) English kinship has been constituted as an overlap between nature and culture, with biogenetic relations as the raw materials to be molded under the influence of cultural norms. These views are still rooted in the nature/culture dichotomy, the only difference is that they grant more agency to

[1] For more information on the genesis of kinship studies in anthropology: Morgan, L. H. (1871). Systems of consanguinity and affinity of the human family (Vol. 218). Smithsonian Institution; Rivers, W. H. R. (1910). The genealogical method of anthropological inquiry. The Sociological Review, 3(1), 1-12.

the cultural inferences, diminishing the influence of biological determinism. It was only with Carsten that kinship ceased to be perceived as an ascribed set of biologically predetermined relationships; by advancing the concept of relatedness instead of kinship, she contended that kin is not given, but produced through different experiences (Carsten 1995).

Kinship depicted as a process of becoming has significantly questioned biological primacy, broadening the circumstances under which relations can receive the value of kin. Whether considering the examples of non-Western comprehension of kinship (Malay, Zumbaguan, Indian, Melanesian) or the cases of Western adoption and divorce, processual kinship implies a myriad of possibilities of configuring and recombining relationships and ties. The kernel of such kin relationships no longer resides in the blood ties, but in how people create intimacy and interdependence under various social and cultural instances. In Langkawi, Malay kinship is based on the transfer of substance, that is made possible through living together and commensality which transform blood into food and vice versa. Substance is transferable because of its mutability and fluidity, which thus makes kinship performative since relations are developed in time (Carsten 1995). The transfer of substance that defines Malay relatedness is constructed from both the acts of procreation and living and eating together, blurring the differentiation between what is social and what is biological in defining the kin relationships. Similarly, in Ecuador, Zumbaguan kinship entails the consumption of food and its transformation in the body, most kin relations resulting from adoption and fostering, rather than originating in a single moment of sexual procreation (Weismantel apud Carsten, 2004). Consequently, "natural links" between kin no longer express a biogenetic basis, but they are gradually generated through co-residence, feeding and sexual relationships. In spite of the Euro-American naturalized view over family and kin, where substance is immutable and permanent, Strathern (2005) develops a supporting argument for processual kinship based on the examples of adoption and divorce. She asserts that both adoption and divorce have the potential to recombine parts originating in families that dissolved themselves, reproducing kin relationships in a different manner. In the case of adoption, parenthood manifests itself even though it is neither rooted in the biological processes of procreation and conception nor it reflects a genetical descent. Examples discussed by Strathern show how bonds with the adopted children develop in time emotionally and affectionately, acquiring the same significance blood ties "supposedly" imply. Likewise, family constellations derived from divorces entail the development of similar bonds between all members (former parents, stepparents, step siblings, children resulted

from the new marriage). Against the backdrop of increasing numbers of divorces and adoption cases, Euro-American kinship appears to be reordered by a cycle of connection and disconnection, cutting and stitching kin, that generates what Franklin (apud Strathern, 2005) designated as recombinant families.

If kin is no longer limited by biology, one might question its relevance in discussing parenthood roles. Since there is so much anthropological evidence contesting the biological essence out of which kin relations spring, the debate on whether there is an intrinsic biogenetic nature after all has become pivotal to further kinship analysis, bringing into the spotlight the potential of assisted reproductive technologies to create or replicate that kind of nature. Several scholars (Franklin 2013; Strathern 2005; 1992; Peters 2003; Ross and Moll 2020) have outlined how In Vitro Fertilization has been enriching the debate around the social preconditions and fixed roles imposed on parenthood and how it is performed. By infringing *a priori* kinship boundaries, biotechnology such as ARTs is shaking the basic Western notions of motherhood and the natural call, biogenetically inscribed, to perform this role. As Lock and Nguyen suggest, "it is now possible to "do" kinship rather than simply fulfill an ascribed role, so that biological elements assumed to be relevant to kinship and socially meaningful kinship categories are now undermined, in particular when use is made of gestational surrogacy and IVF with ovum donation" (Lock și Nguyen 2018, 267). ARTs nowadays relocate biology in the parenthood spectrum; undoubtedly ovum, sperm, genes still play a crucial role in breeding life, however they do not breed parenthood or kin relations axiomatically and, consequently, personhood and identity. In Western view (Carsten 2004; Franklin 2013; Strathern 1992), parenthood would be traditionally described as a successful passing through a sequence of phases, starting from the desire for children (imprinted in the parents' identity from their childhood through socialization), conception (sexual reproduction between a male and a female) to building filiation based on this through nurture and care of the newly born child. Through technological manipulation of the biogenetical facts, ARTs are breaking the 'natural' cycle of parenthood fulfillment into unrelated separated phases (Strathern 2005; Franklin 2013). Not only does biology become relative in the process of reproduction, but also parenthood is redefined. ARTs accentuate the contrast between the genitor, biological parent, and the social parent, distinction present also in the cases of fostering, adoption or blended families emerged from divorce. It involves similar 'cutting' and 'recombination' procedures in the conditions allowing kin performance, generating a hybrid constellation of relations rooted in the

very choice of having a child: "by taking apart different components of motherhood and fatherhood one is also putting them together in new ways, in both conception procedures and in rearing practices, and then all over again in combinations of the two" (Strathern 2005, 25).

Miracle Mothers[1]. Questioning the IVF motherhood

It is anthropology's duty to ask what constitutes motherhood anymore if the biological ground is not inherently producing the social bonds between parents and children– is it merely a choice, a process, both? In the Euro-American landscape, motherhood has been constructed as a natural fact, linking the mother's identity axiomatically to giving birth and thus to the creation of a 'natural' relationship with her child, whereas fatherhood is defined as a social/cultural phenomenon, involving an artificial bond, preconditioned by the mother-child relation (Strathern 1992). The Euro-American mother exists first and foremost because of her biological construction that enables pregnancy and giving birth, the fundamental experiences for becoming a mother. Yet, as explained before, ARTs are altering the reproductive cycle, transforming the motherhood from a natural process to a "technological achievement" (Franklin 2013, 751). The 'natural' sequence of events in the maternal development are reordered as distinct and discontinuous stages - genetic, gestational, social, revealing different meanings for motherhood. ARTs have given mothers more opportunities to (per)form their identities by creating a fluidified conceptual space for motherhood to emerge through the 'helping hand of technology' (Becker 2000, Franklin 1997, Thompson 2005). Whether it is perceived as a process of becoming or as a choice, as contended by Strathern (1992; 2005), IVF (as well as other ARTs) has invested motherhood with versatile dimensions. Extracting, exchanging and substituting previously fixed biogenetic material by means of IVF has engendered new inclusion and exclusion possibilities for performing kin (Ross and Moll, 2020). Instead of confronting the stigma associated with their reproductive flaws, ARTs are thought to have empowered women to actively express their agency in becoming mothers. By means of biotechnology, women are seen as having the power to tame the previously uncontrollable nature. Suffering from diverse forms of infertility or lacking a partner no longer represent a dead end for motherhood. Whether one cannot fulfill the genetic, gestational or social role, ARTs offer the

[1] In the beginning of the assisted reproductive technology era, IVF babies would be referred to as "miracle babies". At the same time, 'miracle mothers' alludes to the first chapter of Franklin's 2013 book (Biological relatives: IVF, stem cells, and the future of kinship) called Miracle Babies.

solutions for these women - frozen embryo transfer, in vitro fertilization or gestational carriers and using sperm donors and IVF treatments if one wants to become a single mother.

But is IVF for real this technological breakthrough breeding miracles for mothers? There is a whole different anthropological scholarship arguing against its liberating force from the biogenetical imprisonment, contending instead that it only reinforces the conceptualization of motherhood as social expectation, reproducing as well all the hardship and stigma that comes alongside with it. Through the looking-glass, IVF is not diminishing the primacy of biogenetics in constructing and performing kinship and parenthood, functioning as a dismantling instrument, rather it stresses their importance through the technological assistance it provides as an adjuvant tool, that 'helping hand of Nature'. The imperative of motherhood is entrenched through the assisted reproductive technologies, argues Greil (1991 apud Bell, 2019), since they transformed infertility from the previous despair of childlessness and failure into a liminal stage of "not yet pregnant" (483); those intending to become parents and resorting to ARTs are neither parents nor childless, but child seeking (Becker 2000). "The promise of happiness" as designated by Franklin (2013), involves massive costs - financially, temporarily, psychologically, physically, which individuals are willing to undergo despite the non-arbitrary high chance of lack of success[1]. Assuming these exacerbated risks by appealing to IVF reflects, as Bell's study shows, the high value placed on biology in creating kinship by her respondents. Thus, the IVF industry not only rests on the cultural understanding of biogenetical primacy in producing parenthood, it instrumentalizes it for its benefits. Comparing and contrasting adoption and IVF treatment for infertile couples desiring to have children, Bell (2019) outlines how adoption is treated as the last resort in favor of IVF, since it is perceived as unable to offer neither a biological bonding with the child, nor the pregnancy experience. This view augments the costs of the adoption procedure in the eyes of desperate individuals seeking biological parenthood, which are considerably smaller than the ones estimated for IVF. Yet their magnitude pales since the value of the IVF achievement is immeasurable.

Why is IVF the exact opposite of a blessing in disguise for women, especially for those seeking this treatment because of infertility reasons? Several studies discuss the stigma associated with women' infertility and its costs (Sternke and Abrahamson, 2015; Bell, 2019; Ulrich and Weatherall

[1] According to American Pregnancy Association (2018), on average there is a 70% failure rate for IVF treatments (Bell, 2019). [v] Ulrich and Weatherall (2000)'s research findings in New Zealand, as well as Bell's (2019) and Sternke and Abrahamson's (2015) in the US support this claim (to quote a few).

2000; Peters 2003; Paxson 2003; Ross and Moll 2020). 'Blocked Fallopian tubes', 'incompetent cervix', 'hostile mucus', 'failure to conceive' - these are only a few examples of the reasons outlined for women's infertility which ultimately define it as a physical impairment marking fundamentally their identity since it hinders their potential to ascribe to the normative expectations of Euro-American womanhood. Womanhood and motherhood are intertwined as depicted by the scholastic tradition on the matter, thus breeding children is perceived for many as an ultimate 'natural' goal for achieving parenthood identity and conforming to social norms. "Children are social goods" asserts Franklin (Franklin 2013, 749), and the lack of them attracts "high social penalties" such as alienation, social exclusion, stigmatization and so forth (Peters 2003). Consequently, it becomes a matter of social responsibility for women to overcome the inadequacy of the failure of infertility in their lives (Sternke și Abrahamson 2015). This artificial agency imposed on women is exploited by IVF technique, which is promoted as a means to create "a child on one's terms" (Bell 2019, 490), a mechanism for infertile people to regain control over their reproduction. But the extraordinarily little rates of success of the method show how limited individual control there is in it, despite all the tremendous efforts these people are orthodoxly going through, constantly and unceasingly, residing on a trace of hope. And this is not limited only to Euro-American cultural environment, similar tensions for women undergoing IVF can be found in the Middle East, South Asia or Africa, where in Islamic communities ARTs are seen as treatment not only for infertility, but also for social and psychological suffering caused by it against the backdrop of the women's social role as birthing life (Ross and Moll, 2020; Hampshire and Simpson 2015). In addition, as Paxson's Greek fieldwork shows (2003), for some women resorting to IVF treatments is still a source of internalized shame and guilt. Paxon's respondents would confess concealing undergoing an IVF treatment because the use of such methods would expose the biological inability to fulfill the prescribed motherhood roles, a sign of weakness. Following these scholastic voices indicates that despite the fact that IVF procedure is investing mothers with agency and control over their bodies and reproductive choices transgressing biological boundaries, it does not succeed in a like manner at transgressing social norms imposed on motherhood. As the ethnographic findings outlined previously depict, all the effort put in undergoing IVF is concealed in the illusory envelope of personal choice, despite being de facto a struggle to comply with societal expectations on achieving and performing motherhood.

Discussion: Undoing Motherhood?

It appears that there is no consensus on the emancipatory role of IVF for mothers, even though it certainly disrupts the 'natural' reproductive cycle, redesigning the reproductive maternal body. Yet, as outlined before, IVF does not diminish the role of biology in performing parenthood, it only replaces it in the sequence of reproductive events. It remains debatable whether undergoing this procedure is genuinely liberating women from the imposed patriarchal social norms of motherhood or it allows them the freedom of choice for shaping their mothering identity. In this article we have tried to analyze how kinship can be understood beyond the biological boundaries, focusing on motherhood fulfillment. Our endeavor aimed at broadening the discussion on what constitutes a good or bad mother against the backdrop of interventionist technologization of reproduction by means of IVF treatment.

Under the Western cultural umbrella, producing and enacting parenthood have been coined as biologically grounded and regulated; the implications for women of this determinist view have been more adverse in the patriarchal setting characteristic for this environment. The gradual practice that begins with intercourse, pregnancy until the moment of the painful division that results with birth has had an internal component that tied women under the control of male culture not essentially, but partially and intrinsically through social norms and behaviors. This point indicates that procreation has fundamentally changed women's emotional lives, mental representations of their bodies and their concrete bodies from their first menstruation to menopause. Girls are taught to use their space differently from boys, whereas boys are inclined to use outer space, for girls inner space represents the feminine core-gender-identity (Welldon, 1992, pg. 43-4). This crucial dichotomy between inner and outer finds application when it comes to heterosexual intercourse which sometimes melts its boundaries when one body meets the other, the ovulation happens even though the ovum might not meet a spermatozoon, however only and only through penetration which happens internally, a zygote formation gets materialized and parenthood comes into being. By 'inserting' and 'forming' and therefore 'possessing', it is established the duality between those who own the power and those who are powerless. In a patriarchal society power always belongs to men; he owns the power to insert his spermatozoon through penetration by intercourse, if the zygote is formed since his spermatozoon was strong enough to resist through the ovulation and finally the zygote, which will develop into a human

form, would again be owned by his/her father (preferably a his). Adoption and assisted reproductive technologies have made possible an alternative to deconstruct this 'natural' understanding of motherhood that subjugates women to male power by invading over her inner space and claiming it as their own territory. IVF, in this case, disassembles and reassembles the natural reproductive flow of substances, combining the formerly prescribed constitutional elements in a more flexible fashion. One of the main consequences of this biotechnological adjustment is the new elastic framework of motherhood that weakens the intransigent patriarchal chains defining this institution. By introducing new mothers, the traditional institution of motherhood yields from its maternal power; the ideal model of motherhood is now shattered because the maternal power is distributed to every woman who desires to have a child, releasing them from the constraint of the traditional family, or from the 'divine endowment' of functional ovaries.

Even though IVF may revolutionize the prospect of the family and the process of parenthood emergence by relaxing the dichotomy between the one who has the power over the other who remains powerless, it is debatable if it has left such a progressive footprint on the way we define kinship. By offering the promise of creating biogenetic kinship where it is not naturally possible, the IVF method reinforces the primacy of biology for performing the 'right'/'good' motherhood. Although fertilization happens outside the female womb without the need for sexual intercourse, pregnancy and birth in the canonical form, it entails a continuation of the biological process, despite the technologized intervention. Instrumentalizing the desire for being tied biogenetically with their children, IVF method may also involve a continuation of the social expectations pressing onto mothers' identity. Moreover, the endurance of the biological process can produce clear distinctions between fertile women and their natural womb and infertile women who must struggle to obtain an artificial one. The artificial womb may be considered a possession of men who are the one to condemn women for their infertility.

Natural calling, patriarchal institution, personal choice, technological achievement - the versatile ways of perceiving motherhood have led to even more diverse ways of performing kin. Whether or not IVF procedure manages to disregard the patriarchal norms appointed to motherhood, operating by dint of a technologized logic of inclusions and exclusions in the reproductive cycle facilitates a processual perspective over the course of becoming a mother. Changing and

interfering in the sequence of biological events leading to the establishment of motherhood identity in the patriarchal framework, IVF, alongside other ARTs forms have dissolved the fixed boundaries between good and bad motherhood conduct, emphasizing an highly individualized process of becoming, conditioned merely by a high degree of personal involvement, which can take diverse forms. There is still much further research and ethnographic evidence needed to give a more conclusive answer to this dilemma.

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The myth of wonder woman: motherhood & entrepreneurship challenges

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Abstract

In a patriarchal society, women feel the pressures of being good mothers, productive employees, housewives. The ideas and expectations around mothering impact all women: those women who are not mothers are frequently asked when they will become mothers, while the employees expect them to do unpaid overtime, to work evenings and weekends, because they consider that they would have no other responsibilities; working mothers are asked to be all things to all people. Society continues to label women no matter what they do: she's a careerist so she's not a good enough mother; she's working overtime so she neglects her family; she's staying home for too long so she's a mistress and so forth. We interviewed 10 entrepreneurs who are mothers about their relationship with themselves, with their partner, with their child, with the job and with the state. We wanted to see to what extent their privileges as access to a high level of education and financial privileges make their lives easier as mothers. The analysis carried out reveals health problems both physical and mental, a permanent feeling of guilt that they are not good enough mothers because they do not spend enough time with their children, being very active professionally, and a daily struggle to cope with everything.

Keywords: *motherhood, guilt, health issues, work-life balance, gender roles.*

Introduction

Most working women see their careers as personally fulfilling, especially if they are active in the desired field. Women want to be able to maintain the balance between personal and professional life, to be productive at work, to solve problems at home, domestic work, childcare, emotional work, to use their creativity, to face the challenges of being open to new skills.

The time that women and men have for personal matters and their families has become a broadly debated issue in the EU. According to the 2018 Report on Equality Between Women and Men in the EU, women work on average six additional hours per week on paid and unpaid labor such as childcare and housework (p.9). As the Gender Equality Index 2019 underlines, through gender stereotyping, domestic and care work (mostly unpaid) is associated with women, and paid work with men. As a result, the unequal distribution of time spent on caring and house-work activities between women and men remains a major hurdle to progress on gender equality. The disproportionate amount of time women spend on care and domestic chores impacts upon their participation in employment and opportunities for social, personal and civic activities. It also affects women's employment patterns and prospects by exacerbating their involvement in precarious work, with consequences for gender gaps in pay and pensions. (p. 47)

In the late 1990s sociologist Sharon Hays introduced the idea of "intensive mothering" to describe the parenting of "the best mother" - a woman who always puts the needs of her children before her own needs, a full-time caregiver, the woman who makes children the center of her universe. This is a gendered model of childrearing that is child-centered, expert-guided, emotionally absorbing, labor-intensive, and financially expensive (Lockman, 2019, p. 198). Intensive mother has its roots in the traditional gender divide that positions men in the public sphere as breadwinners and women in the private sphere as caregivers. However, this model was criticized as many women began to enter the labor market and could not be full-time caregivers and full-time breadwinners at the same time. Nowadays working mothers still face overwhelming pressure to be "perfect" and they are striving to lead two lives – one at home and one at work.

In 2008, sociologist David Maume of University of Cincinnati, arrived upon the Urgent-Care Question. He boiled parental responsibility in dual-breadwinner couples down to one metric: If your kid gets sick, who takes time off of work? He found that 77.7 percent of women and 26.5 percent of men report that they are sole bearers of this responsibility. Maume concluded that not

much has changed since family researchers in the late 80s wrote that men accept child care responsibilities when they are away from work, but women adapt their work arrangements to their partners' schedules and the needs of their kid(s) (p. 282). This underlines the idea that in most couples women remain the default parent.

Another aspect that working mothers face is the so-called motherhood penalty as they attempt to make a steady climb up in their career. The motherhood penalty assumes that mothers aren't able to maintain the same professional footing as women who don't have children or their male colleagues. This can have an impact on the ability of working mothers to create a secure financial future (Correll, Benard, In Paik, 2007).

Out of a desire to conform to society's standards about women they come to face the wonder woman syndrome. The concept refers to the ability to be everything to everyone – managing family life, social life, and commitments outside the home. Most women agree that wonder woman is a myth, and yet many of these same women's extraordinary expectations for managing their professional and private lives seem based on superhuman standards. (Hays, 1986, p. 436)

We would like to review the concepts around which we center this research: mothering and working. On one hand, mothering is a socially constructed set of activities and relationships involved in nurturing and caring for people. It is also the main vehicle through which people first form their identities and learn their place in society. At the heart of mothering as it is commonly understood in contemporary Western society is an ethic of caring-of knowing, feeling, and acting in the interests of another. Although mothering usually refers to the thoughts and activities of women who have willingly assumed the responsibility for the caring, nurturing and socialization of their biological, adopted, or stepchildren, the process of defining mothering is not this simple or clear cut (Forcey, 2001, p. 157). The feminist perspective emphasizes three aspects of care: social invisibility, the relationship between care and gender roles, and its importance to the maintenance of life. On the other hand, the concept of work has been traditionally associated with the traditional male ways of participating in the labor market (thus excludes unpaid work: domestic work, emotional work). However, the growing participation of women in the labor market has not resulted in changes in distributed housework, but in the double burden on women to meet demands in both the private and public sphere, a phenomenon called the second shift or double presence/absence (Tavero et. al, 2018, p. 2)

In general, the work that mothers do in the private sphere is devalued because it lies outside of the sphere of monetary exchange. This is the discourse of liberal feminism that sees equality as achievable only through women's increased participation in the public sphere. Success is defined almost exclusively by achievement in paid work and education and increasingly, this is seen to be the ideal for women as well as men (Kahu & Morgan, 2007, p. 59).

In this research we wanted to see what kind of challenges women who fit into the ideal model proposed by liberal feminism are facing in their everyday life. So, our target group was urban women who run their own businesses (entrepreneurs) and who have at least one child. We consider the entrepreneur mothers to be a considerably smaller group than marginalized mothers, single mothers or lower-class working mothers, but we also think it's an interesting subject to explore. Considering that these women come from privileged positions (from the point of view of education, financial resources etcetera), we wanted to see if it is easier for them to negotiate their time between work and family life, if it comes with greater flexibility or greater responsibilities, how they share their responsibilities in couple (dual-breadwinners couples), if they feel any kind of pressure from the society, if they feel the state should do more for moms and so on.

Methodology

We considered qualitative research would be the most appropriate for this empirical approach, using the semi-structured interview as a tool. We interviewed 10 who are entrepreneurs (or practice atypical work) to see what challenges they encounter regarding the work-life balance (how these women negotiate their flexibility to combine the role of mother - is it easier when you are your own boss?); the relationship with themselves (me time), with the partner, with the child/children, with the society/other mothers (what kind of pressures they felt before they had a baby and after they had a baby), with the labor (how the return to work went?) and last but not least the relationship with the state (are they pleased with the current policies on birth support and work-life balance?; what do they feel that they have missed or are now missing from the policies of the state that addresses mothers?).

Results

The interviewees are aged between 33 and 40 and they're all living in urban areas. Only one woman practices atypical work (combines three part-time jobs), the rest of them are entrepreneurs

(developing their own business from 0). Each woman interviewed has at least one child and only one woman is a single mother (divorced).

Their perspectives on the time spent with the child are different, if the period was short, enough or too long. Overall the period of parental leave ranged from 3 weeks to 2 years. Mothers who have spent only 3 weeks with their child/children consider it to be short, while mothers who have stayed for a few months (between 3 and 8 months) consider this period to be sufficient, and mothers who have stayed at home for 1 year or more than 1 year consider this to be a long time.

> *It seemed like a lot, a time when I felt bad, I felt like I was going crazy every day.* - Interview 1, 40 years old

> *I wish I could stay home, I don't think I've spent enough time (...). My maternal grandmother and husband helped me a lot.* - Interview 7, 33 years old

> *I think I was left with a trauma of that period because I didn't have enough time to enjoy motherhood. I was concerned about the start-up and it wasn't comfortable for me. I didn't realize in the first phase (...) it was hard. With a second child, I'd do it differently.* - Interview 8, 36 years old

In all 10 cases, the pregnancy was planned, whether it came from the desire of one of the partners or both. Women describe this decision in terms of awareness and planning. For all the women interviewed, pregnancy was not an accident, the child was always wanted by them.

Topic 1: Relationship with the self

The main fear of pre-birth interviewees was related to potential health problems for either their children or themselves. There are also elements in their answers that indicate fear for the loss of freedom with the appearance of a child.

> *The fear that I will lose my freedom, I will not have the same flexibility in time management. (...) What if Saturday I want to read a book all day? How will I be able to be myself after that?* - Interview 8, 36 years old

For most interviewees, the expectations they had before giving birth and the subsequent reality were very different. They describe how the post-birth period was accompanied by stress and a sense of guilt due to breastfeeding, the sometimes limited patience to spend time with the child,

the perception of loss of freedom and flexibility in managing their own program, both socially and professionally. From their answers, one can also identify the perception of the distorted reality of motherhood presented and promoted by society, which has led to a sense of external pressure to adopt a certain type of accepted social behavior, which has subsequently turned into an inner pressure to manage everything without mistake and real support, but with absolute control.

> *I expected to be more patient with my child but sometimes I'd rather work than play with the baby.* - Interview 3, 35 years old

> *I thought I was going to manage everything to perfection, but it wasn't. I was pretty stressed out because I breastfed him, he was fat and I was obsessed with not being obese.* - Interview 8, 36 years old

> *Society promotes much bullshit, does not tell the truth about what a child means. I do not condemn people who do not want to have children and I think society is very hypocritical in this regard. It's 3-4 months of discomfort. The experience of the birth is overlooked, we are presented with only the full part of the glass...When in fact you won't have any form of gratitude, you just give and you're the baby's trash can. There's a lot of pressure on the moms.* - Interview 9, 36 years old

Regarding postnatal recovery, the interviewees say that the physical one was easier than the mental one.

> *Physical recovery took me about two weeks, but the mental recovery was harder and I didn't have any help. It was a shock to me not being used to housework.* - Interview 1, 40 years old

> *Physical recovery was easy, the mental recovery I didn't feel at the time. I was experiencing continuous fatigue, I was experiencing lack of sleep and energy, I became aware of these things a year ago.* - Interview 9, 36 years old

Three of the interviewees admit they experienced postpartum depression. The answers show a difficult adaptation to the "traditional" role of mother, wife, woman, who must forget about herself to care for the child, as well as the lack of real support from those around her to face the challenges of caring for a newborn. That is why most of the women interviewed stated that they went to a

psychologist or they were aware of the need for specialized help for the feelings of sadness, anxiety they faced at the time.

> *I am sure I had postpartum depression; and not just a month or two, but a longer period of time and that had to do with the lack of help. Maybe therapy would have helped me then. I didn't feel okay at all changing diapers all day, cleaning, cooking and so on. And you don't really want to go talk about it anyway.* - Interview 1, 40 years old

> *I recognized the signs of depression and went to the psychotherapist.* - Interview 7, 33 years old

> *I've had depression for almost three years. I'm only more balanced since the end of last year. Fatigue culminated when I returned to work. In addition to support from my family, I have overcome this situation with the help of a psychotherapist.* - Interview 9, 36 years old.

Interviewees experienced an increased level of vulnerability during child-rearing leave in terms of resuming work because they had management positions or were the ones running the business and had a sense and perception of loss of control.

> *I wanted to get back to work as soon as possible, to get back to the office.* - Interview 1, 40 years old

> *I felt pressure from the employer as I was a zonal sales manager (responsible for 6 counties) and it was a lot of work. At home I didn't have any pressure, but my husband helped me a lot, he trusted me.* - Interview 5, 35 years old

> *I felt pressure from myself as I am the person running my own business. I had the feeling that nothing can work as well if I'm not at the office to coordinate the work.* - Interview 10, 40 years old

Topic 2: Relationship with partner

Interviewers are in relationships with their partners from 3 years (the shortest period) to 22 years (the longest period).

The interviewees recount various changes that have occurred in the couple's relationship after giving birth, from the quality of the time spent in two, including intimate relationships to separation. They consider that the pregnancy and the period during which they were forced to care for a newborn (at least the first months) was an important test for the couple's level of maturity and showed the problem of managing the situation from two different perspectives: the 'modern' approach in which the two partners share their tasks fairly and the 'traditional' approach in which the mother is the main person responsible for the care/raising of the child. The challenges of the interviewees in their daily lives are related to their professional activity and personal life. "Time, fatigue and stress" are keywords in their responses. Interviewees say although they are apparently part of the "modern family," tasks are not always fairly divided between partners.

> *Our relationship has changed. Sexually, we also give ourselves very little time, perhaps because of fatigue. We're more concerned about the baby, and the romantic part doesn't really exist anymore.* - Interview 3, 35 years old

> *We walked away from each other because I didn't have that much time to devote to him. Because of the hormonal storm I was getting very angry very quickly and I couldn't find understanding from my partner. Until he got away from everything. He was unable to manage the situation and accept the changes that occurred after I gave birth.* - Interview 4, 43 years old

> *We spend less and less time together and of worse quality. He supported me in raising our child. The first year was a disaster and he went through a strange period of weight gain.* - Interview 8, 36 years old

> *I think you need to have a stable relationship to get over this period. Our relationship has changed for the worse compared to the period before.* - Interview 9, 36 years old

> *It's been a downward slope for many years, but now we're back on our feet. Harder, but that's it, we both made it.* - Interview 10, 40 years old

> *What do we do with the child when she's on vacation and we're at work? Where should we send him?* Interview 1, 40 years old

The challenges are about the same every day. First of all, challenges from work are the main ones that cause stress, luckily I'm a pretty resilient person. The rarer challenges are with children when they are sick. Otherwise, we're still lucky that I have my parents who take care of them, take them from school/ kindergarten, take care of them until we get back from work. - Interview 6, 34 years old

The fact that he wasn't physically there, his lack of understanding, his escape from responsibilities, my inability to manage moments of crisis, to be more understanding. I wish he'd understand me then. - Interview 4, 43 years old

I wish we could spend quality time together, stop fighting. Working together conflicts are more and more frequent. I'd like us to accept our flaws. - Interview 8, 36 years old

The daily routine of the interviewees involves going to the office in the case of both partners, leaving the children in the care of someone else, whether we are talking about nursery/kindergarten/school, in some cases the help also comes from grandparents, and taking over the child/children at the end of the program. Thus, because they are left with a large part of the child/children's upbringing, the partners help with certain things when they are explicitly asked for help. Although it has not been explicitly called into question, the education of children is one of the responsibilities of the mother.

I don't think it's fair, but I thought the woman could carry more than the man. We're divided over periods of time. - Interview 2, 36 years old

He was doing outside activities like taking out the garbage. Mostly he wasn't involved, he was minding his own business. He'd go out with the baby, feed him, but I was putting him to bed; he was not playing with the baby. If I asked him, he'd do things. - Interview 4, 43 years old

Tasks are divided 50-50. I'd even say there's more to my husband. He does the dishes every evening and when it's cleaning time he still does more than I do (...). Tasks are somewhat balanced because I do things that he doesn't like, for example I iron, I cook. - Interview 6, 34 years old

The division is not fair. (...) When I get home, his duties stop. - Interview 7, 33 years old

I'm 90% in charge of the children's school. I also take care of housekeeping and cooking. However, I work for 6 hours/day, while my husband is working 10 to 12 hours daily. - Interview 10, 40 years old

Topic 3: Relationship with the child/children

Among the challenges in parenting, interviewees specifically mention keeping calm in relation to the child, as well as guiding them towards finding passions or developing skills that will be useful to them in the future. As a perspective, the relationship with the child over 10 years is seen by the interviewees positively, harmoniously and based on values such as understanding and sincerity.

To make her a better person. It's hard for me to compete with technology. I want to teach her to understand what's right and wrong, to feel her close to me, not to be marginalized or to face bullying. - Interview 3, 35 years old

To gain balance in the relationship with the child: not to be drastic, but not too soft. To not raise my voice when it is not appropriate; in the benevolent vs. restrictive paradigm I would like to raise my child somewhere in the middle. - Interview 4, 43 years old

Find a balance. To understand the character of the child and his personality so that I can bend the education, not to get to deviate. I don't have enough time for him.- Interview 8, 36 years old

Fears or challenges for the future are how I'm going to deal with what she's going to like or how I'm going to help her in this regard. I don't want to urge her to anything, absolutely nothing, I have no field for her. I'm not good at it and she doesn't ask for anything; at the moment she likes to play in her grandmother's yard but that's not going to be enough forever. - Interview 6, 34 years old

To be a good example and to be able to prepare her with what she needs for any kind of challenges of life. - Interview 9, 36 years old

The guilt of the mothers is related to the time left to spend with their children, the fact that they work hard.

I work too hard and we don't have much time to spend together. Maybe she wanted to eat something and I didn't have time to cook it for her. I generally feel guilty because I'm not really present at home. - Interview 1, 40 years old

I feel guilty a lot when I work and I'm not with her or when I don't get to her lunch sleep. - Interview 7, 33 years old

Every day I feel guilty when I'm working overtime, when I'm not in the mood for playing with him, when I'm caught up with other things, superficial. - Interview 8, 36 years old

I felt guilt when I lost my patience and raised my voice, when I didn't listen to the children because I had work to do, when I wasn't paying attention to their wishes. - Interview 10, 40 years old

The most difficult in the child-parent relationship, from the point of view of the interviewees is communication with their children, because their main desire is that in the relationship between them and the children there would be transparency and sincerity.

Multi-channel communication, depending on age, depending on the problems they have (real or imagined) and this aspect also takes into account the gender of the child. - Interview 2, 36 years

You have to encourage the child, you have to know how to get him/her to communicate with you or you have to have some skills. I don't know if all children naturally come to talk to their parents, I guess most of them don't. Then there is education because in the context of our country you do not know how much it is necessary to come in addition or at least in support, to support what the child is doing in school. It's obviously necessary but where do you set the limits?! - Interview 6, 34 years old

To understand each other because the child is right too. To be able to give the child a context when you're not well. - Interview 9, 36 years old

Finding a way for children to open up. - Interview 10, 40 years old

Topic 4: Relationship with society, other mothers

Interviewers characterize a good mother through her love for the child and mention the importance of self-love. They also emphasize that there is no socially accepted definition of a "good mother".

> *A good mother would help and be empathetic with her children. I believe all mothers are good in their own way.* - Interview 2, 36 years old

> *First of all, what makes a good mother is the relationship with the self. If you're not happy with yourself, you won't be able to have a good relationship with others, and you won't be able to focus on what are the issues you want to improve in your relationship with your children or others. (...) Until you're okay with yourself, there's no way you're going to be with those around you because any sense of guilt about yourself will make you misjudge your relationship with others.* - Interview 6, 34 years old

A bad mother is a mother who either abuses or abandons her children in the eyes of the interviewees. From their answers, it can be seen that everything related to violence, abuse and neglect of children is quite excluded from the intellectual sphere. Abandonment is perceived as total and is not considered or related in any way to the work and involvement of the mother in the workplace.

> *Abuses, such as physical aggression of the children, not feeding them and so on.* - Interview 1, 40 years old

> *Abandoning children, but you're not a bad mother when you want to go to work.* - Interview 3, 35 years old

> *A bad mother is that one who no longer cares for her children. Yet there are good mothers who need to leave their children to work abroad - that doesn't make them bad mothers. I would say that only those who have given up their children are bad mothers, others are just good mothers who don't know they are good mothers or need to improve their relationship with themselves.* - Interview 6, 34 years old

To please everyone, women should be wonder women or super women. Interviewers admit that thanking everyone is not the kind of philosophy they follow.

There's no such thing! Why would you want to please everyone? Everyone will want something from you and you can't do that. - Interview 1, 40 years old

T*he worst thing is to please everyone because you will never succeed.* - Interview 2, 36 years old

To be multifunctional, indulgent and not to have expectations. - Interview 7, 33 years old

Society's expectations for them as mothers are unrealistic, as they have to perform their multiple roles perfectly, which can lead to frustrations and health problems.

They're unrealistic and that has to do with the level of education. - Interview 1, 40 years old

We went to another extreme, from the submissive woman to the self-sufficient woman, who is not realistic. Social pressure is a little high and causes a lot of casualties. - Interview 2, 36 years old

Mothers are still human beings; (the society) it's asking a lot from mothers. There is a desire to create an environment for your family (as a mom). - Interview 5, 35 years old

Society lives in a science fiction story. Expectations from women are sick and toxic! - Interview 9, 36 years old

Topic 5: Relationship with the labor market

Of the 10 interviewed, only one works part-time (30 hours/week); the rest work full-time or full-full-time as they describe it. Interviewees consider that their greatest professional achievement is their financial independence acquired through the development of their own business, respectively being a manager, all by their own powers.

My greatest achievement was that I managed to do a business of my own and I don't depend on anyone. - Interview 4, 43 years old

I have my own business, I've made a profit since the first year and I've got five employees. - Interview 7, 33 years old

Developing a business from 0. - Interview 8, 36 years old

My own business. - Interview 9, 36 years old

Returning to work was a difficult process for the interviewees, but considered necessary and beneficial for their development not only professional, but also psycho-social. Part of it is that the combination of all roles in the context of the professional position and their work has led to health problems, chronic fatigue. In one of the interviews appears the concept of "wonder woman" which is impossible to achieve.

The restart of my professional activity went well; I wanted to come back so I could socialize again, to stop going crazy (at home). It was like a vacation for me to go back to work. When I returned I actually changed my job, I was among friends (for the new job). - Interview 1, 40 years old

It was really hard, I had health problems. I didn't understand the limits. We have to pay for something, and I paid with little care for myself. I'm not a wonder woman. Over time, I've gained a lot of extra pounds. - Interview 8, 36 years old

A year and a few months after I returned to the office I had back problems, gained extra pounds and experienced chronic fatigue. - Interview 9, 36 years old

Regarding the balancing of personal and professional life, interviewees find various ways to be present as much as possible both in the workplace, in the family and in their relationship. The balance is supported, in large part by help from others, such as the extended family, grandparents, and by putting clear boundaries between the two. An interesting aspect that emerges from the answers is that in "personal life", the details of personal time, for themselves, are not considered so relevant.

I'm trying to balance through vacays. We take advantage when we're traveling together. When I feel like I can't work anymore (because of fatigue or stress), I take a 3 days break and go somewhere with my family (travel). - Interview 2, 36 years old

I balance them well, because my parents support me. - Interview 4, 43 years old

I spend more hours at the office than I spend with my family doing relaxing activities. The fact that I spend the weekends and evenings with them, let's say it is saving the situation a bit. My daughters have somehow substituted the relationship with me with

their relationship with my mother (their grandmother) and they feel very good there because they can sit outside and play a lot (in the yard). I don't know how that will be reflected later in their psyche, as adults, but I hope not in a negative way. - Interview 6, 34 years old

I try to manage my time, schedule the days. For example 1 day of the weekend I spend it in the family and usually in the evening I spend time with my child. - Interview 9, 36 years old

Putting limits on my business and professional goals. - Interview 10, 40 years old

Topic 6: Relationship with the state

Regarding the relationship of mothers with the state and the potential facilities that it should adopt and implement to support them, the respondents call into question the poor health and education systems, the lack of help, the double burden, the insufficient number of nurseries, the lack of support groups for mothers (free access to psychotherapy) and for other family members involved in child rearing.

Regarding the Romanian state's birth support policies, although they are not considered to be financially disadvantageous, 2 year parental leave is perceived as too long and they complain about the lack of other means of supporting families (e.g. a good nursery system and decent standards).

Even though the respondents say they did not necessarily have financial problems during their child-rearing leave or after returning to the office, they are concerned about the lack of financial means for vulnerable families who do not have child support and depend on allowance and education in the public system. In relation to money, two of the respondents point out the role of "wonder woman", who must also produce material resources and "mother of sacrifice", because these financial resources involve sacrifices.

I think it's not fair if you don't have support from someone; your personal life becomes a professional life, you get home and start another job: washing, cooking, ironing. - Interview 1, 40 years old

Education and health systems must come first for a state, but (in our case) it is not. Unfortunately, there's not much support for young moms or infrastructure. (...) Access

to education and health should not have a financially based criterion for children. I have the kids in the private education system, but it doesn't seem right to me (I admit my privilege). - Interview 2, 36 years old

The nursery system is underdeveloped. It should adapt to the needs of the mother. Private ones are expensive. Not many people have help (What do you do if you can't afford a private system?). - Interview 3, 35 years old

I think there should be support groups for women before and after birth. To have free access to psychotherapy especially for women with postpartum depression and even nationwide education programs dedicated to husbands, grandparents (the family members involved in child rearing). I'm a lucky, a privileged case because I could afford all this. - Interview 9, 36 years old

I think that 2 years (post-natal leave) affects the mental health of mothers, it seems to me a long time. I think six months would be enough and after this period of time you have to go back to work. But nurseries are a problem. I didn't go through that because my daughter didn't go to daycare and I could hire someone to take care of her. Otherwise, the conditions in Romania are not that bad, we have the longest duration of child-rearing leave and the allowance is about 85% of the salary. - Interview 1, 40 years old

I would describe state policies as a mockery! Insufficient monthly allowance, lack of predictability, uncertainty. - Interview 2, 36 years old

The policies are bad! The state supports you for two years, and then? It does not support the child until he/she finishes the educational cycle (in the 12th grade), it is not considering the whole context. (...) It seems to me like the state helps for the first 100m and the rest of it (like 100 km) leaves you alone. (...) I pay because I can afford it, but what about the ones who can't? - Interview 4, 43 years old

I think from this point of view the Roman state does enough, i.e. it does quite well with the 2 years of parental leave and it gives mothers 85% of their income. I think for a woman who worked before it's okay, I don't see what else could be done. The state can not support you until the child is 4 years old (and even if the state would do so, at that

age the child is still not independent). The only difference would be that at the age of 4 you can enroll him/her in kindergarten and somehow the child immunity is formed. At the age of 2 it's more complicated because there are not enough nurseries. Perhaps the increase in the number of nurseries is an aspect that could be improved. - Interview 6, 34 years old.

The image of the mother at the social level is still linked, according to the respondents, to the "traditional image" of the woman in charge of the care and education of children, only now she has even more tasks in the social environment. Thus, pressure swells for women to take their place in the family at the expense of the professional activity and are considered to be more "emotional".

Society sees us as super-woman, I don't think it would ever have the same demands from men. - Interview 6, 34 years old

I would describe it as the mother of sacrifice. Interview 8, 36 years old

It depends a lot on the current, on the area. I am from Bucharest and here I see this "liberal current" - women, mothers are independent and they rebel against men because they do not assume more roles (within the family). I think there are certain fields where mothers are more prepared, I don't know. For example, I'm the only one who goes to the doctor with my kid, I make appointments, I go to school to speak with her teachers. - Interview 1, 40 years old

Society is putting pressure on you to stay home with the kids, the family. (...) After having a baby, the woman's yield will be lower, she is "waking up" after 6 months (...). If a mother works hard and has a business she will be blamed, but if the father makes the same he is considered the head of the family. - Interview 9, 36 years old

The woman is considered weak, judged for being emotional, that she does not focus on work, but I truly believe that a mother will be as productive as possible in the office to leave her time at home to spend with the child (without thinking about priorities at work).- Interview 7, 33 years old

Respondents do not agree how mothers are treated by the Romanian state, not from the point of view of birth support policies, as much as from the point of view of their support as individuals during the leave and after returning to work, because flexible work schedules do not apply, are not

supported by employers and society, do not have alternative means of support with education and child care or when the child is ill.

> *The Romanian state thinks that it favors mothers if they spend 2 years at home with the child, but in the two years if you do not have resorts to research, to stay connected to what happens outside the domestic area of child rearing, you are going crazy.* - Interview 1, 40 years old

> *A flexible working schedule for mothers and 100% paid leave when the child is ill should be considered.* - Interview 10, 40 years old

Conclusions

The analysis of the responses led to a series of conclusions on how motherhood can influence female entrepreneurs, who are financially independent and professionally successful in the context imposed by the Romanian society and the gender roles. Although privileged from the point of view of access to education, of the social class, they are in relationships where they are the "main engine" (in charge of everything, like "wonder woman"). In general, their partners help them punctually when they explicitly ask for it. The women interviewed feel motherhood with pressure and with the conception that they must do everything without mistake, both personal life and professional activity.

Their sacrifice to make everything perfect is seen in the health problems they have, both physical and mental health. All of them mention the lack of time for themselves, but also for the romantic relationship, fatigue (even chronic fatigue), external and inner pressures and feelings of guilt towards the relationship with their own child (the guilt of not being a good enough mother because they don't spend enough time with the child).

Even if they have multiple opportunities for childcare, their responses show the need for society to be less "demanding" and "judgmental", and for the state to be a real partner, especially in the education of children. Everything related to children's health and education is still the responsibility of the mother. Most of the interviewees have enrolled their children in the private education system but this is a privilege due to financial resources and many of them would like not to have to invest money in the private system, but to have a public system of trust in terms of standards and quality.

An important aspect of the interviews is free access to specialized psychology/psychotherapy services, both during pregnancy and after giving birth. Women say they need moral support, especially when they don't find it from their partner or loved ones. Thus the state could support mothers with policies that take into account these not discussed issues related to the period of motherhood.

Last but not least, there is a tendency towards stereotypes about the perfect mother that can be stigmatizing for career women, who also focus on working life. This aspect should not label them as bad mothers or mothers who are not good enough for their children. Interviewees are aware that the society blames them when things are not in perfect balance which is extremely difficult to achieve outside a fair partnership in which tasks are divided and without work-life balance policies.

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Male gaze in the cinema. How women in general, and mothers in particular, are represented in the movies of the '70s

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Abstract

In this theoretical context offered by Laura Mulvey's male gaze theory, the article analyze how the male gaze theory applies to the movies of the 70s in general, with a special emphasis on the Romanian movies of that period. Women' representation in the movies directed by Mircea Veroiu, Dan Pița, Alexandru Tatos, Mircea Daneliuc, Stere Gulea will be discussed from the perspective of the construction of femininity, with a special emphasis of motherhood models.

Keywords: *cinema, visual culture, Laura Mulvey, male gaze theory, motherhood.*

Introduction

The notion of the gaze can be related back to Simone understanding of women's oppression within the dialectics of gender relations (Beauvoir, 2009). Women, the oppressed ("second") sex, internalize the objectifying gaze of men upon them and do not have the power to own or return the gaze.

Today, the notion of the gaze is widely used in visual culture. Berger (1972) proposed that in Western culture, from painting to advertising, men look and women are looked at. The theoretical explanation of the male gaze as involving complex mechanisms of voyeurism and narcissism was specifically developed in film studies. Film theorists argue that the medium of film is based on scopophilia: in the darkness of the cinema, the viewer is a voyeur who can look at the screen without limits or fear of being punished for his or her desire.

Laura Mulvey advanced the idea that active and passive aspects of the desiring look are distributed among the sexes in cinema. The male character is powerful as he actively commands the narrative and the visual point of view. In classical Hollywood films the male character looks at a woman while the camera films what he sees. Because the camera films along with the male character, the viewer is invited, or rather forced, to adopt a Male position. "The male gaze „is a cinematic structure combining a threefold look: camera, male character, and viewer. To enhance the visual pleasure, the woman's body is "cut up" into close-ups through framing and editing. The male gaze works in cinema as a form of voyeurism objectifying the woman's body and turning it in to a passive spectacle; in Mulvey's famous words, into "to-be-looked-at-ness." In cinema, the identification with the larger-than-life figures on the white screen revitalizes the early mirror phase for the spectator. The powerful and attractive heroes in the film function as ideal mirror images for the viewer, who can narcissistically identify with them.

In this theoretical context, the article will analyze how the male gaze theory applies to the movies of the 70s in general, with a special emphasis on the Romanian movies of that period. Women′ representation in the movies will be discussed from the perspective of the construction of femininity, with a special emphasis of motherhood models.

Male gaze as an important concept in film theory

Looking at various types of visual productions (movies, public advertisements) through gender lens has been important for observing the ways gender is created and recreated over time and space. An important theoretical perspective used to observe the construction of gender is offered by the gaze concept. The gaze pertains beyond gender relations being widely used in visual culture research. Berger (1972) proposed that in Western culture, from painting to advertising, men look and women are looked at. The concept also deals with panopticism in society. A panoptic gaze is a form of disciplinary power involving techniques of control and regulation. Michel Foucault (1979) argues that modern societies have installed technologies of surveillance to discipline their subjects. Contemporary forms of surveillance and the ubiquity of media in the public realm, produce an anonymous and authoritative panoptic gaze.

Feminists have argued that the disciplining effect of the panoptic gaze is internalized by women in their relation to their own body. For feminist the male gaze is at the core of identifying ways and means of objectification and subordination of women through artistic creations. The

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Consequently Laura Mulvey argues that in cinema, women are typically portrayed in a passive role that provides visual pleasure through scopophilia, and identification with the on-screen male actor[8] She asserts: "In their traditional exhibitionist role women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be said to connote *to-be-looked-at-ness*," and as a result contends that in film a woman is the "bearer of meaning, not maker of meaning." Mulvey takes the psychoanalytic theory of Lacan as key to understanding how film creates such a space for female sexual objectification and exploitation through the combination of the patriarchal order of society, and 'looking' in itself as a pleasurable act of scopophilia, as "the cinema satisfies a primordial wish for pleasurable looking."

Mulvey identifies three "looks" or perspectives that occur in film which, she argues, serve to sexually objectify women. The first is the perspective of the male character and how he perceives the female character. The second is the perspective of the spectator as they see the female character on screen. The third "look" joins the first two looks together: it is the male audience member's

perspective of the male character in the film. This third perspective allows the male audience to take the female character as his own personal sex object because he can relate himself, through looking, to the male character in the film.

Putting the male gaze concept into historical perspective one needs to pinpoint that the arguments within Mulvey's theory are influenced by the time period in which she was writing her famous book "Visual Pleasure and Narrative Cinema". It is the period of the second wave feminism, which was concerned with achieving equality for women in the workplace, and with exploring the psychological implications of sexual stereotypes. In this context Mulvey calls for an eradication of female sexual objectivity, aligning herself with second-wave feminism.

In cinema, the powerful and attractive heroes in the film function as ideal mirror images for the viewer, who can narcissistically identify with them. Narcissism, the desiring look at oneself, is related to Lacan's theory of the mirror phase. The film functions as a mirror in which the viewer recognizes his or her ideal "I" through a secondary identification with the hero, in addition to the primary identification with the cinematic apparatus of camera and projection. The mirror phase is a psychoanalytic concept that explains how a child builds his or her first sense of a conscious self, at a young age before the entry into language. Lacan proposes that the parent holds the child up before a mirror, teaching the child to recognize itself by distinguishing its self from the (m)other. The mirror image is an imaginary idealization, because the child projects an ideal image of itself onto the mirror. This ideal self-image leads the child to a first awareness of the ego. The recognition of the self in the mirror image is simultaneously a "mis"-recognition, because the child identifies with the image of itself as another, that is to say, as a better self than he or she will hope to be in the future. In cinema, the identification with the larger-than-life figures on the white screen revitalizes the early mirror phase for the spectator. The powerful and attractive heroes in the film function as ideal mirror images for the viewer, who can narcissistically identify with them.

For feminist film theorists, the usage of male gaze creates an unbalanced relation between the active male hero and the passive woman. As the structures of voyeurism (the desire to have the other) and narcissism (the desire to be the other) are both geared toward the pleasures of a male audience, the female viewer has no other option but to identify with a male gaze or adopt a marginal or masochistic viewing position. Consequently, feminist activists – ranging from theorists to filmmakers – have tried to create a female gaze and develop visual pleasures for a female audience.

Questions of a black women's gaze and a lesbian gaze were soon included in this quest. The notion of the gaze as a device in power relations between the "races" was further developed in black studies.

Many other feminists have pointed to what Mulvey named as the male gaze that predominates at least in classical Hollywood filmmaking. Movie director Budd Boetticher summarizes the view:

> *"What counts is what the heroine provokes, or rather what she represents. She is the one, or rather the love or fear she inspires in the hero, or else the concern he feels for her, who makes him act the way he does. In herself, the woman has not the slightest importance*." (p.9).

As a reaction to this objectification and sexualization of women in visual culture a movement to depict women more realistically in movies started. Nevertheless, acknowledging the value in inserting positive representations of women in film, some critics asserted that real change would only come about from reconsidering the role of film in society, often from a semiotic point of view.

Mulvey's theory has been inspirational for further developments and critics. Starting with her arguments about the complex relationship between spectator and film text which unveils a viewing apparatus whereby the male gaze, equipped with political, economic, social and sexual power, consigns women to silence, marginality and absence, there are feminists that are challenging the essentialist binarism of Mulvey's claims. For example, coming from a black feminist perspective, American scholar, Bell Hooks, put forth the notion of the "*oppositional gaze*," encouraging black women not to accept stereotypical representations in film, but rather actively critique them. The "oppositional gaze" is a response to Mulvey's *visual pleasure* and states that just as women do not identify with female characters that are not "real," women of color should respond similarly to the one denominational caricatures of black women. On the other hand, Miriam Hansen, in "Pleasure, Ambivalence, Identification: Valentino and Female Spectatorship" (1984) put forth the idea that women are also able to view male characters as erotic objects of desire. Tania Modleski argues that Hitchcock's film, *Rear Window*, is an example of the power of male gazer and the position of the female as a prisoner of the "master's dollhouse". Carol Clover, in her popular and influential book, *Men, Women, and Chainsaws: Gender in the Modern Horror Film* (Princeton University Press, 1992), argues that young male viewers of the Horror Genre (young males being the primary

demographic) are quite prepared to identify with the female-in-jeopardy, a key component of the horror narrative, and to identify on an unexpectedly profound level. Laura Mulvey, in response to these and other criticisms, revisited the topic in "Afterthoughts on 'Visual Pleasure and Narrative Cinema' inspired by *Duel in the Sun*" (1981). In addressing the heterosexual female spectator, she revised her stance to argue that women can take two possible roles in relation to film: a masochistic identification with the female object of desire that is ultimately self-defeating, or a transgender identification with men as the active viewers of the text. A new version of the gaze was offered in the early 1990s by Bracha Ettinger, who proposed the notion of the "matrixial gaze".

The theory in itself, the concept of male gaze as proposed by Laura Mulvey and as further refined by other feminists offer a gender sensitive frame for analyzing movies, for identifying the dynamics of gender stereotypes used, the gendered power relations offered over time. The next chapters will provide examples of how male gaze works and define femininity and masculinity within various well known international and Romanian movies of the 70s.

Male gaze in the cinema of the '70s

Like almost any decade, the 70's have been prolific for the film industry. From Francis Ford Coppola to Marin Scorsese, from Woody Allen to Milos Forman, from Stanley Kubrick to Bernardo Bertolucci, from John Cassavetes to Werner Herzog and so on. The film industry was still dominated by men and so many of the portrayals of women came from a man's point of view. I would like to start with *A woman under the influence,* a film made by John Cassavetes in 1974, starring Peter Falk and Gena Rowlands. In many ways, this is maybe one of the most complex and powerful woman character in the 70s. The plot revolves around a Los Angeles housewife and mother who is on the verge of a nervous breakdown. Her husband convinces her to go to an institution to undergo a treatment, because she has become a threat to herself and to others. Meanwhile the father takes on the role of the mother – which seems to be even more complicated. He doesn't t cope anywhere better than her. The story then tries to reconcile the mother and the father, the parents and the children, the family and the society and so on. In essence, it is a story about dysfunction, and dysfunction is extremely painful to watch. The film was made by Cassavetes and his close group of friends, including his wife Gena. The fact that it was independent – made in easier to be sincere and intimate in the approach. Mabel (the character played by Gena Rowlands) is portrayed in a very special way. She has problems, and her problems are not

minimized by the author. She is a complex human being who is stuck in a very dangerous emotional place. In my opinion, Mabel is one of the most ample and deep depictions of women in cinema. The author loves her, but doesn't always understand her, follows her, gives her time, analyses her – all to find peace and love, and to make sense out of life.

A totally different approach to women can be seen in *Last Tango in Paris* – a film directed by Bernardo Bertolucci, starring the aging legend Marlon Brando and the young, up and coming Maria Schneider who was only 19 at the time of the shooting. Brando plays a middle-aged American mourning the suicide of his wife. Schneider plays a young engaged Parisian woman. The two meet and start a strange, bizarre an anonymous sexual relationship. In *Last tango in Paris,* the woman is an object of desire, but not necessarily in a superficial way. The story is about mourning and love. The two need the game they are playing – they don t know anything about each other, but they need each other. After sexually abusing her, he disappears for a while. After that they meet again and this time, he comes clean – he tells her his life story. She doesn't t want to find out anything – and after a tango and a chase, she tells him her name and then mortally shoots him, while rehearsing her text – she tells herself that she was raped by a stranger and that is why she killed him. Again, this film portrays the woman in a very complex way. Actually, it portrays relationships and needs, sexual or non-sexual in a very complex way. Here, Jeanne (the character played by Schneider) is an element of desire, of sexual desire, of lust, of youth. One interesting fact regarding the shooting of this movie is the famous rape scene, in which Paul anally rapes Jeanne using butter as a lubricant. Maria Schneider claims that she did not know that that scene existed – and that it was a surprise, an unwanted surprise. Her perspective is that she felt humiliated and a little raped during the shooting of the scene. In fairness, she was 19 years old up and coming actress who was filming with Marlon Brando and Bernardo Bertolucci. I think it was very hard to say no – especially in that period of time. She never spoke to Bernardo Bertolucci again. Bernardo s perspective is different – he claims that the scene was in the original script and that just the butter was improvised on the day of the shooting. He claimed that he felt guilty for the impact in had on Schneider but didn't t regret it. The question I raise is: can we actually judge what happened? Did two mature household names take advantage of a young actress? Did they cross the line? Is she a real victim? Again – it's very important to acknowledge the time period – things happened differently in that time period. For me, the fact that a woman comes out of a movie with regrets and humiliations and mental problems is a real issue. Art should not encourage that

type of behavior in any way. I get the fact that that scene has become iconic, but the price she had to pay I think is unfair. But again, it's extremely hard to judge, to know the truth – I think we should strive to be good human beings first and foremost and we shouldn't put people into potentially damaging situations.

Of course, more in-depth analysis is needed to make any documented judgments about the gender dimension of the film industry of the 70s. Just following this quick tour among famous women roles in the movies of the 70's I would say that they were full of truth, but also full of stereotypes, including gender stereotypes. Most authors were men, and men were interested in war, love, death, lust, revenge and so on. Most of the deep and complex characters were male – which can be understandable, because men made them – and they talked about themselves, about their view on the world. Women are mainly distributed in secondary roles or if they have important parts in the movies, they are mainly important for their looks, sensuality being depicted as sexual attraction, or docile, domestic wives and mothers. Nevertheless, there are exceptions such as Robert Altman, who used to develop strong and profound female characters in films like *Nashville* or *3 women.*

Beyond the male gaze in the Romanian cinema of the '70s

Because of the communist regime, the Romanian cinematography had a different destiny in comparison to the western cultures. In the 70s Romania produced a lot of propagandistic historical movies – which were profoundly nationalistic and evolved around strong male characters that loved their country and fought for freedom or against fascist regime– films like: *Mihai Viteazul, Vlad Țepeș.* Anti-fascist movies like: *Actorul si salbaticii* or *Atunci i-am condamnat pe toti la moarte.* These types of films usually had female characters – but they were secondary in importance and included in the script just for their looks, for offering the possibility of some romance on the background of the main heroic stories. Women in these films stood by their men, served their needs, and decorated the scenes with their beauty.

Another genre film which was popular back in the 70s was comedy. Romania had for example a famous series called *BD (Brigada diverse)* which made fun of police work and thieves. In these movies women were portrayed similar to comedies in the west. They were frequently beautiful, cheap, hunting man for their money, sometimes stupid and most of the time sidekicks or secondary characters.

Majority of the stories in the movies of the 70s are developed around men characters. Women are invisible, marginalized, presented in their domestic roles (wives, mothers), dependent on men, appreciated for their looks not so much for their brains.

Nevertheless, there are some (few) counter examples to such gender stereotyped movies, with women absent or in secondary roles, mostly passive. A good example is *Premiera* – a movie by Mihai Constantinescu, a comedy about a woman theatre director, wonderful played by Carmen Stănescu. In this film, the lead is a strong female and all the men are stupid and incapable. A sort of reversed gender stereotype is applied. Another example comes from the artistic creation of Alexandru Tatos. At least two of his films in the 70s have a strong female lead – *Rătăcirea* and *Duios Anastasia trecea.* Both films have a strong political dimension reflecting the fascist and the communist regimes. Anastasia is a young teacher (played by Anda Onessa) that fights strongly and courageous for a Christian burial of a partisan man. She is a heroine in a world filled with coward men. She is beautiful but not only beautiful. She has strong values, opinions and she fights for them no matter what. She has beauty inside not only outside. In "Rătăcirea", the main character is also a woman that marries a German man and leaves Romania for a better life. She is not happy abroad, her husband abandons her and she deeply regrets her homeland and wants to return to Romania. Although the script favors a stereotype model of femininity-a woman that opportunistically uses her looks and sexuality to obtain benefits in life, the character as evolves in the script is more subtle, offering a rich spectrum of manifestation of her femininity.

Of course, Elisabeta Bostan, among the few women directors of the 70s (another name could be Malvina Urșianu) is a good example for exploring the feminine universe within her artistic creation. Movies such as *Veronica, Veronica se întoarce, Mama, Saltimbancii* are famous musicals produced in Romania during communism that have women at the core of their stories. Motherhood and maternal values are highly represented within these artistic productions. These endearing movies promoted a traditional model of femininity, based on maternal instincts of women, focusing on their empathy, devotion towards children and family. Elisabeta Bostan could be considered important in the moviemaking of Romania due to the fact that she gave maternity and motherhood big (traditional) narratives. Beyond her merits one should notice the paradox: in a period of strong pronatalist policies, when thousands of women died due to illegal abortions, women were depicted in movies like the ones mentioned above as happy mothers, fulfilled women.

This is how propaganda works in different areas- it produces a distorted ideologized view about the society.

More in depth study is needed, but it is obvious that in the Romanian movies of the 70s, women are either absent in main roles, or much more marginalized (secondary roles) being mainly present in traditional gender roles. The male gaze is present everywhere and the majority of these movies would not pass the simple Bechdel test (asking basically whether a work features at least two women who talk to each other about something other than a man) or more sophisticated ones like Mako Mori test. In general, plenty of movies produced in the communist period illustrate some of the most common stereotypes about femininity. Such a stereotype way of approaching femininity has continued for decades. The characters in the vast majority of films made until 2000 portrayed womanhood either as "The Beauty/Virgin/ Saint" archetype, as "The Mother", as "The Whore".

Conclusion

Cinema has been for a long time considered as an entertainment built mainly for the male desire. Founders of cinema, majority men, created for a long period of time products based on their own vision about the world, their own esthetic needs and desires. Women have been for a long time just objects viewed and viewable by the implicitly male spectators. Femininity was represented from a male perspective, dependent of the male source of signification not only in cinema.

As Pop observes we may talk about an androcentric perspective in the Romanian cinema too.

> "*The "old cinema" was dominated by phallocentrism. Most of the movies in the Romanian cinema, until the appearance of the new generation of young directors (1989-2000), even more so in the case of the productions made during the Communist regime (1948-1989), were either directed by men, or had men as main protagonists. This meant that there was a pervasive symbolic representation of men as fathers, or authority figures, or simple heroic characters, all of them placed in powerful and representative situations, while women were second rank characters."* (Pop, 2011, p1)

Nevertheless, any kind of gender sensitive analysis should be carefully contextualized. Starting with the 20th century, influenced by the waves of feminisms, women's representation in movies changed. There are now many examples of cinema productions with powerful female roles.

Women are no more just accessories for sexual pleasure of men, are no more depicted mainly in their roles of mothers and wives. Women and men are now approached in their multidimensionality (sex/gender and many other social categories such as age, class, race, education, sexual orientation, etc.).

Today cinema is in general much more inclusive, treating" others"-women, black people, gay people with less biases (or with updated stereotypes). Politically correctness (positively understood as respect for differences) makes all those involved in the production of movies paying due attention to the diversity among people. I consider that the male perspective on life and arts should intertwine much more with the women perspective on life and arts. Life, cinema, and art in general have changed a lot since the 70s. Diversity of voices can be heard more easily now. We are not exactly where we should be – but I think the direction is wright.

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Est-ce qu'une femme peut disposer de l'enfant auquel elle donne la vie ? Une approche éthique de la maternité de substitution

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(ENG) Abstract

The practice of surrogacy motherhood has been developing for several decades. To describe and analyze it, several aspects are considered: the motivation and remuneration of the surrogate mother; the origin of the genetic material used; its regulation or prohibition. However, whatever the distinctions induced by the consideration of these aspects, surrogate motherhood is possible on one condition only, namely *if and only if* a woman can dispose of the child to which she gives birth. The Law questions this condition, especially when it is formulated in terms of human rights. Between the spirit of the international conventions that promote these rights, and the national legislations that are supposed to respect them, there is nevertheless an important gap, and the effectiveness of the Law as a tool proves to be insufficient. Thus, to question this primordial condition, to know if a woman can dispose of the child to which she gives life, feminist ethics is the one that can provide an effective framework. More precisely, an ethic nourished by consideration (C. Pelluchon) and by the principle of Convenio (which can suit all members of a community, including the most deprived) (M. Miroiu).

Keywords: *motherhood, ethics, disposing of a child, surrogacy.*

(FR) Résumé

La pratique de la maternité de substitution se développe depuis plusieurs décennies. Pour la décrire et l'analyser, plusieurs aspects sont envisagés : la motivation et la rémunération de la mère porteuse ; l'origine du matériel génétique utilisé ; sa réglementation ou son interdiction. Cependant, quelles que soient les distinctions induites par la prise en compte de ces aspects, la maternité de substitution est possible à une seule condition, à savoir *si et seulement si* une femme peut disposer de l'enfant auquel elle donne la vie. Le Droit questionne cette condition, notamment

lorsqu'il est formulé en termes de droits humains. Entre l'esprit des conventions internationales qui promeuvent ces droits, et les législations nationales censées les respecter, l'écart est néanmoins important, et l'efficacité du Droit en tant qu'outil s'avère insuffisante. Pour questionner cette condition primordiale, pour savoir si une femme peut disposer de l'enfant auquel elle donne la vie, l'éthique féministe peut fournir un cadre efficace. Plus précisément, une éthique nourrie par la considération (C. Pelluchon) et par le principe de *Convenio* (ce qui peut convenir à l'ensemble des membres d'une communauté, y compris aux plus démunis) (M. Miroiu).

Mots-clefs: *maternité, éthique, disposer d'un enfant, GPA.*

Introduction

La pratique de la maternité de substitution, dite aussi *gestation pour autrui* (GPA)[1], se développe depuis plusieurs décennies partout dans le monde, stimulée par l'apparition et le perfectionnement des techniques d'assistance médicale à la procréation (AMP), devenue au fil du temps une procréation médicalement assistée (PMA). Si de plus en plus de personnes y ont recours, si des médecins la recommandent[2], les questions éthiques qu'elle soulève ont été et restent nombreuses. Il s'agit aussi bien de questions de bioéthique, portant sur des aspects existentiels et ontologiques suscités par les interventions techno-scientifiques dans le devenir des êtres vivants, surtout des êtres humains (Azam 2003 ; Escudero 2014 ; Sicard 2020) ; que de questions plus générales d'éthique appliquée, comprenant aussi bien le *contexte* dans lequel émerge un problème ou une question, que les *conséquences* des actions prévues pour lui répondre (Marzano 2018 : 5) [3]. Ces questions d'éthique appliquée participent tout d'abord, intrinsèquement, de la situation des personnes dont la vie et la santé dépendent *directement* de la maternité, à savoir les mères porteuses et les enfants qu'elles mettent au monde (Agacinski 2013 ; Klein 2018 ; De Koninck 2019)[4]. Elles

[1]Dans le cadre de ce texte, les deux désignations sont utilisées indistinctement, dans la mesure où la question abordée ici reste la même, quelle que soit la manière dont on se réfère à cette pratique. Pour une explication des différents termes employés, v. « Plusieurs façons de nommer la même pratique » (De Koninck 2019 : 26-31).

[2]Comme le montrent plusieurs enquêtes ethnographiques et sociologiques, réalisées par exemple aux Etats-Unis (Jacobson 2016) et en Inde (Saravanan 2018), de même que de nombreux reportages de la presse généraliste. Depuis 2016, le site internet Surrogacy 360° (créé par le Center for Genetics and Society) en recense une partie.

[3]C'est moi qui souligne.

[4]Agacinski analyse les conséquences du fait que la biotechnologie appréhende le corps humain « comme une réserve de tissus, de cellules et d'organes, quantifiables et utilisables à volonté » : « l'enfant lui-même peut devenir un produit fabriqué, au risque d'effacer la différence entre une personne et une chose » (p. 45). Klein décrit les effets

révèlent par ailleurs toute la complexité des relations qui se nouent, de manière directe ou indirecte, entre toutes les personnes impliquées dans le processus – mères porteuses, personnes commanditaires[1], tiers donneurs, enfants, personnel médical, avocats, agences intermédiaires[2], agences de tourisme. Ces relations sont définies par des inégalités structurelles, déterminées par les origines géographiques et sociales, et par les appartenances à des catégories socio-économiques, professionnelles, nationales, ethniques, raciales (Davies 2017 ; Chenney 2018 ; Gunnarson Payne 2019).

La GPA est possible ***si et seulement si*** la femme qui donne la vie (délibérément) à un enfant, peut en disposer selon sa seule volonté. La question se pose donc, de savoir si une femme peut disposer de l'enfant auquel elle donne la vie. Pour les défenseurs de cette démarche, elle le peut ; pour ses critiques, elle ne le peut pas.

La maternité de substitution met en tension le respect des droits humains, en général, et le respect des droits des femmes et des enfants en particulier (Fabre-Magnan 2013). La confrontation de cette pratique, dans sa matérialité et sa concrétude, avec le Droit – considéré comme un ensemble de règles institutionnalisées qui structurent les sociétés contemporaines, et donnent sens à l'existence de chaque personne, en vertu de « la fonction anthropologique des institutions » (Supiot 2001) – montre la nécessité d'une éthique qui puisse la comprendre en tant que telle, c'est-à-dire dans la spécificité de sa matérialisation, à chaque fois unique. Une éthique universaliste féministe peut constituer un cadre d'analyse de la maternité de substitution, à partir du questionnement de la condition primordiale *si et seulement si*, mentionnée auparavant.

L'éthique féministe apparaît nécessaire pour penser l'expérience de la grossesse et de l'enfantement, à la fois comme processus universels – en ce sens qu'ils ont été vécus par tous les

de la GPA à court et long terme (chap. 2 « Short- and long-term harms of surrogacy », pp. 13-31). De Koninck s'intéresse elle-aussi aux enjeux de cette maternité aussi bien pour la mère, que pour l'enfant. Concernant celui-ci, elle montre que « Au-delà des conditions entourant la décision de la mère porteuse d'accepter de mettre au monde un enfant et d'y renoncer, et au-delà des conditions dans lesquelles est vécue la grossesse, c'est le caractère humain de la mise au monde traduit dans la relation mère-enfant qui lui est dérobé » (p. 105).

[1]La grande majorité des publications portant sur la GPA sont en langue anglaise. Dans ces publications, les personnes qui souhaitent avoir des enfants à travers cette démarche sont désignées par les expressions *commissioning persons / parents* et *intended parents*. Compte tenu du fait que le statut de parents est loin d'être toujours reconnu, le seul élément que ces personnes ont en commun est qu'elles demandent à une femme de porter une grossesse.

[2]Leur importance est apparue notamment durant la crise sanitaire du COVID-19. Certaines agences et leurs personnels (en Ukraine, Etats-Unis, Canada, Russie) ont pris en charge, ad hoc, les soins des enfants que leurs parents commanditaires ne pouvaient récupérer pendant cette période.

êtres humains -, et impliquant spécifiquement les femmes, car seules les femmes sont mères porteuses.

Cet article propose dans un premier temps une présentation succincte de la maternité de substitution, ensuite de son rapport au Droit, pour montrer dans un troisième temps de quelle manière une éthique féministe fondée sur le principe de *ce qui convient* (*Convenio*, M. Miroiu) et sur la considération (C. Pelluchon), peut contribuer à l'analyse de cette pratique, et de sa condition nécessaire (*si et seulement si* une femme peut disposer de l'enfant auquel elle donne la vie).

La démarche présentée ici est principalement théorique, ayant pour but de définir un cadre éthique féministe pour explorer cette condition, primordiale dans la maternité de substitution. Mes réflexions s'appuient aussi bien sur des recherches académiques, que sur des informations relatées par la presse. Les résultats des recherches sociologiques et ethnographiques réalisées par H. Jacobson aux États-Unis et par S. Saravanan en Inde, qui sont les deux principaux pays vers lesquels se sont orientées les personnes souhaitant avoir recours à la GPA, m'ont beaucoup aidée. Ces recherches présentent la particularité d'être étayées par des enquêtes qualitatives approfondies, menées pendant plusieurs années, auprès de toutes les parties prenantes aux processus de maternité de substitution. J'utilise aussi des articles de la presse généraliste, recueillis depuis 2015, dans une démarche de veille médiatique à travers laquelle j'ai recensé plusieurs dizaines d'articles, reportages et documentaires publiés ou diffusés dans la presse américaine, australienne, belge, britannique, canadienne, espagnole, française, indienne, italienne, roumaine, russe, ukrainienne.

La maternité de substitution : définition et enjeux

Une définition descriptive de la pratique indique sa *nature*, ainsi que la nature des relations entre les différentes personnes impliquées, aspects strictement nécessaires pour examiner si, d'un point de vue éthique, une femme peut disposer de l'enfant qu'elle met au monde.

La maternité de substitution est une pratique sociale dans laquelle une femme accepte de porter une grossesse et de donner la vie à un enfant (ou à plusieurs enfants) dans le but, reconnu, de le remettre, à sa naissance, aux personnes qui lui ont demandé de le mettre au monde.

Il s'agit bien d'une *pratique sociale*, et non d'une technique médicale, même si c'est ainsi que l'Organisation mondiale de la santé (OMS) la désigne.[1] La maternité de substitution utilise des techniques médicales, telles que la fécondation in-vitro et l'insémination artificielle, mais elle ne traite pas de problème de santé. Les seules personnes qui reçoivent un traitement médical sont les femmes qui deviennent mères porteuses, et elles sont en parfaite santé, puisque c'est l'une des principales conditions pour devenir mère porteuse. En revanche, les traitements médicamenteux puissants administrés aux mères, peuvent affecter durablement leur santé. Les résultats de dix ans de pratique de GPA, au Pays-Bas, montrent que parmi les mères porteuses plus de 20% ont fait de l'hypertension (première cause de morbidité et mortalité maternelle et fœtale), alors que dans les grossesses normales ce taux est de 5% à 10% ; 23,5% ont eu une hémorragie post-partum, alors que dans les pays développés, ce taux est inférieur à 10% ; l'accouchement a été déclenché dans 52,9% des cas, alors que l'OMS recommande de ne pas dépasser 10% (Peters & al. 2018). Ces traitements, ainsi que les conditions dans lesquelles la grossesse et l'accouchement se déroulent, peuvent même coûter la vie aux mères. Plusieurs mères porteuses sont décédées. Cependant, ne sont connues que les situations relatées dans la presse, en Inde et aux Etats-Unis, car aucun pays ne prévoit d'outil pour recueillir ces informations (Stoicea-Deram 2020).

On fait souvent la distinction entre la GPA commerciale et celle altruiste ; la différence entre les deux étant que la mère est payée, ou non. Mais dans les deux cas, la seule condition exclusivement nécessaire pour la réalisation de la pratique, c'est qu'une femme dispose de l'enfant dont elle accouche.

Le plus souvent, les femmes qui deviennent mères porteuses sont payées sur la base d'un contrat – elles reçoivent de l'argent lorsqu'elles commencent le traitement d'insémination, ensuite régulièrement, pendant la grossesse, et aussi après avoir « remis » l'enfant aux personnes qui l'ont souhaité. Les mères sont payées aussi bien dans les pays où la pratique est commerciale (Etats-Unis, Ukraine, Russie, Géorgie), que dans les pays où la loi permet uniquement une démarche altruiste (Grande-Bretagne, Canada, Grèce). Dans cette seconde situation, on parle de « remboursement », de « récompense », de « dédommagement » pour les différentes dépenses et

[1]Le site de l'OMS (consulté le 21 avril 2020) précise que les techniques de procréation médicalement assistée incluent la maternité de substitution. https://www.who.int/genomics/gender/en/index6.html

aussi pour les dommages inhérents à la grossesse et à l'accouchement.[1] Les situations dans lesquelles la mère ne reçoit pas d'argent, sont celles dans lesquelles elle est une membre ou une amie de la famille, et qu'elle met au monde l'enfant de son fils[2], de sa fille[3] ou de sa propre mère[4].

Le fait que la mère porteuse reçoit de l'argent de la part des futurs parents soulève des questions sur la nature du processus et sur la motivation de la mère. Cette réalité – l'argent remis à la mère - est interprétée de manières diamétralement opposées, selon les contextes nationaux. D'une part, dans les pays où seule la GPA non-commerciale est admise, les femmes candidates pour devenir mères porteuses ne sont pas assez nombreuses pour satisfaire la demande, et les personnes qui souhaitent recourir à une mère porteuse se tournent vers le marché international (de nombreux Britanniques, par exemple, se rendent à l'étranger pour en trouver, Avramova 2019). Une initiative législative en cours, en Grande-Bretagne, depuis quelques années, propose d'ailleurs de transformer la récompense de la mère porteuse en rémunération, afin de stimuler ainsi la vocation de plus de femmes. D'autre part, on considère que la présence de l'argent doit être exclue, justement pour éviter le risque d'une motivation financière de la part de la femme qui propose de devenir mère porteuse : dans les pays où la pratique est interdite (France, Italie, Allemagne, Autriche, Espagne, Roumanie) ou tolérée (Belgique, Pays-Bas), les propositions visant sa légalisation insistent pour que la démarche soit altruiste, et que la mère ne soit pas payée . Ce type d'arguments se retrouvent, par exemple, dans les projets législatifs initiés en Roumanie, entre 2011 et 2013. Pour défendre celui qu'il déposait en 2012, le sénateur Gyorgy Frunda affirmait dans un entretien : « La loi exclut tout bénéfice pour la mère porteuse. Si la mère porteuse demande de l'argent ou si on s'aperçoit qu'elle a accepté de l'argent, elle va en répondre juridiquement. A travers la réglementation que nous apportons, nous voulons éviter les situations des années 1990, quand des femmes de Roumanie accouchaient à la chaîne pour vendre des enfants à l'étanger » (Mediafax 2012). Le geste de la mère porteuse doit être désintéressé, uniquement motivé par le

[1]Une discussion à part entière serait nécessaire, concernant le fait que des médecins induisent des risques et des dommages non-nécessaires, à des femmes en bonne santé, alors qu'aux étudiants en médecine est enseigné le principe de *primum non nocere* – en premier, ne pas faire de mal.
[2]En avril 2019, Cecile Eledge (61 ans) a donné naissance à une petite fille dont elle est aussi la grand-mère. La petite fille a été conçue avec le sperme de son fils et avec les des ovocytes donnés par la sœur du mari de celui-ci (The Guardian 2019).
[3]La presse a relaté plusieurs situations de ce genre, notamment aux Etats-Unis.
[4]En 2017, en Grande-Bretagne, Katherine a mis au monde un enfant pour sa mère et le nouveau compagnon de celle-ci (Childs 2017).

désir de faire le bien et d'offrir « le don de la vie » - comme le demandait, par exemple, un père français d'enfants nées par GPA aux Etats-Unis, D. Mennesson, dans le cadre d'une émission intitulée « Les problèmes moraux de la gestation pour autrui », diffusée sur France Culture, en février 2013. Les sommes payées aux avocats ou aux médecins ne font pas l'objet de discussions, même si elles dépassent de loin les *récompenses* des mères, ainsi que l'atteste le témoignage du père d'un enfant né de GPA, M. Poncin, devant le Sénat belge, lors d'une audition pour un projet législatif, en 2015.

En même temps, pour les futurs parents, payer la mère porteuse représente la garantie qu'elle va se séparer de l'enfant : si elle accepte l'argent, c'est qu'elle ne tentera pas de garder l'enfant. La plupart des acteurs impliqués (les mères, le personnel médical, les intermédiaires), considèrent que le paiement de la mère garantit une démarche éthique, correcte, juste ; elle représente la reconnaissance d'un effort et d'un sacrifice. Mais quel que soit le cas, quelle que soit sa motivation intime ou déclarée, qu'elle soit payée ou non, la mère porteuse dispose de l'enfant auquel elle donne la vie, pour le confier à d'autres personnes, sur la base d'une entente interpersonnelle préalable. En revanche, les mères porteuses qui ont voulu garder l'enfant, ne l'ont pas pu - ni en Grande-Bretagne, où la loi prévoit cette possibilité pour les mères ; ni aux Etats-Unis, où la jurisprudence est exclusivement favorable aux personnes commanditaires (Lahl 2017).

La maternité de substitution utilise le matériel génétique des futurs parents, ou les ovocytes de la mère porteuse, ou encore, le matériel génétique de tiers donneurs (acheté, le plus souvent, sur le marché mondialisé de l'industrie de la fertilité[1]). Les enfants nés de GPA ont ainsi, le plus souvent, un lien génétique avec au moins l'un de leurs parents, mais pas toujours ; parfois, ils peuvent être liés génétiquement à la mère porteuse. L'interprétation de ce lien génétique suscite des questions éthiques, concernant la nature ou la qualité de la relation entre la personne dont le matériel génétique a été utilisé pour faire naître un enfant, et cet enfant : pour la majorité des adultes qui désirent recourir à la GPA pour devenir parents, le lien génétique est primordial, étant considéré comme une garantie de la filiation. A l'enfant, en revanche, le lien génétique ne lui donne aucun droit, comme le montre la juriste Muriel Fabre-Magnan (2013). Mais si seulement l'un des deux futurs parents peut fournir du matériel génétique, et que le rôle de ce matériel est essentiel dans le

[1]Estimé à présent à 6 milliards de dollars, et qui pourrait atteindre les 27 milliards en 2025 (Ugalmugle et Swain 2019).

lien avec l'enfant, se pose la question de la cohérence dans la reconnaissance de la filiation du parent qui n'a pas de lien génétique avec l'enfant. Par exemple, pour un couple hétérosexuel dans lequel l'homme fournit le sperme et une donneuse d'ovocytes l'ovule, le lien de la femme qui veut devenir mère, avec l'enfant, ne sera pas un lien génétique. Pour ce qui est des couples d'hommes, on observe ces dernières années la tendance que les deux futurs pères utilisent les ovocytes d'une même donneuse, et que les embryons obtenus soient implantés à la même mère porteuse. Ces aspects sont ressortis, par exemple, lors des événements organisés par l'association Men Having Babies ; et ils sont connus aussi par des témoignages publiés dans la presse. Comme celui de ce couple d'hommes qui ont souhaité devenir pères ensemble, à travers une grossesse gémellaire (les coûts financiers étant moindres que pour deux grossesse différentes) (Fishman 2019).

Le lien génétique avec l'enfant est, d'une part, essentiel ; d'autre part, totalement dénué d'importance : le sperme d'un homme qui recourt à la GPA garantit à celui-ci la filiation et le lien « de sang » avec l'enfant, alors que l'ovocyte utilisé n'a aucune signification, ni pour les « liens du sang », ni pour la filiation. Dans la GPA, le lien épigénétique entre la mère et le fœtus est totalement ignoré. L'enfant est considéré comme étant exclusivement lié à ceux qui ont imaginé et conçu l'embryon. L'équivalence entre embryon et enfant est souvent énoncée[1], ce qui se vérifie lorsque l'embryon est conçu avec du matériel génétique provenant de tiers donneurs. La mère porteuse accepte de porter la grossesse, quelle que soit l'origine de l'embryon (y compris lorsqu'il est conçu avec ses propres ovocytes), et elle dispose de l'enfant dans le but de le donner, en considérant qu'il n'est pas « à elle ». Pour bien illustrer la particularité de cette grossesse, des mères porteuses américaines postent sur leurs blogs des photos d'elles arborant des T-shirts avec l'inscription « not mine ».

Si la participation avec du matériel génétique à la conception d'un enfant n'est ni suffisante ni nécessaire pour être reconnue comme parent de l'enfant, la question se pose de savoir, dans le cas de la GPA, quelle est la base de la filiation. Étant donné que la pratique s'est développée initialement aux États-Unis, les contrats américains de maternité de substitution ont imposé l'expression *parents d'intention*, suggérant ainsi que la base de la filiation est l'*intention* de devenir parent. La cas emblématique *Johnson vs. Calvert* (1993) a créé jurisprudence en ce sens. Les époux

[1]Le langage, les formules et les idées véhiculés en ce sens, à travers les contrats et la jurisprudence, nécessitent une approche détaillée, qui n'a pas de place ici. Mais le fait de considérer l'embryon et le fœtus comme une personne, a des conséquences significatives, notamment pour le droit des femmes de disposer de leur corps (Hartouni 1997).

Calvert souhaitaient devenir parents, mais Mme Calvert avait subi une hystérectomie, et ne pouvait pas porter une grossesse. Anna Johnson, qui avait appris par une collègue de travail leur situation, s'est proposée comme mère porteuse. Un embryon a été conçu, avec le matériel génétique des époux Calvert (sperme et ovocytes). A. Johnson a été inséminée avec celui-ci, et a mis au monde un enfant. Les relations entre les Calvert et Johnson se sont détériorées pendant la grossesse, et à la naissance de l'enfant des problèmes sont apparus, concernant la reconnaissance de sa filiation. La Cour Suprême de la Californie a considéré que les deux femmes pouvaient prétendre, conformément à la loi, être reconnues mère de l'enfant, Mme Calvert en vertu du lien génétique, Mme Johnson en vertu de l'accouchement. Mme Calvert a été reconnue par la Cour comme étant la mère, en raison de son intention initiale d'avoir un enfant (Cahn & Carbone 2019 : 314).

La contractualisation des démarches en vue de la réalisation de cette intention garantit la reconnaissance des droits parentaux sur l'enfant. La reconnaissance de la parentalité sur la base de l'intention inclut aussi la possibilité d'y renoncer, si l'intention disparaît. La parentalité « d'intention » assure aux futurs parents des droits, sans garantir le respect de leurs obligations, comme le montrent des situations qui se sont produites aussi bien dans des pays où la GPA est légale (Ukraine, Etats-Unis, Inde), que dans des pays où elle ne l'est pas (comme la Roumanie). Par exemple, un couple américain a eu l'intention d'avoir un enfant par GPA en Ukraine. A la naissance, ils ont appris que la petite fille avait un handicap, et ils ont renoncé à leur intention d'être ses parents. La petite fille est aujourd'hui apatride, dans un orphelinat ukrainien (Hawley 2019). Concernant la situation aux États-Unis, un avocat américain mentionne de nombreuses situations dans lesquelles les « parents d'intention » ont changé d'avis, à la suite d'un divorce ou pour d'autres raisons - une mère « d'intention » s'est rendu compte qu'elle n'allait pas pouvoir élever un enfant avec lequel elle n'avait pas de lien génétique, alors que la grossesse pour laquelle elle avait payée, était dans un stade très avancé (New York Times 2014). En Inde, le cas de Baby Manji a été très médiatisé : un couple japonais a signé un contrat avec une mère porteuse indienne, mais pendant la grossesse, la « mère d'intention » a changé d'avis, et n'a plus voulu reconnaître l'enfant (Parks 2010). Quant à la Roumanie, l'époux d'une mère porteuse racontait ainsi son expérience : « Ma femme est devenue enceinte pour un couple, mais ils ont changé d'avis et n'ont plus voulu l'enfant. Alors nous avons dû faire une interruption de grossesse, payée sur notre poche. Je regrette de ne rien leur avoir demandé à l'avance, mais on ne s'attendait pas à une chose pareille » (Adevarul 2012).

Lorsque la mère porteuse dispose de l'enfant, le confiant aux personnes qui ont l'intention de devenir ses parents, le risque existe que ces personnes changent d'intention. Le contexte social et législatif dans lequel une femme dispose de l'enfant qu'elle met au monde est important pour assurer la sécurité de celui-ci, ainsi que de la mère ; les personnes commanditaires sont protégées par la loi et / ou par le contrat, lorsque la pratique est légale. Dans toutes les situations se pose cependant la question de la responsabilité des acteurs impliqués dans la transaction, et plus particulièrement, la responsabilité de la mère qui dispose de l'enfant.

La maternité de substitution et les droits fondamentaux

Pour répondre aux préoccupations générées par la maternité de substitution, dès le début des années 1980 plusieurs États ont adopté des lois, pour réglementer ou pour interdire la pratique. Depuis, les législations ne cessent de se transformer, tant au niveau national qu'au niveau international.

Le Droit est une construction sociale, et les lois varient dans le temps, ainsi que d'un pays à l'autre. Il génère cependant toujours des effets logiques, de structure, et institue des qualifications et des solutions juridiques (Fabre-Magnan 2013 : 14), ayant des conséquences durables sur les personnes et sur les rapports sociaux – par exemple, une femme enceinte aura des droits et des obligations différentes envers un enfant, selon la manière dont elle est désignée : mère ou mère porteuse.

Dans un État de droit, une mère ne peut disposer selon sa seule volonté de l'enfant dont elle accouche. Ainsi, si elle ne peut en assumer la maternité, peut-elle bénéficier d'aide ; mais si elle abandonne l'enfant, elle peut être poursuivie pénalement ; si elle souhaite que l'enfant soit adopté, ce sont les autorités compétentes et légitimes, et non la mère, qui s'occuperont de l'adoption, et son accord en vue de l'adoption doit être obtenu après la naissance de l'enfant, jamais auparavant, conformément à la Convention internationale de La Haye concernant les adoptions (1993). ; elle ne peut donner l'enfant contre une somme d'argent ou autres avantages, car la vente d'enfants est interdite – quelle que soit le lien génétique entre la mère et l'enfant. De tous ces aspects et transformations de la relation mère-enfant s'occupent des institutions précises.

Dans certains États, cependant, si la mère est désignée comme mère *porteuse*, il est à supposer qu'elle peut disposer de l'enfant dont elle accouche : elle peut décider, avant même sa naissance, qu'elle va le confier à d'autres personnes, et elle peut recevoir de l'argent pour ce faire ; elle peut

aussi s'engager par contrat à ne jamais le voir (quelle que soit le lien génétique entre la mère et l'enfant).

La charge sémantique du mot « mère » a une force telle, que des juristes et des chercheurs et chercheuses recommandent, à présent, d'éviter[1] son emploi, et de le remplacer par les termes de « *surrogate* », « femme porteuse »[2], « gestatrice », « tiers de naissance[3] ». La multiplication et la diversification des désignations de la femme qui accouche suggèrent que la grossesse peut être séparée de la femme enceinte, et considérée comme un objet à part ; et qu'un enfant n'a pas le droit d'avoir une mère (d'identifier une femme comme étant sa mère), si les personnes qui souhaitent sa venue au monde n'ont pas l'intention qu'il en ait une (Gross, Mehl 2011). De la manière dont la législation nationale désigne la mère et se rapporte aux droits des adultes, dépend l'interprétation des droits et des intérêts de l'enfant. La filiation est reconnue de différentes manières, parmi lesquelles un contrat privé entre deux ou plusieurs personnes, stipulant la cession des droits parentaux, éventuellement contre une somme d'argent.

Dès l'apparition de la maternité de substitution, les risques d'exploitation des femmes et de commercialisation des enfants ont été identifiés (Klein 2017 :104-107). A présent, on admet que la majorité des mères porteuses sont dans une situation économique et sociale inférieure aux personnes qui souhaitent devenir parents (Jacobson 2016), mais les inégalités socio-économiques ne sont pas considérées comme un risque d'exploitation. Et le fait qu'un enfant et son lien de filiation, sont cédés dans le cadre d'une entente interpersonnelle (éventuellement accompagnée d'une transaction financière), n'est pas considéré comme une réification, ou marchandisation, par les principaux acteurs impliqués dans la pratique – comme le montre H. Jacobson dans son ouvrage, ni les parents d'intention, ni les cliniques, ni les femmes mères porteuses qu'elle a interrogées, ne considèrent qu'il y ait un risque de marchandisation dans le processus de GPA. Les contrats américains stipulent clairement, par ailleurs, que la rémunération de la mère ne peut être considérée comme étant de la vente d'enfants. Les débats éthiques suscités par les situations

[1]J'ai pu faire ce constat en participant à une réunion internationale d'expert.e.s en droits des femmes (en rapport avec la maternité de substitution), organisée par le Service Social International le 8 décembre 2018, à La Haye.
[2]Terme utilisé, par exemple, par l'anthropologue Delphine Lance, dans son intervention « Penser la Maternité à travers l'expérience des femmes porteuses en Ukraine et aux Etats-Unis », lors du colloque « La gestation pour autrui : resituer la France dans le monde – représentations, encadrements et pratiques », Paris, 17-18 novembre 2016.
[3]Comme le proposent les sociologues Gross et Mehl (2011).

concrètes de maternité de substitution et par les principes qu'elles mettent en jeu, incluent ces considérations, et les États en tiennent compte dans leurs démarches législatives.

A présent, la maternité de substitution est désignée comme un marché, ou comme une industrie, termes employés aussi bien par des instances internationales, que par des chercheuses et chercheurs[1]. La Conférence de La Haye de droit international privé, qui poursuit, depuis 2011, la réglementation de cette pratique, affirmait qu'il est de notoriété publique qu'elle était devenue un marché mondialisé[2] ; au marché mondial de la GPA (« *the global surrogacy market* ») se réfèrent aussi les auteurs (chercheurs et juristes) d'un ouvrage récent de référence[3], qui précisent qu'ils se sont intéressés à des questions essentielles, comme la possible marchandisation des enfants ou de la grossesse, le risque d'exploitation des femmes qui deviennent mères porteuses, ainsi que leur droit à l'autonomie. Cet ouvrage, qui comprend des analyses de la législation de vingt et un pays, identifie trois principales attitudes du droit national, par rapport à la GPA : l'interdiction de la pratique, la tolérance, et la réglementation plus ou moins stricte (depuis la réglementation par la loi jusqu'à la reconnaissance des effets d'un contrat). Le volume n'aborde pas la situation de tous les pays ; on peut néanmoins extrapoler le schéma d'analyse qu'il propose, et l'appliquer aussi à des pays qui ont entamé des projets législatifs et dans lesquels il y a désormais une jurisprudence. Ainsi, un pays comme la Roumanie, par exemple, compte tenu de la jurisprudence existante[4] et de la réalité de la GPA (Demeny 2017), peut être considéré comme « tolérant », soucieux d'éviter la marchandisation des enfants, et admettant que les femmes qui se proposent comme mères porteuses le font pour des raisons matérielles et financières.

Désigner la maternité de substitution comme un marché n'est pas neutre. Le fait qu'un marché existe, comme résultat de la création et de l'acceptation d'une pratique sociale, conduit à modifier les relations inter-personnelles au sein de la société, ainsi que les valeurs considérées comme

[1]Par exemple, H. Jacobson (2016), K. Cheney (2018) utilisent les deux termes.
[2]https://www.hcch.net/fr/projects/legislative-projects/parentage-surrogacy site consulté pe 29.04.20
[3]Publié en 2019, et cité par la Rapporteure spéciale des Nations Unies sur la vente et l'exploitation sexuelle des enfants, dans son rapport de 2019, portant sur les droits des enfants nés par GPA (ScherpeJ.M, Fenton-Glyn C et Kaan T eds. 2019 :14).
[4]En 2014, la Cour d'appel de Timisoara « par une décision de justice a consacré en droit roumain la maternité de substitution, ayant pour effet la modification de ***la filiation*** des enfants ainsi nés, contrairement au droit positif roumain. » La Cour d'Appel a reconnu comme parents de deux enfants jumeaux, nés en 2011, le couple qui a donné les ovocytes et le sperme. Les enfants ont été mis au monde par la sœur de la femme dont les ovocytes ont été utilisés, et qui avait subi une hystérectomie ; la mère porteuse n'avait pas été payée. (Barac 2014)

acceptables pour structurer ces relations. Un marché suppose des échanges, donc des règles et des valeurs pour établir quels sont les biens qui peuvent être échangés (ou vendus). Compte tenu de l'extension des domaines dans lesquels les activités humaines créent un marché, la question se pose s'il existe des limites quant à ces biens, ou si l'idée s'impose, selon laquelle tout est à vendre. Le philosophe américain Michael Sandel (2014) montre que l'une des caractéristiques de l'époque contemporaine est l'intervention du marché, et des raisonnements qui lui sont spécifiques, dans des aspects de la vie qui n'étaient pas, auparavant, commerciaux ; en même temps, certaines choses, biens ou aspects de la vie ne peuvent être vendus ou achetés. Pour décider dans quels domaines l'intervention du marché est acceptable, et dans quels autres elle ne l'est pas, il faut cependant établir les critères selon lesquels la valeur des biens est estimée : la signification morale du bien et de la manière dont sa valeur est évaluée (Sandel 2014 : 43-44). Si la maternité de substitution est un marché, il faut établir les biens qui sont vendus et achetés sur ce marché, comment leur valeur est évaluée, et par qui. La grande diversité des législations nationales portant sur ce sujet, témoigne de sa sensibilité, ainsi que du fait qu'il est perçu et interprété de manières très différentes, voire diamétralement opposées, selon la culture nationale, la tradition juridique, l'histoire, le contexte social et économique de chaque pays.

Mais au-delà de la législation nationale, spécifique à chaque État, la plupart des pays ont comme repères plusieurs textes internationaux de référence. Il s'agit des conventions de défense des droits humains, dont découle la Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes (1979) et la Convention internationale pour les droits de l'enfant (1989). En Europe, deux textes essentiels sont la Charte des droits fondamentaux de l'Union européenne (2010) et la Convention européenne des droits de l'homme. D'autres instruments internationaux sont liés à ces textes, tous ayant pour objectif d'affirmer et d'assurer les droits fondamentaux. L'une des caractéristiques importantes de ces droits est le fait qu'ils sont *inaliénables*. Autrement dit, une personne ne peut pas renoncer à ses droits fondamentaux, même si elle consent à le faire.

Compte tenu du fait que la maternité de substitution est possible *si et seulement si* une femme peut disposer de l'enfant auquel elle donne la vie, l'observation s'impose que tant les principes que la réalité de cette pratique s'opposent à plusieurs des droits humains.

La Convention internationale pour les droits de l'enfant prévoit (art. 3) que dans toutes les décisions prises par les États signataires, qu'il s'agisse d'actions des institutions publiques ou

privées, l'intérêt supérieur de l'enfant est primordial. Or un enfant dont la conception est contractualisée et eugénique[1], est traité comme un objet. La remise programmée de l'enfant par la mère, à la naissance, sans aucune justification médicale, ainsi que les risques pour la santé de l'enfant imposés par des adultes[2], ne respectent pas l'intérêt supérieur de l'enfant. Dans la maternité de substitution commerciale, les enfants font l'objet d'une transaction qui relève de la vente d'enfants, comme le montre le rapport de la Rapporteure spéciale des Nations Unies sur la vente d'enfants[3].

La Convention pour l'élimination de toutes les formes de discrimination à l'égard des femmes prévoit d'éliminer les violences dont les femmes sont victimes. Les contrats de maternité de substitution prévoient cependant des pratiques médicales et obstétricales qui sont des violences physiques réelles, exercées de manière délibérée sur les femmes, à savoir des actes obstétricaux intrusifs, sélection embryonnaire ou avortement réalisé sans raison médicale, nombre d'embryons implantés et modalité d'accouchement décidés exclusivement par les futurs parents.

Ces violences ne sont pas niées. Le contrat prévoit le paiement de la mère comme un dédommagement pour les souffrances et les dommages subis (Lahl 2017). L'argument évoqué pour accepter ces violences, c'est la liberté de la femme de disposer de son corps. Il est cependant contredit par deux autres arguments. En premier lieu, si la femme peut disposer de son propre corps, elle n'a pas le droit de disposer d'une autre personne, à savoir de l'enfant ; alors que le but de toute la démarche est de produire et de remettre l'enfant. En second lieu, la liberté de disposer de soi n'est pas un droit de s'auto-dégrader par déshumanisation – car des mères porteuses se désignent elles-mêmes comme « four » ou « incubateur », c'est-à-dire comme des objets. Et si toutefois une femme a le droit de se considérer comme incubateur, il est difficile à comprendre comment un incubateur peut disposer du sort d'un nouveau-né.

Les principes de la dignité et de l'intégrité de la personne sont niés dans la maternité de substitution, en ce qui concerne la mère et l'enfant (Fabre-Magnan 2007 ; Aparisi Mirralles 2017).

[1]Voir (sur Youtube) la vidéo « Designer babies », du dr. J. Steinberg, fondateur de The Fertility Institute.
[2]Qui peuvent demander à une femme de porter une grossesse gémellaire, allant ainsi à l'encontre des recommandations médicales visant à éviter l'accouchement prématuré (Fishman 2019).
[3]Le Protocole facultatif à la Convention internationale pour les droits de l'enfant (art. 2a) définit la vente d'enfant comme le procédé par lequel une personne reçoit une rémunération ou un autre avantage, en échange du transfert d'un enfant. Trois éléments définissent la vente : la rémunération (ou l'avantage), le transfert et l'échange (rémunération contre transfert).

Or, ce sont des principes primordiaux. L'article premier de la Charte des droits fondamentaux de l'UE, prévoit le principe de l'inviolabilité de la dignité humaine, et l'article 3, le principe de l'intégrité de la personne. L'article 3 inclut également des précisions de la Convention pour les droits de l'homme et la biomédecine, et interdit les pratiques « eugéniques, notamment celles qui ont pour but la sélection des personnes », ainsi que de faire « du corps humain et de ses parties, en tant que telles, une source de profit ». La maternité de substitution inclut des pratiques eugéniques reconnues par les médecins, et des parties du corps de la femme génèrent toute une industrie. Même si une femme consent à renoncer à la dignité et à l'intégrité (ce qui se produit lorsque les conditions de vie et les chances prévisibles de leur amélioration amènent certaines femmes à l'envisager), la dignité et l'intégrité ne sont pas aliénables. Ce sont des principes qui se réfèrent à l'humanité commune de tous les êtres humains (Supiot 2005). S'il est admis de porter atteinte à ces principes dans des pratiques consenties par certaines personnes, alors ils peuvent être lésés à tout moment. Porter atteinte à la dignité n'est pas un problème de liberté dans les relations inter-personnelles, mais d'organisation sociale et institutionnelle (Fabre-Magnan 2018 : 284-285). En disposant de l'enfant dont elle accouche, une femme n'exerce pas un droit, ni une liberté. D'ailleurs, cette femme a renoncé à la liberté, par contrat, et choisit d'être considérée comme un objet, ainsi que l'enfant auquel elle donne la vie.

Une éthique universelle pour penser la maternité

Réfléchir à la maternité implique d'inscrire ce processus dans le fonctionnement de la société où il se produit, et où il peut donner lieu à différentes pratiques sociales, comme la GPA. Cette réflexion conduit à constater, comme il a été montré auparavant, que des Etats de droit acceptent la vente d'enfants, lorsqu'elle est désignée comme maternité de substitution ; que la marchandisation devient principe de réglementation des ententes interpersonnelles, et que à l'économie de marché se substitue une *société de marché* (Sandel 2014). Ces constats révèlent les limites du Droit, quand il s'agit de mettre en perspective et de comprendre les ressorts par lesquels une pratique particulière reflète la société en son entier et son devenir ; et ils conduisent à la nécessité d'une approche éthique.

Une éthique universelle féministe offre la possibilité d'intégrer non seulement la signification formelle de la maternité de substitution, mais aussi les intérêts des personnes les plus vulnérables qu'elle implique - à savoir la femme qui devient mère et l'enfant qu'elle met au monde ; et les

effets que l'acceptation de ce type de maternité a pour toutes les femmes, pour toutes les femmes qui deviennent mères, ainsi que pour l'humanité. Cette éthique permet de percevoir la différence définitive et fondamentale que la maternité de substitution introduit entre les êtres humains, à savoir la réification : certains êtres humains sont conçus et mis au monde par contrat (le plus souvent, contre de l'argent), et d'autres non. Le contrat conclu pour la conception d'un être humain – et tout ce qu'il contient en termes de contrôle des caractéristiques que cet être est censé avoir – devient constitutif de l'identité de cette personne. L'humanité est désormais composée d'êtres pour la naissance desquels un contrat a été conclu, légalement, et d'autres, pour lesquels il n'y a pas de contrat. Le lien contractuel étant par ailleurs considéré comme la forme la plus aboutie des relations sociales, et ayant vocation à remplacer les impératifs unilatéraux de la loi (Supiot 2001 : 155).

La perspective éthique dans laquelle je propose d'inclure la réflexion sur la maternité de substitution est basée sur l'éthique de *ce qui convient* (*Convenio*, Miroiu 1996), et sur celle de la considération (Pelluchon 2018), qui partagent quelques prémisses fondamentales. Premièrement, les deux autrices situent le sujet dans sa corporéité, à travers et grâce à laquelle la personne devient consciente de sa propre existence et des conditions de celle-ci. Pelluchon se réfère à « la condition d'être engendré » (p. 32). Elle montre que « La corporéité est celle qui souligne la vulnérabilité du sujet, met en avant la dimension de plaisir attaché au fait de vivre, ainsi que le caractère toujours relationnel du sujet » (p. 27). Pour Miroiu, « Dans beaucoup de situations, notre compréhension est le résultat d'expériences partagées en commun […] Cette compréhension est le résultat de l'empathie, de la co-vivance (*co-trairii*), du ressentir-ensemble (*intersimtirii*), du partage de certains besoins et expériences communes »[1] (Miroiu 1996 : 7). En deuxième lieu, elles affirment et prennent en compte la conscience de la finitude et de la vulnérabilité que la finitude génère. Et en troisième lieu, elles imaginent une approche complexe de la vie, comprenant à la fois le sujet et le monde qui l'entoure, approche qui part de l'idée que le rapport à soi inclut le rapport à l'autre. Toute personne, en tant que sujet, se trouve intrinsèquement en relation avec les autres êtres vivants, humains ou non, qui ont existé, existent et/ou vont exister. La corporéité, la vulnérabilité et la relation caractérisent toutes les personnes, quelles que soient leurs différences par ailleurs. C'est pourquoi, ensemble, elles peuvent constituer le fondement d'une éthique universelle.

[1] C'est moi qui traduis et qui souligne.

L'éthique de la considération est conçue comme une démarche volontaire, visant à réduire la distance entre ce que nous savons et ce que nous faisons, en amenant au centre de la conscience ce qui nous unit aux autres. En manifestant de la considération envers soi-même, nous tenons compte, volontairement, des conséquences de nos actes, et nous nous engageons par rapport à eux. *Considérer* quelqu'un (un être humain ou non-humain), signifie lui reconnaître une *valeur propre*, qui lui appartient et qui ne dépend pas du point de vue de quelqu'un d'autre (ou des intérêts limités, égoïstes, de cette personne) ; cela signifie aussi garantir sa dignité, en affirmant qu'il ne peut être réduit à un objet ou à un moyen, et que cette personne, par son expérience, enrichit le monde (Pelluchon 2018 : 37). Comme modalité du rapport aux autres (à l'humanité et à la vie en général), la considération s'oppose aussi bien à l'indifférence qu'à la domination (lorsque je considère quelqu'un, je ne peux être indifférente à ce que vit cette personne, ni chercher à la dominer ou à profiter de sa situation).

L'éthique de ce qui convient, *Convenio*, est elle aussi fondée sur ce que nous avons en commun les uns avec les autres ; pour elle, la compréhension intersubjective est possible « parce que nous avons en commun avec d'autres êtres le statut de « besoin vivant » » (Miroiu 1996 : 7). Par leur corporalité spécifique, les femmes ont un vécu plus large et plus diversifié des expériences communes (« grossesse, accouchement, nourrir de son corps »). *Ce qui convient* engage aussi une démarche volontaire, qui peut être entendue comme empathie (« état intérieur d'acceptation »), comme choix rationnel et comme sens moral. Le principe de *ce qui convient* est recommandé pour penser et imaginer - en empathie, en raison, et moralement- le monde dans lequel nous vivons, un héritage que nous avons reçu et que nous allons transmettre. Dans ce monde, nous, les êtres du présent, « sommes ceux qui fabriquons les codes normatifs pour nos descendants ». Cette position virtuelle de parent engage pleinement tout le monde, et invite à éviter à la fois l'hostilité et le désintérêt que l'on pourrait ressentir, étant donné que « l'on négocie en supposant que nous sommes nous-mêmes concernés à travers nos descendants » (Miroiu 1996 : 97). Ce que l'on négocie et construit, à travers les choix que nous faisons, c'est la possibilité même d'un monde *qui convient* à nos enfants. Un monde dans lequel chaque personne est traitée avec une égale considération par les autres et par la société.

Le cadre éthique défini par la considération et par le principe de ce qui convient, peut contenir le processus social et institutionnel de la maternité de substitution. Dans ce processus, l'une des

injonctions que la mère porteuse reçoit, et qu'elle s'adresse à elle-même[1], est de ne pas s'attacher à l'enfant ; autrement dit, une injonction à la dissociation. Cela suppose que l'on admet (socialement, juridiquement, politiquement) la négation de l'unité de l'être humain de certaines femmes, au nom du processus biologique de la grossesse, *si* la grossesse est portée *pour quelqu'un d'autre*, et donc si elle est aliénée volontairement. Le consentement de la femme à la dissociation ne peut être considéré comme une liberté, car « la personne qui contractualise sa liberté, la perd », étant donné que le consentement dans un contrat prévoit la contrainte de respecter celui-ci (Fabre-Magnan 2018 : 59). La liberté de l'enfant est elle aussi attaquée, lorsque la mère porteuse le réifie, en disposant de lui afin de respecter le contrat. L'instrumentalisation du corps de la mère implique l'instrumentalisation de l'enfant. Accepter que certaines femmes et certains enfants puissent être traités de la sorte, c'est accepter de voir attaquer le fondement même de la société démocratique, à savoir la reconnaissance et la défense de l'égale dignité de toutes les personnes, sans distinction de sexe, d'âge, de conditions de naissance.

Conclusion

Une éthique féministe, visant à concevoir un monde qui convient à toutes et à tous, grâce à la considération inconditionnelle manifestée pour chaque être, peut être un outil pour penser les processus sociaux qui mènent à la maternité de substitution. Une compréhension approfondie de ces processus est nécessaire pour analyser les enjeux que représente, pour notre humanité commune, le fait qu'une femme dispose - ou croit pouvoir disposer- de l'enfant auquel elle donne la vie.

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[1]Les recherches sociologiques (Jacobson 2016 ; Saravanan 2018) et les témoignages, dans la presse, de femmes roumaines ou ukrainiennes, le montrent. Aux Etats-Unis, l'effort de distanciation est demandé à la mère par contrat (Lahl 2017).

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Bias and the Politicization of Gender Studies Scholarship[1]

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Abstract

In this essay we argue that the inferior epistemic status of gender studies in the epistemic cultures of higher education have been contributing to the vilification of gender studies scholars and created a fertile ground for the backlash the scholarship has been experiencing. On the one hand there is the problematic epistemic status of gender studies (which we will further elaborate), and on the other hand, the affective study of the epistemic communities and cultures has pointed to the positionality of gender studies scholars as 'affective aliens'. In order to help advance gender studies scholarship and prevent its demise by the hands of its political adversaries, we propose to look at the complex practices of academic epistemic communities, which may instead help build solidarities across different fields.

Keywords: *gender studies, epistemic status, academia, anti-gender movements, feminist killjoys.*

Introduction

If it is true that academic freedom is an indication of the health of a liberal democracy, then the politicization of gender studies in CEE is a reliable testimony to the looming threat of authoritarianism in the region. This article will sketch the different ways in which opposition to

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gender studies research has manifested itself in Europe and other regions such as Brazil or the Russian Federation.

As a convenient proxy for populist far-right and neo-conservative policymaking, gender research and scholars have become publicly framed by some political actors as the 'threatening other' (Engeli 2019). In this text we first highlight that we have been witnessing particular and successful practices aimed at restricting gender studies scholars, projects and academic programs. However, we also argue that what has not always been visible and highlighted in the debates on the current political opposition to gender studies, are the regional histories of scientific practice, the epistemic cultures, and also the political discourse and policy-making that underpin the opposition to gender research. By drawing attention to these contexts, we aim to elaborate on the recent developments with the objective of calling for a wider support of gender studies scholarship within academic epistemic communities.

The first two sections of this essay summarize the recent accounts of opposition to gender studies which demonstrate three particular practices of opposition – academic de-institutionalization, the targeting of financial resources and harassment/bullying of gender studies scholars. In the later sections of this paper we discuss the inferior epistemic status of gender studies in the epistemic cultures of higher education (Do Mar Pereira 2017), which we believe have been contributing to the vilification of gender studies scholars and created a fertile ground for the backlash the scholarship has been experiencing. On the one hand there is the problematic epistemic status of gender studies (which we will further elaborate), and on the other hand, the affective study of the epistemic communities and cultures has pointed to the positionality of gender studies scholars as 'affective aliens' (Ahmed 2010; 2012).

As this newly experienced backlash from a variety of political actors plays out through political institutions and occurs outside of the rules and the environment of academic epistemic communities (Knorr Cetina 2007; Szapuová 2009), this means that many scholars, academic communities and organizations face opposition unseen before. By putting different perspectives together, we aim to make sense of this backlash also by proposing to reinforce solidarity and understanding among scholars hailing from different academic communities.

The fate of gender studies in higher education: de-institutionalization or budget cuts

Gender studies have been established via research and study programs which focus on the presence of gender structures, or the functioning of cultural mechanisms of gendered construction. 'Gender' as a term itself has been adopted and popularized among feminist thinkers of the Anglo-American world in the 1960s and 1970s with the objective to create an analytical category which would recognize the social dimensions of the biological sex. Gender studies is thus a field of scholarship appealing to this category in order to analyze the gendered social praxis on the level of individual, institutions or symbols[1]. The studies are inherently critical and interdisciplinary as they are informed by feminist philosophy and epistemology[2] (Kiczková 2011). What we thus understand to be the institutionalization of a field of study is a set of processes within the academic epistemic communities, whereby a developing body of knowledge is recognized and legitimated. This can happen with the creation of independent research and teaching centers, setup and recognition of journals and other publications dedicated to the studies, or by the creation of separate courses or modules of study (Valkovičová and Hardoš 2020). The process of the institutionalization of gender studies within academic communities and organizations has been for decades embraced by debates of autonomy vs. integration which centered round the question of whether gender knowledge should be introduced (mainstreamed) into existing disciplinary structures or whether it should have separate centers of knowledge production[3] (Henderson 2019). However, as a field of its own, gender studies have been recently also experiencing exactly the opposite - de-institutionalization which goes hand in hand with de-funding.

The most blatant and hardline opposition to gender studies in the CEE region has been that of the Viktor Orbán administration in Hungary, which attempted the de-institutionalization of gender

[1] While scholars of psychoanalysis and post-structuralism may use the category of gender as an analytical category aimed at studying identity, language and the symbolic order, scholars of history study primarily the power relations as well as cultural and social domains which are affected by gender relations. Such plurality in understanding and using the category of gender as an analytical tool has been for decades described by scholars as constructive and creative, rather than conflicting (Kiczková 2011).

[2] The genealogy of gender studies and the so-called women's studies contain mutual paths; nevertheless, the approaches within these study fields have different functions. Both developed from feminist and women's rights movements, however, women's studies which dominated in the American academic communities, have been established prior to first gender studies courses and centers as the focus was on the experience and social reality of women. While the approaches of women's studies query the differences between women and men, the current gender studies question the values which are ascribed to these differences (Kiczková 2011).

[3] As Henderson (2019) writes, in some countries, institutional mainstreaming policies led to the prevalence of the integration approach.

studies as a study program of higher education, and succeeded. In August 2018, when the Hungarian Ministry of Human Capacities (giving less than 24 hours deadline to provide comments) effectuated legal amendments with regards to gender studies, the academic module was completely de-institutionalized throughout the country. At the time, two universities in Hungary were offering graduate degrees in gender studies - Central European University and ELTE (there, the program only started in 2017). The Hungarian Accreditation Committee had not been involved in the process; the initiative was of governmental, not bureaucratic nature (Petö 2018). The arguments given by Hungarian governmental officials were of neoliberal and conservative nature. Allegedly, the move was made in an effort to economize taxpayer's money seeing as (according to the Orbán administration) numerous graduates' skills do not meet the demands of the market. It was also argued that the agenda of gender studies research does not fit within the framework of traditional Hungarian and Christian values, which is also why there has been little interest in the program anyway. However, the de-institutionalization of gender studies in Hungary has to be observed with regards to other initiatives aimed to limit academic freedoms. Never before has the government of an EU member state legislated to obstruct and limit academic freedoms in such a way and to such an extent (Petö 2018). Gender studies were not the only targets of this set of policy directives. In 2019, the Hungarian Academy of Sciences was stripped of a portion of its property by the government. Among the controversial moves of the government was the closing down of the archives of Marxist philosopher Georg Lukacs. The set of arguments given to justify these moves was, just as in the case of gender studies, was the need for economization (Kovács 2019).

These moves are but one part of a much broader trend. In one case outside the EU, the reasoning presented to counter the institutional footing of gender studies research has been more heavily grounded in vague, sweeping reactionary moralization. Between 2016 and 2018, the European University in St. Petersburg faced existential threat after having been bullied by Russian bureaucratic structures for its liberal arts program. The university eventually lost its accreditation and building. Gender and sexuality studies were pointed to as the main problem (Kelly 2017). It was restored in 2018.

Furthermore, a different practice of de-institutionalization has occurred in Romanian higher education which did not directly aim to omit gender studies as an academic field, but instead

forbade *"propagating theories and opinion on gender identity according to which gender is a separate concept from biological sex"* (Tidey 2020, 1). Like the Hungarian case of de-institutionalization, this legal amendment within higher education is certainly unique, but goes further in terms of censorship. Following these changes, many scholars of social sciences from universities in Bucharest and Cluj did not hide their criticism and openly opposed the legal amendment, claiming they will not yield to it. In the meantime, students' organizations launched a petition to repeal the law (Gherasim 2020). Attempts to undermine gender research have, in a few cases, also taken the form of budget cuts and the targeting of access to financial resources. In August 2018, a UNESCO project proposal of the Bulgarian Academy of Sciences on gender equality in schooling *Forum for a gender-balanced model of* schools was blocked by the Ministry of Education via the Academy higher administration due to conservative and nationalist media outcry (Darakchi 2019). In 2019, the far-right political party Alternative for Germany (AfD) pleaded to discontinue gender studies funding entirely. Though generally considered an outsider party, the AfD has been steadily gaining traction in the past few years (Apperly 2019). Limitations to budgets can be again understood as moves to 'economize taxpayer's money', whereby gender studies programs and projects are perceived to be less rentable.

The targeting of scholars as 'agents of ideology': harassment and personal attacks

Most people working in GS research are familiar with fellow scholars sometimes responding to worries about what is happening to gender studies by pointing out that 'other fields struggle as well'. They would not be wrong. Online harassment of scholars, for example, continues to be the subject of ideological tug of war on social media. In 2019, two academics researching civility and tolerance on Twitter were subjected to rape and death threats to the point where police were compelled to station patrols around their homes (Times Higher Education 2019). Publicly active members of virtually any academic field of expertise even remotely related to public policy have, at some point, come up against science denial from pundits, online or physical harassment and have received death threats. There is evidence at hand to show that female and/or LGTBQI researchers have tended to be harassed in gendered/sexist terms. American gender studies scholars in particular have been were politically targeted and harassed online for various statements that were attributed to them (Ferber 2018).

Furthermore, examples of harassment of scholars such as the targeting of American scholar Judith Butler in Brazilian Sao Paulo during her visit when protesters burned her in effigy as a witch do stand out (Evans 2019). A report by Sexuality Policy Watch (SPW) commented that

> *the virulence and scale of the attack contrasted with the very small protest organized against the philosopher when she visited the country in 2015, bluntly illustrating how these forces have become exponentially aggressive in the course of the last two years"* (Sexuality Policy Watch 2018, 1).

Brazilian scholars themselves have been facing harassment from students and political elites. Scholar Marlene de Fáveri was sued recently for 'ideological persecution' as political actors have been petitioning students to record and film teachers in Brazil who 'spread ideological statements' (Redden 2018).

Back in Europe, the work of Italian scholar Federico Batani was decried by the conservative daily La Varietà. As a consequence, the Ministry of Education as a donor blocked his questionnaire on classroom bullying in 2018 (Apperly 2019). In Poland and elsewhere in Europe, scholars have witnessed attempts to establish watch lists of gender and sexuality scholars (Engeli 2019). In Bulgaria, during a national debate on the prospective ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), a group of Bulgarian academics working on gender and public policy wrote up a petition to support and explain the value of the Convention. They were subsequently blamed by the media for spreading 'anti-Bulgarian values' (Darakchi 2019). In another country of Central and Eastern Europe - Slovakia, scholars mostly working in the fields of pedagogy and psychology were likewise attacked in the media during the conservative 2015 Referendum campaign that sought to restrict LGBTI rights and sexual education (Maďarová 2015). To top this anecdotal evidence of political agenda against gender studies scholars and scholarship, we should not fail to mention a fake bomb, which was placed in front of the Swedish National Secretariat for Gender Research in Gothenburg in 2018 (Evans 2019).

These are but a handful of examples of the efforts of conservative and far-right backlash to gender studies scholars and scholarship. It is essential to note that the presence of the actors and their agenda runs across all strata of society and government in all of Central Eastern Europe and elsewhere. While in some countries, political elites or civil society actors build up their political

capital with the use of the rhetoric of gender ideology, elsewhere it is the media and the pundits who attack researchers and their work (Frey et al. 2014). It seems that some scholars across Europe have already opted for the route of 'self-censorship' and the choices of less sensitive topics of research and teaching in order to avoid such attacks (Paternotte 2019). It can then perhaps be argued that what is specific to gender studies, in terms of the harassment scholars face, is not so much that there is more of it per se, but that these scholars also lack the institutional support by fellow scholars from neighboring fields, departments and other institutions.

Interactions between 'gender ideology' rhetoric and gender studies scholarship

The incidents mentioned above do not alone explain the obsessive preoccupation of the conservative and far-right with gender studies. In the past few years, the rising tide of attacks on the field has produced substantial research on the influence of 'the gender ideology' rhetoric and the actors who make use of it in European and national policymaking processes (e.g. Kuhar and Paternotte 2017; Petö 2015; Korolczuk and Graff 2018).

Scholars have also identified the political and religious roots of the discursive concept of gender ideology within the oppositions of the Holy See developed in the 1990s to the beginnings of the international feminist developmental agenda linked to reproductive rights (Hennig 2018; Case 2016; Garbagnoli 2016). Established as a reactive product of the Vatican aimed at tackling the advancements in sexual liberalization and reproductive policies, the rhetoric has been developed within its policymaking (Garbagnoli 2016). In 2016, Pope Francis referred to gender theory as 'ideological colonization'. The Pontifical Council of the Family has been most instrumental in the creation of new reactive policy discourses – it has advocated that 'gender ideology' aims to foster conflict between sexes, contests the nature of the sexes, and the natural hierarchy between the male and the female. The sexes have been divinely designed and gender is not a social construction (Butler 2019).

Over time the rhetoric of gender ideology has evolved and has been adopted by a variety of political actors, some of whom have been attempting to strip it of its religious history. The authors of *Gender as Symbolic Glue* (Kováts and Põim 2015) have identified the appeal of 'gender ideology' as an umbrella term, signifying oppositions towards a variety of measures. Hennig (2018) has argued that while gender ideology as an empty signifier embraces different ideologies and philosophies, it is nonetheless able to unite political actors in the rejection of gender equality

(measures) and of (the recognition of) sexual diversity. 'Gender ideology' rhetoric has thus also served the populist objectives of attacking the concept of identity politics. As Grzebalska et al. (2017, 1) claim in relation to Central and Eastern European politics:

> *Gender ideology has come to signify the failure of democratic representation, and opposition to this ideology has become a means of rejecting different facets of current socioeconomic order, from the prioritization of identity politics, over material issues.*

In countries such as Poland or Bulgaria, the rhetoric of gender ideology has been operating with the term 'gender' in its English version, rather than the local language versions as applied within social sciences. This is a symptom of some actors' objective to denounce policy developments related to perceived feminist or LGBTI agenda as 'foreign' and ideologically loaded (Darakchi 2019). Anti-West and nationalist discourses have been particularly useful for actors of nationalist and far-right projects, as they make use of gender ideology rhetoric with the objective of constructing the out-group of the 'threatening other' (Kuhar and Paternotte 2017; Żuk and Żuk 2020).

Some scholars have shifted from the focus on gender ideology rhetoric towards a more complex understanding of the rhetoric as a resource of members of a social counter-movement - i.e. a social movement which has developed to counter the achievements of feminist and LGBTI social movements (Roggeband 2018). For example, Corredor (2019) writes about 'antigenderism' as a counter action towards the emancipatory claims of the feminist and LGBTI movements. The actors can be understood as members of counter-movements, which are political phenomena targeting sites of power, most notably state structures, but also particular political elites, cultures, and dominant discourses (Taylor and Whittier 1995; Roggeband 2018). Therefore, we firstly propose to study gender ideology rhetoric as a tool (and resource) of the social counter-movement, which may be particularly useful in de-legitimizing particular discourses supported by gender studies scholarship.

While we describe the three tools of opposition most visible and reported on by the media (academic de-institutionalization, the targeting of financial resources, and harassment/bullying), the recent scholarship on 'gender ideology' rhetoric and movement has been very modest in explaining why specifically gender studies scholars experience this animosity which plays out through political institutions. Looking back at the Vatican roots of the concept of 'gender

ideology', Paternotte (2019) has also argued that 'science' has been established to be a crucial playing field whereby the actors aim to attack the cultural and political hegemonic discourse of the 'postmodern gender'. This is being mostly done by re-appropriating the language and possibly by vilifying the 'studies' which are to blame for it. The practice of 'scientific de-legitimation' of gender studies has been also described by Frey and colleagues (2014) who describe a variety of practices of 'gender enmity'. These have been targeting gender studies scholars and scholarship in Europe from outside of the academic environment, but also within it. These practices include journalistic gender enmity, 'guardians of scientificity' – pundits opposing gender studies research by claiming it is not 'scientific enough', Christian fundamentalism (gender studies research is anti-Christian), anti-feminist and right-wing actors (Frey et al. 2014).

Nevertheless, reflecting upon Paternotte (2019) and others, we argue that in order to understand the fate of gender studies vis-à-vis the advent of the 'anti-gender' rhetoric and the far-right and conservative backlash, we also need to look at the epistemic positionality of gender studies scholars and scholarship and to understand their regional specificity. As already mentioned, the lack of institutional support of gender studies scholars within the academic epistemic communities needs to be counted in as a contributing factor to the practices of budget cuts, harassment and de-institutionalization, which we have already mentioned. In the following section, we look at the lacking support more closely as we touch upon the culturally and socially engaged nature of gender studies scholarship.

Doing gender studies: respectable and welcome?

Addressing questions about conservative and far-right's attacks upon gender studies scholarship, Apperly (2019, 1) posits the following:

> *[G]ender studies promote a more fluid understanding of self and society, in particular by recognizing gender as something shaped and interpreted by a given social order, as opposed to an immutable biological fact. In questioning traditional concepts of identity, sexuality, and kinship, gender studies therefore destabilize the far right's simple narrative of a native 'us' and an alien 'them'.*

Sprague (2016) argues that feminist scholars have been attempting for decades to go beyond privileged standpoints protecting patriarchal or capitalist structures. He points out that these

scholars have been asking about the degree to which causal processes and their consequences vary with different intersections, including race, gender, and class. By doing so, Sprague argues that gender studies scholars have been problematizing what has previously been 'invisible', by doing studies of what is missing:

> *questions that have not been asked, groups that have not been problematized, social settings in which some categories of people are not present, assumptions that have gone untested*" (Sprague 2016, 223).

In the same vein, Petö (2018) claims that gender studies are inherently irreconcilable with the preoccupation of the Hungarian government with demographic policies 'supporting middle class families'. The Hungarian government is in this spirit only interested in women as mothers and carers, thus upholding a particular patriarchal framing of wellbeing, which is also why it has been funding some initiatives and avoiding others (Lilleslåtten 2018). Thus the critical nature of gender studies scholarship is irreconcilable with the so-called ideology of 'familialism' (Stubbs and Lendvai-Bainton 2019) promoted by authoritarian 'anti-gender' political elites.

However, it is not only the critical and reflexive nature of gender studies scholarship towards society or the state, which allows for the backlash. The current opposition towards gender studies scholars and scholarship may be studied from the perspective of epistemic status of gender studies outside and within academia. By epistemic status we understand the degree to which and terms in which a particular knowledge claim or entire field is recognized as fulfilling the requisite criteria to be considered credible and relevant knowledge (Do Mar Pereira 2017). Furthermore, a closer look at the dynamics of local academic epistemic cultures - sets of practices, arrangements and mechanisms bond together by necessity, affinity, and historical coincidence which, in a given area of professional expertise, make up how we know what we know – i.e. the cultures of creating and forming knowledge (Knorr Cetina 2007). For example, the study of the epistemic cultures of Central and Eastern Europe would allow us to see the broader picture of the positionality of gender studies, which has been problematic since the former authoritarian regimes. The institutionalization of gender studies through separate programs in Europe has been limited (Paternotte 2019). In the region of Central and Eastern Europe, It has been in particular hindered by the former regimes. Since the 50s, critical social sciences were considered to be a bourgeois pseudo-science (Oates-Indruchová 2008). During the periods of State socialism and in the region,

gender was an acceptable subject of concern exclusively within the context of class analysis (Do Mar Pereira 2017). In the meantime, gender studies have been developing within Western humanities, social sciences, and even STEM for over four decades (see e.g. Sprague 2016). The experience not only from the CEE region shows that institutionalizing gender studies in higher education thus requires a liberal political environment (Irvine 2004; Ahmed 2017). Some social sciences, such as political science, have been developing with the direction of independent and critical disciplines detached from the state ideology in the region only since the 90s (Malová and Mihálíková 2018; Valkovičová and Hardoš, 2020). Centers of gender studies research started popping up in the decades following the fall of the Iron curtain - 1992 in Poland and 1991 in Prague (Einhorn 1995; Cviková and Juráňová 2009). This has been happening with extensive influence of the Anglo-American sociological tradition and the aid of activist discourses – for example in the process of institutionalizing vocabulary of the studies (Petö 2019.).

With regards to the epistemic status of the gender studies scholarship within and outside of academia, Do Mar Pereira (2017) argues with regards to the Portuguese context that in some countries gender studies have been problematic because they signify the global hegemony of Western culture or the compliance to 'westernization'. In order to mobilize sentiments against the allegedly disconnected Western/European liberal elites, conservative and far-right actors have sought to portray gender studies scholars as agents of a threatening and alien ideology. In some cases, scholars were even denounced as 'Brussels bureaucrats' (Apperly 2019). Such a strategy can be ascribed to the objectives of 'securitization of the society' – i.e. presenting particular individuals as national threats, which has been previously also described by Petö (2019) with regards to the current Hungarian authoritarian tendencies. By positioning different groups of individuals as plotting 'out-group', be it the LGBTI community, or gender studies scholars, the narrative of threatening 'gender ideology' agents can work to strengthen the collective narcissism of the 'in-group' (Marchlewska et al. 2019).

The narrative of the scholars as 'gender ideology' agents fits well within the existing debate on the epistemic positionality and status of gender studies within academia. In 2017 Do Mar Pereira argued:

> *Scholars who have specialized in gender studies are finding that their career paths are hampered by the nature of the research which despite often widespread international*

> *recognition still tends to be branded as militant and therefore implicitly as unscientific"* (Do Mar Pereira 2017, 36).

Young researchers in gender studies are facing a variety of issues. According to research conducted among them (see Boulila, Cheung and Lehotai 2019), 21% experienced research-related difficulties that had to do with epistemic challenges of being a gender researcher, or the lack of mainstream credibility of gender studies. Do Mar Pereira (2017) has written about the perceived intrinsic epistemic inferiority of gender studies which has been documented not only within her own study and which occurs in formal and informal settings – sometimes constituting a form of intellectual harassment.

Claims of gender studies being unscientific, the neoliberalization of academia (also described by Aavik, Riegraf and Nyklová 2017; Bădoi 2019), and the attacks in the wake of far-right electoral gains have challenged the position of the discipline. These difficulties include a systemic lack of institutional recognition, which links to a deep-rooted suspicion towards feminist epistemologies - the prevailing idea that feminist knowledge is unfit for academic purposes (Boulila, Cheung and Lehotai 2019). The recent 'Grievance Studies Hoax' affair orchestrated by Pluckrose et al. (2018) aimed to draw attention to perceived poor academic standards of certain fields of research and also specifically targeted gender studies, for example, illustrates this. The authors submitted a series of bogus papers to a number of journals in cultural, gender, sexuality, queer and fat studies. After a number of those papers were accepted and published, Pluckrose and colleagues contended their hypothesis to be confirmed. The response of the academic community was mixed. The most glaringly disqualifying aspect of this attempt was the lack of a control group. Still, this was not enough to dissuade many academics from endorsing the misguided effort on social media and elsewhere. No less, the damage had been done, and the 'hoax' continued to be widely covered and discussed in the media. Afinogenov (2018, 1) has commented on the incident candidly and pointed out that

> *the educated public makes a decision based not on the scientific merits of the hoax but on the relative orthodoxy of the hoaxer and hoaxee. In effect, the result of the trick is decided in advance by the power relations of the field*.

Concerns about the scientific credibility of gender studies can stem from a variety of biases. With their research in the Czech academic communities, Nyklová, Cidlinská and Fárová (2019)

recognized different types of bias which affect the institutionalization of gender studies within the discipline of International Relations and which they have divided into three categories – symbolic, institutional, and individual. According to the authors, these different oppositions impact the careers of individual researchers and their academic trajectories. Such oppositions also contribute to the construction of gender studies scholars as a problematic 'out-group'. Key and Lawrence Sumner (2019) found evidence of segregation of gendered research topics in political science. Their study has shown that not only do women systematically focus on different research topics than men, but also that these topics are less likely to be published in 'top political science journals' (Key and Lawrence Sumner 2019). The data demonstrates quite clearly that women are significantly more likely to research race and gender (Nyklová, Cidlinská and Fárová 2019). It stands to reason that if gender studies departments (where mostly women or LGBTI people work) focus precisely on issues of gender, that the male dominated field would consider them outliers.

Stanley (1997) posited with regards to Western academia already in the late 90s that *"feminists are ontologically outsiders, 'other' to the academy",* as they tend to be considered within the community as radical (Stanley 1997, 6). Similar conceptualizations of gender studies scholars in academia as 'outsiders' have been developed by Ahmed (2010, 2012) who speaks of these scholars as 'feminist killjoys' or 'affective aliens' - i.e. as individuals who critique institutions (be it dominant research paradigms or procedures of reporting sexual violence at universities). Thus they tend to be perceived as inherently problematic - gendered and politicized individuals (Henderson 2019). By doing so, the actors (or aliens) appear to be displaying an 'inappropriate affect' (i.e. anger, or disappointment) when they are for example pointing out racism or sexism (Ahmed 2010b).

By opening what she calls 'unhappy archives', Ahmed (2012) studies the academic organizations as affective atmospheres, whereby 'happiness' or 'positivity' are understood as the affective orientation of the organization. The 'feminist killjoy' emerges as a challenge, or a resistance to the idea of happiness, which is to pervade the organization. As such, within organizational structures, the 'feminist' (i.e. gender studies) is understood as a troublemaker[1]:

[1] Ahmed (2012) claims that the 'institutional passing' of a scholar is crucial. To her, this means the survival in an institution, the development of one's career and its progression. According to Ahmed these depend upon the permissiveness and the welcome the scholars experience within their institutions. For some scholars this may mean the need to refrain from critiquing the institutions and organizational structures, the objective to avoid such conflicts

> *Feminists, by declaring themselves feminists, are already read as destroying something that is thought of by others not only as being good, but as the cause of happiness. The feminist killjoy spoils the others' happiness; she is a spoilsport because she refuses to convene, to assemble, or to meet up over happiness. In the thick sociality of everyday spaces, feminists are thus attributed as the origin of bad feeling, as the ones who win the atmosphere, which is how the atmosphere might be imagined (retrospectively) as shared"* (Ahmed 2010b, 581).

As Ahmed claims, the failure to appear to be happy on the part of feminist scholars is read as sabotaging the affective orientation of the organization. As such, feminists are assigned *''the difficult category and a category of difficulty''* (Ahmed 2010b, 581).

Arguably, the thriving practices of sidelining gender studies scholars within academic communities may be spilling over, aligning with and legitimizing the conservative and far-right backlash currently experienced by gender studies scholars. The lack of institutional or community support within academia should be understood as a contributing factor to the practices of deinstitutionalization, budget cuts or harassment. Scholars of other disciplines who harbor bias against gender research may even support or encourage governmental clampdown on academic freedoms by positioning themselves as those non-problematic vis-à-vis their gender studies colleagues. We should not forget that academic epistemic communities are not groups of individuals locked up in their offices. Bias and gender enmity towards the scholarship and scholars can be a practice of the organizational climate also involving and affecting students, who later on leave the university to pursue policy jobs. To help forward the institutionalization of gender studies and hamper potential governmental clampdown (which may later advance beyond gender studies as seen in Hungary), academic communities need to look at their own biases and practices, which may be inspiring political actors to attack the scholarship or make scholars into the 'proxy' of their ideological narratives.

Discussion

> *Attacks on universities are spreading across Europe, resulting in reduced institutional autonomy, a shrinking space for academic freedom, and a widespread devaluation of*

and thus increase one's proximity to the institutions and other scholars. This may mean that women choose not to do gender studies, queer studies, or be 'feminist killjoys' in organizations. Passing can also be about trying to be less noticeable.

> *researchers' interventions in public and political debates. In this context, attacks against gender studies appear as a first step toward wider campaigns against critical knowledge and similar attacks have been observed on topics like migration, Islam, the Far Right, the history of the Holocaust, and climate change.* (Paternotte 2019, 1)

Above, Paternotte forecasts a gloomy future for universities and academies as the centers of critical thinking if the current trends take over. According to the author, the attacks on gender studies should be foremostly understood as attacks upon critical thinking and the autonomy of academic institutions enshrined in democratic principles. We must also be careful to spot when the anti-feminist rhetoric of gender ideology is clad in the neoliberal discourse of efficiency, which has been used not only in Hungary. The argument of 'not being viable enough' has been the one which has been used against the institutionalization of gender studies time and time again (Ahmed 2012).

With this text, we explored the oppositional agenda towards gender studies scholars and scholarship firstly by discussing the concept of epistemic cultures which surround gender studies scholars and scholarship (Knorr Cetina 2007). As Ahmed (2010b) claims, the myth of the scholar as an objective, neutral observer who leaves the field without influencing the data, untouched by the research process, has been often criticized by especially feminist/gender studies scholars. Yet it is precisely the engagement and the oftentimes self-declared activist nature of gender studies scholarship which is currently helping conservative and far-right political actors to construct gender studies as a convenient proxy (Engeli 2019).

With regards to the abovementioned events taking place all over Europe and beyond, we believe this is especially not the time to take academic freedom for granted. One of the ways in which we can appreciate its value is by fostering solidarity with our fellow researchers within and outside our own field of research. Current (social) sciences and humanities are built on the premise of co-operation, which means that scientists are not autonomous within their work. Quite the contrary, they seem to be bound by the relations of epistemic dependency (Szapuová 2009), whereby peer review and mutual recognition play a crucial part. Scientific communities therefore need to be understood not only as groups applying a mutual scientific paradigm, but also as groups which share common epistemic cultures and epistemic practices. As such, today's scientists are more dependent on their community than we would be prone to assume. Gender studies scholars seem to be dependent upon the support of their out-group colleagues now more than ever.

While there has been very limited and mostly sectional research on the epistemic cultures and practices (Knorr Cetina 2007) within the academia of the Central and Eastern European region pertaining to gender or queer studies, the scholarly debates on the epistemic status of gender studies in the era of the so-called gender ideology rhetoric are abundant all around Europe. Gender studies scholars are resisting and joining forces, while also debating the changing status of the scholarship and the challenges it brings to their academic careers. Within the past two years, the majority of European international conferences on gender studies in social sciences included panels or workshops on gender ideology rhetoric and resistance to populist and far-right attacks upon academia. These included conferences of academic associations such as the AtGender Conference 2018 (Göttingen), European Conference on Politics and Gender 2019 (Amsterdam), European Consortium for Political Research 2019 General Conference (Wroclaw), European Geographies of Sexualities Conference 2019 (Prague). Scholars have been coming together to share their atrocity tales of practices sketched above: academic de-institutionalization, targeting of financial resources and harassment/bullying. It seems that if one wants to familiarize herself with the variety of practices aimed at restricting gender studies scholarship, she only has to attend the coffee breaks of the international gender studies conferences. What is more, it also seems that academic solidarity with gender studies scholars is also visible at international conferences of social science and humanities associations not specializing in gender studies, which are the elite networks of academic epistemic communities. Visible, but also material solidarity and support of gender studies scholars must come from their colleagues, academic elites in their respected fields be it any academic discipline from literary criticism to social work.

As Ahrens claims in this regard:

> *Politics in 2018 is, across the globe, rife with overt and seemingly powerful resistance to principles of gender equality, to feminism, to justice. In an era where the very notion of expert knowledge is under attack, the necessity to respond as a community of researchers has to be part of a wider counter-resistance to an insecure, unequal world"* (Ahrens et al. 2019, 9).

Such cross-disciplinary support of the research community is essential in cases such as the Romanian one. As many English-speaking online news outlets informed about the newly enacted restrictions in higher education, Romanian scholars were heard for their criticism of the censorship

(Gherasim 2020; Tidey 2020). While the headlines spoke of 'Romania banning gender studies', it was essential that students and scholars of humanities and social sciences explain that the legal amendment does not only impinge on gender studies, but that the ban to teach gender theory affects other disciplines and signifies serious suppression of academic thought. In cases such as these, members of the academic epistemic communities need to be present in mainstream media to 'set the record straight' and defend academic freedoms.

One more way to provide support to the colleagues of gender studies at research and teaching institutions and in academia more widely is to be aware of their status of 'affective aliens' who critique institutions whereby they tend to put themselves into threatening positions (Ahmed 2010, 2012; Henderson 2019). As actors who display the inappropriate affect and undermine the affective orientation of organizations or even epistemic communities, these scholars are troublemakers who are oftentimes labeled as 'the difficult ones'. Recognition of their diversity work is crucial and can be essential in preserving our academic institutions not only critical, but also self-reflexive and caring. And last but not least, we should not forget about the aspiring scholars at the MA levels or early-career researchers who may experience or witness bias or other forms of oppositions within their academic communities, organizations or may feel threatened by the agenda of political actors within their countries. It is not only for the continuity of the scholarship which depends upon them, but also their wellbeing as diversity workers, which needs to be considered and cared for.

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Women in the Arab Feminist Discourse: Between the Transnational Feminist Theory and the Islamic Feminist Theory

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Abstract

More interest has been given to women's status in the Arab Muslim world due to the stereotypical representation that the western literary as well as academic scholarship provided about them. In fact, elite Arab Muslim women have quested for liberation through the creation of several feminist approaches for instance, the transnational feminist theory and the Islamic feminist theory that have reconstructed the image of Arab Muslim women in literature, provided a non-stereotypical representation about them as well as demonstrated their resistance to the multidimensional oppression they have confronted. The aim of the present study is to explore the distinct theories that have been adopted to advocate the Arab Muslim woman's question in order to dislodge the Western stereotypes, to demonstrate women's struggle against the systems od domination in the Arab Muslim world and to empower the Arab Muslim female reader through the celebration of women's power within the Arab culture.

Keywords: *Arab Muslim Women, representation, the transnational feminist theory, the Islamic feminist theory and liberation.*

Introduction

In literature as well as in scholarship, there have been many assumptions that considered the woman question a universal issue. In fact, these assumptions led Western feminism to hegemonize the feminist discourse as well as to ignore women's cultural differences. Specifically, an Arab Muslim female reader cannot identify herself with the Western feminist discourse. Furthermore, an Arab Muslim female work representing women cannot be read through the lens of the Western

feminist theory. This is the reason why Arab Muslim intellectuals have sought to create their own feminist discourses through several feminist theories that consider their distinct resistance to the multidimensional oppression they confront including the transnational feminist theory and the Islamic feminist theory.

Indeed, considerable researches have been devoted to the representation of women in literature, but less attention has been paid to Third World women including Arab Muslim women's representation, their distinct resistance to multidimensional oppression as well as their quest for liberation.

The aim of the current study is to demonstrate that women in the Arab Muslim world have resisted patriarchal, colonial as well as religious oppression in different ways. Furthermore, they have created several approaches including, the transnational feminist theory and the Islamic feminist theory to advocate the Arab Muslim woman's question.

This study is entitled Women in the Arab Feminist Discourse: Between the Transnational Feminist Theory and the Islamic Feminist Theory. It aims at providing historical as well as theoretical backgrounds. It is composed of three sections, women in the Western feminist discourse, women in the Arab feminist discourse, Arab women writers and the transnational feminist theory and Arab women writers and the Islamic feminist theory.

Feminism in the Arab world is a broad topic of research. This study is limited to the two approaches that have been selected to demonstrate women's struggle for Arab Muslim women's liberation (the transnational feminist theory and the Islamic feminist theory).

The present chapter will explore the historical as well as theoretical backgrounds of Arab Muslim women's quest for justice, equality, liberation and self-representation. The first section will explore women's quest for liberation in the Western feminist discourse. The second section will be devoted to take a look at the status of women in the Arab Muslim world and the rise of the Arab feminist discourse in activism as well as in scholarship from Qasim Amin's advocacy of women's rights to the contemporary Arab feminists. The last two sections of the chapter will discuss the two approaches: the transnational feminist theory and the Islamic feminist theory.

1. Women in the Western Feminist Discourse

Across the globe, women have been oppressed, stereotyped, objectified, deprived of their rights and misrepresented. This is why the feminist movement, theory and epistemology has sought to secure the social, cultural as well as political rights for women. It is defined by the German scholar Chris Weedon as a movement as well as theory that has the intention of changing the existing power structured relationships between women and men (Weedon. qtd in Mahmood 2008). In addition, it aims to understand the social structures' perpetuation of gender inequalities. It arose during the Age of the Enlightenment.

1.1. The Early Feminist Discourse

The advocacy of women's rights for achieving justice and equality with men arose from the Enlightenment liberalism between the second half of the seventeenth century and the end of the eighteenth century, because of two substantial reasons. First, the Enlightenment intellectual and philosophical movement was criticized for being a white-male-bourgeois oriented movement. In addition, it has been contended that it sought to maintain power while disguising in the discourse of universal liberation. Furthermore, female intellectuals and philosophers questioned the Enlightenment's masculine biased thoughts as well as intellectual institutions and they defended women's right to education and equality with men (Taylor, 264-265). For instance, Mary Wollstonecraft who has been considered as the first liberal feminist who sought equal rights and opportunities for women (Muhamad Shukri, 3) has claimed in her book A Vindication of the Rights of Woman (1792) that women are naturally rational. However, inadequate education made them more emotional. Therefore, she has proposed that women should receive the same treatment as men in education, work and politics. Second, they were influenced by the liberal ideas of the English philosopher John Locke who insisted on concepts of equality, justice and individual autonomy (Taylor, 265).

Moreover, the Enlightenment sciences including medicine and biology challenged the traditional ideas that claimed the naturalness of gender roles (Taylor, 267). Indeed, the Enlightenment led to the advocacy of women's rights in Europe. As some female and male scholars claimed that gender roles are not natural facts. But rather socially and culturally constructed stereotypes.

1.2. The Western Feminist Discourse in the Twentieth Century

In the twentieth century, Europe besides the United States witnessed women's active advocation for equal rights and opportunities. Since 1900 women became more influential as intellectuals, philosophers, writers and artists. Many of them including Simone De Beauvoir, Monique Witting, Judith Butler, Kate Millet and Hélène Cixous admitted the enlightenment thinkers' rejection of the naturalness of gender roles.

1.2.1. Simone De Beauvoir

The French existentialist feminist and philosopher Simone De Beauvoir in her book The Second Sex (1949) has investigated and later on rejected the biological, psychological and economic interpretations of inequality between the sexes. She has argued that the role played by women in the society is a historical situation rather than a natural fact. Moreover, women are socially and culturally programmed to believe that it is a natural fact. Therefore, she has emphasized the distinction between sex as a biological truth and gender as a cultural interpretation of this truth (Ibid, 522).

1.2.2. Monique Witting

The French author and feminist theorist Monique Witting has agreed with Simone De Beauvoir in claiming that women are socially, culturally, politically and ideologically compelled to believe that they are naturally born weak, submissive and dependent in her essay "One Is Not Born a Woman" (1981). She has argued that the norms imposed by the oppressor including the myth of woman and its effects on women's consciousness lead to and justify women's oppression. According to Witting as well as De Beauvoir, woman is only a myth, it is an imaginary social, cultural, political and ideological formation. Moreover, women as a class as stated by Witting is a product of a relation of exploitation. Consequently, she has offered a solution for women's oppression which is to destroy the notion of woman as well as the social system of heterosexuality. She has claimed that lesbianism is the only concept that rejects the social, economic, political and ideological subordination of women and seeks a sexless society.

1.2.3. Judith Butler

In the United States, the philosopher and gender theorist Judith Butler has examined gender construction through specific acts in her essay "Performative Acts and Gender Constitution" (1988). She has claimed that gender is performative. Besides, gender identity is an illusion and it does not relate to the human's internal reality. since it is formed through the conformism to certain acts. Moreover, she has argued that the repetition of certain bodily gestures, movements and behaviors create gender identity. Butler has supported her arguments with the French phenomenological philosopher Maurice Merleau-Ponty's idea represented in his book Phenomenology of Perception on the body in its Sexual Being that the social and cultural existence of the body is not fated by its interior essence but rather by cultural norms. She has contended that the female body as well as consciousness are pressured by social, cultural and historical conventions. To conclude with, Judith Butler has contributed to the feminist theory with the perception of gender is a performance and the various acts of gender maintain its survival. In addition, the claim that the society forces the human beings to make their bodies obey certain norms.

1.2.4. Kate Millett

In 1970, the feminist theory entered into literary criticism with the publication of Kate Millett's Sexual Politics (Mahmood, 2008). In her book, she has analyzed the patriarchal shape of behaviors and unexamined relations of dominance and subordination between women and men in literature.

1.2.5. Hélène Cixous

Another French feminist theorist called Hélène Cixous has discussed women's writing issue and its necessity for women's liberation in her essay "The Laugh of the Medusa" (1976). She has claimed that women have been prevented from writing, because it has been linked to men only. In addition, they were compelled to feel ashamed about their bodies. Therefore, Cixous has obliged women to write about women in order to create a language that liberates them from the previous codes, regulations, norms and stereotypes of subjugation. Hélène Cixous has declared that time has come for the liberation of the New Woman from the Old Woman who was led by men to execute women's desires. Furthermore, she has guaranteed that women's writing will ensure their return to their bodies that were considered as a source of guilt and shame.

Moreover, it will break up the silence and maintain women's relationship to their sexuality (their pleasures and native strength). To conclude with, for Hélène Cixous, Ecriture Féminine or women's writing explores women's needs, desires and life experiences.

Indeed, the Western feminist discourse sought to secure women's rights, opportunities as well as to liberate them from the bounds of patriarchy in activism, scholarship as well as in literature. However, they focused on Western women's oppression in relation to issues of sexuality and patriarchy only and did not link between the woman's question and politics, economics, culture as well as religion. In fact, the Western feminist discourse ignored women's cultural diversities and their distinct forms of resistance to the multidimensional oppression they confront. This is why Arab Muslim women have had problems in identifying themselves with the Western feminist discourse and have sought to create their own feminist discourses.

2. Women in the Arab Feminist Discourse

The Arab Muslim female role has been created and approved by historical, religious as well as cultural norms. However, it has been challenged either by Arab feminists or by the modern society. Particularly, some scholars have rejected the conservative application of pre-Islamic as well as medieval principles in the twenty first century. Moreover, they have claimed that the rules that originate from the Islamic hermeneutics need an urgent reform in order to shift Arab Muslim women to the global acceptance as well as to allow them to participate in the modern society (Okon, 21).

2.1. The Status of Women in Pre-Islamic Arabia

Some scholars including Leila Ahmed have claimed that women in the Jahiliyyah occupied positions of participants in central affairs for instance, leaders, warfare participants, authors, nurses on battlefields and keepers of the keys of Mecca. Moreover, they incorporated with men in their society (Ahmed, 62). In contrast, the Nigerian scholar Etim Okon and other scholars have contended that several pre-Islamic Arabian practices including female infanticide as well the objectification of women led to women's oppression, discrimination and marginalization. Furthermore, they created male-oriented societies. First, during the era that preceded Islam, Arab tribes considered giving birth to a female child a source of shame and agitation, because the Arabian Peninsula witnessed many tribal wars before Islam and women who belonged to the

defeated tribes became enslaved socially as well as sexually (Aquil, 23). Therefore, parents killed their female children due to their fear of the invaders' captivity. Together, this evidence suggests that infanticide symbolized females' flaw as well as their ability to be sacrificed during the era that preceded Islam. Second, women in the pre-Islamic era were treated as objects. For instance, upon a man's death, they were inherited by male relatives (Ibid). In addition, it has been claimed by the professor Rajaa Aquil in her article "Change and Muslim Women" that there were no marriage laws to organize families, because women were sold and traded for other women. Furthermore, adultery was permitted as men had several mistresses as well as temporary sexual relationships (the marriage of pleasure).

2.1.1. The Discourse of the Veil

The Egyptian jurist and Islamic modernist Qasim Amin in his book The Liberation of Women (1899) as well as the American Egyptian scholar Leila Ahmed in her book Women and Gender in Islam (1992) have argued that the veil was developed from the ancient cultures and religions that preceded Islam including the Greek, Roman, Assyrian, Jewish as well as Christian. Moreover, women worn the veil in the pre-Islamic era due to cultural and social circumstances for instance, the veil symbolized women as private properties. Therefore, it protected them from the strangers' captivity. In addition, it was used to differentiate between women from different classes as women of the lower class worn the veil. In fact, they have argued that the veil in Arab Muslim societies will change through time due to the social, political, economic and technological changes that influence the Arab Muslim culture.

2.2. The Status of Women in Islam

Islam improved the status of women. It ensured women's right of life. Particularly, some Qur'anic verses were revealed to denounce the practice of female infanticide. For instance, "and when the girl [who was] buried alive is asked for what sin she was killed" (Qur'an, 81:8-9). In this verse, Islam prohibits killing female children as well as the feeling of shame and agitation that the pre-Islamic Arabs related to females. Moreover, the following verse from the Qur'an indicates that Islam insisted on women's and men's equal humanity with the same responsibilities and duties (Abu Sarhan, 46): "O mankind, fear your lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women" (Qur'an, 4:1). Furthermore, prophet Muhammad defends women's right to seek knowledge and education in the following

Hadith: "seeking knowledge is compulsory for each and every Muslim" (Al Tirmidhi). Finally, marriage in Islam became the foundation of the human society that organizes families as well as a legal contract for life that intends to achieve mutual love, respect and loyalty.

Indeed, Islam is a religion based on the concept of justice and the purpose of the Islamic law is to avoid harm as well as to serve the public interest or maslaha of its believers including women. And since the public interest changes through time, the Islamic law should be open to change in order to preserve the Muslims' interests, because Arab Muslim women's status as well as rights have been decimated by many patriarchal interpretations in addition, they have been confined due to political and cultural reasons. Moreover, the conservative continuation of some practices and principles in the modern age has been regarded by certain scholars as obstacles to women's advancement in the Arab Muslim world. Therefore, they argue that it is a jurisprudential requirement to reclaim Arab Muslim women's rights in several issues including: guardianship, polygyny, divorce and public testimonies (Al Hibri, 56).

2.2.1. Men's Guardianship or Qiwamah in Islam

The following verse from the Qur'an states that men are assigned with guardianship: "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth" (Qur'an, 4:34). This verse assigns men the role of protecting women, because it was revealed to a patriarchal society which its duty was to protect and support women financially (Al Hibri, 64). Moreover, during the revelation of this verse, women did not work or spend on their households due to insecurity as well as wars. Therefore, men were the supporters of women because they satisfied the law of maintenance (Ibid, 63). However, in the modern society, women work, have wealth and support themselves as well as their households. Consequently, men are no longer the financial maintainers of women and guardianship is not always assigned to them but rather to the financial maintainer (Abu Sarhan, 49).

2.2.2. Polygyny in Islam

A verse from the Qur'an states that: "if you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two, or three, or four; but if you fear that you shall not be able to deal justly [with them], then only one, or that which your right hand possesses. That will be more suitable to prevent you from doing injustice" (Qur'an 4:3). It was revealed to encourage

men to marry more than one wife in order to protect and help the widows who lost their husbands in battles for example, the battle of Badr (624 AD) as well as Uhud (625 AD) in support of Islam. Moreover, these widows were Meccan immigrants. Therefore, it was difficult for them to return to their clans (Ahmed 52). Furthermore, this verse encouraged men with financial capacity to marry more wives in order to help these dependent widows and orphans. For instance, the majority of prophet Muhammad's wives were widows of Muslims killed in support of Islam (Ibid). Indeed, polygyny was permitted in Islam in order to help the widows as well as orphans.

2.2.3. Divorce

Although Muslim women are allowed by the law to negotiate their right to divorce as a marriage condition, their right has not been properly given to them whereas men are given the right to an automatic divorce. Therefore, the Islamic jurisprudence as well as the court practices are biased in favor of the male according to some scholars. For this reason, they have claimed that they need an urgent reform in order to grant women their right to divorce (Al Hibri, 71).

2.2.4. Legal Testimonies in Islam

It is mentioned in the following verse from the Qur'an that men's public testimony equals the testimony of two women: "and call upon two of your men to act as witnesses; and if two men are not available, then a man and two women from among such as are acceptable to you as witnesses so that if one of them should make a mistake, the other could remind her" (Qur'an, 2:282). Islamist scholars have argued that due to women's exclusion from public life, their role in public testimonies have been reduced. On the contrary, Muslim feminists have claimed that this issue oppresses Muslim women as well as it deceases their rights (Abu Sarhan, 47).

From the foregoing discussion we can say that although Islam has granted women's rights as well as equal opportunities, certain laws have sought to dominate women by denying their rights. Therefore, some scholars have argued that Arab Muslim countries need to engage in the process of ijtihad in order to maintain Islam's fundamental principle of justice (Al Hibri, 55). As a result, Arab intellectuals fought to secure Arab Muslim women's rights and improve their status by the end of the nineteenth century.

2.3. Arab Muslim Women's Quest for Liberation

The Arab world witnessed intellectual ferment and quest for social justice as well as equality among all people at the end of the nineteenth century and the beginning of the twentieth century. Particularly, many Arab Muslim intellectuals sought changes in several fields including culture, society, politics and women's status. For instance, Qasim Amin the Egyptian writer, jurist, nationalist as well as advocate of women's rights pursued to improve Arab Muslim women's rights and opportunities through education, custom change and their engagement in public life (Ahmed, 145). In his book The Liberation of Women (1899), he has rejected the perpetuation of certain medieval and pre-Islamic traditions while living in a world influenced by political systems, cultural exchanges, religious beliefs and technological advancements. Furthermore, he has argued that nations should be open to social, cultural as well as political change in order to dispose the oppressive traditions imposed by the society. He has claimed also that the nations' liberation cannot be achieved without women's liberation because they reflect their nations' civilization (Amin, 6).

In the beginning of the twentieth century, the Arab world witnessed intellectual resistance in order to change the power structured relationships that oppress both Arab Muslim nations as well as women. In particular, many women quested for their rights and opportunities. Egyptian intellectuals, writers and feminists including Malak Hifni Nasif sought educational as well as marriage reforms in order to secure women's rights (Ahmed, 182) and Safiya Zaghloul the political activist and feminist quested for women's engagement in political activities. For instance, parliament membership. Fortunately, between 1907- and 1912-women's status in the Arab World improved in many domains. First, several organizations that advocated women's intellectual as well as social advancement were founded by the Egyptian nationalist and feminist Huda.

Sha'arawi (Ibid). Second, women became engaged in writing newspaper articles with Malak Hifni Nasif 's writings. In addition, literary and cultural salons were organized by upper class intellectual women. For instance, the Lebanese Palestinian writer Mai Ziada's salon that offered cultural, social and literary exchanges between women and men, Arabs and Europeans or Americans.

Together, this evidence suggests that Arab Muslim women created their own feminist discourse in order to share and explore their voices and experiences through writing different genres including poems, stories, articles, novels, plays and autobiographies.

2.4. Arab Muslim Women Writers

Women's writing in the Arab world has originated from an ancient unique tradition. In fact, women were influential writers since early Arab civilization. For instance, the Arab poet Al Khansa' as well as the Sufi mystic poet Rabia' al Adawiya (Ashour et al, 1). However, modern Arab women started writing and publishing fiction as well as nonfiction by the end of the nineteenth century in many countries including Egypt, Syria, Lebanon, Palestine, Iraq, and North Africa (Cooke, 1). They shared their experiences, voices as well as creative ideas. But they did not receive critical attention until in the 1950's and 1960's with Amina al Said's The Defiant Woman and Latifa al Zayyat's The Open Door (Ashour et al, 7). Also, Iraq and Palestine witnessed women's creative writing. For example, Nazik al Malaika's as well as Fadwa Tukan's poems. In North Africa, women's writing was influenced by their national education as well as the Arab women's writings. They explored themes of national and female identity.

Although Arab Muslim women's experiences and social interactions have been limited due to some oppressive traditions, they perceived the importance of representing themselves in the cultural field. Moreover, they sought to share their struggle to overcome the social and cultural subjugation that they faced in the social, cultural and intellectual domain by creating their personal narratives. Therefore, Arab women writers including Nawal El Saadawi, Fadwa Tuqan, Latifa al Zayyat and Fatima Mernissi have written their autobiographies in search for liberation and self-expression that were absent in the previous discourses (Ashour et al, 150).

Based on these data, it is apparent that Arab women writers and intellectuals have created their own discourses based on their societies, cultures and philosophies to secure women's advancement in the Arab world as well as to empower them to participate in the modern world.

3. Arab Women Writers and the Transnational Feminist Theory

The Western feminist theory has focused on issues of sexuality and patriarchy without relating the woman's question to politics, economics, culture as well as religion. In fact, it hegemonized the feminist discourse. Consequently, Third World women writers and intellectuals have criticized the Western feminist approach for being ethnocentric due to its emphasis on European and American women's status (Morton, 77) and ignorance of the Third World women's diversities in culture, race, religion, class and nationality as well as complicit in the imperialist expansion project (Ibid,

90). Postcolonial feminist thinkers including Gayatri Spivak, Chandra Mohanty, Nawal El Saadawi and others have sought to create a feminist thought that considers the Third World women's struggle against multidimensional oppression (gender, racial and religious) as well as their different forms of resistance (Herr, 2). Furthermore, these thinkers have declared the urgent need to explore the local and global conditions that shape women's oppression in different parts of the world including the Arab World (Morton, 90). Accordingly, many branches of feminist activism as well as scholarship occurred in the Arab world. Third World feminism, transnational feminism and Islamic Feminism.

Third World feminism focuses on women's activism and scholarship within their nations. In contrast, transnational feminist activism and scholarship is a branch of feminism interested in feminist networks as well as movements that take place beyond the local or national level (Grewal and Kaplan. qtd in Herr, 2). Moreover, it has the intention of pursuing gender justice at the transnational level against neoliberal economic globalization, imperialism and religious fundamentalism (Herr, 2-9). In other words, transnational feminists have argued for a feminist practice that is transnational in its response to neoliberal global economy, because women have been exploited by the dominant multinational corporations in the Third World as they represent the new source of cheap labor (Morton, 72) as well as religious fundamentalism which is supported by the dominant neoliberal powers to violate women and reinforce gender inequality. Among the Arab feminists who have advocated the transnational feminist activism and scholarship is the Egyptian writer Nawal El Saadawi. In fact, she has declared the need for transnational feminist politics in the contemporary context of neoliberalism as well as religious fundamentalism (Baksh and Harcourt, 83). In addition, she has claimed to build transnational feminist movements inspired by the Egyptian women's revolution struggles (107).

4. Arab Women Writers and the Islamic Feminist Theory

The resistance to women's oppression in the Arab Muslim world has taken many forms. Particularly, some Muslim academics including Fatima Mernissi, Amina Wadud, Ziba Mir-Hosseini, Leila Ahmed and Azizah Al Hibri created a feminist discourse that analyses some aspects of the Islamic history as well as hermeneutics that has aimed to seek justice as well as liberation for Muslim women (Cooke, 61). Moreover, they have sought to improve Muslim women's rights and opportunities by reconciling feminism with Islam. They claim that Muslim

women's oppression has not been created by Islam but rather by sexist, misogynist and patriarchal interpretations of the Islamic fundamental references (Qur'an and Hadith). According to them, these interpretations have formed the Islamic Law that has regulated the Muslim societies (Faruqi. qtd in Isac Alak, 36). Other scholars have argued that the Muslim female identity has been created through religious beliefs as well as cultural dimensions that have constructed gender roles (Isac Alak, 36). Therefore, these Muslim feminist scholars sought to challenge the traditional understandings of holy texts by declaring the need for reinterpretations of some verses of the Qur'an or Hadith that led to women's oppression from a feminist perspective (Muhamad Shukri, 8). This academic branch is called Islamic feminism. It emerged in the 1990's by some Iranian feminists. Its definition has been provided by the Saudi scholar Mai yamani as follows: "Islamic feminism represents the ideology which describes the discourse and the actions of those who protect women's rights within the context of authentic or well-understood Islam" (qtd in Isac Alak, 32). Moreover, it has the intention of recovering justice which is the fundamental principle of Islam also, it aims to achieve normative reconciliation between Islam and feminism and most importantly to give a theological authority to women's rights movement in the Arab Muslim world as well as to achieve egalitarian re-readings of the Qur'an and the Hadith. Indeed, the Islamic feminist project (activism and scholarship) has aimed to improve the status of Arab Muslim women by reinterpreting the fundamental Islamic references to serve the public interest of women in the modern society despite the accusations as well as the difficulties that it has confronted.

Islamic feminism terminology has been criticized for being an oxymoron. However, Muslim feminist scholars have argued that the two concepts are compatible due to feminism's flexibility that allows the Islamic position to be included (Isac Alak, 32). Furthermore, the Islamic feminist project has been challenged by the political as well as discursive influence of religious fundamentalism (Ibid 33). It has accused it of subversive manifestation of neo-imperialism that seeks to destroy the Arab Muslim identity and weaken the religious basis of the family as well the society (Ibid, 35). Therefore, the Islamic feminist project is possible only through the creation of opposing interpretations and counter discourses against the oppressive theocratic regimes (Ibid 33).

Conclusion

This chapter explored the historical background of Arab Muslim women's quest for justice, equality and self-representation. In addition, it discussed also the theories (the transnational feminist theory and the Islamic feminist theory). This chapter has proved also that less attention has been paid by scholars to Arab Muslim women's distinct resistance to different forms of oppression and their quest for liberation and self-representation in order to dislodge the Western stereotypical representation of Arab Muslim women as well as to empower the Arab Muslim female reader.

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Is it possible for an "Islamic Feminism" to exist?

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Abstract

Unlike "Western feminism", the term "Islamic feminism" arose only in the 1990s. This term has become quite a controversial topic both among Muslim and Western scholars. Consequently, the scholars were divided into two groups, those who believe that it is possible for Islamic feminism to exist (supporters), and those who claim that even though Islamic feminism may lead to some changes, it is still an inadequate tool for achieving gender equality (skeptics). Hence, my study takes over the timely question posed by Gashtili in a research published in 2013: "Is an 'Islamic Feminism' Possible? In my paper, I looked at Islamic feminism through including various elements as well as reviewed the arguments on both sides. Although most papers focus on one particular Muslim country, I decided to look at it in a broader sense. In the end, I came to the conclusion that even though the number of supporters increased hugely in recent years, they still have to go a long way to achieve the changes and whether these changes will lead to gender equality is under a big question.

Keywords: *Islamic feminism, feminism, Western feminism, hijab, religion.*

Islamic feminism: sources

Already in the 19th century, first waves of feminism have started in the West in favor of women's suffrage. Actually, the rise of feminism in the West is not an accident because throughout history, western women demanded rights and citizenship. "In clear contrast with the East, 'Western feminism' was a product of the rise of capitalism, and its modernist culture and politics." (Mojab, 2001, p.126). Unlike Western feminism, "Islamic feminism" captured the attention of scholars only recently. Interestingly, it arose not in Muslim countries, but in the West, which "subjugates women." Supporters of Islamic feminism claim that only sacred texts can be a source for Muslim

activists. According to them, the Prophet Muhammad defended women, and the Quran almost one thousand three hundred years ago gave them all the rights that suffragists began to talk about only at the end of the 19th century. Moreover, the Prophet Muhammad declared the equal rights to marriage, divorce, education, and other social and political activities. Consequently, activists connect problems with women's rights in Islam with the era of the male interpretation of the Quran. "In the Middle East, they say, even before Islam, ideas of seclusion, spiritual purity, and modesty were popular - thus, for instance, women were forced to dress in private clothes there. With the advent of Islam, which, among other things, preached modesty, the requirement to cover their faces from strangers was justified by religion, although there are no such strict rules about clothes in Islam" (Dogadina, 2018). "The right to discuss, reflect, and approve norms belonged to one group that did not agree to the changes. By isolating a large number of people from knowledge, it got the opportunity to rely on important Islamic traditions and ignore what it did not agree with. One example is domestic violence. In Islam, it is forbidden, but now it can be justified by many Muslims because of 'male power' and 'male superiority' that prevail in Muslim societies. Muslim feminists argue that when women experience violence by a husband, father, or brother, there are big chances that this action will be justified because a Muslim woman is supposedly dependent and needs to be looked after" (Dogadina, 2018).

Supporters of islamic feminism

Nowadays, the number of women who cannot tolerate patriarchy in the Muslim world is increasing. One of the prominent apologists for Muslim feminism, who published a book entitled *Feminism in Islam* is Margot Badran. Margot Badran explains that Islamic feminism "derives its understanding and mandate from the Quran, seeks rights and justice for women, and for men, in the totality of their existence" (Badran, 2009).

Actually, Margot Badran is not the only defender of feminism in Islam since the list of modern Islamic feminists speaks for itself. Amina Wadud was born in an African-American family and became a Muslim at the age of 20. She is the world's first woman who delivered a Friday Khutbah - a role traditionally taken by men - in a Cape Town's mosque in 1994. "Amina Wadud is a specialist in gender issues and the study of the Quran and one of her arguments was that the impact of patriarchy on the interpretation of the Quran and the practices of Muslims has restricted realization of the Quranic message of equality and justice" (Maslaha, n.d.).

"Ani Sonnenveld is a musician and co-founder of the movement 'Muslims for progressive values', which actively supports 'inclusive communities', that is, in simple terms, people of different sexual orientations. She welcomes and supports marriages between different faiths, same-sex marriages, sexual minorities" (Mukhamedzhanov, 2015).

Moreover, Asra Nomani, a writer-activist, views the practice of men and women praying separately as sexist rules invented by people (Mukhamedzhanov, 2015). "She has faced Islamic extremism when her colleague Daniel Pearl, Wall Street Journal reporter, was murdered in Pakistan. In West Virginia, she saw warning signs at the local mosque such as exclusionism against women, intolerance toward non-believers, and suspicion of the West. Her march on the mosque in West Virginia, which insisted on the right for women to pray in the male-only hall, has attracted significant media attention, the support of Muslim scholars, as well as posed a question of whether it is acceptable for Muslim women to lead men in prayer" (Bano and Kalmbach, 2012).

The story of Alaa Murabit makes people feel uncomfortable. Once, Alaa Murabit, during her speech at a TED conference, asked the audience: "If we are all equal in the eyes of God, for what reason are we not equal in the eyes of men?" (Loutfi, 2015). At the age of fifteen, Murabit moved from Canada to Libya. "In Canada, she was an active, educated, and independent young girl, and all this, as it seemed to her, corresponded to the norms of Islam. In Libya, Islam has completely changed her status because from an independent intelligent woman she turned into a person who was unable to think without the control of men" (Dogadina, 2018). She saw how cultural norms were superimposed on religion, and the concepts of "Haram" (forbidden by religion) and "Aib" (something inappropriate, shameful, that is, disapproved in a particular society) changed places as if they were one and the same (Loutfi, 2015).

Murabit argued that when she was in her fifth year of medical education, the Libyan revolution broke up. Finally, she felt that male domination was about to change because it was the first time when people listened to women and put them at the negotiating table (Loutfi, 2015). However, when it was all over, strong women returned to household duties and received nothing from the revolution. She recalls that in support of their words, politicians who sent women home were using religious scriptures. Actually, the manipulation of religious scripture became a usual thing among leaders who are willing to dictate their norms about the role of women in society (Loutfi, 2015).

All these actions made feel Murabit revolted and she began using "her defense as offense" (Loutfi, 2015). According to her, "the only way to ensure the participation of women, globally, is by reclaiming religion." (Loutfi, 2015). As a result, in response to these problems, Murabit founded "The Voice of Libyan Women", a social networking program for women. In 2012-2013, the volunteers conducted an educational campaign in Libya: they went to homes, schools, universities, mosques and talked to fifty thousand people. When taboo issues, like domestic violence, were discussed, Alaa Murabi used hadith (a record of the words and actions of the Prophet Muhammad. - Ed.): "The best of you are those who treat their families best"; "Don't let one of you oppress the other." According to her, for the first time Friday services, conducted by local imams, were entirely devoted to the protection of women's rights. Her campaign influenced the local religious leaders because they started to promote the rights of women.

All these women live in different countries, have different lives, but what unites them is the fact that all of them strive to achieve equal rights for Muslim women in order to turn them into independent individuals, who are able to financially sustain themselves, and for whom stereotypes and gender expectations would not be an obstacle to accomplish their own goals.

Hijab: assumed or imposed?

Another interesting aspect is that Western feminists are often accused due to perceiving religious women as an object of salvation. They argue that a believer who is in the power of patriarchal norms, cannot voluntarily decide on her or his religiosity and consciously adhere to practices.

Disputes between Western and Islamic feminists continue to be conducted mainly around appearance. The former are outraged by "hijab" an article of clothing of Muslim women, which closes their body from the rest of the world. Irina Kosterina, sociologist and coordinator of the Heinrich Böll Gender Democracy program, notes that there are times when women "willfully decide to wear a hijab." She argues that some of her friends wear hijab because of their own will and regard it as a very important thing for them, that is, they do not want to impose anything on anyone or to promote it since for them hijab is more about their identity, principles, and values (Dogadina, 2018). Another example is contemporary Turkey, where according to Aynur Ilyasoglu, a writer-activist, Islamic women wear veiling because it represents the transition from the private to the public sphere (Heath, 2008). What Kosterina and Ilyasoglu claim may sound to some extent plausible, but at the same time another question arises: can a decision to wear religious clothing in

principle be conscious, or women do not notice how much stereotypes influence them? Danis Garayev argues that the conversation about someone's lack of awareness is discriminatory in itself: "The number of strategies that people have in terms of corporality is limited. In this situation, when a person is imposed to wear something, be it a scarf or short skirts, this is a completely different matter; both Islamic feminists and Westerners oppose this." (Dogadina, 2018).

Another example that shows sexual control through the enforced veil is the Algerian case. Since the 1980s, Algerian Islamists pursued women, discouraging Western clothes and fighting for more segregated public space. In 1991, the Islamic Salvation Front won local elections and planned to make laws based on religion, segregated workplaces as well as mandatory hijab for all female employees. Consequently, Islamic Salvation Front has gained great control, including harsh control over female sexuality. Instances like women being murdered for refusing to wear the hijab were not extraordinary. One of the most widely publicized cases is that of a sixteen-year-old Katya Bengana, who was shot dead by armed Islamists on the street on her way home from school. She has passed away just because she refused to wear the hijab (Heath, 2008).

Before the Islamic Revolution in Iran in 1979, Iranian women were becoming a part of the public sphere. However, after the revolution, some of the basic rights were taken away from them. One of them is considered to be the right to dress freely because the government has imposed rules such as compulsory hijab. According to Gashtili (2013), due to such policies, the sex-segregation has occurred in public places and men view public spaces as their original field. Consequently, more men are able to assault women in public spaces, and fewer women feel safe in that area.

Skeptics and optimists

In fact, some of the supporters of Islamic feminism claim that a situation has arisen in which a Muslim woman needs to abandon her faith to become a feminist. After the Islamic Revolution in Iran, many feminists fled the country because they believed that the strict religious regulations imposed in Iran oppressed women, that is, it was incompatible with feminism. "Feminism is a secular concept, and Islam does not accept secular interpretations," historian Maxim Ilyin explains the position of Western feminism. According to him, this makes the Muslim woman, who calls herself a feminist in the Western sense, practically a traitor to her religion (Ilyin *cited in* Dogadina, 2018).

Moreover, in the article written by Gashtili (2013, p. 129), it is claimed that "Hammed Shahidian by repeating the words of Tibi, describes Islam as a 'strict, uncompromising monotheism'. With this description, Shahidian recognizes the limit of any interpretation of Islam on woman-centered or feminist bases. He sees dismissals of historical narratives, reinterpretation of the Quran, or even independent reasoning (ijtihad), all working in the same direction, which is leaving women's rights contingent upon interpretations, and as a result, making women vulnerable."

On the other hand, scholars such as Afsaneh Najmabadi are highly optimistic regarding Islamic feminists to reinterpret Islamic sources. If we take a case of Saudi Arabia, it can be seen that it has gone through some changes after the 1991 Gulf War. More workplaces have opened their doors for women, such as advertising, broadcasting, and journalism. Consequently, a question about the possibility of future government enforcement on sex-segregation has arisen. According to one of the Programs Department Director at the Institute of Public Administration the answer is negative because economic necessity will eventually break sex-segregation barriers (Doumato, 1999).

Moreover, while some Islamic feminists argue that after the revolution of Iran the situation of Iranian women has worsened, others believe that there are some improvements happened in favor of them. For instance, the number of women working in public spheres increased significantly and this is because activists have been advocating for changes as well as the regime's ability to adjust (Gashtili, 2013).

In the North Caucasus, crippling practices, early marriages, domestic violence and honor killings, which are justified by religious traditions, flourish. Nevertheless, some researchers believe that Islam in the North Caucasus is becoming more modernized and with its help, a new generation rebels against tradition. For instance, while the elders pay attention on things like how far away from the woman to sit, how to play the wedding, whether the female is a virgin or not, the younger generation no longer always agrees with this.

As it was mentioned above, domestic violence is regarded as a huge problem in Muslim-majority countries because in most cases, women stay silent and do not report about domestic abuse to the local authorities. As a result, some activists in the North Caucasus started to take actions and regularly urge religious leaders to explain to the population that violence is not related to Islam. Muslim women's organizations in the region often do not identify themselves as feminists but still try to solve issues of this particular agenda such as to combat the problem of domestic violence.

In some cases, they directly claim that their mission is to form a more perfect society in which men and women have equal rights and opportunities. "Irina Kosterina argues that if domestic violence occurs in one family, then, in contrast to the unsuccessful parental model, young Muslim woman will probably marry later or even abandon the marriage if she understands that violence and control cannot be avoided and this is in a way an accessible form of protest against existing norms" (Dogadina, 2018).

Even though, the list of activists and supporters of Islamic feminism is increasing day by day, the effectiveness of their actions is still under a big question. According to Shahidian, the actions that are done by Islamic feminists may change the form of patriarchal domination, but it will not generate the gender equality (Shahidian *cited in* Gashtili, 2013).

Besides, according to Moghissi, while a number of people falsely come up to the conclusion that changes that have taken place in Muslim societies illustrate that Islam is compatible with gender equality, the correct conclusion would be that Islamic fundamentalism simply has had no other choice except for compromising its utopia (Moghissi *cited in* Gashtili, 2013).

Final considerations and conclusion

In this paper, I looked at different perspectives of Islamic feminism as well as discussed the views of supporters and skeptics. As can be seen, there are several problems that occur while talking about Islamic feminism. Consequently, I tend to agree with the group that is skeptical about Islamic feminism. In this case, I have several issues to discuss.

First of all, it is important to look at the meaning of wearing a headscarf. A number of people argue that wearing hijab is a conscious decision made by women. However, this argument can be questioned because sometimes women can be forced. I do not claim that all women wear hijab because they were forced, but the enforcement element should not be excluded in some cases. For example, even though women in Iran, especially Islamic feminists, were able to transform the compulsory hijab into a fashionable style which is far from what the Islamic Republic regards as applicable, it is still imposed. Due to such policies, Iranian women, particularly young women, struggle on a daily basis. According to Gashtili (2013), there are hired people who stand at the entrance of public buildings such as universities and check whether women are dressed according to the government's standards or not. In some places mobile vans can be found, playing the role

of women dress checker. If a woman does not wear hijab according to the government's standards, then, there are possibilities of her being treated as someone who has committed a crime. Thus, it can be seen that wearing hijab is not always a conscious decision made by women rather it can sometimes be considered as enforcement and, thus, as inequality between genders. I view it as inequality because even though Iranian women were able not to obey to the Islamic dress code supported by fundamentalists, they still cannot freely wear what they want. As Gashtili (2013) wrote, even though their basic rights were taken away, we still feel proud about the small accomplishments of these brave women, just because we do not view them just as women, but rather Muslim women, and that, unfortunately, makes us have lower our expectations.

Another evidence about which I would like to talk is a philosophical one and it is concerned with the possibilities of feminism to fit in Islam. As it was mentioned, supporters of Islamic feminism believe that the source for Muslim activism can only derive from sacred texts. One of the activists, Margot Badran, thinks that Islamic feminism originates its understanding from the Quran and seeks rights and justice for women and for men there (Badran, 2009).

But is it actually true? "**Allah Almighty** tells that the **man** is the caretaker, custodian, and **guardian** of the woman, who instructs her when she falls in mistake, depending upon the fact that man is excellent and better (in power, enduring and responsibility) than the woman. For this reason, the Prophethood was particular to men, and so should be the position of leadership and ruling... 'P.B.U.H.' **said**: 'Not successful are a people whose ruler is a woman...' 'and because they support them from their means…' In general, the man is superior to the woman, and thus it is fitting to him to be her guardian and protector as in **Allah's** saying: 'but **men have** a degree (of **advantage**) **over them**.' 'P.B.U.H' said: 'The best woman is a wife, if you look at her, you will be pleased with her, and if you order her to do anything she will obey you, and if you are absent from her, she will keep you in herself and in your property.' Men are the protectors and maintainers of **women**, **because Allah** has **given** the **one** more (strength) than the **other, and because they support them from their means.**" (Kathir, 2006). In other words, what is written in this Surah does not mean that a man is allowed to be a home tyrant, since his rights are limited by the requirements of religion, but at the same time he is the main one in the family. Consequently, it means that Allah granted men more natural leadership opportunities than women and children. It is written that men should guide and advise women, but there is no verse in the Quran that favors

women being as advisers of men. “Allah, He is Great and Glorious, granted men superiority in some qualities, for instance, in physical strength, although at the same time, Allah, also by His will and wisdom, granted the woman the opportunity to give birth to children and thereby continue the human race, and men are deprived of such an opportunity. In addition, men earn a living for the family and support it, that is, ‘support them from their means’, providing women and children with everything necessary” (Mukhamedzhanov, 2015). As for material support, a woman is provided for by a father before marriage, and by a husband after marriage. There is no obligation to provide material support to the family. “This is not so much about the superiority of men over women, but rather, the distribution of responsibilities in the family. But in this verse, there is a hint that the family is a single whole, since Allah says: بَعْضَهُمْ عَلَى بَعْضٍ (one has a degree (of advantage) over other), emphasizing that ‘one and the other’ are parts of a single whole, in spite of a certain hierarchy. Similarly, Umma, a Muslim society, although has a ruler (amir), considered as a single whole. In other words, it is hierarchical, and everyone performs the work to which she or he is most adapted” (Mukhamedzhanov, 2015). Thus, the hierarchy, against which the Islamic feminists so vehemently protests, is laid down in Islamic society by Allah himself: “… the men have a degree over them (in responsibility and authority). And Allah is Exalted in Might and Wise.” (Quran).

In this regard, while this Surah is about different responsibilities of men and women, it clearly demonstrates that there is an inequality between men and women. It is due to the fact that difference in responsibilities and skills leads to other disparities, resulting in fully separate sexes with distinctive functions in the family and society. “This fixed identity of women and men in Islam is in contrast to pluralism, which is the requirement of feminism” (Gashtili, 2013, p.136).

The last but not least point which I want to mention is from personal experience. Gashtili (2013) in his paper wrote: “I believe that as long as the Islamic regime is at work, there cannot be true and universal equality between men and women. Feminism must be pluralist in its approach and true pluralism requires a secular state.” However, to some extent, I cannot fully agree with the last part of the statement. I live in Azerbaijan, which is a secular state, but over 91 percent of people in Azerbaijan are Muslims. Consequently, most of society are still traditionalists and adhere to some rules and traditions. For instance, even though there are no compulsory hijab and dress code, it is still “aib” for women to go out in defiant clothes. Thus, I claim that it is not enough to have just a secular state, but it is also important to look at the religious identity as well as the mindset of

population. Mindset of the population is worth mentioning since a significant difference can be observed between older and younger generations. As it was mentioned previously, in the North Caucasus, Islam is gradually becoming modernized as new generations reject the traditions past down from older generations. I can see that the thinking of Azerbaijani youth is different from that of the older generation. Most young people, especially females, try to promote equal rights and fight against "patriarchy" that exists in our society.

All in all, I think that although Islamic feminists have reached some changes, these changes not enough to overcome patriarchy dominating in almost all Muslim countries. To achieve significant results more efforts should be put and it may take a long time. What Islamic feminists are doing now is simply insufficient for achieving greater changes. In this regard, I argue that Islamic activists should go much further and fight for their rights not on the basis that they are Muslim women, but because they are first of all human beings.

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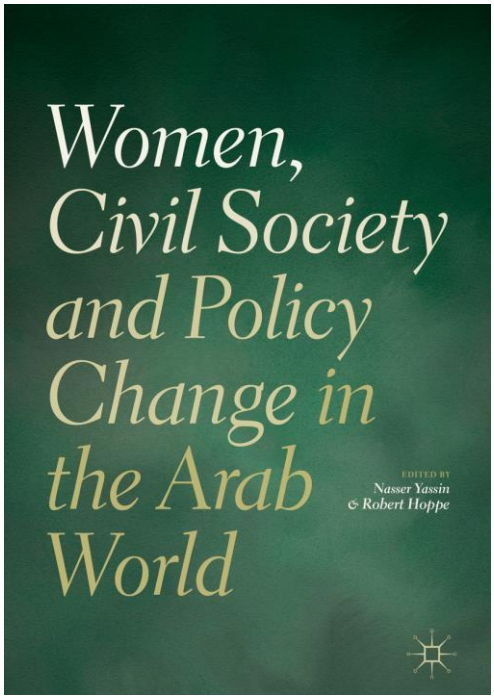

Women, Civil Society and Policy Change in the Arab World

coord. Yassin, N., Hoppe, R.

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Book review by **Frank ELBERS**

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This edited volume is one of the few in the literature on the Arab Uprisings to focus on women and their role in the revolutions that shook up the Middle East in 2011 and subsequent years. Although it is generally acknowledged that women were active participants in the revolts against the autocratic regimes of Tunisia, Egypt, Libya, Yemen and even Bahrain —the young Yemeni activist and Nobel Peace Prize winner Tawakkul Karman became known as the "Mother of the Yemeni revolution"— research on how they took to the streets and in a later stage got involved it the transition negotiations and policy-making is scarce. *Women, Civil Society and Policy Change in the Arab World* tries to fill this void.

In the Arab world "civil society" has a long and rather complex history: "*al-mujtama' al-ahli*", civil society in the traditional sense, are organized forms and mobilization that are based on communal, kin or religious belonging. "*Al-mujtama' al-madani"*, literally "society of the city", refers to a more recent conception of civil society that addresses the shift from rural/tribal to an urban society and corresponds more with the modern (and secular) notion of civil society organizations, NGOs and human rights organizations. Both conceptions of civil society can be found alongside in the Arab world but not always in sync or harmony. This tension may turn out to be crucial for the success of civil society in the region.

The volume's three empirical chapters on Lebanon, Morocco and Yemen examine if some theories of policy studies can explain how domestic violence, land ownership and child marriage make it to the political agenda and result in adoption of new laws and policies (or not). In the chapter on Lebanon ("Civil Society Advocacy and Policy Entrepreneurship: Examining the Making of the Law 293 to Criminalize Domestic Violence in Lebanon"), Fatima Moussawi and Nasser Yassin (both with American University of Beirut) apply John Kingdon's Multiple Streams Framework theory to explain how Lebanese Parliament ended up adopting a law that criminalized domestic violence despite major opposition from —divided— religious groups and parties. Civil society organizations led by the "policy entrepreneur" KAFA managed to use the window of opportunity in the "politics stream" after they were very active in both the problem and policy streams.

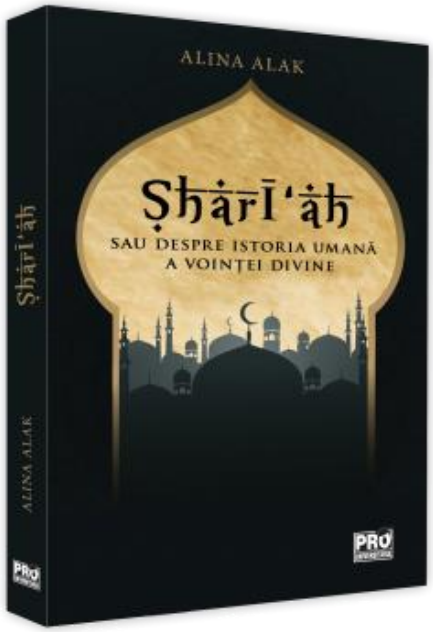
Mohamed Said Saadi (Institut Supérieur de Commerce et d'Administration, Casablanca) uses the Advocacy Coalition Framework theory, which considers the policy process as one of competition between coalitions of actors advocating for their views of policy problems and solutions. His research demonstrates that in the case of land policy in Morocco the women-led "Soulaliyate" Movement faced strong coalitions of land owners and government agencies but also "deep core belief systems" about the position of women in society — all detrimental to coalition of rural women and its allies to get land rights recognized.

In the third case study, Rasha Jarhum (Peace Track Initiative, University of Ottawa) and Robert Hoppe (American University Beirut) apply the same Advocacy Coalition Framework on efforts to introduce minimum marriage age legislation in Yemen during the period 2008-2014. They describe how a "safe marriage" advocacy coalition was created that addressed gender relations more generally and which was supported by foreign donors. The "devil shift", that is the

unproductive debate between anti- and pro-early marriage advocates was for short time "de-escalated and reframed in a new 'modern-Islamist' discourse expressive of both Islamist and women's rights positions" (p. 135). Yet the window of opportunity to adopt legislation closed when the national unity government turned out to be a failure and a civil war broke out in Yemen.

In the final chapter ("Is Sisyphus a Muslim Woman? Policymaking on Women Issues in Three Arab Countries"), Robert Hoppe reflects on the three empirical cases studies and policy-making on women's issues. He concludes that "[…] in Muslim countries, policymaking on women issues is subjected to religion-inspired political constraints to (from a secular perspective) an unusual degree. The public part of the patriarchal bargain turns policymaking into a task, not of the government, but for women NGO's; and the nature of policymaking becomes the art of timing and constraint-dodging" (p. 148). I take issue with this conclusion. To be sure, women's NGOs funded from abroad —representing *al-mujtama' al-madani*, the secular, urban notion of civil society— are often policy entrepreneurs that do not have sufficient rooting in society. And to be sure, patriarchy is a force to be reckoned with — reflected in deep core belief systems that are not conducive to gender equality and making politics the almost exclusive domain of men. Yet, the politics (and policies) in the region are much diverse to warrant generalization based on three countries (notably absent are Algeria, Jordan, Tunisia). Moreover, recent demographic studies show that most societies in the region are secularizing at a fast pace (and again, Islam may be the dominant religion but is not only religion in the region, e.g. Lebanon).

Nevertheless, this volume is an excellent contribution to the scholarly debate on women's roles in the Arab Uprisings and policy-making on women's human rights in the Middle East and North Africa. It provides both useful theoretical frameworks and rich detail on the countries and polities discussed. A must-read for academics and civil society activists alike.



Sharī'ah or on The Human History Of Divine Will. Theoretical Foundations of Islamic Jurisprudence

Alina Isac Alak

Ed. Pro Universitaria, 2019.

ISBN: 978-606-26-1088-3

Book review by **Marius LAZĂR**

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The book pertains to the field of islamologic studies, almost nonexistent in Romania, and covers a fundamental aspect of Islam, that of the status and evolution of its juridical-theological corpus, designated by the generic term Sharī'ah. The work fits within a series of well-established preoccupations of the author, who has been studying for several years now the subject of the doctrinary, axiological, and ideological construction of Islamic norms and the disputes caused by the various particular interpretations, whether in a conservative manner or in consonance with rationalist approaches. The author states clearly that the matters of Islamic jurisprudence have been closely dependent on this hermeneutical pluralism and the schisms which have divided the Muslim community from its first decades until the present day. They originate, first of all, from the divergences regarding the interpretation of the Quranic text, and then from the different manners

of understanding and putting into practice the most legitimate norms of living the new Islamic condition, in all of its spiritual and mundane facets. Thus, Alina Isac Alak reconstructs in a detailed manner all of these complicated disputes, distinct and, oftentimes, mutually objecting hermeneutical approaches, juridical and social practices, produced over the years especially within the Sunni community, yet without ignoring the various versions of jurisprudence developed by the other streams within Islam. The fundamental thesis of Sharī'ah or On the Human History of Divine Will is that, contrary to assertions from within the conservative milieu, Sharī'ah is not an infallible, sacred, intangible normative corpus, but a historical sum of successive doctrinary developments, borrowings from other religious and juridical traditions, adjustments caused by the need of Muslim political and theological elites, in the early centuries of Islam, to find practical solutions, as legitimate as possible, to the infinite complexity of Muslim actual life in all of its aspects.

The work has two large parts, the first being dedicated to the analysis of the process of constructing Islamic jurisprudence in the classical period of Islam, while the second part attempts to provide a perspective on contemporary strategies of reinterpreting the Islamic doctrinary and juridical corpus towards a purely literalist, normative, rigid approach that is the source of the varying attitudes of objecting to historical forms of Muslim tradition, and that serves as a justifying backdrop also for the instrumentalization of a violence targeted towards those considered to be in dissonance with this particular interpretation of Islam. The work details with in-depth analytical subtlety the historical and doctrinary stages of the development of Sharī'ah in the age of classical Islam: the central role of the Quran as the main normative source within the new religion, the importance of Sunnah, namely of the paradigmatic function held by the words and practices of the prophet Muhammad and his companions, then all the criteria used by the different juridical Islamic schools in order to ground the juridical-theological validity of the new jurisprudence systems they have elaborated.

The second part of the book is dedicated to contemporary tendencies in Islamic jurisprudence, analyzing in particular the doctrinary developments of Salafism, which is trying to reconstruct and reactualize an idealized (and imagined) reality of Islam in its first decades, treated as the only period that concentrated the theological and normative validity. Sharī'ah or On the Human History of Divine Will also treats the issue of the ideology of ISIS, the way in which the movement – following the neo-Hanbali and other contemporary Salafi-Jihadist movements – has

instrumentalized an orthopraxy based on such rigid, literalist interpretations, justifying the legitimacy of violence. In the second part of the book, Alina Isac Alak presents as well the new, progressive approaches in Islamic jurisprudence, based on the philosophic inheritance of modernity, both the Western one and the Reform movement (Islah) developed since the XIXth century, based on an Islamic rationalist lineage. It is to be noted that, throughout the entire work, the author pays attention to the status of women within different systems of Islamic jurisprudence, an extremely delicate, discussed, and disputed topic, especially in the last decades, yet often insufficiently understood in its cultural, doctrinary, social context, peculiar to the Muslim world.

Alina Isac Alak's work is an absolute novelty in the scientific literature from Romania, hence its great importance. The analysis was done through a critical study both of the historical bodies of text and traditions, but also by extensively making use of the rich specialized literature dedicated to the subject matter. Considering the scarcity of autochthonous historiography approaching the history, theology, and socio-political realities of the Muslim world, such a book is more than welcomed, both through its subject matter, nearly completely ignored by the Romanian public, and through the high quality of the content and of the narrative form. Therefore, I consider that its publishing brings an important benefit to the academic and scientific community from Romania, which holds thus the occasion to inform itself extensively regarding the complex Muslim world. Also, Sharī'ah or On the Human History of Divine Will is an extremely useful instrument for the general public, as it may find here a competent source of explaining mindsets and behaviors which arouse today a considerable media interest, but also very many incomprehensions.

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