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Editorial

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Emerging feminist research: courage and determination

This volume is the third edition of *Dearcadh* journal. When we issued our first call for papers in November 2019, we did not know that the journal's first three editions would all be carried out in the context of a global pandemic and associated public health restrictions. The past two years have seen far-reaching social interventions with specific, disproportionate impacts on women and girls, quite separate to the impact of the burden of disease and death brought by the pandemic. They have brought pre-existing issues to the fore, including global inequality (not least gender inequality), social polarisation, and the limitations of democratic processes at times of crisis.

As a journal of gender, globalisation and rights, Dearcadh is centrally concerned with the contribution that feminist thinking can make to global crises and indeed contemporary opportunities. The world is urgently in need of fresh and challenging thinking that enables us to confront complex and interconnected crises: ecological crises like climate change, biodiversity collapse, and pandemic waves; crises of inequality, repression and migration; and the ongoing emergency of violence against women. At times like these, simplistic heuristics and trivial arguments too-frequently dominate public discourse.

The concepts that define the pursuit of gender equality are constantly shifting, and indeed, the need to hold meaning in place can serve as a barrier to deeper understanding (Scott 2010, p.5). Rather than acting out of a place of unquestioning expertise (Zalewski, 2019), graduate students in feminist research are called upon to cultivate curiosity in times of uncertainty. Informed curiosity is underpinned by well-identified values and principles, even as it embraces the ambivalent and the fluid. Good research in gender, globalisation and rights ventures down challenging paths using a defined compass: feminist researchers seek to centre the agency of each individual human (Butler 2004); and understand social positioning as a key element in exploring any social phenomenon (Harding, 1991).

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The early 2000s saw a turn in academic institutions in the anglosphere from women's studies towards the consolidation of gender studies (Scriver and Ballantine 2020). The topic of gender grew in legitimacy in policy-making and practical applications, and gender studies graduates found employment in mainstream spaces, advising governments, NGOs and even military forces. The marriage of women's rights and human rights seemed a comfortable one, and UN agencies emerged as global champions of gender analysis in policy and practice. There is an inevitable trade-off between influence and criticality, a tightrope which feminist and queer researchers are required to navigate constantly (see, for instance, Browne 2007). Our current moment is one of destabilisation, where the critical tools of women's studies are urgently required, and consensus among feminist researchers cannot be assumed (not that it ever could). Rather than buoying up apparatuses of state which are clearly failing, now is a time to challenge orthodoxy, and sharpen the conceptual tools we have inherited.

Growing uncertainty is evident in the pages of academic journals as well as in the media, traditional and new. Debates about the subject and object of violence against women (Dolan, 2014, Ward, 2016); the place of men in violence research (Hearne 2004); and even the nature of womanhood itself indicate such uncertainty. While the existence of a rape culture is largely uncontroversial (UNGA 2006), its parameters, perpetrators and victims are intensely debated – with minoritized and trans women often caught in the crosshairs of the debate. Further controversies follow: the nature of consent in the context of transactional sex (Kelly 2003); the role of pornography in upholding rape cultures or contrarily acknowledging sexual freedom (Boyle 2011); the proper education of children in the nature of gender and sex; the role of the state in upholding the rights of those it simultaneously oppresses (Shepherd 2019), and so on.

Graduate students of gender, globalisation and rights make use of the tools of feminist and human rights thinking to grapple with contemporary difficulties and propose new perspectives and approaches. What is striking about this issue of Dearcadh is that contributors did not shy away from the most challenging questions of our time. The volume includes authors who are challenging established practice, alongside those seeking to improve it: considering the cultural underpinnings of Image Based Sexual Abuse (Gannon) ; sex workers' agency within a context of liminality (Ford); and, exploring same-sex female intimate partner abuse (Spelman). This volume includes articles that grapple with the limitations of human rights from the point of view of the collective (Mustapha); the decertification of sex (Wilkinson); and, considering the limitations of Ireland's welfare model for tackling the work-care conflict (Monks). Taken together, these six articles demonstrate a new cohort of researchers and writers who are unafraid to engage with controversy, not for its own sake, but out of a commitment to make things better.

Articles in this volume engage with the complications of technology in understanding issues and addressing long-standing concerns in relation to violence against women and sex work. While feminist research has a long history of engaging with such issues, articles in this volume recognize the ways in which technology, including social media and platforms such as OnlyFans, create additional and new means for exploitation. Gannon's work investigates the issue of image-based sexual abuse (IBSA) – a particular occurrence of violence against women (VAW) and a form of Sexual Violence (SV) where sexually explicit content involving a woman is circulated on the Internet without her consent in order to sexually-shame her, discredit her

or as an act of revenge. Using a content analysis methodology, the author explores the public opinions posted on Twitter in the wake of the notorious 'Slane girl' case in Ireland where sexually explicit images of a 17-year-old woman spread throughout the Internet in 2013. In her article, Gannon exposes the gendered allocation of responsibility, blame and shame in IBSA cases as well as the public propensity to downplay the seriousness of the incident, commonly labeled within public discourse as an embarrassing experience of 'bad sex' rather than as SV.

While the 'Slane girl' case identifies clearly the exploitative potential of social media, and the underlying gendered attitudes, that shape public reactions, Ford explores how online sex work questions both the ownership and the identity of adult-content creators. The research is substantiated by a case study of 'Ria's' experience as a sex worker on the OnlyFans platform. This experience exposes the liminality – a state of transition from one state, status or reality to another – that is experienced by Ria as a result of her engagement with the platform regarding both the content creator's social status and identity as well as her ownership over her own content. Ford notes that while Ria enjoys a great deal of control over the production of the content itself via the online modality, she rapidly loses control over her content once it has been uploaded online. The content creators have then little to no means to keep track of their content to ensure that it isn't shared against their will or used for commercial purposes without their consent. Should they become aware that this has actually happened, the adult-content creators are left with extremely scarce and ill-defined legal protection to seek redress. Similar to public reactions to the 'Slane girl' case, persistent gendered stereotypes towards sex workers (such as assumed sexual consent) and social stigma (such as their low social status) feed into rape culture and/or are reflective of it. Further, the online circulation of sex workers' content without their consent, or even with malicious intent, may fall under infringement of intellectual property rights, rather than an act of Image Based Sexual Abuse – downplaying the severity of the violation.

In the work of Spelman, however, we are reminded that in instances of intimate partner violence, gendered and sexual stereotypes continue to shape reactions and understanding of whom is considered as legitimate victims/survivors. Spelman seeks to contribute awareness and understanding of queer (more specifically, lesbian) intimate partner abuse to the literature on domestic violence. Building upon the award-winning memoir from Carmen Maria Machado '*In the Dream House*' as her core resource, Spelman debunks the myth that queer love is inherently egalitarian, free from power struggle, and non-violent; she exposes the reality of lesbian intimate partner abuse and the additional layers of burden and silencing that such victims and survivors encounter as 'non-traditional' victims. Indeed, the prevailing discourse of egalitarian and non-violent lesbian relationships gives little leeway for public discussion on intimate violence in queer relationships, resulting in a denial of its existence within the lesbian community and beyond. Therefore, the author seeks to shed light on such abuses while emphasizing the power of literature and writing to recount the lived experience of queer violence and the complex narratives that surround these stories of abuse. Spelman argues that literature and writing in general – and Machado's memoir in particular – offer a path forward to break the narratives of shame and silence as they provide victims and survivors adequate means to recognize such abuses as well as the language tools to articulate them.

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Articles within this volume also shed light on the gendered nature of policy, legislation and rights and the implications of such. Monk examines the Irish family-friendly policies in response to the impact of the COVID-19 pandemic on the labor market. In an Irish liberal welfare model that relegates unpaid care work to the family, the massive recourse to remote working arrangements in a period characterized by school closures and lack of extra support, such as grandparents, had significant gendered consequences. The difficulty of reconciling one's caring responsibilities (essentially women's) with the demands of one's professional life in the neoliberal market – known as the work-care conflict – translates directly into comparatively lower rates of full-time labour participation and shorter working lives for women. This, in turn, contributes to lower potential income in the long-term for them, meaner pension entitlements and a greater risk of poverty in old age. Although policies are but one aspect of gender equality, they do play an elemental role in how the relationship between family and professional lives is structured. The researcher gives particular attention to policies focusing on leave regulations, flexible working arrangements, childcare provisions and child allowances. Monk's review of Irish family-friendly policies exposes the lack of affordable and accessible childcare as well as the lack of support for parents and carers. Besides, Monks reveals the shortcomings of the Irish National Remote Working Strategy which devalues the role of care and relegates it to the private sphere while increasing women's dependence on men or the state by forcing them out of the labor market. The author concludes that Ireland, as a liberal welfare state, must invest further in family-friendly policies, primarily regarding increased access to childcare and family leave, in order to ease the work-care conflict for Irish women.

In the work of Mustapha, concerns about the implications of policy are extended to the international arena through an examination of the right to development discourse. The right to development, as a human right, recognizes massive disparities between the developed and developing world and the need to ensure global and social justice, with clear implications for gender equality. While, as Mustapha notes, there are many proponents of this discourse, she also identifies the challenges of this right in practice – including the 'who' of rights holders (individuals vs collectives) and duty bearers (states vs. international order), politicization between developed and developing states, and the challenge of enforcing a positive, progressive right. Mustapha outlines the various mechanisms in place which could bring about the enactment of the right to development (state-level guidelines and policies; a Special Rapporteur of the UN; independent monitoring committees) – but notes that these are characterized by 'political rhetoric' rather than real world practice. Mustapha argues that at its root, the challenge of elevating the right to development out of the realm of ideas, derives from the concept's embeddedness in natural – as distinct from positive – law. For Mustapha, there is a potential tension between the sovereignty of developing states and the responsibility of developed states to support the realization of the right to development – a tension exemplified, for instance, in the matters of foreign aid and retributions. This tension is challenging, but for the enjoyment of rights to be secured, it must be negotiated.

In the final article in this volume, Wilkinson considers France's relationship to race/ethnicity, in particular the decertification of race, in order to expose how the state's policies effectively led to the racial disestablishment of French citizens. While the focus of the article is on the

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French 'case', the purpose is to examine this situation as a means to better understand the implications of gender decertification, a proposal in which individuals would no longer have a legal sex/gender identified through documents such as birth certificates. In the case of race decertification, French citizens' races/ethnicities are deemed irrelevant to their French identities; the French government even went so far as to prohibit discussion groups and gatherings based on shared racial identity. In order to explain how the concept of *laïcité* (which translates loosely as secularism) has been increasingly instrumentalized, Wilkinson draws on both France's colonial history and on the current heightened concern for national security. She demonstrates how *laïcité* increasingly attempts to secularize not only the state but French citizens themselves. This is exemplified most forcefully through the enactment of two laws in 2004 and 2010 that infringe Muslim women's freedom of religion as they ban, indirectly yet purposefully, certain items of clothing worn by Muslim women. These women find themselves at the intersection of three identity-markers that each leads to discrimination in today's French society: gender, race and religion. When both race and religion are made invisible in what constitutes French identity, it becomes virtually impossible for these women to be heard and seek redress. Wilkinson therefore warns of the consequences of making invisible identity-markers that do shape citizens' experiences of life, specifically referring to feminist-decertifiers's project in England and Wales. Although decertification (the removal of the legal gender status) might well have an emancipatory potential for those categorized as "women", Wilkinson cautions that feminist activists interested in identity-markers must be mindful of the political and societal landscape where their activism takes place.

This third volume of Dearcadh once again demonstrates the importance of feminist research to understanding current processes, policies and practices. From gender-based violence and sex work, to family-friendly policies in the context of Covid 19 and decertification of race and gender, to human rights discourse and the right to development, the articles in this volume reaffirm the importance of locating gender and inequality within social, legal and policy developments. Flowing through these articles is the recognition of social change and the need for contemporary feminist research to ensure equality, justice and dignity, in the face of crises, technological advance, and societal transformation, for all. Despite widespread destabilisation internationally of our social, political and economic worlds, the informed curiosity of the post-graduate authors featured in this volume gives us good reason to believe in the value of feminist research to help us navigate an uncertain future.

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About the Authors/ Editors

Dr. Carol Ballantine completed her PhD in the Centre for Global Women's Studies in NUI Galway in 2020. She is a postdoctoral researcher in the school of geography, UCD. Her interests include gender, migration, race, violence and narrative research.

Damien Le Goff

Trained as an elementary teacher with experience in both French Guiana and Paris's poorest suburbs, I sought to foster gender equality, gender awareness and girls' self-confidence in my classes by giving them prominent and leading roles and responsibilities and by including them as main participants in building class lessons. In 2021, I felt the desire to take that initiative further to learn more about what it means to be a woman or a girl in this world – I have a particular interest in intersectionality that emerged during my experiences in Guiana and Paris's suburbs. I therefore resumed my studies at NUI Galway with the Postgraduate Diploma in Gender, Globalisation and Rights. After completing the program, I am returning to the teaching field to teach French as a Second Language in Ontario, Canada.

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Dr. Stacey Scriver is a Lecturer in Gender and Women's Studies, in the School of Political Science and Sociology, and Director of the MA Gender, Globalisation and Rights at NUI Galway. She is committed to feminist and gender-focused research and teaching. Her recent work has focussed on gender equality and violence.

ORIGINAL ARTICLE

Image-based sexual abuse in Ireland: a thematic and critical discourse analysis of Twitter data surrounding a highly-publicised case in 2013

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Abstract In order to understand attitudes that uphold social inequalities, discourse related to these inequalities must be analysed. Rape myths are socially upheld false beliefs about sexual violence (SV) which contribute to rape-supportive cultures. Image-based sexual abuse (IBSA) is a form of SV which has increased with rising social-media use. A case of IBSA within the Irish context can be seen in an incident that occurred at a concert in 2013. Sexually explicit images of a 17-year old woman were posted online and went viral, with the woman (derisively dubbed 'Slane girl') becoming the subject of national and international discourse. The aim of this research was to investigate the attitudes of Twitter users in Ireland to the Slane case through a thematic and critical discourse analysis (CDA). Data were collected and analysed from Twitter application programming interfaces (API) using Python. A range of sentiments were identified towards the woman in the case - derision, shame, indifference and sympathy. It was concluded that the majority of tweets displayed a lack of empathy for the woman as well as a lack of understanding of the SV in the case. The low levels of reporting of SV in Ireland are likely influenced by cultural attitudes reflected in the findings of this research. It is recommended that further research is conducted to ascertain the opinions and attitudes of people in Ireland towards victim-survivors of SV and to develop methods of challenging rape myths in Irish society.

Key Words: Image-based sexual abuse, Rape Culture, Sexual-Violence, Gender-based violence, Sexual scripts

Image-Based Sexual Abuse in Ireland

Introduction

Rape culture refers to cultural practices which excuse and tolerate sexual violence (SV) (Greene and Day, 2020; Cox, 2015; Hockett et al., 2015). There are many contributing factors to rape culture including rape myths that blame victim-survivors and exonerate perpetrators (Anderson and Doherty, 2008). Further factors include the normalisation of adversarial sexual scripts and shaming narratives used to enforce gender roles (Shefer and Munt, 2019; Bergoffen, 2018; Jozkowski, Marcantonio and Hunt, 2017). In the Irish context, there is available data on self-reported rates of SV and rape myths upheld by the Irish public (USI, 2020; Vallieres et al., 2020; RCNI, 2019; Leahy, 2014; MacNeela, 2014; McGee, O'Higgins, Garavan and Conroy, 2011; McGee et al., 2010; Ryan, 2008; McGee et al., 2002). Henry et al. (2020, p.4) describe image-based sexual abuse (IBSA) as the non-consensual taking of, sharing, or threats to share sexual images as a form of control, abuse and to sexually-shame individuals. Dodge (2015) highlights the devastating impact of IBSA, describing three cases in the USA of which two resulted in the suicides of their victims, and argues that IBSA is a form of SV in and of itself. Dodge further argues that rape culture allows for IBSA to be viewed as humorous/acceptable by society, and the victim-survivors of IBSA to be seen as deserving of their abuse. Studies have shown that social media can be an environment of support for those who have reported experiences of SV, but also a space for the perpetuation of shaming and rape myths (Leahy, 2021; Aurrekoetxea-Casaus, 2020; Zaleski et al., 2016). It is important to research discourses surrounding these cases in order to reveal aspects of rape culture adhered to within society. The lack of data on social media discourses surrounding SV in Ireland represents a research gap.

The present study is based on an analysis of opinions posted on social media, allowing for an exploration of the ways in which a sample of the Irish public responded to the case of image-based sexual abuse (IBSA) being studied (the Slane case). There is little information available about the facts of this case. The incident surrounded the online posting of sexually explicit images of a 17-year-old woman and a number of men at a concert in Slane, Co. Meath (Dillon, 2017). The images received both national and international attention and the woman was derogatorily dubbed 'Slane girl' (Ging, Kiely, Kitching and Leane, 2018). The gendered double standards of the Slane girl case are further discussed by Dillon (2017), Cahill (2017) and Chun and Friedland (2015). The case is considered in this paper to constitute an incident of IBSA and SV against all pictured in the images in accordance with Dodge (2015). The woman in the images complained to Gardaí of an incident of SV on the day the case occurred, and it was reported that the distress suffered by the woman following the incident resulted in her admission to hospital (Foy, 2013; Lally, 2013). The aim of the present study is to analyse the discourse of the public reaction to the case through a thematic and critical discourse analysis (CDA) and theorise the origins and impacts of this discourse through the research questions:

1   What are the opinions of Twitter users in Ireland surrounding SV in the Slane case?
2   What rape myths are upheld by Twitter users in Ireland in relation to this case?
3   What shaming narratives are evident in the Twitter response to the case in Ireland?

Research Methodology

Twitter as a Data Source

Twitter is the largest and most popular microblogging website in the world and is a powerful source of information for measuring public attitudes (Antonakaki, Fragopoulou and Ioannidis, 2021; Mostafa, 2018; Zimmer and Proferes, 2014; Zhou and Chen, 2013). Twitter has been used as a research platform in over 10,000 research papers (Antonakaki, Fragopoulou and Ioannidis, 2021; Kharde and Sonawane, 2016). It was reported in 2013 that 27% of the population of Ireland had a Twitter account (O'Reilly, 2013).

Data Collection

Tweets were collected using Twitter's application programming interfaces (APIs). Python code was used to collect tweets (Appendix 1). Keywords for this data collection were constructed based on a manual exploratory analysis of Twitter search results for the phrase 'Slane girl' (Appendix 2). Results were limited to tweets that originated in Ireland and were composed within 2 months of the incident. 2,628 tweets were collected that met these criteria. Following the collection of these tweets, the dataset was manually cleaned by the researcher. Duplicate tweets, incoherent tweets and tweets which were not relevant to the Slane case were removed. Following the data cleaning, a total of 366 tweets were deemed appropriate for inclusion in the study.

Data Analysis

Content analysis is a flexible and accessible method for summarising large datasets that are often used to study social media data (Swann, 2021; Nowell et al., 2017). CDA was chosen to analyse the ways in which the discourse surrounding the case may have assigned meaning to the incident (van Dijk, 1993). The discourse of the tweets was taken to represent the knowledge and meaning assigned to the Slane incident by Twitter users in Ireland with the aim of gaining a perspective into the reproduction of inequality (Wigginton and Lafrance, 2019). Using thematic analysis and CDA, the data were categorised into four codes, each representing a particular sentiment towards the woman in the images (Appendix 3). A fifth code was created for tweets that referred to the men in the images. Some tweets which expressed multiple sentiments were categorised into multiple codes. Once the data had been categorised, the discourse of each tweet was critically analysed to identify themes within each code.

Limitations of Research Methods

The study's focus on Twitter is insufficiently broad to make deductions about the attitudes of the Irish public at large, hence the research serves as a snapshot of the Twitter social media response to the case. The results are unlikely to be applicable to other regions as they take into account the context of Ireland alone. The methodology is based on subjective reasoning about

sentiments. The researcher did not have sufficient research resources to obtain and analyse data on tweet popularity in the form of likes and retweets.

Ethics of Research

Data revealing identifying information about the authors of Tweets were removed, ensuring anonymity for Tweet authors. It was not possible to receive consent from those involved in the case due to their anonymity. Every effort was made to afford dignity and a recognition of the trauma endured by those affected by the incident. Tweets that may have revealed any information regarding the identity of those involved were altered and the use of the derogatory moniker directed at the woman in the media and online has been used as sparingly as possible by the researcher, except for its quotation in tweets.

Image-Based Sexual Abuse in Ireland

Findings and Analysis

Figure 1: Word-cloud of 366 tweets collected for research

Fig. 1 displays a word-cloud of the 366 tweets which were analysed in this research, providing an insight into the language used to describe the incident. The majority of tweets expressed

opinions about the woman in the images. 33% of the tweets contained some element of derision towards the woman. 33% of the tweets contained some element of shaming or blaming her for the incident. 25% contained an attitude of indifference towards her, and 22% of the tweets contained some element of sympathy for her. Only 15% of the tweets collected made reference to the men in the images. 5% of the tweets (20 in total) were inconclusive in the analysis of their sentiment and were not allocated to any code. A breakdown of the proportion of tweets assigned to each code can be seen in table 1.

Table 1: Tweets coded by their overall sentiment towards the woman in the images.

Sentiment Code	No. of Tweets	% of Tweet Sample
Derisive	121	33%
Shaming/Blaming	119	33%
Indifferent	92	25%
Sympathetic	81	22%

Discourses of Derision and Indifference

The most common theme of tweets identified within the derisive code were those that included vocabulary or 'text talk' associated with humour, such as 'haha' (47%). The next most common theme within this category was tweets that joked about the incident (36%), followed by tweets that joked specifically about the sex acts pictured in the images (26%). Other themes included tweets that joked about the woman in the images being promiscuous (22%), and tweets that humorously or sarcastically implied that the incident or woman were damaging to Ireland's reputation (18%). Of the 25% of the total tweets which were coded as indifference, 67% clarified the location of the event as the Eminem concert in Slane to other Twitter users.

Discourses of Shame and Shaming Narratives

Shame and shaming narratives were found to be directed primarily at the woman in the images. Of the 366 tweets collected for this study, 33% contained some aspect of blaming/shaming her. The most common theme in this code were tweets that implied that the woman was solely responsible for the incident (36%). Tweets within this theme implied that her *'lack of self-respect'* and *'irresponsible'* behaviour were responsible for the incident, questioning why she would '*do that for all to see*'. Many tweets used language which implicitly blamed the woman

for the images being taken and posted online, stating that she was *'caught'* or *'photo'd'*. The second most common theme in this code (31%) were tweets that included a graphic recounting of the sex act portrayed in the photos using language that centred on the woman's actions. She is referred to as *'sucking cock/dick'*, *'giving head without a care'*, *'getting down to questionable activity'*, *'warming a fair few cocks'*, *'servicing the lads'* and *'giving blowjobs'*. The third most common theme in this code (29%) were tweets that jokingly exaggerated the nature of the sex acts which were photographed. Tweets assert that the woman *'gave like 5 dudes a blowjob'* or was *'walking around chucking dicks into her'*. The fourth most common theme in this code (24%) were tweets that implied that the woman had brought shame to Ireland. Tweets referenced how the images do not '*reflect well on Ireland*', and conclusions on the *'irresponsible behaviour'* and lack of *'morals'* of Ireland's youth at large are drawn from the incident. The least common theme (12%) included tweets that used derogatory names such as *'slut'* or *'bitch'* to describe the woman.

Discourses of Sympathy and Empathy
22% of the tweets in this study showed some level of sympathy towards the woman in the images. The most common theme (53%) in this code were tweets that criticised the online response towards the woman. Many in this theme reference the woman's hospitalisation following the release of the images. The second most common theme (48%) in this code were tweets that criticised the Irish culture of sexually shaming women, and the levels of sexism in contemporary Ireland. Tweets in this theme call the reaction to the images *'backward'*, exclaim that *'you're absolutely fucked [if you do] anything shameful [in Ireland]'*, and criticise the double standards in the treatment of the woman compared to that of the men in the images as something to be expected in Ireland. Many tweets reference slut-shaming in Ireland, one describing it as one of Ireland's *'favourite things to do'*.

Discourses surrounding the legal implications of the incident
Whilst 22% of the total tweets referenced some level of sympathy towards the woman in the images, few referenced the legal implications of the incident. The word 'consent' is mentioned in only 5 tweets. 12 tweets in total question whether the taking and spreading of the images is a crime. 1 tweet uses the word 'rape', whilst trying to clarify the age of both parties involved. 1 tweet references the drinking age limit in Ireland, suggesting that it be raised to 21 '*in the wake of the Slane incident'*.

Discourses surrounding men involved in the incident
Only 15% of the total tweets referenced the men in the images. 50% of these tweets refer to the men in the images through language which focuses on the woman's actions. For example, the woman is referred to as being '*pictured giving multiple guys blow jobs*', or '*blowing a lad in front of everyone*'. The focus on the woman's actions places her as the main actor in the incident, whilst the men are passive participants. The second most common theme (39%) in

this code were tweets that blame or shame the woman without expressing an opinion on the men's role in the incident. These tweets refer to the woman's actions within the incident, often using vulgar language and blaming her for the incident stating she '*shouldn't have done it*' or that she was '*caught*'. In contrast, 9% of the tweets which mention the men blame or shame them for the incident. Less common themes which mention the men include tweets that highlight the double standards and sexism in the online reaction to the incident (17%), tweets that joke about the incident (15%) and tweets that attempt to clarify details of the incident (15%).

Discussion

Evidence of Rape Culture in the Discourse
Data analysis revealed an acceptance of jokes about the woman at the centre of the incident. 33% of tweets contained an element of derision towards the woman. Research has shown that there are significant correlations between the acceptance of sexist humour and sexual harassment, tolerance for SV and rape proclivity (Greene and Day, 2020; Klement, Sagarin and Skowronski, 2018; Cox, 2015; Edwards et al., 2011; Ryan and Kanjorski, 1998). The 25% of tweets that showed indifference towards the woman in the photos is also an indication of rape culture in Ireland. Many of the tweets in this category described the incident without showing concern for the welfare of any party involved in the incident. This reflects the work of Gavey (2019) and Marx (2005) who describe SV as being ordinary or routine in the lives of women. The indifference to the violation suffered particularly by the woman in the images highlights a culture in which this violation is considered an unremarkable incident by many, a source of amusement to others, and a cause of national shame to others still. It is theorised by Henry et al. (2020) that IBSA stems from cultural norms which objectify and commodify bodies. It could be argued in the Slane case that the woman's body was commodified as a source of amusement, and as a moral lesson to other women and girls to express their sexuality only in ways which conform to societal norms.

Rape Myths Perpetuated in the Discourse
Rape myths imply that victim-survivors provoke their own sexual assault and can have a significant impact on how victims are perceived and treated by society (Singleton et al., 2018; Parratt and Pina, 2017; Deming et al., 2013; Edwards et al. 2011; Jones, 2011; Anderson and Doherty, 2008; Burt, 1980). A number of rape myths were identified in the discourse surrounding the Slane incident.

1 Rape myths employ stereotypes about masculinity and femininity, with female victim-survivors often presented as being provocative to make them seem accountable (Parratt and Pina, 2017; Anderson and Doherty, 2008). Jokes about the woman's promiscuity, over-exaggerations of the nature of the incident, and tweets labelling her as a *'slut'*, *'pornstar'* or a *'bitch'* are all present in the tweet sample. The men in the images are scarcely referenced in the bulk of tweets.

2   The myth that the woman was 'asking for it' can be seen in the results. Tweets that shame the woman imply that she was at fault for the images being posted online. When describing the incident, the majority of tweets use language which presents the woman as the main active participant. Active verbs used to describe her actions say she *'sucked', 'gave', 'got'* and *'serviced'* the men in the photos, whilst the men are mere passive recipients or are not mentioned at all. Several tweets imply that the incident came about as a result of the woman's character. She is described as being *'silly'*, having a *'lack of self-respect'*, being *'irresponsible'*, and her actions and thought patterns are questioned.

3   Another rape myth evidenced in the results is the treatment of the incident as 'just sex' rather than SV. The tweets which deride and shame the woman, as well as those which display indifference to her, point to a lack of recognition of SV. There is very little discussion of either the ability of those involved to consent or IBSA. The frequent retellings of the exact nature of the incident as well as the tendency to blame the woman for the images appearing online show a public propensity to label her experience as simply an embarrassing episode of 'bad sex' for which she was 'caught out', rather than as SV.

Gender and Shame in the Discourse

Shame can be used to enforce social and cultural values. In cases of SV, shaming narratives tend to be directed at victim-survivors (Shefer and Munt, 2019; Zakarriya, 2019; Bergoffen, 2018; Aakvaag et al., 2016). The majority of the tweets analysed express opinions about the woman in the photos, with only 15% of tweets directly referencing the men in the images. 33% of the tweets collected had some element of shaming or blaming the woman in the photos, whilst less than 1% shamed or blamed the men. This disparity between the focus on the woman and the men in the images points to a gendered allocation of responsibility for the incident. This narrative reflects the work of Shefer and Munt (2019), Zakarriya (2019), Hockett et al. (2015), Hockett, Saucier and Badke (2015) and Edwards et al., (2011). The woman is being 'punished' for transgressing the social and cultural norm of being a sexual 'gatekeeper' within heterosexual scripts. The men in the photos do not experience much derision, as it is expected for them to engage in sexual activity without consequence.

Victim-survivors often feel humiliation in the wake of SV and can experience secondary victimisation (Taylor, 2019; Anderson and Doherty, 2008). Shame directed at victim-survivors can also intimidate them into silence (Shefer and Munt, 2019; Bergoffen, 2018; Klement, Sagarin and Skowronski, 2018; Hockett et al., 2015; Hockett, Saucier and Badke, 2015; Deming et al., 2013; Edwards et al., 2011; Jones, 2011; Anderson and Doherty, 2008). Secondary victimisation can be seen in the Slane incident in reports of the impacts of the incident on the woman. It is possible that the excessive shaming aimed at the woman in the images may have discouraged other victim-survivors from coming forward in the wake of the incident. Reports on SV in Ireland such as McGee et al. (2002) and USI (2020) have shown

that many who have experienced SV have kept the experience to themselves for a number of reasons, including shame. Incidents of mass public shaming only add to the discourse of SV as embarrassing or shame-inducing for the victim-survivor.

Nationalism in Ireland in the Discourse

A linkage of the incident to varying degrees of nationalistic opinions was identified in the results. 18% of tweets within the derisive code were jokes which referred to the incident's impact on the country's reputation, and 24% of the tweets in the shaming/blaming code implied that the woman had brought shame to Ireland. Within the sympathetic category, 48% of the tweets criticised Ireland's misogyny and culture of shame around sexuality. The creation of an independent Republic of Ireland and the influence of the Catholic church have influenced Irish culture regarding sexuality, through a hinging of the state's identity on the 'purity' of women's bodies (Killean, Dowds and McAlinden, 2021; Fischer, 2016; McGee et al, 2010; Inglis, 1997). Many tweets expressed disdain that the Slane incident happened in Ireland, primarily blaming the woman. The incident was used to jokingly imply that Ireland's youth at large were not *'classy'*, or that Ireland was '*full of sluts*'. The fact that the woman in the photos received the vast majority of online vitriol whilst the men were left relatively unscathed, as well as the frequent depictions of Ireland's reputation being damaged by the incident, support Fischer's description of the Republic hinging its identity on moral principles demanding the purity of women's bodies. There is evidence of resistance to this culture of moral and sexual purity, which can be seen in the sympathetic code of tweets. The second-largest proportion of this code were tweets that criticised the Irish culture of sexual shaming and sexism in Ireland. These tweets rejected the online response which shamed the woman in the images.

Legal Framework for Access to Justice in this Case

In 2013 IBSA was not defined as a crime in Ireland, nor did the images constitute child pornography at the time (Irishstatutebook.ie, 2021). No criminal investigation was pursued in the incident (Foy, 2013; Lally, 2013). In the decade following the incident, a number of legislative updates occurred. In 2017, section 2 of the Child Trafficking and Pornography Act 1998 was amended with the legal age for participation in pornography raised to 18 (Law Reform Commission, 2020). The same year, sexual consent was legally defined in Irish law. Finally, in 2020, the Harassment, Harmful Communications and Related Offences Act 2020 (or "Coco's Law") was enacted which created offences to deal with IBSA (DRCC, 2021). Despite these advancements, there are still a number of hurdles in place for victim-survivors to access justice in Ireland. The contemporary Irish context for SV prosecution is characterised by decreasing convictions, lengthy trial times and low prosecution rates (Molloy, 2018; Corr, O'Mahony, Lovett and Kelly, 2009; Hanly, Healy and Scriver, 2009). Self-reported experiences of SV may have increased in Ireland since 2002 (Vallieres et al., 2020). Henry et al. (2020) and Hlavka (2014) outlined common fears of victim-survivors when deciding to report, including a fear of being publicly identified and stigmatised. This can lead to a culture in which it is more

difficult for victim-survivors to report the SV they experienced. As described by Henry et al. (2020), there remains a 'justice gap' in prosecuting IBSA worldwide. A cultural shift in attitudes towards victim-survivors of SV is needed in order to provide an environment in which victim-survivors feel confident seeking justice.

Conclusion

The Slane incident brought to the forefront of Irish society the issues of image-based sexual abuse (IBSA) and sexual violence (SV). The current research presented a number of significant findings. Only 3% of the tweet sample discussed the legality of the incident - these tweets scarcely discussed consent and did not discuss IBSA. A number of rape myths were identified within the discourse of the tweets. Discourses which implied that the woman was responsible for the incident were evident. A tendency to 'slut-shame' the woman was also identified. The shaming discourse which was identified was heavily gendered. Less than 1% of the tweets contained some element of shaming the man in the photos, whilst 33% contained an element of shaming the woman. Some tweets concluded from the incident that the woman had 'shamed' Ireland or damaged its reputation.

When synthesised, the results paint a portrait of the attitudes of Twitter users in Ireland towards the woman at the centre of the Slane incident. The three most commonly identified sentiments towards the woman were derision, shame/blame, and indifference, with only 1 in 5 tweets expressing some form of sympathy towards the woman. Only 15% of the tweets referenced the men in the images, indicating a highly gendered attribution of responsibility for the incident. These results are reflected in much of the literature on SV theory, which emphasises the role of (hetero)sexual scripts and prescribes cultural gender roles in allocating sympathy and shame in cases of SV. As the woman in question was photographed engaged in a sexual act, she was publicly shamed and blamed for the incident. The men in the photos, expected to pursue sex without an expectation of sexual purity, received a fraction of the online abuse experienced by the woman.

Contribution of Research to Knowledge

The findings of this research contribute to the data in Ireland on attitudes towards victim-survivors of SV. Further research in analysing the sentiment towards victim-survivors of SV is recommended, using other forms of opinion-based media. The finding that a large proportion of the sentiment towards the woman in this case was negative illustrates a need for further research into whether this is the same for other victim-survivors of SV in highly publicised cases and the reasoning behind these sentiments.

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Appendices

Appendix 1: Python Code Used to Gather Tweets

```python
words=['#slanegirl','slane girl', 'slane girl stuff', 'Slane Girl', 'slane girl is', 'Slane slut',
'#slaneboy', 'slane boy', 'slane', 'slut', 'slane girl solidarity', 'eminem', 'slane castle']


tweets_listFull=pd.DataFrame()


for i in flat_list[:13]:
 # Setting variables to be used below
 maxTweets = 1000
 # Creating list to append tweet data to
 tweets_list = []
 # Using TwitterSearchScraper to scrape data and append tweets to list
 keyword = i
 country = 'ireland'
 start_time = '2013-08-18'
 end_time = '2013-10-18'
 total_query_String=keyword+" "+country+' since:'+start_time+' until:'+end_time
 print("Query String :: ",total_query_String)


 for i,tweet in enumerate(sntwitter.TwitterSearchScraper(total_query_String).get_items()):
  if i>maxTweets-1:
    break
  tweets_list.append([tweet.date, tweet.id, tweet.content, tweet.username])
 # Creating a dataframe from the tweets list above
   tweets_list = pd.DataFrame(tweets_list, columns=['Datetime', 'Tweet Id', 'Text',
'Username'])
```

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```
# Display first 5 entries from dataframe

  tweets_listFull=tweets_listFull.append(tweets_list)

  print(tweets_listFull.shape)


tweets_listFull


tweets_listFull.to_csv('Tweets.csv')
```

Appendix 2: Keywords used to search for Tweets

1 '#slanegirl'	2 'slane girl'	3 'Slane girl stuff'	4 'Slane Girl'
5 'slane girl is'	6 'Slane slut'	7 '#slaneboy'	8 'slane boy'
9 'Slane'	10 'Slut'	11 'slane girl solidarity'	12 'Eminem'
13 'slane castle'			

Appendix 3: Codes used to identify tweet sentiment

Derisive/ Mocking	Tweets that express derision towards the woman, making jokes at her expense/of the incident.
Indifference	Tweets that discuss the logistics of the incident without showing sentiment towards the woman.
Shaming/Blaming	Tweets that shame the woman, imply that she brought shame to others, or blame her primarily for the incident.
Sympathetic	Tweets that express some level of sympathy/empathy towards the woman or criticise the online response to the

	incident.
Mention Men in Images	Tweets that make any reference to the men in the images.

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ORIGINAL ARTICLE

"I'd be Mortified if Someone Thought I was Putting my Bum Online for Some Fucking Gucci Sandals": Liminality, Ownership and Identity – A Case-study of Sex Work on OnlyFans

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Abstract This research explores the nuances of ownership involved in online sex work and investigates the liminal nature of sex work. This article details a case study of a British woman using the OnlyFans platform to post explicit adult content. This case study is framed within the literature discussing both the mainstreaming of sex work and stigmatisation attributed to sex workers, maintained by heteronormative gender scripts and rape culture in a digital era. Through multiple narrative-style interviews, an in-depth case study exploration was conducted into the experiences of an online sex worker, using the pseudonym Ria, during the 2020 Coronavirus outbreak and subsequent lockdown in England. Two key themes of liminality and ownership emerged. The overarching theme of liminality focuses on the conditions of an in-between space, and encapsulated Ria's experience of online sex work. The theme of ownership concerns Ria's physical content on the OnlyFans platform, extending to her ownership over her body in the online context. This case study has captured a snapshot of the ways in which online sex workers using the OnlyFans platform may experience a variety of liminal states - exploring links to the ways in which sex workers are perceived in society and how this impacts their ownership of their content, their identities and ultimately their bodies.

Key Words: OnlyFans, online sex work, sex worker identity, liminality, ownership.

Introduction

The aim of this research was to investigate the liminal nature of online sex work through exploration of a case-study experience told by an adult using a sexual content subscription website. Through multiple semi-structured interviews, an in-depth case study exploration was conducted into the experiences of an online sex worker, using the pseudonym Ria, during the 2020 Coronavirus outbreak and subsequent lockdown in England.

Drawing on the combination of literature about the mainstreaming of sex work which has facilitated opportunities for online adult content work, stigma, and legislation around content as a framework for analysis, this article explores two key themes that emerged as findings from the case study – liminality and ownership.

OnlyFans is a London, United Kingdom (UK) based company launched in 2016. It provides a social media-like platform for content creators to post media that subscribers will pay to view. It currently has around 30 million users and 450,000 content creators. While not limited solely to adult content, this is arguably its central and most acclaimed use (Tillman, 2020). Creators promote their page to gain subscribers and may take additional payments for extra content at a subscriber's request. The scope of the platform is global and includes international payment gateways, meaning that a creator can receive payments transnationally. Despite this, there is still no application and it must be accessed via an internet browser. As content can be of a sexual nature, there have been concerns about the protection of data and how it is stored: the OnlyFans website states that personal data is stored within General Data Protection Regulations (GDPR). However, once personal data has gone outside of the EU the individual loses the protection of GDPR (OnlyFans, 2020). This provides context for the global reach that content creators' media may achieve, as well as the implications on how their data and content is protected within this framework.

This research focuses on a woman engaging in online sex work due to the fact that most, but not all, people involved in sex work are women. The number of sex workers in the UK is estimated to be between 60,000 and 80,000 with roughly 95% being women (House of Commons, 2016). Additionally, the majority of webcam sex workers are women, with most starting between the age of 20 and 30 (Hester et al, 2019). Due to this framing, how the concepts in this research impact male and transgender online sex workers fall outside of the bounds of the current research parameters.

Literature Review

This research explores the nuances of ownership involved in online sex work through a case study of a woman in her mid-twenties, residing in England, using the OnlyFans platform to post explicit adult content. Literature discussing the mainstreaming of sex work, liminality, stigmatisation attributed to sex workers maintained by heteronormative gender scripts, and rape culture in a digital era, provide a useful framework for this exploration.

The Mainstreaming of Sex Work

Mainstreaming of sex work describes the expansion in size of the sex industry into various aspects of life in the pursuit of further commodification and profit, in keeping with neo-liberal ideologies. The use of corporeal bodies, physicality and sexuality as modes of

commercialisation in all aspects of consumerism has meant that sex is becoming more visible, more explicit, and more accessible to broader groups of consumers (McNair, 1996; Attwood, 2006; Brents & Sanders, 2010). While this has been aided by a neo-liberal economy, the profession remains stigmatised in various spaces in British society and globally.

Neo-liberal regulation surrounds sex work (Brents and Sanders, 2010); indeed, the rhetoric of free market and individual freedom dominates Western societies and has influenced the regulation of morality and sexuality, encouraging the economic and social integration of sexual commerce. Brents and Sanders (2010) described processes that facilitate the mainstreaming of sex work. The first is 'mainstreaming' itself, for example into businesses that do not directly sell sex, such as OnlyFans. The second is 'economic mainstreaming': this involves processes whereby sex businesses adapt to look and perform like 'ordinary' businesses not attached to stigmatised productions like selling sex. Finally, 'social mainstreaming' describes the shift in cultural attitudes toward the acceptability of sexual expression as legitimate commerce – 'sex sells'.

Mainstreaming of commercial sex is a direct consequence of wider social changes and the acceptability of bodies as commodities. Late capitalist mass consumption fostered a 'pornographication' of culture, liberalisation of sexual attitudes and more equal attitudes towards intimacy, with added disposability of relationships (McNair, 1996; Attwood, 2006; Brents & Sanders, 2010). However, there remains social ambivalence and anxiety about the 'specialness' of sex (Jackson & Scott, 2004). Despite evidence of liberalisation of sexual attitudes and increased integration of sex work into mainstream society, there still remains entrenchment of heteronormative, traditional gender roles and values in British society, which form the basis of stigmatisation of sex workers.

Additionally, mainstreaming has allowed for an increase in accessible online platforms for sex work. Development of modern communication technologies being used to support, replace or reconfigure sexual encounters is becoming more commonplace in ordinary people's everyday lives (Attwood, 2006). The internet offers a new market for sex work with additional and increased opportunities for individuals to control (or partially control) the means of production through self-produced material (Wilkinson, 2017). Mainstreaming of the sex industry – paired with the infiltration of the internet into the majority of homes – has increased accessibility to online platforms which can foster the formation of liminal, online sex worker identities.

Liminal Space

Theories of liminality and liminal space are useful for exploring experiences of transitions from one state to another or from one reality to another. Liminality denotes a middle state or a phase whereby an individual transitions from one social status to another (Turner, 1969) – it is during this middle phase that individuals are simultaneously understood as being 'no longer' and also 'not yet' (Wels et al, 2011). The concept has clear connotations of marginality which is often associated with sex work (Madge & O'Connor, 2005; Wels et al, 2011). The following paragraphs address various layers of liminality that deserve consideration: the liminality of conducting sex work in cyber/space; the liminality of a marginalised status due to stigmatisation of women engaged in sex work; and the liminality of the adult-content creator's ownership.

Liminality Online

Madge and O'Connor (2005) discussed how cyber space and geographical space coexist to form an interconnected, hybrid cyber/space that combines the virtually real and the actually real. Cyber/space can be explored by looking at online embodiment which allows individuals to perform multiple and different identities, these may become progressively fluid, manipulable and constructed (Madge & O'Connor, 2005). Individual's embodied identities are a result of their interactions with the world, usually communicated through their bodies (Schultze, 2014); this is challenged online as identity performances are 'untethered' from the user's body. Madge and O'Connor (2005) argue that new constructed identities are enabled by a disembodied nature of communication combined with anonymity that allows individuals to be accepted on the basis of their words, rather than bodily markers. However, this is not always the case, particularly with online sex workers – the nature of their work means that they must reveal their bodily markers to their audience.

OnlyFans adult-content creator's experiences of sex work occur predominantly in the online space, with the exceptions of those who also work in the industry in a physical space. Therefore, it is important to explore this experience in virtual spaces. A liminal zone of cyberspace exists that is not only virtual, it is also corporeal; virtually real and actually real spaces merge, ideas and structures affect individuals online thus the norms of sexuality are apparent in online identity construction (Eklund, 2011). Within the intersection of technology and socio-cultural ideas, we see identities of individuals in cyberspace being created and maintained in the eyes of their audience (Anarbaeva, 2016). With this in mind, stereotypes and stigmatisation of sex workers must also be addressed as these assumptions inevitably shape virtual interactions.

Sex Work Stigma

Liminality also manifests in the world of online sex work through content creators' experiences of stigma. As society changes, non-marital sexual activities are not as prohibited; however, there are forms of sexual contact or activity where men are more dominant in defining the nature of such and the social arrangements in which they are embedded (Walby, 1989). A central feature of patriarchy is prevention of women from exploiting their erotic capital for their own economic and social gains (Hakim, 2010). Therefore, behaviour that falls outside of heteronormative intimate relationships conducted by women, such as sex work, is stigmatised. Despite social media's association with innovation and social progress, gendered power relations that shape offline spaces are mirrored and replicated online (Sills et al, 2016).

Stigma is universal in sex work; however, it varies in intensity, being generally more severe in street-based sex work, and can remain persistent after a person has left sex work (Weitzer, 2018). Often, this emerges as whore stigma (Pheterson, 1993; Brents & Sanders, 2010; Benoit et al, 2020). The nature of sex work contravenes well-established gendered ideologies that serve to maintain dichotomous conceptions of gender and norms about sexuality transgressing committed heterosexual relationships (Pheterson, 1993; Benoit et al, 2020). Paradoxically, the sex industry relies on its transgressive-ness: the demand for sexual commerce is often based on its marginalised status (Brents & Sanders, 2010). This means that it is difficult for sex workers to go about sex work as a regular job without having significant social impact. Despite the mainstreaming of sex work and sexual liberation extending into neo-liberal concepts such as free market individualism, those engaging in sex work, utilising new online possibilities, teeter on a threshold between structural marginalisation maintained by stigmatisation and the integration of the profession into day-to-day life.

Arguably, traditional gender roles in societies dominated by patriarchal ideals are a contributor to the stigmatisation of sex workers such as the Madonna/whore dichotomy, conveying polarised perceptions of women as either 'good', chaste and pure (Madonnas), or as 'bad', promiscuous and seductive (whores) (Bareket et al, 2018). This is used to justify which women 'deserve' to be objectified, placing the value of women on their sexual pleasure alone and reducing them to instruments existing only to fulfil male desires (Bareket et al, 2018). Adult-content creators using online platforms like OnlyFans may find themselves boxed into the whore category, with their identity reduced to their role as a sex worker.

This application of a fixed sex worker identity also impacts attitudes towards the content that online sex workers produce and who 'owns' it once it is online. This may therefore reduce the level of ownership individuals using OnlyFans have over their content.

Ownership

Ownership concerns the control and agency over the content that is produced for and distributed on OnlyFans. Whilst it is widely assumed that online sex workers have agency and control over the type of content they distribute to their subscribers (Wilkinson, 2017). At the time of writing, OnlyFans lacked features which meant that creators could not always control or trace what happened to their content once it was posted online. They were, for example, unable to restrict screen captures. Consequently, there is a risk of explicit content being shared without the creator's consent. OnlyFans does include Digital Millennium Copyright Act (DMCA) notice and takedown procedures if 'property' is redistributed to third-party sites. However, OnlyFans also mentions that removal time is on a case-by-case basis (OnlyFans.com, 2020). Therefore, the ownership of the content the creators produce may also enter a liminal state once posted.

Additionally, there is a failure to consider a range of abusive practices that result from non-consensual distribution of private sexual images (McGlynn et al, 2017). Narrow legal definitions of sexual material mean that there are restrictions on what would be considered for prosecution (Raffaela Huber, 2018). Therefore, redistribution of OnlyFans content creator's images, even with malicious intent, may instead fall under infringement of intellectual property rights. This draws similarities to cases whereby sexual assaults against sex workers have been deemed as theft of services rather than a personal violation (Michels, 2009). This perception is facilitated by the mainstreaming and neo-liberalisation of sex work; as bodies are increasingly viewed and used as commodities (Brents and Sanders, 2010; Wilkinson, 2017), sex workers' bodies are reduced to a product for transactional purposes.

Arguably, misogyny and financial gain are motivating factors for distributing images without consent, thus exemplifying a wider pattern of abuse against women (Henry & Powell, 2016). There have been developments in UK legislation that see sex workers as vulnerable to sexual victimisation and as individuals that are able to give and withhold consent (Beyens & Lievens, 2016). However, when sex work is conducted exclusively online, creators exist in a liminal space whereby their consent is seemingly not as clear cut due to lacking 'physical' harm. Therefore, stereotypes and stigma around sex workers feed into rape culture, amalgamating to form a gendered understanding of the layers of adult-content creator's ownership.

Summary

Mainstreaming of sex work has increased opportunities for individuals to create and sell adult-content by opening up the market for online platforms such as OnlyFans. The occurrence of

this in an online space can in itself create liminal spaces; it also facilitates the creation of liminal online identities for sex workers presenting in cyberspace. This is intertwined with stereotypes and stigmatisation of sex workers relating to how OnlyFans content creators are responded to by others as well as their levels of ownership over the content that they produce – which also features elements of liminality. This will be demonstrated through the case-study as Ria explores her apprehensions linked to liminal lockdown space, her levels of ownership at various stages of posting her content, as well as her ownership over her own sex worker identity.

Methodology and Method

This research was approved by the Faculty Research Ethics Committee: Liberal Arts and Sciences at the University of Greenwich. Selection criteria for participants required them to be currently using or to have used the OnlyFans platform to post adult-content and to be English speaking. As the nature of this research relates to online sexual content sharing, there was an additional requirement for them to be over eighteen years old. The research participant wished to be referred to by her chosen pseudonym, Ria.

Ria was introduced to myself through a mutual acquaintance who had discussed my line of enquiry with her. Given the Covid-19 restrictions, this method of recruitment was particularly useful as building rapport and conveying genuineness was limited to online interactions, which felt more difficult to achieve than in person. The initial contact was able to help guarantee my legitimacy which is vital when conducting socially sensitive research (Browne, 2005). It was ensured that Ria was able to give clear and well-informed consent by explaining thoroughly the aims and process of the research.

The research implemented two semi-structured narrative-style interviews to collect rich and detailed data about Ria's experiences. Interviews were conducted virtually to ensure ease of access, each lasting roughly 60 minutes and were recorded with permission. Interviews were used to form a case study. Case studies allow for focus on social contexts and actor's life worlds in their own words (Daly, 2018). This line of enquiry felt fitting with the feminist epistemology of the research, giving value to Ria's story as the central form of data. Although case studies are limited spatially and temporally, they enable in depth exploration of the meanings and explanations that an actor has of a situation (Daly, 2018). The temporal space is a pertinent factor of this research as much of Ria's experience occurs within the unprecedented lockdown enforced due to the Coronavirus outbreak – therefore, it is appropriate for a case study exploration. The ability to conduct more than one interview during the lockdown period meant how Ria's thoughts and story adapted over the course of the research could be captured.

Adopting a narrative approach to semi-structured interviews allowed for emphasizing certain aspects of Ria's experience whilst simultaneously provoking narrative. This means that interviews were predominantly interviewee-led – the flexibility found in this style of interview is beneficial to research into individual subjective experiences as it allows interviewees to speak freely about experiences and perceptions (Kyale, cited from Stanley, 2018). Additionally, narrative stories can reflect both structure and agency as they are the outcome of individual creativity while being simultaneously socially structured because social positioning and experience make particular types of discourses available (Fleetwood, 2015). This therefore aids in understanding how individuals' view of experiences is shaped by structural factors. Naturally, each OnlyFans adult-content creators' experience will differ – factors such as

gender, sexuality, ability, race, and age will mould varying experiences and thereby warrant further exploration.

Analysis

During the analysis, it was acknowledged that both Ria and I would have a subjective influence on the research process; therefore, the findings should be considered a result of synthesised perspectives from both parties (Darawesheh, 2014). Throughout the analysis, I reflected on whether my interpretation would accurately reflect and be faithful to Ria's account. It was important to consider the context and make reflections on assumptions and personal experiences that may influence the analysis, particularly as discussion of sex work can be subject to varying societal norms regarding sexual behaviour based on sub-cultures, times and geographies (Ashton et al, 2019). I offered Ria the option to read the completed paper and feedback to aid in the reflection and to promote transparency.

Interviews were transcribed verbatim and anonymised by removing any identifying factors to maintain confidentiality. A thematic coding process was implemented based on a combination of a priori based on a review of the relevant literature, and en vivo coding based on Ria's work. Transcripts were read thoroughly, broken down and categorised to identify areas of significance (Bryman, 2012). These were subsequently used for analysis and linked back to the aforementioned conceptual frameworks around liminal space, stigma, and stereotypes about sex workers (Turner 1969; Goffman, 1963; Benoit et al, 2020). Two intertwining themes formed as the analytical result – liminality and ownership.

Results and Analysis

Background Context

Ria is in her mid-twenties, living with her family in the West-Midlands, UK. At the start of the interview process, Ria was furloughed from her full-time job at a call centre due to the Coronavirus outbreak and conditions of lockdown in the UK. This also meant that she was unable to work at her part time job as a dancer at a strip-club. She signed up for OnlyFans at the start of lockdown in March 2020 due to the financial impact of this and concern around paying off debts. At this time, OnlyFans saw a 75% increase in model sign-ups in April 2020 as unemployment simultaneously increased (López, 2020). Economic pressures exacerbated by lockdown have been identified as a push factor for women to begin engaging or re-engage with sex work (Yasseri, 2021). Ria had identified this as a personal motivating factor herself. She had been creating content for roughly one month when the first interview was conducted.

Themes

Through the two interviews with Ria, two key themes emerged. The overarching theme is liminality: the conditions of an in-between space encapsulate Ria's experience of online sex work. Secondly is the theme of ownership which concerns Ria's content once it is placed online as well as how this extends to her ownership over her body and consent in the online context. Enmeshed within the two is Ria's sex worker identity; there is an indication that she experiences liminality and a lack of ownership over how and when others perceive her and her OnlyFans identity.

Liminality

Liminality of Lockdown

One layer of liminality that encapsulates this research is the national lockdown due to COVID-19. During this time, the government had to re-assess rules and regulations enforced upon society to keep people, and the economy, 'safe'. In the UK, many people not deemed as 'key workers' were placed on furlough, restrictions were enforced on socialising and businesses had to close. This period of lockdown will have served as a liminal space for many people no longer working – existing in limbo, waiting for a return to 'normal'.

Liminal space can be associated with sex work for Ria both before lockdown and before she moved on to online sex work. In the first conversation with Ria, we talked about her working life outside of OnlyFans. She explained that she previously tried stripping full time but found it difficult to distinguish between stripping and life outside of it, "It was affecting me mentally because I was struggling to realise what's actually reality and what's not." Although she had continued working part-time at the strip-club before lockdown, people became more aware of her engagement in sex work once she started OnlyFans due to the need to promote on social media platforms to gain subscribers. Ria recognised that sharing her perceived deviation from socially prescribed norms around sexuality publicly on social media was likely to gain attention. However, this may have been exacerbated due to lockdown conditions allowing people to spend an increased amount of time online, interacting with each other. She anticipated that this would occur to a lesser extent once life returned to normal, "When everything goes back to reality, everyone will calm down about it, it'll be fine." Not only does this speak to the liminality experienced in lockdown by referencing a return to 'reality' where everyone can go back to work as normal, it also suggests that there is a disposition to be dismissive toward any perceived transgression from gendered norms because her online sex work is liminal.

Liminality of Online Space

Online spaces allow for individuals to perform multiple fluid, constructed and manipulated identities (Madge & O'Connor, 2005). This is enabled by a disembodied nature of communication combined with anonymity whereby individuals are accepted on the basis of their words (Eklund, 2011). Ria hinted at this constructed identity when discussing the differences between online sex work and working in the strip club.

> With stripping you're not hiding behind your phone, so you do have to be a bit of an actress. Whereas when it's on your phone you could say anything, and that person doesn't *really* know who you are anyway.

Adult-content creators on OnlyFans may experience using the platform in this liminal way – transforming their space and self periodically to produce content and interact with subscribers. This layer of liminality around self-presentation online to strangers may cause internal conflicts when online spaces and personhood are converging with the offline reality.

Convergence of online/offline

In the follow up interview with Ria, the liminality of lockdown as a safety net became even more apparent as she prepared to go back to work in the call centre. Lockdown allowed for a space that provided an increased amount of time to dedicate to starting her OnlyFans account but also for a space in which her choice to engage in online sex work was not influenced by

her having to go into work every day and interact with people who would be aware of her creating content for OnlyFans. A liminal space was created whereby any negative social reaction to her decision would not be immediately confronted in the physical space. In the following quote, she implied that she may have reached a different decision without this safe space.

> Lockdown happening is probably the thing that made me start OnlyFans because I knew I wasn't gonna be working. I knew I wasn't gonna have to see anyone when I did it.

Additionally, Ria implied in the following quote that 'hiding' behind a screen added a protective layer to her engagement in online sex work during the lockdown period, stating:

> I think with lockdown, cause I'm in the comfort of my own home, my own bedroom, like I don't have to speak to anyone face to face, it's like a completely different atmosphere to, like a strip club where you've gotta be face-to-face, half naked with somebody, you're just hiding behind your phone. You're in your little safety bubble and like, now I'm having to go back to reality, it's like someone's popping my little OnlyFans bubble.

Here, the 'reality' that is implied by Ria is the return to face-to-face interactions outside of lockdown and furlough conditions. This supports that her involvement in online sex work under lockdown conditions had not felt like a 'real world' experience. There is an implied tension between the safety of liminality and the awareness of stigmatisation that may occur in public, which was easy to reject during the lockdown period.

The perceived liminality of Ria's work on OnlyFans acted as a buffer against stigma at her 'conventional' workplace which can be seen in the notion of her safe OnlyFans 'bubble' bursting when she was no longer able to remain 'hidden' behind a screen. During the interviews, she made reference to being confronted by other peoples' opinions in person. The following statement was made in relation to returning to work at the call-centre and suggested that she anticipated negative reactions from co-workers based on stigmatisation.

> […] Because I wasn't seeing anybody, I was like fuck people's opinions, I don't give a shit, like I really don't care. And now I'm going back to reality, I'm like: Oh God… I'm gonna have to listen to some people's opinions to my face.

Once she returned to the call centre, she perceived that she may go through a status shift socially – a signifier of liminal space (Turner, 1969) and often synonymous with sex work which exists on the margins of traditional society (Wels et al, 2011). Paradoxically, Ria did not mention fear around returning to the strip-club if this became an option. Perhaps because this exists within the same sphere as OnlyFans or that, as previously mentioned, she found it hard to distinguish from reality whilst stripping before lockdown. Gendered norms and whore stigma influence how Ria is perceived by other people and sometimes impact how they interact with her. Due to the nature of the labels applied to her for engaging in sex work, she may experience reduced ownership over when she chooses to embody her sex worker identity versus when this is applied to her by other people.

Madonna/whore Identities

Ria's ownership of her identity when she is not engaging with sex work relating to OnlyFans may be compromised due to assumptions about sex workers that accompany whore stigma

such as assumed consent. This may not always involve sexual encounters but may extend to individuals making her feel uncomfortable on the premise that she is a sex worker and thus not entitled to reject any encounter. This entitlement was emphasised when Ria explained that the majority of negative online interactions occur with people who she denies free content to: "It is usually people that feel a bit rejected that give me shit." She touches on ideas that her personhood is rejected because of her use of OnlyFans, "It doesn't then give people the right to say whatever the fuck they want to you… I'm still a human being." Dismissal that she is a person existing beyond her sex worker identity highlights the impact of whore stigma as a label that reduces sex workers from a usual person to a discounted one (Goffman, 1963). Contrastingly, Ria explained that some people had responded with negative judgement until they discovered how much she was earning:

> As soon as you tell somebody: 'I made two thousand five hundred dollars in my first four weeks', everyone's opinion instantly changes… Why do you have to earn so much money from it for there not to be a stigma about it?"

This implication that her positive sex worker identity is only made valid to other people by monetary gain further reflects the neo-liberal economic ideology in the UK. Here, Ria's ownership over her identity becomes liminal by virtue of other people's deep-rooted, misogynistic ideologies about women who engage in sex work.

Ownership of Content

Ownership of content relates to the production and distribution of content, as well as the level of control and agency Ria has over who interacts with her OnlyFans profile. While it is assumed that online sex work enables individuals to work freely for themselves with increased agency and reduced risk of being exploited than sex work in physical spaces, limitations still exist.

The OnlyFans platform itself has very few features that protect their user's content. This is something that Ria had considered and felt that a feature blocking screen captures, or alerting her to which subscribers have done so, would add security for content creators. Additions such as these would enable her to restrict or block accounts seen to be screen capturing. The lack of such begs the question of how far OnlyFans as a platform values the autonomy and ownership of content creators, and their bodies, that they are profiting from.

In the case of content being stolen and re-distributed without her consent, it is unclear where Ria would stand if she decided to take the matter further. When content is produced and uploaded online, the issue of consent is muddied, and a redistributor may be protected by policy wording that negates consent when content is already considered to be public. Ria accepted that she has a reduced ownership over her content and her resulting online footprint, as implied by her following statement:

> Once it's online, it's online, it's never going to go away. It doesn't matter if you delete the app or delete your account… Anybody in the world could then use your content, pretend to be you, or they could be sending it to people you don't want to see it.

This draws back to the liminality of sex work in online spaces. Here Ria presented a juxtaposed view of online sex work that implies a difference between her work in a strip club and her work

on OnlyFans – inside the walls of the strip-club, clients are not allowed to film her performance, therefore her work is left in the club. This is not the case with OnlyFans.

Redistribution Without Consent

As ownership of her content is ambiguous in this context, the potential for sharing outside of the platform has become an accepted part of her online work. Ria adapted to view the sharing of her content positively as free promotion: "I just sort of have the attitude, if somebody is leaking it, then it's sort of free advertisement…" This could be interpreted as reclaiming her control and ownership by taking what may have been done to 'expose' her and seeing it as beneficial. Here, ownership is malleable where she can view redistribution positively and is underpinned by a business mindset whereby her embodied content is the commodity.

Ria explained how her reactions might differ depending on motivations behind redistribution. Predominantly, her concern was other people posing as her to make money from her content without having to face what comes with the role. She made reference to the assumption that online sex work is 'easy' and lacks emotional or physical labour. Understandably, she feels negatively toward someone else profiting from her labour and her body without her consent. She expressed this in the next statement.

> I would be more bothered about someone pretending it's theirs because I still had to take time out of my day to produce this content, and it's my choice to be that explicit and I have consequences for that… It's not like someone's ripping *their* body apart.

This is pertinent as it highlights the way in which online sex workers are reduced to the content that they produce and separated from the person producing it. When Ria is making her content, she has complete ownership over her body and what she does with it. However, once this is online, the amount of ownership and control that she has starts to waiver. "That's me at the end of the day… It's my body."

When sex work is conducted exclusively online, creators exist in a liminal space where their ownership and consent is not as clear-cut when it does not involve 'physical' violations. This framing emphasises the neo-liberal and patriarchal commodification of the products of sex work, whereby redistribution of sexual images for any purpose without the producer's consent is not criminalised; it is in fact more likely to be considered as theft of property rather than a violation of rights and ownership over one's body.

Crucially, the content being produced is created using her body, she is the embodied content. Therefore, ownership of her content is explicitly linked to consent, with the potential for redistribution reducing her ability to consent in all situations. Whilst it is assumed that adult-content creators on OnlyFans have the freedom and agency to produce their own content safely in an online sphere, socio-cultural ideals and influences create overlaps between the virtual and the 'real'. This makes various layers of ownership of content and consent difficult to navigate.

Discussion and Conclusion

Through the interviews with Ria, the themes of liminality and ownership were clear throughout her experience of using the OnlyFans platform. The overarching liminal state of lockdown in the UK influenced her decision to start creating adult content on OnlyFans; therefore it is

central to Ria's experience of online sex work so far as she is waiting for the transition back to 'normal'. Within this, there is an additional liminality surrounding her identity as a sex worker – a between-ness of who she is offline and who she is online, with discomfort expressed when situations cause these states to converge and break through the safety of liminality. Ria may experience variances in ownership over her identity as a sex worker when labels based on stigmatisation and patriarchal gender ideologies are applied to her by someone else.

Ownership was a driving factor in the research as it is not uncommon to find leaked or shared images of adult-content creators uploaded onto social media and forums without their consent. In the interviews with Ria, it became clear that there are ways in which she experienced reduced agency and limited consent over the ownership of her content due to how the OnlyFans platform is set up. However, there are elements of using the platform which increase Ria's ownership of her content as well: she is able to create content that she is comfortable with and be as explicit as she chooses to be, with control over her sex worker identity on the platform. Here, liminality infuses into ownership. Ria recognises that once content is posted online, her ownership and control over it decreases – she consented to the content itself, however not necessarily to what might be done with it. Ownership and consent are liminal in this sense due to her embodied content existing in a liminal online space.

Liminality of online sex work filters into other key ideas – the notion of a liminal space has a large scope when exploring online sex work and spaces. This case study has captured a snapshot of the way in which online sex workers using the OnlyFans platform may experience liminal states in various ways. There are links to the ways in which sex workers are perceived in society and how this will impact ownership of their content, identities and bodies. Ria's experience is only one of many. Experiences of ownership and identity will differ for people of different gender, age, ethnicity, ableness, and socio-cultural background using the platform. Other factors will inevitably shape different experiences and further research should extend beyond the feminist lens such as utilising queer theory for further exploration of online sex work.

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ORIGINAL ARTICLE

Carmen Maria Machado's Memoir '*In The Dream House'*: Exploring Same-Sex Female Intimate Partner Abuse Through Literary Tropes

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Abstract This research will examine the theme of female intimate partner abuse in the memoir, '*In The Dream House'* by Carmen Maria Machado. The present research aims to generate further understandings of what queer abuse for women can possibly look like, while arguing the importance of personal narratives and accounts for feminist and queer research. Paying particular attention to the literary tropes that Machado includes to help access understandings of her own abusive experience, this research attempts to construct knowledge through this unique space of storytelling that Machado has created. Thus, the research explores how the subversive nature of Machado's unique style of memoir may parallel the subversive nature of feminist and queer theory. Employing a queer reading to texts featuring characters that identify within LGBTQIA+, in this case L (lesbian), makes clearer the lived experiences of certain people and brings overshadowed lives and experiences into the forefront of literary importance.

Key Words: Female Intimate Partner Abuse, *In The Dream House*, **Carmen Maria Machado, Queer Research, LGBTQIA+ Literature**

Exploring Same-Sex Female Intimate Partner Abuse Through Literary Tropes

Introduction

In The Dream House is the award-winning memoir written by Carmen Maria Machado and first published in 2019 in the U.S. *In The Dream House* chronicles Machado's frightening and abusive relationship at the hands of another woman. Most of the story takes place in a beautiful small house in Bloomington, Indiana, where Machado and her nameless girlfriend, referred to as 'the woman from the Dream House', lived together for a period during the authors early twenties. The peaceful atmosphere is soon shattered as Machado's then girlfriend is 'prone to violent outbursts and often engages in emotional, verbal, and psychological, and sometimes physical, abuse' (Iglesias, 2019, para.3). Until recently, there has been a hesitation to explore women's violence, including violence in queer relationships among women (Irwin, 2008). For decades, the issue of intimate partner abuse in heterosexual relationships has been 'at the forefront of feminist activism and scholarship in the western world' (Irwin, 2008, p.199). It was the stories from women who, from the 1970s, courageously spoke out about the secrets of violence and abuse in their lives that 'exposed the extent and seriousness of male violence against women' (Irwin, 2008, p.200). Nevertheless, it took several decades for the extent of this violence to be recognized, and even now, the significance of male violence against women remains open to ongoing contestation from particular groups in the community (Irwin, 2008). Similarly, it has been a struggle for female abuse in queer relationships to be recognized despite its exposure in the early 1980s (Lobel, 1986). Previous research has revealed the existence of IPA among lesbians (Rollé et al, 2018) and it has also been suggested that queer individuals report domestic violence at rates equal to or higher than heterosexual women. According to a recent survey (Swart, 2021).it was reported that 44% of lesbian women and 61% of bisexual women experience abuse from an intimate partner in their lifetime, compared to 35% of heterosexual women (Swart, 2021). Despite this, however, queer intimate partner abuse does not appear to be addressed nearly as much as heterosexual domestic abuse and it is important to recognize that sexual minorities face several barriers to reporting and understanding their own abuse, such as homophobic discrimination and legal biases (Swart, 2021). *In The Dream House* demands that queer female intimate partner abuse be acknowledged in contemporary discourse and shows us what abuse between women can look like.

In The Dream House is the second popular contemporary text exploring abuse between queer women in recent years. The 2020 Booker Prize winning novel, '*Girl, Woman, Other*' by Bernadine Evaristo (2019), writes about a coercively controlling female perpetrator in some parts of her book. Additionally, Leah Horlick's poetry collection *'For Your Own Good'* (2015) tells a somewhat similar story; but up until now, stories of this kind are rarely uttered, let alone published. The stories of women who experience abuse at the hands of other women are, at the same time, strikingly similar and notably different and so, *In The Dream House* grapples with finding nuanced and interesting ways to explain intimate partner abuse between women. Machado wanted to disabuse readers of notions about lesbian love and, according to the author, queer love can be just as fraught as heterosexual love. *In The Dream House*, thus, combats popular myths surrounding queer love for women. Writing *In The Dream House* put Carmen Maria Machado's experience on record and added it the archive that will hopefully make it possible for similar stories to emerge. This research was guided and inspired by post-structuralist feminist and queer theory, largely due to its expansive applicability to a number

of subjects beyond just LGBTQIA+ identities, and because it also applies well to narratology/personal narratives (Jackson, 2020). One of the hopes for the future of feminist and queer narrative theory is the reconstitution of an understanding of gender in narrative voice, and to encourage the kind of subversion of normalized, heteronormative presentations of sexuality. 'Understanding narratives through the intersectional lens of both gender and sexuality brings interpretation closer to a holistic knowledge on the intricacies of oppression and privilege' (Jackson, 2020, p.15).

Personal Narratives, Feminist Research & Queer Life Writing

The study of memoir, and writings on the self, has long been considered a basic tenet of feminist research (Purvis, 1992). Feminists have been exploring women's histories through personal texts for decades, as the lived experiences of women have often been excluded from dominant literature (Purvis, 1992). As a result, we are now writing a more sophisticated and dynamic history of women than was possible in previous decades. It is also a history that is much richer, and more rounded, a story that attempts to capture the complexity of women's lives, in all their diversity (Purvis, 1992). Over the past two decades, consumer demand for life writings and auto/biography has grown enormously and this shift has often been referred to as the memoir boom (Smith & Watson, 2010). There has been a continued interest in more inclusive and intersectional narratives, and thus a greater emphasis on intersectionality has encouraged exploration into the relationship between gender and sexuality alongside acknowledging marginalized groups in literature. Memoirs and autobiographical texts offer a viable way to provide this (Ingraham, 2017).

Similar to how women's autobiographies gave voices to women in a patriarchal society, queer life writing and "coming out" stories help to make visible formerly invisible subjects, within the dominant, heteronormative society. Narratives of sexuality and sexual violence demonstrate the liberatory possibilities for individuals to be validated in their sexual identities and experiences, and thus new stories have become possible (Smith & Watson, 2010). LGBTQIA+ life writing is often edgy and countercultural, and in several ways deepens and complicates what it means to be queer. 'Life writing has proven to be an especially compelling form of testimonial empowerment for those who are marginalized' (Gilmore, 2019, p.162). From accounts of queer culture during the AIDS epidemic like David Wojnarowicz's '*Close to the Knives'* to Cherríe Moraga's lesbian feminist Chicana coming-of-age '*Loving in the War Years'* (Gilmore, 2019). Many works by queer authors such as Audre Lorde, Leslie Fienberg, Dorothy Allison, Kate Bornstein, and Terry Galloway move fluidly between autobiography and fiction as well as memoir and theory, thereby blurring boundaries and forms. Besides, the work of prominent queer theorists like E. Patrick Johnson, José Munoz, and Eve Kosofsky Sedgwick has a strong autobiographical turn. For queer writers, both life writing and queer theory have traditionally 'been places for individual and collective exploration, ways of understanding the self through the larger fabric of culture and history and relationality' (Royster, 2011, p.6). These works offer us new forms of knowledge and new ways of seeing the world as 'queer life narratives explore the boundaries of truth and feeling, myth and lived experience and they see history from the cracks within the surface' (Royster, 2011, p.6). In

Audre Lorde's '*Zami: A New Spelling of My Name*', the author uses memoir, history, and myth as lenses to narrate her life. She combines personal and collective experience and explores life writing that pushes the boundaries of easy recognition and transparency (Royster, 2011). The result is a narration of life that embraces odd, uncanny, and not so easily assimilated moments of experience (Royster, 2011). Like Zami, the narratives in Carmen Mari Machado's memoir attempt to bring to light invisible, and often taboo, areas of experience through stylistic experimentation.

Since the inception of the #MeToo movement in 2017, a new form of life writing has emerged. The movement has highlighted the vitality of survivors' testimonies, instead of shaming and silencing them (Gilmore, 2019). '#MeToo provides a vivid example of the autobiographical first-person interrupting dynamics of erasure and silencing' (Gilmore 2019, p.162) and represents the emergence of speech in the place where 'patriarchy has clapped its hand over the mouth of marginalized subjects to keep them from speaking or screaming' (Gilmore, 2019, p.63). #MeToo tapped into the history of life writing from the margins, especially by those most vulnerable to sexual violence—women of colour, indigenous women, queer and trans youth. 'It's not that these stories have not been told before now; it's that those who have told them have not been credited by male elites (white, cis-het, not disabled, privileged) as valuable, credible, and worthy of attention' (Gilmore, 2019, p.163) Although not focused on sexual violence specifically, *In The Dream House* demonstrates how survivors of abuse offer complex narratives and how memoirs of violation continue to tell compelling stories.

In The Dream House is comparable to other recent autobiographical writings, like Maggie Nelson's '*The Argonauts*' (2016) and '*The Cost of Living*' (2018) by Deborah Levy, where the 'authors transform the tale of their own ordeals into a manifesto addressed to all those suffering from restrictive gender norms' (Schoonheim, 2020, p.77). Additionally, women of colour continue to utilize the memoir space to share their stories, like Elizabeth Miki Brina, Jesmyn Ward and Catherine Cho. Finally, queer authors like Gretchen Felker- Martin and La Marr Jurelle Bruce demonstrate the continued importance of (auto)biographical women's writings and feminist conceptions of 'subject-formation' (Schoonheim, 2020, p.77) while promoting individual queer experience in a society that has, historically, only awarded a white, male, heteronormative narrative to be published (Schoonheim, 2020). For decades, feminists have understood the power of the individual woman's story and this research aims to demonstrate the intellectual weight of *In The Dream House* for feminist research. Historically, the onus of women's literature was, and still is, to create a space for individuals marginalized by history and to explore their lives through literature.

In The Dream House toys with genre in interesting ways and Machado's work often takes the form of fable and dark fairy tale while also employing several gothic tropes throughout. Contemporary Gothic horror remains an instrumental space for women writers, including Machado, to reclaim history—a space to examine such matters as marriage and subjugation, the female body and autonomy (Hurley, 1996). It continues to be a place where marginalized voices have space to write their cultural anxieties, to expose fear and trauma, to give voice to the things that remain unspoken. Contemporary queer writers like Leon Craig are continuing

to use folklore and gothic horror in "refreshingly inventive" ways to explore queer identity, love, power and trauma ('*Parallel Hells'*, 2022).

Queer Women and Intimate Partner Abuse

In 2005, Joan McClennan argued that although similarities exist among heterosexual women's experiences of intimate partner abuse, Lesbian abuse 'differs in its theoretical underpinnings and is fraught with myths' (Ristock, 2002, p.14). Within the same sex IPA literature, terms such as "egalitarian myth (Caldwell & Peplau, 1984), the "lesbian nation" (Renzetti, 1992), and more commonly a "lesbian utopia" (Girshick, 2002) are used to describe discourses surrounding lesbian relationships as being egalitarian and non-violent (Cahill, 2019). The origins of this discourse can be found in the writings of second-wave radical and cultural feminists in the 1970s (Irwin, 2013). During the 1970s, cultural and radical feminists contributed to discourses that reinforced the view that only men are violent, and that women are essentially peaceful and non-violent (Cahill, 2019). This approach was adopted to validate lesbian relationships and challenge dominant constructions of lesbians as perverted, sick, and deviant (Cahill, 2019). Lesbian relationships have consistently been glorified as being egalitarian, non-competitive, and free from the power struggles that exist in heterosexual relationships.

As a result of such discourse, the opportunity to discuss violence in lesbian relationships appeared limited, resulting in a denial of its existence. According to research by Rebecca Barnes from the University of Derby in 2010, 'the rejection of heterosexuality was viewed by lesbian feminists as the only means of escaping male domination and female subordination, particularly in domestic and sexual spheres' (Barnes, 2010, p.234). As a political strategy, woman-to-woman solidarity was considered fundamental to achieving feminist goals of dismantling patriarchy (Barnes, 2010). Accounts of women who claimed lesbian identities and who were involved in lesbian communities during lesbian feminism's heyday indicate that, for many, lesbian feminism lived up to its promise and transformed many women's lives by creating possibilities which had in previous eras been implausible. Lesbian feminism has had a monumental impact in challenging assumptions of "compulsory heterosexuality" (Rich, 1980) and in reconceptualizing sexuality as an 'arena where women can make choices and experience sexual and political self-realization' (Barnes, 2010, p.233). However, lesbian feminism was founded upon a vision of a "lesbian utopia" which overlooks the potential for woman-to-woman relationships – sexual or otherwise – to be potentially unequal, exploitative, or even violent. In turn, women who were and are inspired to live by the values and principles of lesbian feminism, but who then experience abuse from a female partner, have largely been ignored or silenced (Barnes, 2010). Publicly addressing the issue of lesbian battering, while necessary, is done with the recognition that we still live in repressive times. The hard-won gains of the civil rights movement, women's movement, and gay and lesbian rights movement over the past decades have been met by increasing resistance and setbacks. Many lesbians are understandably reluctant to air issues related to lesbian battering for fear of triggering homophobic attacks on our communities. In a society where there has been no acceptance of lesbian relationships, the fears are legitimate. By discussing these issues openly, these

relationships risk further repression. Yet our only alternative is one of silence, a silence that traps battered lesbians into believing that they are alone and that there are no resources available to them (Ristock, 2002, p.14).

This research acknowledges that "lesbian feminism", and feminism in general, offered women new ways of being in an intimate relationship 'which promised the release from subordination and instead relationships characterized by democracy, equality, and non-violence' (Barnes, 2010, p. 237). However, the lesbian feminist vision sets idealistic expectations for woman-to-woman relationships, which in practice have been difficult to live up to. To admit that woman-to-woman relationships may potentially be oppressive and violent is difficult and painful because it 'shakes the very foundations of the lesbian feminist project' (Barnes, 2010, p.237). This contradiction is reflected in the gulf between a now somewhat nostalgic lesbian feminist literature and the growing woman-to-woman partner abuse literature; 'this gulf has significant consequences, not least leaving women who were drawn to the lesbian feminist vision but who subsequently experienced abuse feeling isolated, silenced, bereft of explanations, and questioning what they did wrong' (Barnes, 2010, p.237). This research also acknowledges that lesbian feminism and feminism in general can still play a key role in generating in-depth knowledge and understandings of the nature, the dynamics, and the impact of intimate partner abuse for queer women. Despite its shortcomings, I will argue that a queer standpoint perspective can be utilized to help bring attention to the ways in which intimate partner abuse can be experienced by queer women.

Queering the Gothic

Many writers have moved between genres of horror/gothic, science fiction and speculative fiction to examine ideas about gender, sex, and sexuality. For instance, Anne Rice and Angela Carter's gothic depiction of vampires reflected the debates on gender and sexuality that took place in the 1970s and 1980s. The "vampire" in this context became an important metaphor for 'the desires and fears concerning sexual liberation, related respectively to feminists' and homosexuals' claims for sexual freedom' (Carvalho, 2009, p.2). Imagining alternative worlds and possible futures, feminist writers have highlighted the elements of women's experiences that have long been ignored or misrepresented. Machado relies heavily on tropes of horror and science fiction writing which work perfectly to help describe what often seems impossible: the ways in which individuals experience trauma and how it shapes us in the strangest, most terrifying, ways.

Homes are expected to be places of safety and sanctuary; that's what makes it so terrifying when they turn on you. Machado utilizes the symbol of the home brilliantly throughout her memoir as an effective analogy to represent the collection of horrors that happened to her during her time in an abusive relationship with a woman. The home is central to Machado's fantasy of her future life with the woman from the Dream House. A place of promise and hope, happiness, and security: 'the dream house was never just the dream house. It was, in turn, a convent of promise (herb garden, wine, writing cross the table from each other' (Machado, 2019, p.82). But soon the fantasy of the home as a symbol of sanctuary crumbles, and along

with it, the future the author had hoped for. The Dream House became a haunted house, a prison and finally, 'a dungeon of memory' (Machado, 2019, p.82). In the 1982 autobiographical novella *'The Yellow Wallpaper',* Charlotte Perkins Gilman uses the conventions of psychological horror tropes to critique the position of women within the institution of marriage. The confined setting of Gilman's summer vacation home plays a crucial role in the narrator's ultimate demise Similarly, The Dream House is where Machado, literally and figuratively, experiences the worst of abuse, behind closed doors, inside the so-called safety and intimacy of her relationship, deep inside the personified space they share together.

> I always thought the expression "safe as houses" meant that houses were safe places. It's a beautiful idea; like running home in a late- summer thunderstorm huffing down your neck. There's the house waiting for you; a barrier from nature, from scrutiny, from other people…But house idioms and their variants, in fact, often signify the opposite of safety and security. Safe as houses is something closer to "the house always wins". Instead of a shared structure providing shelter, it means that the person in charge is secure, everyone else should be afraid (Machado, 2019, p.88).

Reading Machado's memoir, you watch as the optimism of a new relationship turns into something horrible and as what you would expect to be a place of safety 'becomes a site of anguish and hysteria' (Lesperance, 2019, para.9). 'The spectre of abuse, the pain and shame of it, lurks around every corner in *Dream House' (Lesperance, 2019, para.9).* Machado cites studies of abuse between queer women, using objective research along with providing insight into her own experience. Machado exposes something that we don't talk about within the queer community, something we rarely look at directly and thus 'If the house is queerness, then queer abuse is our monster in the house' (Lesperance, 2019, para.10). The abuse illustrated *In The Dream House* is hard to witness, like most abuse is, but it insists on being acknowledged. Like Gothic literature and horror forces us to look at things we've long avoided in our own lives and in the world, the Gothic memoir 'marries the toughest moments of personal and universal experience' (Lesperance, 2019, para.11). *'In The Dream House'*, with its 'hauntings and descents into trauma', informs us that there is nothing more Gothic than our own memory (Lesperance, 2019, para.3). The point of a memoir at which we confront the worst parts of our memory is the 'ultimate descent: into trauma, into the bottom floors of our minds, into madness' (Lesperance, 2019, para.4).

The haunted house is the most recognizable Gothic trope throughout the memoir. Horace Walpole's *'The Castle of Otranto',* written in 1764 and often referred to as the original Gothic novel, introduced the haunted house as a symbol of cultural decay. Since then, several authors continued using the haunted house as a setting for their writings including Shirley Jackson, Stephen King and recently Ali Smith. Through Machado's fears and anxieties, The Haunted Dream House is incarnated and serves as a character as well as a place that haunts and is haunted. To marry the Gothic and the memoir is the perfect way to illustrate the harsh realities of abuse because abuse rarely feels linear; in an abusive relationship, a source of comfort becomes strange and unfamiliar, a secret monster. 'By moving in and out of time and manipulating tropes, Machado creates an uncanny and unsettling portrait of how a once loving and exciting relationship can decay and self-destruct' (Lesperance, 2019, para.9). According

to Machado, the Gothic can be conducive to suppressed voices emerging, like the voices of queer women who have been abused at the hands of another woman. At its core, the Gothic drama is 'fundamentally about voiceless things—the dead, the past, the marginalized—gaining voices that cannot be ignored' (McCombs, 2019, para.6).

Paulina Palmer's '*The Queer Uncanny: New Perspectives on the Gothic*' (2012) offers new insights into contemporary literary representations of queer sexuality 'by convincingly demonstrating the interrelation between queer theory and the uncanny, a ubiquitous element of Gothic literature' (Rubóczki, 2015, p.472). Palmer's book focuses on how Queer Studies 'penetrate, as well as enrich critical readings of the Gothic by recasting its conventional motifs from queer perspective in an innovative and subversive way' (Rubóczki, 2015, p.472). The various narrative strategies of the selected contemporary queer novels illustrate that in these works, the utilization of the Gothic is not merely atmospheric and contingent but consciously deployed vehicles to portray, negotiate, and challenge the ambivalences of queer experience (Rubóczki, 2015, p.472). Palmer argues that motifs belonging to the Gothic genre are "inextricably" bound to queer studies (Palmer, 2012). '*The Queer Uncanny: New Perspectives on the Gothic*' (2012) makes a significant and indispensable contribution not only to Gothic but also to queer studies and can explain why several authors, such as Julia Armfield ('*Salt Slow*', 2019; '*Our Wives Under The Sea*', 2022) and Alison Rumfitt ('*Tell Me I'm Worthless*', 2021), still utilize Gothic motifs and tropes throughout their writing to navigate queer life experiences.

Myths, Fairy-tale and Feminism

The prologue for Machado's memoir, appropriately called 'Dream House as Prologue', is where Machado first introduces the concept of "archival silence" to the reader. "Archival silence" is also called "violence of the archives" by Saidiya Hartman in her essay '*Venus in Two Acts*' (2008), which Machado cites in her opening paragraph. "Archival silence", a phrase that captures the idea that certain histories – in this case, the history of queer intimate partner violence – never enter the cultural records and that at best, victims of such violence find themselves telling their stories in a vacuum; at worst, they remain silent. If those primarily responsible for record-keeping share a majority experience, then the minority experience will, by default, be inadequately recorded.

> Sometimes stories are destroyed and sometimes they are never uttered in the first place; either way something very large is irrevocably missing from our collective histories. (Machado. 2019, p. 2)

Machado delves into narratives surrounding queer abuse, starting with her own, thus building scholarship around stories which still are deemed impossible. Both the personal narrative and academic elements of *In the Dream House* focus primarily on the theme of domestic abuse within queer relationships. The text highlights the relative invisibility of that experience, especially compared to representations of heterosexual intimate partner violence, throughout its entirety. *In the Dream House* is written into the silence surrounding violence in queer relationships, the silences around emotional and psychological abuse. While combining

academic research on the subject with her own experiences, she demonstrates just how crucial an adequately documented past is to the experience of the living. The invisibility of same-sex intimate partner violence can—and has—led people to believe that abuse is a problem that the people in same-sex relationships (especially lesbian relationships) do not need to worry about. Throughout the narrative, Machado candidly shares her own experience as an abused partner— a danger for which, she notes, she was never prepared. However, in the absence of a social precedent through which she might better understand her lived experience, Machado likens her own experience to well-known fairy tales, tales that involve narratives of silence and voicelessness and that also demonstrate power imbalances in intimate relationships. Machado's writings produce themes relevant to female survival and resistance under patriarchy and heteronormativity, similar to the works of Margaret Attwood, in that sense. Many readers may be familiar with the stories she chooses and thus can offer missing context to her experience. Besides, fairy tales are in many ways about the making and breaking of taboos, which make them a perfect metaphor for talking through an abusive relationship. Over the last number of years, story or myth re-tellings/re-visions have become vastly popular among readers; a version of an older story. Sometimes, a fairy tale or myth may be reimagined with a modernized setting or retold from a minor character's perspective. The revision of canonical texts through retellings has been done effectively by many writers and in recent times, there has been many publications of many women authors who retell western classics. Madeline Miller's '*Circe*', (2018), Natalie Haynes's '*A Thousand Ships*',(2019) and '*Silence of the Girls*', (2018),by Booker Prizewinning Pat Barker are critically acclaimed novels, published recently, which retell Homer's epics, subverting the Odyssey and approaching the epics through the lens of women (Devi & Khuraijam, 2020). This type of work rethinks the position of women who appear only as footnotes or bit players in a man's work. The women authors who have revisited classics often write with a motivation to give voice to previously silenced female characters because women in epics tend to function as plot devices for the hero's journey (Devi & Khuraijam, 2020). Authors such as Angela Carter and A.S Byatt have long been using myth in their stories and although commonly seen in fiction writing, authors like Marina Warner are well-known for their non-fiction books relating to feminism and myth. According to research by Al-Hadi (2010), novels reveal women's entrapment within social myths, particularly by giving prominence to the voice of previously marginalized, and often victimized or monsterized, female figures. Machado herself has often included retellings of well-known stories throughout the canon of her work. The term re-vision is grounded in feminist poststructuralist thought and indicates the author's agency in creating a new vision of possibility; given the oral tradition of fairy tales and its connection with women, it is apt that women now reclaim fairy tales in an attempt to disrupt binary gender construction and to re-vision possibilities for women and men (Devi & Khuraijam, 2020). It can be argued that Machado consults myths as ways of reviving powerful mythic female figures which stress female ability and glorify assertive female sexuality and/or as a way to possibly expose women's entanglement within the cultural narratives of womanhood (Al-Hadi, 2010).

'Part of what makes Machado's relationship with the woman in the *Dream House* so poisonous is that since they are both women, it does not align neatly with our culture's ideas about abusive relationships' (Grady, 2019, para.9). Machado doesn't have a vocabulary for talking about

what is happening to her. Dominant heteronormative discourses have resulted in the absence of talk about violence in lesbian relationships and excluded queer women's experience of violence. This exclusion works both 'to create and maintain the invisibility of violence in lesbian relationships' (Irwin, 2008, p.206) and simultaneously to constitute domestic violence as only a heterosexual issue, which then limits opportunities available 'to acknowledge or interrogate violence in lesbian relationships, further reinforcing its invisibility' (Irwin, 2008, p.206). As these heteronormative discourses interacted with discourses idealizing lesbian relationships and discourses of femininity – constituting women as passive, gentle and loving but certainly not violent – they further erased the possibility of violence (Irwin, 2008). Machado's memoir is not only a 'harrowing and enchanting journey into her past but is an attempt to address the absence of stories about abuse between same-gender partners' (Marshall, 2019, para.4). Machado acknowledges the reasons that these stories have been silenced throughout her memoir and aims to 'enter into the archive that domestic abuse between partners who share a gender identity is both possible and not uncommon' (Reference). She writes at the start of the book 'that it can look something like this' (Machado, 2019, p.6). I argue that *In The Dream House* itself is a retelling of sorts, dispelling myths surrounding queer intimate partner abuse, while mapping out the individual complexities surrounding the issue from a queer perspective. According to a thesis by Jamie Wallen Berrien (2018), storytelling is not only a way for humans to share their experiences with one another as a form of empowerment and resistance to oppression, it can also assist in research analysis which can further shed light on complex issues such as intimate partner abuse. 'Creating a space for a woman to tell her lived experiences of Intimate Partner Violence and the intersections of their personal identities, through artistic means of story-telling, can constitute personal healing and can ignite solidarity collective resistance to the mistreatment of women' (Berrien, 2018. p.10). Machado has said that, due to the silence surrounding this issue, she had to research to find other stories like hers—'but once she starts looking, they are everywhere, story after story about the abuse of queer women by other women' (da Costa, 2019, para.12). In the end, she finds that the story of her abuse is 'common, common as dirt' (da Costa, 2019, para.12). But Machado's telling of this particular story is anything but common: it's compassionate, thoughtful and achingly honest. Most of all, *In the Dream House* is a generous book. It is generous to all the readers of the future who might find themselves in a '*Dream House*' as Machado did. And so that they don't have to make up their own language to make sense of what is happening to them, it offers itself up, bare and vulnerable (Grady, 2019, para. 11).

> I imagine that one day, I will invite young queers over for tea and cheese platters and advice, and I will be able to tell them: you can be hurt by people who look just like you (Machado, 2019, p. 266).

Conclusion

Upon surveying previous and current research, it is apparent that personal narratives and life writing continue to lend themselves to feminist research. More specifically, life stories written by those less dominant in our society continue to generate deep and specific understandings about certain aspects of the social world. *In The Dream House* speaks into the silence

surrounding queer abuse between women while dismantling dangerous and misguided myths about queer love. Additionally, I argue that queer standpoint theory still offers effective ways for authors to present themselves in ways they wish to be seen. Furthermore, by exploring life narratives, feminism in general can still play a key role in generating in-depth knowledge and understandings of the nature, the dynamics, and the impact of intimate partner abuse for queer women.

This research was absorbed with understanding the broader contexts that influenced Carmen Maria Machado's subjective experiences and the literary tropes that the author utilized to communicate her experience with readers. Machado writes not only to ameliorate self-suffering but also to drive attention to the realities of queer intimate partner abuse. Woman-to-woman abuse has historically failed to be acknowledged appropriately and often, victims who report abuse of this kind are ignored or remain silent. Throughout her memoir, Machado acknowledges the consequences these systems of silence have on victims and works to create adequate language so that abuse of this kind can be more easily recognised in the future. Machado attempted to reclaim and subvert narratives surrounding queer abuse and to reclaim a queer woman's story from the mainstream heterosexual narratives that continue to silence the voices of women. *In The Dream House* retold the myth of a "Lesbian Utopia", thus allowing women to question dominant ideologies that make them socially marginal characters in history and texts.

The development of further studies with queer and feminist narrative theoretical approaches will only further illuminate the corners of the literary canon. 'These texts not only serve as an opportunity for representation of marginalized peoples, but also to provide those who may or may not identify with the characters the opportunity to experience lives and identities unusual to their own' (Jackson, 2020, p. 65). Normalizing the experiences of marginalized people, advocating for their lives as just as important as those who don't fall under these oppressed categories, and providing a space for critical reflection and commentary can forever change the way we see LGBTQIA+ peoples. The future of feminist and queer narrative theory is promising, and proposed applications of critical race theory, intersectionality, and postmodernist theory suggest that there is much left to learn about what these stories do and the potential they hold (Jackson, 2020).

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Sinéad Spelman grew up in Galway and studied at NUI Galway for her undergraduate studies. She received a BA Honours degree in History and Psychology and then went on to continue her studies at the University of Limerick, graduating with an MA Honours in Psychology. Sinéad has just completed her Masters in Gender, Globalisation and Rights from NUI Galway and graduated in April 2022. She hopes to pursue a PhD in the near future.

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ORIGINAL ARTICLE

Family-Friendly Policies and Remote Work: Revisiting the Work-Care Conflict in a Post-Covid Labour Market

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Abstract The COVID-19 pandemic has had a profound impact on the structure of the labour market, a shift which has had gendered consequences. In particular, women have been disadvantaged by the increased burden of care. The aim of this article is to assess family-friendly policies in Ireland regarding the work-care conflict and the rise of remote working arrangements. To achieve this objective, a feminist policy analysis methodology will be used. The research suggests that Ireland, as a liberal welfare state, must invest further in family-friendly policies, primarily regarding increased access to childcare and family leave. Using the impacts of COVID-19 as a learning experience, this article highlights the areas in which Irish policies should be improved in order to account for the difficulty of balancing care and work; it focuses in particular on the long-term sustainability of remote work.

Key Words remote work, care work, work-life balance, covid-19, feminist policy analysis

Family-Friendly Policies and Remote Work: Revisiting the Work-Care Conflict in a Post-Covid Labour Market

Introduction

The equal distribution of unpaid care work between men and women is a key component in addressing gender inequality in the labour market. It impacts access to employment, working hours and potential for promotion, in addition to equality in pay and working conditions (Russell *et al*. 2019). Care work, referring to the care of persons (children and dependent adults) and to other unpaid work performed within the household and community (Esquivel and Kaufmann 2017), has historically been undertaken by women. However, the feminisation of the workforce attributable to the demands of neoliberal capitalism has slowly begun to shift the balance, resulting in the work-care conflict (Fraser 2016). In Ireland, the work-care conflict is visible through comparatively low rates of full-time labour participation for women, further exacerbated by Ireland's liberal welfare model which prioritises the role of the family in performing unpaid care work (McGauran 2021).

In March of 2020, the structure of the labour market was abruptly impacted by the COVID-19 pandemic, resulting in job losses and the implementation of alternative working arrangements such as remote work. The pandemic policy response in Ireland has had gendered consequences, highlighting the importance of family-friendly policies that value care work. As we move forward from the lockdowns characterising the first stages of the COVID-19 pandemic, remote working arrangements have risen in popularity and are expected to become normalised for many in the long-term (Ireland, Department of Enterprise, Trade and Employment 2021c), thereby marking a permanent shift in the labour market. Therefore, family-friendly policies concerning care and employment must be reconsidered within this context, taking into account the challenges that remote working arrangements may pose for the work-care conflict, female labour participation, and gender equality more broadly.

The aim of this article is to revisit family-friendly work and care policies in Ireland and to explore their role in mitigating the work-care conflict, focusing in particular on the rise of remote working arrangements in light of the COVID-19 pandemic. To achieve this, this article specifically aims to:

- To explore the Irish policy response to the COVID-19 pandemic regarding work and care.
- To identify the challenges surrounding Irish family-friendly policies in mitigating the work-care conflict and promoting gender equality moving forward.

Methodology

Policy analysis refers to the identification, examination, explanation and understanding of the content, cause, and consequences of social policies (McPhail 2003). Although social policy analysis frameworks have been widely theorised and applied in practice, many are criticised for their gender-neutral assumptions which fail to take into consideration their differentiated

impact on women and men (McPhail 2003). A feminist policy analysis framework remedies this by analysing policies with the goal of supporting gender equality. This approach allows for the identification of inconsistencies and contradictions in policies. McPhail (2003) identifies the principles underlying feminist policy analysis frameworks as: the goal of making women visible in policy and ending sexist oppression; the respect for core feminist values; the acknowledgement of multiple feminisms and multiple identities; and the acknowledgement that every policy issue is a woman's policy issue.

Literature Review

Gender, Care and Work

Care work, specifically family care work, is an activity performed primarily by women (Ferrant *et al*. 2014). For Tong (2017), the correlation between gender and care is understood within the context of biological fact and cultural norms in which care work is considered a woman's responsibility on account of both her biological ability to bear children and the patriarchal society's child-rearing obligations. Busby (2011) states that this has created the assumption that women are naturally better equipped to take on caring responsibilities within the home, thus placing them within the private sphere. Hence, a dichotomy emerged assigning men as 'breadwinners' and women as 'homemakers', a presumption which remains today.

Fraser (2016) conceptualises the relationship between unpaid care work and gender as being inherently linked to the neoliberal capitalist economic order which undermines the value and capacity of care work. For Fraser (2016), the neoliberal capitalist order contributes to the societal devaluation of care work through its goal of incorporating everyone into the labour market, corresponding with the push for increased capital accumulation (production). This is a paradox as care work is an indispensable background condition for the possibility of sustained capital accumulation. This leads to the institutionalisation of women's subordination by placing social reproductive work below formal paid activities; and to the work-care conflict which has emerged by pushing care work into the private sphere whilst simultaneously incorporating women into the labour force – thus limiting their capacity to perform these social-reproductive activities. Whilst the increase in female participation in the workforce may contribute to, or be seen as a sign of, gender equality (James 2009; Blome 2011), it also marks a shift towards the commodification and privatisation of care work (Fraser 2016).

For women in particular, the amalgamation of traditional gender roles and ineffective family-friendly policies make balancing unpaid care work and full-time employment difficult (Ferrant *et al*. 2014). Family-friendly policies, referring to policies that benefit and help to balance both work and family life (Chzhen *et al*. 2019), are commonly criticised for their high cost in a shrinking welfare state characteristic of neoliberal capitalism (Ferrant *et al*. 2014). However, the true cost of neglecting efficient family-friendly policies is understated. According to Glynn (2020), women are on average losing twice as much in wages in comparison to their male counterparts due to their increased caregiving responsibilities. Women's lower earnings in employment and shorter working lives, attributable to their caring responsibilities, also

contribute towards lower potential income in the long-term, a reduction in pension entitlements, and a greater risk of poverty in old age (Gregory 2010). Additionally, the work-care conflict plays a part in increasing the wage gap between men and women and reducing the quality of female employment due to time and energy limitations (Ferrant *et al.* 2014).

Family-Friendly Policies

Family-friendly policies ease the work-care conflict by contributing to improved work-life balance; increasing female labour participation; and benefiting individuals, economies, and societies more broadly (European Commission 2018). Whilst policies only constitute one aspect of the overall gender equality (or inequality) system, they do play an important role in the structural relationship between and within the family, market, and state (Saraceno and Keck 2011). These include, amongst others, policies aimed at the development of leave regulations and working time policies, the provision of childcare and child allowances (Blome 2011).

Unpaid care work is inextricably linked to the family, market and state. In some nations, the family and community are central to the provision of unpaid care work. In others, the state plays a large role in the provision of care through the social welfare system. In neoliberal capitalist nations, care work is commodified and the private market system dominates (Barry 2021). For this reason, family-friendly policies are largely linked to national social welfare systems (Pankratz 2009). Ricci (2019) identifies a correlation between the structure of the welfare state and the strength of family-friendly policies. The Nordic model welfare state, as exemplified by Sweden and Iceland, consistently ranks highest in family-friendly policies. On the opposite end of the spectrum, the liberal welfare model, present in Ireland and the United Kingdom, consistently ranks lowest. This is because the Nordic welfare model occupies an active role in the provision of care. Conversely, the liberal welfare model consists of anti-poverty policies (McGauran 2021) with minimal state interference, thus relegating the provision of care to the family and the market (Pankratz 2009).

There are various indicators which can be used to measure family-friendly policies relating to work and care. The consensus by Blome (2011), Chzhen (*et al.* 2019) and Boeckmann (*et al.* 2012) is that childcare provision, the availability of parental leave, and the regulation of working time are the most effective family-friendly policy indicators.

Flexible Working Arrangements

Flexible working arrangements refer to the ability for employees to define and/or adjust employment and working hours (Rubery *et al.* 2016), including part-time work (Blome 2011). Flexible working arrangements are believed to encourage work-life balance and increase the participation of women (particularly those with children) in the workforce (Blome 2011) by giving them more capacity to manage the competing demands of family and work (Alon *et al.* 2020). However, flexible working conditions are not risk-free and may be associated with longer working hours and increased stress (Bouzol-Broitman *et al.* 2016).

Family Leave

A lack of maternity, paternity and parental leave contributes to the gendered division of unpaid labour as men's attachment to the workplace is strengthened while women take on additional parenting responsibilities (Rehel 2014). Although family leave is widely recognised as a crucial element of family-friendly policies, it is not only parents who undertake unpaid care work. Neither Blome (2011), Chzhen (*et al*. 2019) or Boeckmann (*et al*. 2012) allude to the important role of non-parental carers. Many individuals participating in informal care for dependent adults struggle to combine care and work, thus 'choosing' to exit the labour force due to the difficulty of managing conflicting roles (Arksey 2002). The provision of informal adult care impacts female labour participation, especially in cases where this care is time-intensive (Russell *et al*. 2019). Accordingly, the provision of extra support for carers in the workplace will be treated as a family-friendly policy indicator for the purpose of this article.

Childcare

Childcare is widely acknowledged as one of the most important aspects to the success of family-friendly policies which contribute to alleviating the work-care conflict (Blome 2011; Boeckmann *et al*. 2012; Chzhen *et al*. 2019). For Blome (2011), the provision of publicly provided childcare is the best strategy towards increasing female labour participation, addressing declining birth rates, and promoting gender equality. Furthermore, childcare must be accessible, affordable and of high quality, particularly for parents with children aged between 0 and 3 where this is lacking the most (Blome 2011; Chzhen *et al*. 2019).

Child Allowance

Monetary benefits such as child allowances play an important role in women's decisions to return to the workplace. For example, a high marginal tax rate may discourage a married woman with children from re-entering the labour market as it results in less income overall. Means-testing for childcare allowances and benefits would result in a similar dilemma (Smith *et al*. 2003).

COVID-19: Gendered Impacts on Work and Care

The impact of the pandemic has placed immense pressure on the labour market through a sharp rise in unemployment and furlough, a reduction in working hours for many, and a considerable shift in working arrangements to accommodate health and safety measures such as through remote work (Alon *et al*. 2020). These drastic changes to the labour market have had a deeply gendered impact (Gearhart *et al*. 2018; Bahn *et al*. 2020). Through the pandemic, women were more likely than men to leave their jobs to accommodate for the closure of daycares, schools and adult services (Collins *et al*. 2020). A Eurofound report (Weber *et al*. 2021) found that, across EU member states, whilst men experienced a greater reduction in working hours, women were more likely to leave their jobs to manage increased care work. Women were also more

likely to avail of furlough opportunities than their male counterparts in dual-earner households.

The gendered impact of the pandemic on formal employment is also visible in the private sphere of care due to the increased demand for care work caused by the closures of schools; the lack of extra support from childcare facilities, paid carers and grandparents; and the increased number of sick people (Bahn *et al*. 2020). Social distancing measures have almost eliminated access to external support, thus resulting in childcare which must be provided within the home (Alon *et al*. 2020). Not only has the pandemic increased care work of parents, but also the care and support of elderly, disabled and medically vulnerable people.

The interconnection between work and care is further illuminated by the practice of remote work (Rubery and Travora 2021). Across the EU, around 37% of employed people began working from home due to the pandemic, 26% of which were caring for children under 12 (Rubery and Travora 2021). The introduction of remote working arrangements has further exacerbated the work-care conflict. Rubery and Travora (2021) have reported that, in the EU, 24% of women compared to 13% of men have been prevented from giving time to their remote work due to family responsibilities. Conversely, 32% of women working from home reported their work responsibilities prevented them from giving time to their families, as opposed to 25% of men (Bisello *et al*. 2020). In April of 2020, nearly a half of those teleworking reported working in their free time to meet work demands regularly due to the difficulty of balancing caring responsibilities (Sostero *et al*. 2020).

Context

The Irish Context

Ireland has the highest share of individuals with caring responsibilities across the European Union (Eurostat 2019), the majority of which is undertaken by women (Russell *et al*. 2019). The unequal distribution of care work between men and women is at its highest during the primary working years, between the ages of 30–64, when careers are established and consolidated (Russell *et al*. 2019). Furthermore, only 57% of women with children under 3 years of age are employed, and only 35% of women with a child aged 14 or under are working full-time (McGauran 2021). In 2014, there was also double the rate of part-time female workers compared to part-time male workers (Ireland, Central Statistics Office 2015). Economically, these trends in care and work cause a significant gender wage gap with women earning between 55–82% of men's average incomes which, in turn, impacts other work-related benefits such as pension entitlements.

The statistics mentioned above demonstrate Ireland's liberal welfare model which emphasises individual responsibility. The Irish welfare state predominantly consists of anti-poverty policies with 'relatively weak social rights, means-tested assistance, and a benefits system largely used by those with low-incomes' (McGauran 2021, p.44). As a result, it is the responsibility of the household/family to either provide for care themselves or to source it

through the private market due to low state provision (Russell *et al*. 2019). This is also called the 'familialisation' of care wherein it is the norm for care to be provisioned within the family due to a lack of government support (McGauran 2021). Further, Ireland's social welfare structure is based upon a male-breadwinner model, or more recently, a primary-breadwinner model (McGauran 2021). In Ireland, 62% of households are dual-earners, whereas 38% consist of either single-earner or one-and-a-half-earner households (Ireland, Central Statistics Office 2016). In single-earner households, 72.3% of earners are men (Ireland, Central Statistics Office 2016).

Irish Family-Friendly Policies

This section will outline the realities of family-friendly work and care policies in Ireland using the family-friendly policy indicators identified above.

Flexible Working Arrangements

The Irish government has proposed legislation for employees to request flexible working arrangements, including the right to request part-time work. However, accepting such requests remains at the discretion of the employer and employees have no legal recourse should the request be denied (Ireland, Citizens Information 2021d).

Family Leave

The Maternity Protection Acts 1994 and 2004 entitle women working in Ireland to 26 weeks of maternity leave (Ireland, Citizens Information 2021a). This is ranked amongst the lowest in the EU (Saraceno and Keck 2011; Chzhen *et al*. 2019). The Paternity Leave and Benefit Act 2016 entitled new fathers employed in Ireland to two weeks of unpaid leave from work (Ireland, Citizens Information 2020a), similarly ranking amongst the lowest in the EU (Chzhen *et al*. 2019). In terms of carers leave, employees in Ireland are entitled to unpaid time off between 13 and 104 weeks to provide care to someone without risk of losing employment. Although this is unpaid, there is a possibility of claiming social welfare benefits such as carers benefit or carers allowance (Ireland, Citizens Information 2020b). As of 2016, 76% of Carers Allowance recipients were female (McGauran 2021).

Childcare

Ireland has a comparatively low number of children under 3 enrolled in a formal childcare facility at only 29%. Conversely, 98% of children between the age of 3 and the age at which they begin their mandatory primary education are enrolled in a childcare facility, largely attributable to the Early Childhood Care and Education Programme (ECCE) (Chzhen *et al*. 2019). Affordability is the primary barrier to childcare in Ireland with the average fee for two children enrolled in a private childcare facility amounting to 29.2% of the average family income (Chzhen *et al*. 2019). To put this into context, childcare fees range from 7.6% of the average wage in Sweden to almost 50% in the United Kingdom (Blome 2011). For lone parents,

childcare costs are the highest across the European Union (McGauran 2021). Aside from affordability, accessibility is another barrier to access to childcare in Ireland which has one of the lowest hours of operation for childcare facilities across the European Union at only 4 hours on average (Blome 2011). However, in terms of the quality of childcare, Ireland boasts one of the best across the continent with a child-to-staff ratio 3:1 for the youngest and 6:1 for 2–3-year-olds, which is only matched in the United Kingdom and Denmark (Blome 2011).

Child Allowance and One-Parent Family Payment

Parents or legal guardians with children under 18 are entitled to 140 euro a month in non-taxable child benefits, regardless of income status (Ireland, Citizens Information 2021b). Additionally, the One-Parent Family Payment (OPFP) is available for single parents receiving no child maintenance payment until the child reaches the age of 7 (Ireland, Citizens Information 2021c). Prior to 2015, the OPFP was available to single parents until the child reached 18 years old, or 21 if in full-time education. As of 2016, 99% of recipients of the OPFP were women (McGauran 2021).

COVID-19 Policy Response in Ireland

Ireland has implemented several policies concerning work, specifically remote work, and care as a result of the pandemic. It is outlined in the National Remote Working Strategy (Ireland, Department of Enterprise, Trade and Employment 2021d) that, on account of the pandemic, public sector employees will be able to avail of flexible working opportunities such as teleworking, flexible shifts, staggered shifts, longer opening hours and weekend working. This is not the case, however, for private sector workers. This is coupled with plans for the Irish government to begin the process of implementing policies to give employees the Right to Request Remote Work and the Right to Request Flexible Work (Ireland, Department of Enterprise, Trade and Employment 2021a). Furthermore, throughout the pandemic, the Irish government did not provide help in the provision of childcare services to healthcare workers or other essential workers, despite acknowledging the difficulty for them in balancing work and care. Additionally, only public sector workers were given access to special parental leave on account of the pandemic (Rubery and Travora 2021). On a positive note, the nature of the pandemic has created an incentive for the implementation of mandatory sick leave in Ireland. As such, the right to sick leave will be conferred from 2022 through the Sick Leave Bill 2021, starting with 3 days of sick pay in 2022 and increasing to 10 paid sick days by 2025 at a rate of 70% of wages (Ireland, Department of Enterprise, Trade and Employment 2021b).

Results

This section aims to identify the primary challenges in the Irish context regarding family-friendly policies considering both the increased popularity of remote work and the liberal nature of the welfare state. Using McPail's (2003) feminist policy analysis framework, which aims to analyse policies with regard to their gender implications, these challenges will be

discussed regarding the work-care conflict, female labour force participation, and the long-term sustainability of remote working arrangements.

Lack of Affordable and Accessible Childcare

Childcare policies in Ireland discourage a dual-earner, dual-caregiver model by failing to take into consideration the role of unpaid care work in limiting women's participation in the labour market – thus hindering women's earning potential and pension benefits as well as increasing their risk of poverty in old age (Gregory 2010). Furthermore, these childcare policies devalue care work as an activity undeserving of paid compensation (Fraser 2016), thus increasing women's dependence on the state or on their (often male) partners to provide financially while they engage in unpaid care work. They assume that remote work will allow families to better balance work and care and support the dichotomisation of gender roles while negating any responsibility for bringing men, corporations, or governments (through the welfare model) into caring roles. In addition, childcare policies in Ireland sustain the pattern of women being viewed as private actors by pushing childcare into the margins of the private sphere (Busby 2011). They overlook the needs of single or low-income parents (predominantly women) who may face additional hardship in paying market price for childcare services, further contributing to their marginalisation and lack of social mobility. This issue is further exacerbated by the significant reduction of the One-Parent Family Payment since 2015 (McGauran 2021).

Lack of Support for Parents

Overall, it can be concluded that Irish family-friendly policies fail to support parents. In terms of the regulation of working time, the failure to provide legal recourse for flexible working arrangements (Ireland, Citizens Information 2021d) shows that commitment to mitigating the work-care conflict is largely symbolic. In terms of family leave policies, they can be said to penalise women for their roles as mothers by failing to provide adequate maternity leave, thus leading to worse labour market outcomes for mothers, decreased likelihood of job-continuity, and poorer health outcomes for children (Baker and Milligan 2008). Further, they devalue the role of gender in performing unpaid care activities, in particular by failing to give men access to sufficient paternity leave which would contribute towards increasing male involvement in care work (Rehel 2014). As such, these policies do not support men's uptake of care responsibilities.

Lack of Support for Carers

Ireland has some of the most extensive support for carers across the European Union in terms of leave policies (McGauran 2021), offering between 13 and 104 weeks without risk of losing employment (Ireland, Citizens Information 2020b). However, the generous provision of leave is diluted by the lack of state investment in other areas, such as through the state provision of care or access to flexible working arrangements. As most carers are women, they are the ones primarily being disadvantaged by the stark policies of the liberal welfare state. As such, family-friendly policies concerning carers are insufficient in mitigating the work-care conflict.

Although little research has been conducted on the impact of remote working arrangements for non-parental carers, it must not be assumed that remote work will allow carers to more easily balance their care responsibilities for dependent adults alongside paid work, as this care can be labour and time intensive. The lack of family-friendly policies aimed at supporting carers in balancing paid work with care work devalues the importance of caring for the elderly, sick or disabled, and lacks consideration for women's unpaid labour. The fact that 76% of carers are women points to the government failing to address the dichotomisation of gender roles and care work through a lack of gender-responsive policies which acknowledge the role of gender in the provision of care work. Instead, family-friendly policies in Ireland aimed at carers serve to further propagate the familialisation of care work for dependent adults, paradoxically representing an absence of the state from care work whilst simultaneously increasing women's dependence on either the state or men through the need for financial support.

The National Remote Working Strategy

There are various challenges which, in the context of the work-care crisis, can be deduced from the National Remote Working Strategy. Firstly, it is assumed that remote working arrangements make balancing childcare with paid work easier for households. The National Remote Working Strategy states:

> *Remote work also provides the opportunity for better work/life balance and allows families to spend more time together. In this respect, mitigating the costs of early learning childcare is a significant benefit of remote working. In Ireland, the net cost of early learning and childcare is 28 percent of the average wage of a couple, while the EU average is notably lower at 12 percent.*
>
> (Ireland, Department of Enterprise, Trade and Employment 2021d, p.10)

This statement suggests that the Irish government believes that the inaccessibility and unaffordability of childcare can be alleviated through remote work. This assumption was warned against by Rubery and Travora (2021) who affirm that remote work is not a solution to the problem of care brought about by the closure of schools and childcare facilities and is in direct contradiction with the actual experience of working women throughout the pandemic.

Secondly, the report assumes that remote work will reduce the need for sick days. It states:

> *Productivity increases come from remote workers benefitting from a quieter work environment which allows them to concentrate on complex tasks and from a reduction of sick leave.*
>
> (Ireland, Department of Enterprise, Trade and Employment 2021d, p.13)

In addition to being at odds with the recent implementation of the Sick Leave Bill of 2021 (Ireland, Department of Enterprise, Trade and Employment 2021b), this statement also contrasts with Dugarova's (2020) recommendation to invest in increased access to sick leave as a legacy of the COVID-19 pandemic.

Lastly, the report fails to challenge the core of the work-care crisis:

> *For those with caring responsibilities, remote working can have a positive benefit on parents, allowing them to work schedules that accommodate both their personal and professional demands. In particular, remote working can make it easier for women with families to stay in or re-join the workforce.*

> (Ireland, Department of Enterprise, Trade and Employment 2021d, p.9)

This statement acknowledges the link between gender and care work, and its impact on the sustainability of remote work. However, the report does not make any attempt to address the underlying issues pertaining to the gendered distribution of unpaid care work, despite the potential for remote work to accelerate gender role-reversal in care (Dugarova 2020; Alon *et al*. 2020).

Overall, the National Remote Working Strategy, as a document aimed towards improving the long-term sustainability of remote work, can again be said to devalue the role of care and therefore to increase women's dependence on the state by pushing them out of the labour market. In addition, the document does not acknowledge the additional burden of care faced by single or migrant women, and how this might affect their ability to engage in remote work. Further, the document fails to support men's uptake of caring responsibilities or even acknowledge the role of gender in care work. In terms of the relationship between care and the liberal welfare state, the document upholds the traditional Irish liberal ideology by continuously relegating care to the private sphere.

Conclusion

The research suggests that Ireland has been unwilling to commit to investing in family-friendly policies due to an amalgamation of lasting gender roles which place women in the home and its status as a liberal welfare state. Whilst the policy response to the COVID-19 pandemic has indicated that the Irish government is broadening its interpretation of the liberal welfare state by going beyond anti-poverty policies through its investment in long-term remote work, few of these investments contribute towards mitigating the work-care conflict. Despite this, the pandemic has illuminated the necessity for improved family-friendly policies due to the blurring of boundaries between the public and private spheres as well as the proven disadvantages faced by women working remotely. This is particularly important for single, low-income or migrant women. However, it should be also acknowledged that incentivising a dual-earner, dual-carer model through family-friendly policies is not a process with a

guaranteed outcome of increasing gender equality. The mitigation of the work-care conflict must go beyond the scope of family-friendly policies to be effective, incorporating gender mainstreaming on a much broader scale as well as changing attitudes towards gender roles.

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ORIGINAL ARTICLE

An evaluation of the practicability of the Right to Development

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Abstract Human rights broadly speaking refer to norms, and codes that seek to protect humans from political, legal, and social abuses (Stanford, 2003). In more recent times, concerns for issues involving global and social justice in the discourse of rights ultimately transpired into a formulation of what we now know as the right to development. Consequently, the motive behind the right to development was to harmonize human rights and core economic development concerns. The right to development can be seen from two perspectives; as it pertains to a citizen's right to enjoy social and economic benefits where a government is burdened with the responsibility of protecting that right, and collectively as a group or society's right to development in relation to other societies. This article attempts to address the critics of the right to development, and its achievability. Our analysis highlights the need to create a nexus between rights and development as well as measures through which the contentious issues in relation to the right to development can be addressed.

Key Words: Development, Rights, Inequality, Justifiability, Enforcement

An Evaluation of the Practicability of the Right to Development

Introduction

Rights as derivatives of either natural law or the concept of legal positivism are often discussed within the context of conceivable norms as entitlements of persons that ought to be protected and may otherwise be infringed by another's will, a body or policy. Consequently, they are often backed by constitutions. There are certain conceivable norms, however, whose existence and practicability some argue for, but appear to lack the same capacity of enforcement by distinct bodies of legislation as the more familiar rights; such is aptly expressed in the controversial 'Right to Development'. This right broadly emphasizes an individual's or group's right to enjoy economic and political development. Its practicability has been criticized, its ability to produce legal sanctions questioned, and its potential destructiveness exposed (Nwauche and Nwobike, 2005). The paper seeks to explore the possibility of attaining a practicable and legal status of the right to development amidst several criticisms regarding its unfeasibility, extreme politicization, and allegedly utopian character. The conclusions, therefore, assert that the concept of rights to development is a viable socio-political discourse, but that the concept presents salient limitations - such as the practicability of enforcement and uptake - that have drawn indispensable criticisms.

An overview of the Right to Development

Human rights, broadly speaking, refer to norms and codes that seek to protect humans from political, legal, and social abuses (Stanford, 2003). In more recent times, however, concerns for issues involving global and social justice in the discourse of rights ultimately transpired into a formulation of what we now know as the right to development. Consequently, the motive behind the right to development was to harmonize human rights and core economic development concerns.

Furthermore, concerns about the existing economic imbalance between developed and developing societies begot political thinking toward rights in the context of development (Bunn, 2000). Additionally, the colossal disparities between standards of living, the contentions about the economic exploitations of underdeveloped societies by developed ones, and the events and aftermath of colonialism are subjects that may contribute to an attempt to justify a right to development.

With this background in mind, the right to development can be seen from two perspectives: the individual and the collective.

Right to development as it pertains to the individual's rights

In some instances, rights to development are addressed from the perspective of the citizen's right to enjoy social and economic benefits where a government is burdened with the responsibility of protecting that right.

The United Nations Special Rapporteur on the Right to Development describes the right as a means of promoting and protecting the individual's ability to participate in, contribute to, and enjoy development (Alfarargi, 2017). As a right allegedly *sine qua non* to the realization of

other human rights, the Rapporteur considers the human person to be the central subject, participant, and beneficiary in the process of development (Alfarargi, 2017).

Right to development as it pertains to a people's collective rights and its import on their individual rights to the same

The right to development is often discussed in the context of the collective, as an international agitation designed to promote a new order based on sovereign equality, interdependence, mutual interest, and interstate co-operation with human rights as the focal point (Bunn, 2000). In 1986, the United Nations (UN) embraced the Declaration on the Right to development (UNDRD) which described the latter as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (Bunn, 2000, p. 1434). In 1993, the United Nations recognised the right as universal, inalienable and a vital component of fundamental human rights.

The UN Special Rapporteur, Saad Alfarargi also recognises individual and collective perspectives on the right of development, showing its interconnectedness with the right of a people to exercise sovereignty over their natural wealth and resources. Basically, their right to self-determination. The United Nations deem the right important because it can help reduce poverty levels, tackle inequality and conflicts across nations. It claims not to be restricted only to economic progress but cultural, social, and political developments as well. The right according to the UN Rapporteur aims to create a "social and international order in which all human rights and fundamental freedoms can be fully recognised for all individuals and peoples in all nations" (Alfarargi, 2017).

Preceding the emergence of the right to development were deliberate actions by certain members of the UN particularly in the interest of less developed countries that sought to alter the prevailing international economic regime and bring new norms into a legal document. Furthermore, there was an adoption of the Charter of Economic Rights and Duties of State that insists on every state's responsibility to promulgate economic and social growth not only for its citizens but developing countries as well (Bunn, 2000). Experts have pointed out the obscurity of the collective relative to individual tendencies of the right to development. The Second World War characterised by Nazi crimes acted as reinforcement and creation of a cynosure on individualist rights at the expense of collective rights, thus instruments of classical human rights say little concerning the right of groups (Mason Meier & Fox, 2008). However, subtle references to collective rights are noticeable in the right of self-determination and that of ethnic, religious or minority groups to enjoy their culture and freely practice their religion. These were adopted by the General Assembly: one of the six principal organs of the UN, under the International Covenant on Civil and Political Rights (Mason Meier & Fox, 2008).

The undertone therefore of the right to development is not a new discourse, and recent attempts have been made to synchronize the seeming polarization of collective and individual rights to development. The first article in the 'Declaration on the Right to Development', as adopted by the UN, states that development is central to the human person, so the human person should be the active participant and beneficiary of the right to development. The preceding article points

to an individual and collective responsibility towards development and particularly individual duties toward the community (Perean, 2015). Subsequently, an individual orientation will see the right to development as a synthesis of all human rights (Hamm, 2001) while a collective perspective views the right to development as a means of creating a favourable atmosphere for general human development (Perean, 2015). Barsh (1999) considers the right to development as a comprehensive collective right that sees people as subjects having right to survival, material improvement, at the same time wielding some degree of power as opposed to objects or resources to be made productive or skilled.

Critiques of the Right to Development

Perhaps the most difficult task of the right to development is establishing a connection between rights and development which may have to consist in definitions of development as a human right. Such definitions will be burdened with making historical cases for the impact of human right promulgation on the issues of development. Furthermore, the attempt to make both individuals and collective groups holders of the right to development does little to escape the controversy on the "who" of the right bearers in relation to the duty bearers tasked with upholding the right. Such synchronization tends to obscure the subject matter, the content of the right, and renders it vague. Also, creating a superimposing entity as duty bearers and determinants of either violation or upholding of collective rights can have a significant effect on the sovereignty of nations even without much discourse on justifiability. The following are some experts' criticisms of the right to development that can be viewed as seeking to emphasize its unattainability, contentiousness, and overly political tendency.

Bunn (2000) identifies one of the issues with the right to development in its enforcement and justifiability. How do you enforce a right that has not attained legal status? In 1974, The General Assembly adopted a Declaration and Program of Action on the Establishment of a New International Economic Order ('NIEO'). While its documents make no specific mentions of a right to development, Bunn cites Georges Abi-Saab who maintains that they nevertheless contain the "blue-print" of the right to development; if the right is to attain the level of legal sanction and become law, the NIEO, Abi-Saab says, is the most realist process (Bunn, 2000). But the NIEO itself is not a legally binding treaty, nor does it clearly stipulate the conditions for a right to development. Arising questions as to its capacity to harden a 'treaty' to law are inevitable irrespective of its claim to be an inalienable right. The Special Rapporteur Alfarargi himself admits some challenges to the realization of the right; among these is politicization. He blames this politicization however on the debate between emphases on state national obligations versus that of the international committee. This politicization Alfarargi thinks results from the divisions in states' interpretations about the right in terms of the criteria and indicators for measuring progress and implementation (Alfarargi, 2017).

The right to development is charged with obscurity. What, according to Yash Ghai (1989), gives value to a right consists in its ability to create entitlements which are enforceable when its contents, beneficiaries, duty bearers are clearly specified. The right to development makes no such specifications; it has a vague content. Bunn (2000) cites several experts' critiques on the right to development. Ian Brownlie concurs that the identity crisis it creates ultimately

results in a further obscurity of the subject matter of the right and makes its promulgation even more difficult (Bunn 2000). Carty says the right to development tries to place material content before form, whilst retaining alleged benefits of the use of legal language (Bunn 2000). The right to development is an offshoot of the United Nations; an intergovernmental institution created to maintain international peace, security, protect human rights and promote sustainable development amongst other things. Subsequently, understanding the legal standing of the right to development would require, according to Bunn (2000), legal "analysis of the normative resolutions of the UN General Assembly, of state practice and customary international law…"

Another major criticism of the right to development is justifiability. Perean (2015) says that one problem with collective rights resulting in its poor promulgation is the fact they are not justifiable. Part of the reasons for this is that states cannot be held accountable for the implementation of the rights. Experts contend that under International Law, the right to development is not legally binding (United Nations, 2016). Reduced to a tool in regular human rights language, a major advantage of the right, according to some critics, is to stimulate discussions; and that the focus for strengthening justifiability ought to be channelled, instead, to social and economic rights (Perean 2015). Some proposed means of implementation for the right to development eludes the collective perspective to the right to development. As identified by Perean (2015), three ways for its implementation that focus on the obligations of the national state include enablement of legislation at the country level and successful court prosecutions to establish legal precedents; backed by international support and oversight, albeit, without an infraction on state sovereignty in this wise. The conclusion of this framework however, is that international law does not embed any mechanisms for the enforcement of the right to development (Perean 2015). Malone and Belshaw (2003), however, argue that the various human rights committees have never been beneficiaries of reports concerning development policies by concerned states, nor has development been discussed or monitored by human rights committees with member states.

Justifying the Right to Development: The Plausibility of Enforcement

Some attempts have been made to justify the right to development; many others assume its justification and channel their focus on its implementation. We will briefly see one or two of these attempts before an attempt at justification. The UN has over the years made a series of attempts to implement the right to development from the purview of human rights. The right to development under the UN High Commissioner for Human Rights has been a subject of global consultation and of four distinct expert working groups created for the right to development (Bunn 2000). Some intergovernmental organizations have also made consultations with the UN high commissioner for human rights and the various working groups, organizations like the European Commission, the Organization for Economic Cooperation and Development. There exists a 1979 report to transform the right to development into a notion that is capable of providing practical guidance based on internationally recognized human right standards in the context of development activities (Marks & Malhortra, 2017). The working groups set up in the 1980s and 1990s are said to have

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accomplished little as regards the challenge of implementation of the 1979 report (Marks & Malhortra, 2017).

Marks and Malhorta (2017) look upon the UN organized Global Consultation on the Realization of the Right to Development in Geneva 1990. Among the participants of this conference were Development and Human Rights NGOs, representatives of specialized agencies, international financial institutions, and leading experts. With about 48 papers presented, its lack of success due to differences in development agenda at national levels, and the structural setback that mitigates aid effectiveness, was highlighted and tabled once more in the recommendations for implementation in 2015 (Marks & Malhortra, 2017). These recommendations were characterised by the urge for states to promulgate the right to development in national policy and development strategies, to create plans that should ensure compliance to the right by corporations, and more importantly, for state cooperation in the creation of an international economic and political environment that is conducive for the realization of the right to development. This was attempted through a democratic process of decision making within institutions and international bodies, those dealing with trade, monetary policy, and development assistance (Marks & Malhortra, 2017).

The UN has subsequently created bodies designed to monitor, coordinate, and implement the right to development including the aforementioned appointment of a Special Rapporteur on the right to development in 2018. However, these efforts continue to be charged with a right to development characterised by political rhetoric rather than development practices. The UN high-level task force has proposed however, some criteria to translate the right from political commitment to development practice: evaluate human rights implications of development and trade policies; access states' commitment to promoting an enabling environment for realizing the right to development; contribution to mainstreaming the right in policies and operational activities of relevant actors at national and international levels (United Nations 2014).

Conceptual Discussion on the Right to Development

A conceptual defence of the right to development could be taken from justifications of the existence and practicability of the Natural Law theory. The right to development has been charged with being obscure, vague in content or basically ideological. Ironically, such accusations can also be levied against Natural Law theory; a theory emphasising fixed principles and external laws for regulating human conduct, principles that we ought to discover and manage, hidden in nature and knowable by reason. The natural law to its theorists is considered as the foundation of all existing positive laws. Moreover, there is a sense in which the entire discussion of 'right' can be considered vague. The philosophy of law considers certain concepts as incomplete symbols namely: rights, obligation, duty, and justice. These concepts have no significance in isolation, but they contribute significantly to the whole. They are in themselves abstract concepts; they could mean nothing in a sense. Philosophers Alfred North Whitehead and Bertrand Russell call these concepts incomplete symbols (Pickel, 2013).

Glanville Williams and Thomas Hughes (in Curan, 1958) realized that incomplete symbols found in sciences are also in law. Since they are not understood in themselves, external principles, methodologies are required to investigate them. The implication is that they cannot

be understood using legal methodologies, but different methods outside cases and legal systems namely, meta-analysis and philosophical investigations. If it is accepted that rights cannot be understood outside ontological principles, if we generally accept that the natural law derived from nature, inherent in the human mind is justifiable and valid, we may have no justifications for denying the validity of the right to development. In other words, the right to development was formulated as an intrinsic right of man not derived from any positive law, if it satisfies the condition of being 'just by nature'; a condition that broadly allows actions insofar they do not pose harm to another, it is valid law. But the right to development however, likened to the natural law, still does not escape the problem of implementation and the philosophical/legal tensions of the relationship between natural and positive law.

Positive laws, although argued to be derivatives of natural law by natural law theorists, are relatively easier to be implemented. The positive content of law depends on social facts, laws derived from human society; they are social creations. Legal systems here depend on the structure created by society, where every society has leading structures, authorities that create law for the people. The right to development, in order to become legally binding, must be inculcated into law. But laws as we have them now tend towards positive laws that are state oriented rather than natural laws. Positive laws see the law as what is decided, practised, and tolerated by the structures of an independent society. The wisdom, justness, rationality of policies does not make things sufficient to become law according to the more practised positive laws. Legal positivism sees laws as determined by structures put in place that can be empirically studied. However, when positive laws meet contradictions and points of impasse, legal systems arguably often revert to the natural law.

The debate is enduring, it appears endless. It would seem as though the right to development must overcome the herculean task of overcoming this debate to become a legally-binding right. 'Sovereign' societies cannot collectively claim a right to development in the context in which rights are claimed in the court of law. The discourse will be more an infringement of autonomy and sovereignty as opposed to a right to development, because in reality, no autonomous society can be made responsible for the development of another autonomous one and be liable to punitive measures of inaction. What they may owe other societies according to the prominent political thinker John Rawls, is the duty of assistance (e.g. Rawls, 1999).

The Duty of Assistance

The United Nations was created basically to see that a world war no longer occurs. It does so by fostering healthy relations between sovereign nations. The point of introducing a right to development that would be legally binding may be far-fetched. John Rawls, a political philosopher, talks about the law of peoples for a liberal foreign policy. His notion of justice however applies, as he says, to liberal societies. It basically entails a system that seeks to harmonize reasonable pluralism; distinct political conceptions of justice where the agreed harmony would not be so much against the fundamental belief of anyone. As it regards foreign policy, Rawls believes that the 'law of peoples' will be an international foreign policy that guides liberal societies in their interactions with other societies, both liberal and non-liberal

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(Stanford, 2008). His vision is of a cooperative international order that secures human rights and helps struggling countries become more effective.

Rawls believes that once the duty to assist is satisfied, there is no further obligation or requirement on international economic distributions (Stanford, 2008). In other words, what more developed countries owe underdeveloped ones is simply the duty of assistance. Arguably, many developed countries over the years attained their levels of development by exploitation of underdeveloped ones. Regardless, if retributions are to be made to the underdeveloped countries, such cannot be contained in the more recent formulations of a right to development except if such formulations are channelled centrally to prohibit future dominations-- the central purpose of the United Nations. The right to development in itself is reasonable, may be a valid right, and as some have said is great to stimulate discussions. But the criticisms as regarding it not being achievable, being overly political, and being contentious, particularly on the attempts at implementation and attainment of a legally binding status, seem justified.

Summary and Conclusion

When we attempt an analysis of its attainability, the right to development seems caught between the lingering debate about the origin of constitutional laws as social creations or as derivatives of the natural law of reason.

Furthermore, it would appear that an alignment with either school of thought affects one's view of its possibility of enforcement. It becomes much more difficult, however, to enforce the right to development as it is more tilted towards natural law than it is to positive law. The latter would appear to have systems and authorities tasked with enforcement and implementation; natural law arguably does not. Therefore, however universal natural law or rights claims to be, it may not be capable of determining associated norms such as the right to development as legally binding except by means of superimposition on nations with the aid of an international organization like the UN and at the risk of tampering with the sacred sovereignty of nations which may incur severe consequences.

Crucially, it is pertinent to note that the discourse of right to development wields a compelling import on its viability to the collective, albeit within the scope and coloration of the national development agenda, and extant legal frameworks that expedite its promulgation. However, as global discourse, purveyors, and custodians of this concept must -- through relevant international bodies -- provide oversight and support for the effective promulgation of the right to development in concerned states.

Additionally, despite the fact that the right to development, for the most part, assumes a macro posture at the policy or national level, its impact is accurately measured in how well the individual citizen enjoys the dividends of infrastructural advancement, education, access to healthcare, and other socioeconomic indices. This delicate balance of differing perspectives, therefore, is what has drawn criticisms for the discourse, as much as it has provided opportunities for a more incisive view of how the collective import of the right to development is conjoined with its impact on the individual.

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Owodunni Mustapha was born and raised in Lagos, Nigeria, relocating to Ireland in 2014. Her writing is inspired by her experience of prolonged living in the Direct Provision system in Ireland, highlighting the struggles of asylum seekers navigating their way through the rigorous constraints imposed on them. Owodunni started documenting the experiences of the Black community as a freelance writer in 2018, then began writing short stories and poems. Some of her published poems include: 'Up the hill in Mayo' in Correspondences: An anthology to call for the end to direct provision (ed. Jessica Traynor and Stephen Rae); 'The Unknown' in MASI Journal (2019); and '6 Autumns' in I am a man of peace: writings inspired by the Maynooth University Ken Saro-Wiwa collection (2020). She holds a BSc. in Political Science and MA degree in Gender, Globalisation and Rights from the prestigious NUI Galway.

ORIGINAL ARTICLE

A Word of Caution for Feminist-Decertifiers? The Case of France's Racial Disestablishment

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Abstract This thinkpiece studies France's relationship to race/ethnicity through a feminist lens. It explores the French government's unique approach to its citizens' identities which has effectively resulted in the disestablishment (or decertification) of their race/ethnicity. The history and politics of this situation are here evaluated through the lens of a feminist critical legal reform called "decertification". Investigating this case provides a unique, country-level perspective on techniques of governmental deracialisation and insights gleaned from the research are of interest to international feminists interested in the role of identity-markers in activism.

Key Words France; race; gender; disestablishment; decertification.

Introduction

The Future of Legal Gender (FLaG) project is a critical law project aimed at evaluating the potential implications in England and Wales of a feminist reform of the legal gender status, entitled *decertification*. Decertification is a legal situation where 'the state withdraws from registering, assigning, or guaranteeing a person's sex and gender' (Cooper & Emerton, 2020, p. 6), meaning that sex/gender loses a large part of its legal meaning and salience. Devaluing the importance of citizens' identity-markers in this manner would have far-reaching societal implications, imbricated in many ongoing discussions within feminist activism. The FLaG project is also threaded with a global feminist consciousness as one of its goals is to '[draw] on experiences in other countries, the different legal approaches taken towards other social characteristics, such as religion, disability, ethnicity and sexuality' (FLaG, 2022). Looking beyond Great Britain, international examples provide fascinating material that add perspective to FLaG's critical legal reform.

In this context, France is a natural experiment of decertification because of the French government's long-standing administrative tradition of racial disestablishment. Convinced that examining this case can provide useful insights for global social justice activism, this piece asks: *How has race/ethnicity been disestablished in modern-day France? What are its legal justifications and social consequences? What lessons can transnational feminists draw from this case study?* To answer these questions, I draw on data from legal documents, news stories, opinion pieces, historical events, and existing literature to paint a portrait of racial disestablishment in France. Firstly, the omnipresence of racial disestablishment in everyday French legal and administrative practices is contoured. Narrowing the analysis to the Muslim female minority, I trace the historical and ideological basis for deracialisation and question the French government's motivations behind systemic racial/ethnic disestablishment. Then, potential areas for reform are presented before returning to the implications of this analysis for proponents of decertification.

Terminological Specificities:

 "Sex" and "gender" are terms that are widely debated in feminist scholarship as well as within public discourse. In the words of FLaG authors, gender can be approached as 'a social phenomenon that produces structural advantage and disadvantage in relation to power, resources, visibility, inclusion, and authority along a range of registers (including women/men, trans/cis, gender/agender)' (Cooper et al., 2022, p. 11); sex, however, is harder to effectively conceptualise and is 'used to refer to bodily processes and parts, to

a formal legal status, to living as a woman or as a man, among other definitions' (Cooper et al., 2022, p. 11).

Here, sex/gender and race/ethnicity have been paired, for the sake of analytical efficiency and because these specific distinctions are not entirely applicable to the French context or language. It is also important to remark on the ways in which sex/gender and race/ethnicity differ from each other and are not interchangeable. The main reason for this, identified by Heyes (2006), is that race/ethnicity is inherited in a manner that sex/gender is not. This piece will be focused on the mechanisms of decertification as a procedure (rather than its content, i.e. its citizens' identities). As such – although sex/gender and race/ethnicity are not directly comparable – relevant insights can still be gained from interrogating French decertification as analysing its history should help to reflect on its implications.

On a similar note, "decertification" and "disestablishment" will be used as equivalents, considering the relative lack of terminological debate on the difference between the two. "Disestablishment" has been used to refer to the French example as it indicates "a removal of status", better suited to the gradual removal of status relevant to the French case. "Decertification", on the other hand, is a specific and hypothetical legal framework imagined and scrutinised by the FLaG project and will thus be used only to describe this.

Finally, this project aims to honour the plea of many feminists to adopt intersectionality in academic analysis. Simply put, intersectionality is an analytical framework that considers how identity-markers (such as race/ethnicity, class/income or sex/gender) intersect with each other to create different complex systems of oppression, materialised at the institutional level and crystallised by individual practices. Intersectional approaches have come to form an influential stream of feminist thinking (Crenshaw, 1989) within which this piece seeks to locate itself. Interestingly, Anthias (2012, p. 15) also warns us of 'the danger of fixing some categories and making others invisible', which is arguably what the French state has undertaken and legitimised. With Anthias's concern in mind, the next section will be dedicated to describing the processes behind disestablishment of French race/ethnicity.

French Disestablishment: Philosophy & Practices:

Absence of Racial/Ethnic Data:

Since the 20th century, the French government has become infamous for an approach to data collection that is different from most of its Western European neighbours as racial/ethnic disestablishment has spread to different aspects of public life. For instance, the French census is an important and ceremonial task undertaken by the majority of citizens that is effectively devoid of questions relating to race/ethnicity. Indeed, according to law n°78-17 of the 6th of January 1978, information about one's race, ethnicity (or

religious affiliation) is "personal data"[1]. It is thus legally prohibited to record information about these identity-markers ─ the only potential exception to this is statistics on the parents' place of birth, collected to keep track of migration flows (Le Minez, 2020).

Two types of reasons are given for this absence of collected racial/ethnic data. The first is a pragmatic one: the French government's statistics bureau, the National Institute of Statistical and Economic Studies[2] (INSEE) that conducts the census has in fact undergone multiple reforms in recent years. Due to budgetary concerns, the INSEE's census is now conducted every 5 years in each French city of over 10,000 inhabitants and makes use of statistical randomised sampling the other 4 years to produce complete, annual surveys on the population as a whole (Dumais, 2000). As such, clear formulation and succinctness of the questions have been prioritised to keep both administrative efficiency and response rate high. The second reason is normatively loaded: choosing not to collect racial/ethnic data is justified by and couched in a wider narrative of French "Republican" values where the homogenous attribute of "being French" (i.e. having French citizenship) is considered to be an identity-marker of more direct utility to French policymakers than self-identified race/ethnicity. Beyond its obvious usefulness to academics and civil servants, the census is promoted by the INSEE as being a part of one's 'citizen's duty'[3] (INSEE, 2017). Adequately filling out the census is supposedly a meaningful feature of being a French national, like voting or paying taxes. This makes the census part of the French "public space" or *espace public*. The *espace public*, to which we will return later, is defined here as an idiosyncratic, imagined geography of French public life that the Republican model relies on and where both political community and national identity are realised (Amiraux & Koussens, 2013). In this case, the census is a part of the *espace public*'s apparatus that actively dissolves the French population's ability to report self-identified racial/ethnic belonging.

Disestablishing Community Life:

Beyond the disparities that exist in the formalised census, deracialisation attitudes have extended to the spheres of community life and independent associations. Indeed, the concept of meetings that are designed to gather people with one specific identity-marker (such as a women-only book club or a Buddhist swimming club) has been imported from the United States into French feminism, coined as *non-mixité*. The very phrasing of *non-mixité,* constructed with the French prefix "non-" suggests that *mixité* (i.e. "mixing", or "diversity" in anglophone thinking) is the accepted norm in France, which empirical and anecdotal evidence would tend to contradict. On this, French academia has contributed to

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[1] Donnée à caractère personnel

[2] Institut National de la Statistique et des Etudes Economiques

[3] Citizen's duty

showing how *non-mixité* can have a truly emancipatory effect for women speaking in women-only spaces (Talpin, 2018); and a multitude of individual testimonies express the benefits of *non-mixité* for the participants' safety, autonomy and confidence (Dasinières, 2021). While *non-mixité* is something that some British feminists have been wary of losing (in a scenario where decertification is enacted), its emergence under the French public eye has actually created apprehension.

On the one hand, a rich panoply of feminist NGOs exist in France and host, de facto, *non-mixité* meetings, as only women appear to attend them (Dasinières, 2021). On the other hand, racial/ethnic *non-mixité* has recently come under fire, which has resulted in its policing. Indeed, as of the 1st of April 2021, the French Senate mandated the dissolution of association meetings that 'prohibit a person or a group of people from participating in a meeting due to their [skin] colour, their ancestry or their (non-)membership to an ethnicity, race or a designated religion'[4] (Chambraud, 2021). The law was voted after the National Union of Students of France[5] (UNEF) came under fire for conducting meetings in racial *non-mixité* for students to discuss their experiences with racism (Bonassin, 2021). The *UNEF amendment* is part of President Macron's ambitious legal project 'for the reinforcement of the Republic's principles'[6] (Macron, 2020), more commonly referred to as the "*separatism law*"[7]. This has been a cornerstone of his mandate, explored further later. For now, what can be taken from the UNEF amendment is that France's practice of disestablishment is taken literally and seriously by its past and incumbent governments, illustrated by the policing and criminalisation of groups who aim to erect safe spaces within the boundaries of racial/ethnic identity-markers.

The French Anti-Discrimination Framework:

A brief outline on the French legal conception is presented here, to complete the depiction of the disestablished context. French legislation is not dissimilar to its European neighbours: discrimination is illegal and is defined in France as unequal or unfavourable treatment of certain people according to set criteria. These criteria include, according to Article 225-1 of the French Penal Code: one's ancestry; sex; familial situation; pregnancy; physical appearance; economic vulnerability; name; place of residence; health; loss of autonomy; disability; genetic make-up; lifestyle; sexual orientation; gender identity; age; political views; union activity; fluency in a language that is not French; and

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[4] "Qui interdisent à une personne ou un groupe de personnes à raison de leur couleur, leur origine ou leur appartenance ou non-appartenance à une ethnie, une nation, une race ou une religion déterminée de participer à une réunion"

[5] Union Nationale des Étudiants de France

[6] Projet de loi confortant le respect des principes de la République

[7] Loi séparatisme

(finally) membership or non-membership, real or presumed, to an ethnicity, a Nation, a supposed race or determined religion[8] (Code Pénal, 2016).

To this long list of legal criteria, two interesting nuances have been added. Firstly, French law distinguishes between *direct* and *indirect* discrimination. While *direct* discrimination corresponds to the literal definition of "unequal or unfavourable" treatment, *indirect* discrimination describes a situation that is in fact systemically unequal or unfavourable to a certain group of people, although no prohibited discriminatory practice has led to that situation. Adjudicating the existence of *indirect* discrimination necessitates a legal analysis, which is arguably facilitated by access to data about the alleged discrimination. As such, the absence of racial/ethnic data does seem to be an obstacle to investigations into cases of *indirect* discrimination, especially when it comes to showing evidence of discrimination – the focus of the court is then on investigating if the accused behaviour was discriminatory. For instance, in a case of employment discrimination, it will be investigated whether or not the employer's decision was made discriminatorily, not if the plaintiff belonged to a certain category. The fact that employer's motivations are oftentimes confidential and generally difficult to scrutinise, coupled with the lack of statistics on identity-markers (such as race/ethnicity), means that French judiciary deals with an exceptionally low number of reports of race-related discrimination (Sägesser, 2005).

Moreover, it can also be argued that discrimination might be conceptualised differently in France than in other parts of the world. As discussed, while meetings in *non-mixité* (discussed above) are seen as beneficial (if not crucial) for minorities in other parts of the world on grounds of inclusion, the French *UNEF amendment* criminalises racial *non-mixité* on the grounds of discrimination. Secondly, a distinction exists surrounding the nature of the defined criteria upon which it is possible to discriminate. Indeed, French law typically view categories such as ethnicity or sex as *intrinsic* to a person while features such as philosophical or political views are *extrinsic* to someone – and categories such as name, place of residence or physical appearance are somewhere in the middle of this spectrum, as they are *intrinsic* yet subject to change. It can be noted that in the eyes of the French legal system, race/ethnicity remains an *intrinsic* feature, a signifier of importance which contrasts with the French government's deracialising attitudes.

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[8] "Constitue une discrimination toute distinction opérée entre les personnes physiques sur le fondement de leur origine, de leur sexe, de leur situation de famille, de leur grossesse, de leur apparence physique, de la particulière vulnérabilité résultant de leur situation économique, apparente ou connue de son auteur, de leur patronyme, de leur lieu de résidence, de leur état de santé, de leur perte d'autonomie, de leur handicap, de leurs caractéristiques génétiques, de leurs mœurs, de leur orientation sexuelle, de leur identité de genre, de leur âge, de leurs opinions politiques, de leurs activités syndicales, de leur capacité à s'exprimer dans une langue autre que le français, de leur appartenance ou de leur non-appartenance, vraie ou supposée, à une ethnie, une Nation, une prétendue race ou une religion déterminée."

"State-Making" Theory:

A short overview of theoretical contributions completes this picture of French disestablishment. In line with the Foucauldian concept of "governmentality", the sociologist Pierre Bourdieu described the 'practical operations by which groups are produced and reproduced [to] make states' (Bourdieu, 1989, p. 23). This state-making theory exposes how administrative and statistical procedures are more than just bureaucratic indicators, they also serve to shape one's perception of oneself and of others. In studying the Scottish census questions about sexual orientation, Guyan found that 'the design of the census partly facilitates the state's capacity to govern' (2021, p. 9). When it comes to French community life, similar thinking applies: although not quite as formalised, the government's choice does demonstrate the intention of creating and fixing specific "governable" social groups. The French government's decision to thoroughly disestablish race/ethnicity while never challenging the certification of other identity-markers (such as sex/gender or income level) is not an arbitrary one. At the level of public recognition, the French government is seeking to construct a population that can be gendered or classed, but not racialised or ethnicised: it homogeneously fits into the neutral category of "being French", as defined by a tick in the corresponding box of the census. Where does this insistence come from and why does it persist in French politics?

French Disestablishment: Origins, Development & Controversies:

This section focuses its analysis on the systematic disestablishment of a specific minority in France: Muslim women. This group has been chosen as it exists at the intersection of racial and sexist discrimination, and has been the centre of some well-documented and recent controversies within French domestic politics and international news cycles. Particular attention will be paid to Muslim women who wear the Islamic veil as it is an identity-maker of a faith that has been 'religiously racialised' (Galonnier, 2019, p. 30). This racialisation of Islam in France means that an investigation into women wearing the Islamic dress can give insights into the implications of France's racial disestablishment.

Legal and Societal Backdrop:

On the 24th of August 2016, a woman wearing a so-called burkini (a swimsuit covering the whole body except for the face, the hands and the feet) on a beach in the South of France was stopped by 4 police officers, asked to remove her coverings and issued a fine for her choice of swimsuit (BBC News, 2016). The policemen in this incident were following the stipulations of a "burkini ban", enacted by the mayors of the towns of Cannes and Nice, that declared this type of swimwear inappropriate for the French *espace public* as they could represent a link to Islamic extremism (BBC News, 2016). Although these locally administered bans have since been lifted (Libération, 2016), they are not

anomalies within French legislation. On the 15th of March 2004, clothing and/or accessories conspicuously showing a pupil's religious affiliation were outlawed within French public schools according to law n°2004-228. In addition, law n°2010-1992 has banned French citizens from wearing full-face coverings in the *espace public* since 2010. How is this possible in a France that does not see nor recognise identity-markers?

"Laïcité" at the Centre:

These disestablishing provisions are all based on the same legal principle of "laïcité" which is specific enough to France to merit its own elaboration. In France, *laïcité* is a form of heightened secularism where the state is in essence completely separated from civil society and religious communities. According to the French government, *laïcité* rests upon 3 fundamental principles: 1) the freedom to practise one's religious beliefs within the boundaries of the *espace public*; 2) the separation of public and religious institutions; and 3) the equality of all French citizens before the law (Ministère de l'Intérieur, 2015). In other words, the state can intervene in religious matters but religion cannot interfere in state matters (Aune et al., 2017). This *laïcité* is a treasured concept within French governments that has remained relatively intact since its inception during the French Revolution (Silverman, 2007) and is largely perceived as a pillar of French democracy.

Laïcité has been commented on with some unease by international feminists as it is an abstract concept that clearly resides within the imagined *espace public*. The underlying assumption – that it is possible to clearly and unproblematically separate a "private" matter (like one's religious convictions) from "public life" – also heavily contradicts much feminist activism (Aune et al., 2017) that has fought hard to demonstrate how oftentimes, for women, 'the personal is political'. The repercussions of *laïcité* are indeed anything but abstract. In its stricter interpretations, signals of religious beliefs must be absent (or removed) to guarantee true Republican neutrality in the *espace public*. Put simply, while secularism could have allowed for the women of Nice to wear their burkinis on the beach if the State did not intervene with their religious affairs, *laïcité* posits the removal of their Islamic dress to guarantee a truly secular *espace public*. This insistence on disestablishing minority ethnic identities makes France a European oddity.

French Disestablishment: Causes & Consequences:

Intrigued by the French case, the preceding literature has identified two potential reasons for this governmental dedication that are presented in the following sections.

Permanence of (Neo-)Colonialism:

Initially given political meaning in 1905, the term *laïcité* has gained prominence – a tendency that can be attributed to the permanence of France's colonial past, specifically

in Northern Africa. Brayson (2019) has traced the long history of policing "colonial" bodies that began during France's colonial era. On this, she denounces a lack of information and of understanding of Islam within continental France as 'knowledge [of the Islamic dress] continues to be produced through the epistemic lens of the colonial condition and resurfaces under the contemporary label of Islamophobia' (Brayson, 2019, p. 81). On this, the public "unveiling" of Algerian Muslim women is an episode of French history that comes to mind. In 1958, French leaders took on the mission of "liberating" native women from the Islamic patriarchy – a patriarchy perceived as inherently more oppressive and dangerous because it was Islamic, or rather Arab (Bentouhami, 2018). On the 18th of May, as the tensions of the Algerian war were rising, the Organisation Armée Secrète (OAS) publicly staged an "unveiling" ceremony where seemingly ecstatic Algerian women had their Islamic hijab and niqabs removed by (white) French women – an act meant to embody the beginning of their "liberation" (Sereni, 2016).

According to Bentouhami (2018), the underlying logic was that Muslim women needed to be saved either from their men or from themselves as their head coverings were symbols associated with male domination and with Islam – two forces working in tandem to oppress them. Although we now know that the OAS's performance was both largely staged (Fanon, 1959) and a failed operation, this 'colonial fantasy' (Sereni, 2016, p.1) illustrates essentialising 20th century French attitudes towards colonised Muslim women. This chapter in French public memory exposes the pre-conceived idea that Muslim women inherently need to be liberated, not because they are women but because they are Muslim. In postcolonial literature, this scene would exemplify the term coined by Spivak (2003) of "white men saving brown women from men". As such, the OAS's "liberation" effectively took on the form of a forced Westernisation where Algerian women were encouraged to be freer by presenting themselves according to Western French norms. A postcolonial lens begins to expose some of the ways in which a *laïcité* that is designed to be universal effectively criminalises the Islamic dress as the concept is politicised and its neutrality is corrupted.

"National Identity" to the Rescue of National Security:

A newer phenomenon in French history also helps to interrogate the place of Muslim women in modern-day France. Since the mid-2000s, France has been the victim of a wave of terrorist attacks of which an increasing number has been claimed by the fundamentalist organisation of the Islamic State (ISIS) (or Daesch). This trend reached a culmination point in 2015, when the capital underwent a series of coordinated attacks on the 13th of November, shocking the international community and resulting in public calls for a change in France's national and foreign security policy.

On this, scholars have described a 'societal and identity chaos where the instrumentalization of Islam helps create the need to claim and preserve one's national

identity'[9] (Mballo & Bourget, 2018, p. 255). According to this critique, Islam is currently being used as a fear-mongering scapegoat within French politics: in fighting for protection from a specific terrorist organisation, Islamophobic messages and misconceptions are being conveyed and fostered by the French government. Specifically, Najmabadi (2006) has traced how the Islamic veil, although having a rich and diverse history, has progressively been constructed as a homogenised signal of female deviance, far removed from a Republican *laïcité* that is embodied by the neutrality of (Western) clothing. Here, the issue of "national identity" resurfaces and is constructed in opposition to a fearful enemy rather than through the unity of "being French". Within the context of a perceived renewed urgency to protect national security, the French government arguably reinforces the symbolism of the "national identity" and finds great use for a 'femonationalist' discourse (Bentouhami, 2018, p. 3). The Islamophobic undertones of this discourse epitomise the imaginary of a common enemy to be fought.

Considering these arguments, Emmanuel Macron's proposal for the *separatism law* can also be re-evaluated. Seeking to address concerns about the perceived rise of a fundamentalist and dangerous Islam within domestic France, the *separatism law* includes a host of proposals – from changes to urban planning to the UNEF *amendment* – meant to "reinforce republican principles"[10] (Macron, 2020). While the law is not finalised at the time of writing, its main discursive assumptions were set out in a speech given in the Yvelines region in October of 2020. In this speech, President Macron speaks of an 'Islam particular to France' and 'a form of Islam in our country that is compatible with Enlightenment values' because 'We aren't a society of individuals. We're a nation of citizens' (Macron, 2020). The President went on to present the legal project as necessary to guarantee the 'Republic's promise of empowerment' and into detail about the government's anti-radicalisation plan (Macron, 2020). Both the agenda of Westernisation and of national security (outlined above) are clearly present in this speech; indeed, the insistence on encouraging a specific type of Islamic behaviour – one that would be appropriate within the Republic – is presented as both beneficial for Muslim minorities and necessary to protect French "national identity".

The Consequences of Instrumentalizing "Laïcité":

In short, although the French Republic is allegedly racially and ethnically disestablished – to guarantee the permanence of universalist and fundamental principles such as *laïcité* that its democracy is based upon – harmful, Islamophobic discourses allow for ostensibly Muslim and female bodies to be criminalised within the blind spot opened up by a neutral

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[9] "Un désordre identitaire et sociétal où l'instrumentalisation de la religion musulmane participe à créer un besoin de revendiquer et de préserver son identité nationale"

[10] Conforter les principes républicains

laïcité. While *laïcité* is supposed to guarantee neutrality of the French state, a Westernisation agenda and a perceived renewed threat to national security have meant that French citizens find themselves constrained to observe neutrality of religion. In particular, the essentializing nature of *laïcité* has here been demonstrated to be largely harmful to Muslim women: the space opened up when a state prioritises the homogeneity and disestablishment of its population's identity-markers allows for the criminalisation of some minorities' bodies.

The current legal French rhetoric appears to purposefully ignore that there are an almost infinite number of ways to be French: France has a rich history and colonial past; a complex demographic make-up that is constantly altered by migratory fluxes; and is home to an array of different cultural groups, rituals, practices and beliefs. In light of this, it is not surprising that the falsely homogenous category "French" is insufficient to characterise its population, and attachment to this category can be harmful to French minority groups.

Moving forward:

The universalist lens adopted by the French government purposefully forgets that Muslim women who wear Islamic dress in France find themselves at the intersection of three criteria of discrimination: gender, ethnicity, and religious affiliation. As a direct consequence, 80% of victims of Islamophobic assaults in France in 2015 were women (Lallab, 2016). The gravity of this situation goes to show how being visibly female and Muslim in France is inherently a triple burden which only an intersectional approach can expose. What can be done, and what would these proposals mean for French society?

Reporting Race/Ethnicity: Towards a Non-Discrimination Framework?

As it has been stressed, the French tradition of disestablishing racial/ethnic data collecting makes France an exception on the international scene. Most countries tend to record this identity-marker, although the practice varies widely. For example, Brazil's census asks about skin colour, the Canadian measures relies on racial "visibility" while Russia enquires about ethnic affiliation taken to mean nationality (Galonnier & Simon, 2020). The discussion amongst French thinkers is seemingly divided along the following lines: on the one hand, there is some form of consensus that collecting data about the distribution of race/ethnic identity-markers is the single best way to fight systemic inequality (Safi, 2018). On the other hand, anxiety exists about choosing to describe racial/ethnic identity-markers as this would reinforce a social (and then political) group conscience that is irrelevant in the demographer and policy-making spheres (Safi, 2018; Renault, 2021).

The empirics presented here suggests that the current situation appears to do little to prevent discrimination, although it is allegedly designed to discourage an overly strong

presence of a group or community mindset. Recently, international organisations have followed a similar line of thinking: alarmed by instances of discrimination in France, the United Nations has recently urged France to introduce racial/ethnic data collection in order to fight systemic racism (Oltermann & Henley, 2020). President Macron's suggestion to emphasize anti-discrimination mechanisms (Renault, 2021) also appears complicated to enact, precisely given the lack of data on which to base such mechanisms. The French social sciences must choose between either continuing in this way or starting to look towards international best practices on ways to fight discrimination – albeit based on some form of recording of racial/ethnic minority identity-markers.

Reframing the Reality of Non-Mixité:

In addition, the reality of *non-mixité* must be re-framed since its aims and mechanisms appear to be widely misunderstood as inherently incompatible with the Republic. Indeed, the left-wing politician Manuel Valls has expressed concern that racial *non-mixité* meetings legitimise the concept of race, while Fabien Roussel of the French Communist Party has insisted that such meetings would weaken the side fighting for equality (France Inter, 2021). Some politicians, on the other hand, have made the instinctive comparison with feminism: Éric Coquerel declared that 'Non-mixed meetings are as old as the feminist movement'[11] (France Inter, 2021); the senator Laurence Cohen said, for her part, that such meetings are merely "speaking groups"[12] and were essential to her feminist education (Geny, 2021). Faced with this wave of criticism, Mélanie Luce – the President of the UNEF at the time of the UNEF amendment affair – has expressed the necessity to nuance the concept *non-mixité*: no decisions are taken during these meetings, they are mainly designed to facilitate free and safe conversation for people affected by a specific issue in the first place. From the insights of these conversations, possible methods and tools to combat this issue are discussed in plenary meetings (Luce, 2021). This explanation resonates well with the research that finds *non-mixité* to be an emancipatory environment, as demonstrated in the case of women (Talpin, 2018) or even Muslim women (Mballo & Bourget, 2018).

In a France that seeks to permanently disestablish identity-markers, the necessity to reframe *non-mixité* meetings as protective and necessary rather than exclusionary is all the more pressing to stop their prohibition. As indicated before, such a reframing would require leaving behind the discourse of a threatened national identity and adopting a postcolonial lens. Moreover, considering the lack of executive power these speaking groups have, critically evaluating the necessity of criminalising them might also be relevant for policymakers.

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[11] "Les réunions non-mixtes, c'est vieux comme le mouvement féministe"

[12] Groupes de parole

A Word of Caution for Feminist-Decertifiers?

Rewriting law n•2004-228 and n•2010-228:

Finally, an important sphere to tackle in terms of reforming French disestablishment is the legal framework that supports it. Much has previously been written about the iconic *1905 law* – a legal document dated the 9th of December 1905, dealing with the separation of Church and State[13] – and the possibility of reforming it. Focus could however be shifted away from the *1905 law* as it has already been modified nine times – the original text mainly concerned itself with stopping the funding of churches by the State, which was relevant in the early 20th century (Poulat, 2005). For those concerned about the implications of modern-day *laïcité*, attention could be paid to more recent and specific legislation: law n°2004-228 banning clothing that conspicuously shows religious affiliation in public schools, and law n°2010-1992 banning full-face coverings in the *espace public.*

Regarding law n°2004-228, many commentators have exposed its racialised nature. It should be recognised that although the law does not explicitly cite any religious symbols, it disproportionately targets the Muslim population – and more specifically Muslim girls practising modesty for religious reasons. Indeed, it has been remarked that in France, more opportunities exist for enrolment in private Jewish schools; Sikhs have successfully lobbied for the right to wear an under-turban; and no tradition of conspicuously modest clothing exists for Christian children (Fredette, 2015). Ironically, while some middle and high-school students have reported being sent home for wearing ankle-length skirts (suspected of an association with Islamic dress), Emmanuel Macron has recently expressed that he does not believe that outfits that do not entirely cover pupils' stomachs (or "crop tops") are appropriate for school (Lasserre, 2021). Dissonances like these further demonstrate the inconsistencies and complexities that might arise when governments decide to police what female minors wear to go to school, and thus the difficult homogenous application of law n°2004-228. France's legislation also has the added feature of having to interact and be compatible with European Union law. Therefore, the discussion on reforming law n°2004-228 and acknowledging that it effectively discriminates against French Muslims goes beyond the borders of France as it touches upon subjects such as the emerging notion of cultural rights, the role of public education, and the rights of the child (Costa-Lascoux, 1997).

Regarding law n°2010-1992, international outrage has provided further insights into the wider implications of banning full-face covering in an imagined *espace public.* This interpretation of *laïcité* has once again clashed with international legal regimes. On the 6th and 21st of November 2011, after two women from Nantes were fined 150 euros for wearing niqabs on the street, the United Nations Human Rights Committee (UNHRC) reviewed law n°2010-1992 and found itself highly critical of it (Conaré et al., 2019). The UNHRC mainly found that text n°2010-1992 was not legally necessary nor proportional

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[13] Concernant la séparation des Églises et de l'État

to the issue and had no legitimate goal. Agreeing that the law was designed to target the Muslim, female population, the UNHRC made a historic first use of the term "intersectional" as the conditions created by law n°2010-1992 were characterised as creating a situation of 'intersectional discrimination' (Conaré et al., 2019, p. 17). A note can be added as one of the elements of the French defence declared that 'the face plays a crucial role [in social life] as that is where two people speaking to one another recognise their shared humanity'[14] (Conaré et al., 2019, p. 10). Considering that the ongoing Covid-19 pandemic (at the time of writing) has resulted in the widespread usage of medical face masks, interdisciplinary research about the necessity of seeing others' faces to guarantee a harmonious *espace public* could enlighten academia further as to the validity of this argument. Although the UNHCR's verdicts are not legally binding in any form and the French government is free to ignore any concern from international actors (and has done so thus far), France's minorities might benefit from these calls to action being considered. Here, it must be emphasized that the suggestion to review laws n°2004-228 and n°2010-1992 stems simply from the observation that these texts are disproportionately discriminatory towards the Muslim, female French population. To be sure, this piece does not represent a call to rewrite the 1905 law; it is only a proposal to acknowledge the ways in which *laïcité* might be racialised in a Republic that boasts about the legal equality of its citizens.

Implications for feminist-decertifiers:

With the picture of French racial disestablishment painted, we briefly return here to FLaG's proposal to remove the state's capacity to register and make use of a citizen's sex/gender. As it has been discussed, France represents an interesting case in the climate of the FLaG project. While FLaG proponents are in part troubled with a perceived English and Welsh hyper-establishment of the sex/gender identity-marker, this analysis has sought in part to demonstrate what issues can arise in a situation of disestablishment. What does the French example teach us about the viability and benefits of sex/gender decertification?

On the one hand, the French example presents a word of caution for decertifying feminists. Before removing a legal sex/gender category from individuals, researchers would benefit from identifying what pre-existing political dynamics exist in that region which could be captured or crystallised during the process of decertification. Feminists seeking to decertify sex/gender in a jurisdiction such as England and Wales should pay attention to the effect domestic politics could have on the decertification process; namely, the conditions and context under which decertification would arise as a proposal. Possible

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[14] "Le visage joue un rôle crucial [dans la vie sociale] puisque c'est la partie du corps où se reconnaît l'humanité de l'individu partagée avec son interlocuteur"

examples of such political dynamics would be the heated debate surrounding trans rights in the United Kingdom, or British colonial and migratory history.

On the other hand, the French example nonetheless illustrates how homogenising social categories such as "being a woman" or "being French" can injure the people they describe. FLaG's decertification proposal stems in part from the consideration that there are an almost infinite number of ways in which to be a woman. As such, decertification seeks to open up the "female" category, which fallaciously paints with one brush a population that is incredibly multifaceted, and at the intersection of many other identity-markers. Strikingly similar things can be said for the racialised category of "being French": racial disestablishment in France helps us understand how the very universalism that makes these categories politically desirable can be dangerous for the people they describe. This situation goes to further emphasise the necessity to adapt our identity-markers, i.e. what the FLaG project hopes to address: the people in the "woman" category would benefit from its decertification, whether that be through its opening up or cancellation.

Conclusion(s):

This thinkpiece has aimed to paint a picture of the French government's deracialised attitudes to its citizens' identity-markers. It has first described the French government's rigorous racial/ethnic disestablishment which is embodied in its absence of racial/ethnic data collection. This disestablishment is then perpetuated by a legal framework that incompletely addresses discrimination and prohibits meeting in *non-mixité*. Secondly, this piece has aimed to partly debunk the blindness of the principle of *laïcité* that these policies are based upon. This has been done by demonstrating how the alleged neutrality of *laïcité* has in fact enabled its politicisation and racialisation, which was prompted by a neo-colonial agenda that has chosen to prioritise a supposedly threatened "national identity". The research has suggested that in order to live up to the principles it is based upon, French disestablishment might advance by critically evaluating its statistical traditions, the disproportionate influence of *laïcitié* in the French *espace public,* and the necessity for law n°2004-228, 2010-1992 and the *UNEF amendment*. With these insights in mind, this piece has also provided a word of caution: decertification cannot be implemented without knowledge of a jurisdiction's pre-existing cultural oppressions and social imbalances and should not remove the state's engagement with inequality. Nonetheless, none of the evidence presented here negates the emancipatory potential of the FLaG's proposal for those who identified as "women" in Britain, France, or elsewhere.

Importantly, this type of conclusion was reached through an intersectional lens: it is only by acknowledging the inter-relatedness of identity-markers and histories of oppression in France that we can critically evaluate some of the disestablishment's implications. The

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French government's insistence on being almost "antisectional" and the ways in which this has been harmful to groups such as Muslim women further illustrate the necessity of intersectionality in our feminist activism.

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