I, Marjon E. Kamrani, hereby submit this original work as part of the requirements for the degree of:

Doctor of Philosophy

in Political Science

It is entitled:

"Keeping the Faith in Global Civil Society: Illiberal Democracy and the Cases of Reproductive Rights and Trafficking"

Student Signature: 

This work and its defense approved by:

Committee Chair: 

Anne Runyan, PhD

Laura Jenkins, PhD

Joel Wolfe, PhD
Keeping the Faith in Global Civil Society: Illiberal Democracy and the Cases of Reproductive Rights and Trafficking

A dissertation submitted to the

Graduate School

of the University of Cincinnati

in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

in the Department of Political Science
of the College of Arts and Science

by

Marjon Kamrani

M.A., M.P.A. University of Texas
B.A. Miami University

March 2010

Committee Chair: Anne Sisson Runyan, Ph.D
ABSTRACT

What constitutes global civil society? Are liberal assumptions about the nature of civil society as a realm autonomous from and balancing the power of the state and market transferrable to the global level? Does global civil society necessarily represent and/or result in the promotion of liberal values? These questions guided my dissertation which attempts to challenge dominant liberal conceptualizations of global civil society. To do so, it provides two representative case studies of how domestic and transnational factions of the Religious Right, acting in concert with (or as agents of) the US state, and the political opportunity structures it has provided under conservative regimes, gain access to global policy-making forums through a reframing of international human rights discourses and practices pertaining particularly to women’s rights in order to shift them in illiberal directions.

The study investigates the ways liberal international human rights regimes, which are commonly seen as representative of an emerging liberal global civil society separate from and acting as a check on state power, are particularly vulnerable to contestations involving value orientations that challenge liberal conceptions of human rights and liberal feminist conceptions of women’s human rights. The concept of women’s human rights gained ascendancy in global policy-making through the development of transnational feminist non-governmental organizations (NGOs) from the 1970s onward. Such NGOs fit the liberal model of global civil society actors operating separate from state apparatuses to check human rights abuses enabled by states. By the 1990s, however, domestic and transnational Religious Right NGOs began to emerge, with significant financial and ideological state support, to explicitly counter liberal feminist constructions of women’s human rights.

The dissertation uses secondary historical studies, primary NGO, governmental, and intergovernmental organization (IGO) documents, and structuralist social movement analysis that focuses on framing through discourse and political opportunity structures and is informed by feminist constructivist approaches in International Relations. My case studies of Religious Right NGOs engaged in pro-family and anti-sex trafficking campaigns under the rubric of women’s human rights reveal that: 1) the elasticity of human rights discourse makes it attractive for all manner of political claims by all manner of political groups, including illiberal ones; 2) the entry of the Religious Right as a human rights regime does not fit the prevailing model of global civil society in that it is heavily state-supported financially and ideologically nor does it make its human rights claims on the basis of liberal individualist principles; and, thus, 3) international human rights norms are becoming less the result of some alternative, autonomous, unified, and liberal-progressive “third space” that counters the state and more subject to strong alliances of conservative groups and states.

This dissertation, theoretically and empirically, puts into question assumptions about the necessarily liberalizing nature of global civil society. It does this by uncovering how power operates within global civil society among NGOs as a result of their differential relations to the power of states and how these power differentials enable certain human rights frames to becomes dominant over others.
ACKNOWLEDGEMENTS

If I am able to shed any new light and bring to the field an additional perspective on global civil society, human rights, liberal democracy, and women’s rights, it is in large part due to my committee members. They have served as advisors, teachers, mentors, and cherished friends throughout my graduate school career.

My chair, Dr. Anne Sisson Runyan, urged me to think critically and refused careless theorizing. Her hard work and commitment to Feminist International Relations motivated me on the most difficult of days. Sitting in her university office or home office, Anne’s work ethic and creativity in thinking served as an inspiration both in this dissertation and in life. Dr. Joel Wolfe offered me not only expertise in the discipline of political science but engaged me to think openly about the diversity of political theories and foundations from which to work. His graduate seminar, The Philosophy of Science was critical to this dissertation and also changed my outlook on the study of politics. Many conversations over coffee stimulated new thoughts on this project. Dr. Laura Jenkins always brought a fresh and thoughtful perspective to this work. Her continual positive energy and attention to detail were keys to getting the dissertation finished in a relatively timely manner.

I am also indebted to all those who approached this subject well before I did. I have learned so much from scholars, critics and others who have devoted their lives to studying democracy, women’s rights, feminist theory, and human rights.

This dissertation would not have been possible without financial support from the University of Cincinnati’s Department of Political Science and the Charles Phelps Taft Dissertation Fellowship. I am also thankful for the strength and longevity of the University of Cincinnati’s Department of Women’s Studies and its funding for various conferences. I thank all of these institutional bodies for their support in my interdisciplinary endeavors.

I would like to thank my parents, Ramiz and Marty Kamrani for supporting me throughout all of my years in graduate school and providing me not only with mental and emotional sustenance but also financial backing. No matter how perplexed they were by this project or the ins and outs of doctoral work, they encouraged me to pursue my passions and dreams.

I’d also like to thank various teachers and scholars that have influenced me throughout the years. I would like to thank: Faegheh Shirazi, Victoria Rodriguez, Richard Harknett, and Ramon Layera.

Finally, I’d like to thank all the friends and even “foes” who I met along the way. From those who were inquisitive about my research to those who told me this was “not real political science,” you have pushed me to make this a richer, stronger, and more substantive dissertation. Thank you!
# TABLE OF CONTENTS

- **ABSTRACT** ........................................................................................................................... ii
- **ACKNOWLEDGEMENTS** ........................................................................................................ iv

I. Introduction .................................................................................................................................6

II. Global Civil Society Revisited: Analyzing Theories of and Power Within Global Civil Society .................. 69

III. Reproduction and Women’s Human Rights ....................................................................... 119

IV. Sex Trafficking and Women’s Human Rights ................................................................... 190

V. Legislating Against Rights: Global Civil Society As Illiberal Democracy ........................................... 251

VI. Conclusion: Countering Illiberal Democracy in Global Civil Society ........................................ 292

- **BIBLIOGRAPHY** ................................................................................................................... 319
- **ABBREVIATIONS** ................................................................................................................... 357
CHAPTER ONE

INTRODUCTION

What constitutes global civil society? Are liberal assumptions about the nature of civil society as a realm autonomous from and balancing the power of the state and market transferrable to the global level? Does global civil society correct for the “democratic deficit” identified at the level of global governance? Does global civil society necessarily represent and/or result in the promotion of liberal values? What are the implications of the promotion of illiberal values in the name of global civil society for global civil society theorizing and praxis? These questions guide my dissertation which seeks to problematize dominant liberal conceptualizations of global civil society through an examination of two case studies of how domestic and transnational factions of the Religious Right, acting in concert with (or as agents of) the state, gain access to global policymaking forums through a cooptation of international human rights (IHR) discourses and practices to shift them in non-progressive directions. My central argument is that dominant liberal constructions of and assumptions about global civil society are not just partial, incomplete, and utopian, but more importantly inadvertently enable illiberal democracy.

Liberal IHR regimes posit that individuals, regardless of where they reside in the world and regardless of their (non)citizenship in any given state, have universal and inalienable political and civil rights that protect them from state and other repression. This study investigates the way these liberal IHR regimes are particularly vulnerable at
the global level to contestations and co-optations by state-backed and typically unacknowledged conservative elements of global civil society. It also examines how religiously conservative framings of issues reshape human rights discourses to serve illiberal ends, and how IHR norms are becoming less the result of some alternative, autonomous, unified and progressive “third space” that counters the state, as many liberal theorists of global civil society would have it. Rather, the shifting of conceptions of international norms away from liberal precepts, by justifying certain forms of state and religious repression of certain individuals (particularly those who occupy female bodies) in the name of human rights, are resulting from strong alliances between conservative members of global civil society. These members are typically from the Religious Right and states led by conservative, often theocratic regimes, and tend to considerably fund such global civil society (GCS) actors and/or use them as extensions of the state. Conservative groups within global civil society have increasingly used such state alliances over the past two decades to counter progressive groups widely assumed to be synonymous with global civil society under liberal conceptions of it and constituting the emergent IHR regime that was making headway in expanding liberal IHR norms during the 1990s. These expansions included, for example, the rights of individuals to not be tortured or unjustly imprisoned by states, especially for political beliefs. They also included the rights of specific individuals and groups (such as women, gays, ethnic minorities, etc.) to be free from state violence and individual and community violence against them based on their identities or practices that a state tolerates by failing to enact and enforce laws against such violent discrimination. Some such progressive groups have received, but comparatively less, funding as well as rhetorical backing from states
led by liberal or social democratic regimes and neoliberal international governmental organizations (IGOs), particularly during the 1990s, but also into the new millennium. In some sense, the state (and IGOs) support that GCS actors, whether liberal or conservative, have received already belies the idea that global civil society is an autonomous sphere; however, the rise of conservative IHR regimes is undermining the idea that GCS and IHR norms are necessarily liberal in orientation or outcome.

The elevation and expansion of liberal democratic, state-bounded citizenship rights to internationalized, universal human rights began with the post-World War II development of international law and organizations. It accelerated in the post-Cold War period as domestic civil society organizations banded across state borders to challenge uneven, narrow, and cynical applications of human rights conventions by states through the continued trumping of human rights by state sovereignty claims. It was through this insistence on full recognition and enforcement of universal rights to which all citizens of the world (Held 1995) should have access, that IHR regimes came to be seen as the nucleus of global civil society, but also imbued global civil society with legitimate, moral, and democratic standing in international politics. Nonetheless, despite increasing universal recognition of liberal IHR principles through IHR regime agitation directed at supranational institutions, which have further codified and expanded international human rights through many conventions and policies aimed at shaming and sanctioning, such norms remain contested by those on the Left and the Right.

As commentators on the Left have long argued, IHR norms can still serve, in the post-Cold War period that has witnessed the rise of global civil society, ideological purposes. IHR norms also camouflage unequal power relations among and within states.
This results in not just selective or hollow applications of liberal IHR norms but even more seriously, there are limitations to liberal IHR principles themselves that privilege Western, liberal capitalist conception of rights. Such conceptions privilege political/civil rights over or to the exclusion of economic/social rights or negative freedoms over or to the exclusion of positive rights. The latter of which requires the investment of state resources, not just the enactment of laws. For some critics on the Left, the problem particularly lies in the Western-centric conception of rights that privileges individual rights over group and cultural rights. For others, the problem is that international human rights as presently constituted are not so much Western cultural artifacts, but rather allow liberal democratic regimes to hold a monopoly on determining what are rights violations, which are the most egregious, and who should be punished, while also reserving the sole right to do the punishing. As Habermas asks, “Have they [human rights] not always served to shield a false universality- an imaginary humanity, behind which an imperialistic West could conceal its own way and interests?” (2001: 120). In his view, it is not the individualistic or universal nature of international human rights which is controversial but rather their “secularized political authority uncoupled from religious or cosmological worldview” (Habermas 2001: 127). Thus, scholars on the Left, and particularly from the global South, have been attempting to deal with cultural relativist and religious claims in relation to international human rights to stop them from being compromised by powerful Western liberal regimes but without compromising individual protections in order to seek mutual toleration, coexistence, and the sharing of basic entitlements and values (An’Na’im 1992; Gustafson and Juviler 1999).
However groups on the Right less interested in coexistence and mutual tolerance and more interested in codifying an alternative, illiberal set of absolutes and universals under the rubric of international human rights have also used cultural relativist and religious claims. In another form of the “shameless instrumentalization of human rights” (Habermas 2001: 129), they conceal their particular interests and the state interests that they represent. Such groups that are examined in-depth in this dissertation use the claims of those more typically on the Left who critique the liberal, Western monopoly over IHR norms and adjudications not to expand rights, but rather to curtail them, particularly for women.

The recognition that international human rights do not transcend politics that comes from such contestations over it from the Left and Right, has serious implications for assumptions about the necessarily liberal nature and liberal progression of global civil society. This also has implications for the steady realization of liberal international human rights and liberal institutionalism more generally. The latest instrumentalization of international human rights by domestic and transnational RR actors with state support examined in this dissertation suggests that global civil society is neither autonomous nor a panacea. This is in part because of the illiberal nature of groups within it, but also in part because of the illiberal nature of global governance that particularly privileges powerful state actors and their surrogates. Showing how dominant liberal conceptions of global civil society fail to account for the rise of state-backed conservative factions in global civil society raises what more critical conceptualizations of global civil society might offer in terms of explanatory power. However, the larger question with regard to global governance and global civil society thought is whether global civil society can
continue to be seen solely as a progressive counter to states, inter-governmental organizations (IGOs) and global capital through representing, articulating, and expanding human rights in light of the growing phenomenon of state-backed conservative forces within global civil society. While there is value in the liberal motivation to posit an independent global civil society to deal with the democratic deficit associated with global governance IGOs and act as a site of the production of norms and practices to expand conceptions of human rights and their recognition by IGOs, assumptions about an independent and fully progressive global civil society divert our attention from the power relations and contestations within global civil society that are revealed through a more politically aware reading of global civil society. Ignoring ideological rifts within and the global civil society role of states (and capital) in determining which ideologies prevail in IGO policymaking puts into question any easy assumptions about the emancipatory nature of global civil society. Current mainstream liberal conceptions of global civil society which partake of this easy assumption are unable to account for the cases I present, which I have chosen for the anomalies they represent in and the challenges they make to GCS literature.

My two case studies are on the role of Religious Right (RR) non-governmental organizations (NGOs) such as Catholic Family and Human Rights Institute (C-FAM), World Congress of Families (WCF), Shared Hope International (SHI), and International Justice Mission (IJM), in international policymaking through the natural family campaign in the 1990s and the campaign against sex trafficking in the new millennium. The US-based campaign for the natural family allied with other conservative forces including some Muslim states and the Vatican in the 1990s and continues today to present a unified
voice that counters the women’s rights as human rights progressive transnational advocacy campaign in support of women’s freedoms and with a focus on women’s reproductive autonomy. Anti-sex trafficking US-based RR groups are currently allying with liberal feminists to impose controversial policies to prevent and inhibit trafficking in persons, which are at odds with other feminist anti-sex trafficking advocates who see the global economy as implicated in the trafficking crisis and focus on women’s labor choices.

These campaigns paint a very different picture of global civil society from those case studies used to posit global civil society that have focused almost exclusively on progressive human rights NGOs. In the typical GCS literature, IHR NGOs are seen as arising from grassroots movements which make rights demands on the state. When thwarted there, such movements may network across states and form transnational NGOs (that are typically not heavily resourced and tend to be reliant on foundations and other private sources) to carry their case to the international level through lobbying IGOs at their headquarters, during international conferences, and so on. On the one hand, these RR campaigns have entailed some grass-roots elements, reflecting ideologies of religiously conservative members of civil societies. On the other hand, the main authors of these campaigns are more typically elite and highly resourced religious institutions (for example, the Vatican, and NGOs whose leaders hold positions of significant power within US governmental agencies) which have significant ties with and even funding from powerful individuals, states and groups of states and their leaders. Thus, contrary to liberal GCS theorizing, these GCS actors do not just constitute another pluralist voice among many others, nor do they operate on an even playing field with other members of
the global civil society. Moreover, their campaigns are focused both wittingly and
unwittingly on retracting and circumscribing human rights, and particularly women’s
human rights, rather than expanding them.

These cases represent illiberal democracy, which is the result of two processes.
First, the discourse of pluralism in liberal democratic thinking and practice enables the
political legitimation of any set of interests regardless of their intentions or outcomes.
Second, the political legitimation that pluralism extends includes those who support
policies that are contrary to individual rights and therefore are illiberal. Many of the
illiberal policies addressed in my cases also relate to the public/private divide in liberal
political theory. Religious or neo-conservative conservative legislation to exert ever
greater control over private sphere relations in the home to protect or restore the “right”
or natural order of the traditional patriarchal family is illiberal to the extent that it
constrains individual rights of household members. By contrast, liberal feminists, who
have highlighted how patriarchal power in the home compromises women’s choices in
the private and public realms of the family and work, reject the idea that patriarchal
family relations are natural or “right” and resist their (re)imposition by legislation. While
the use of rights to achieve illiberal outcomes is political, feminists also “manipulate”
rights for political purposes. The question, however, is for what political purpose are
rights being used? Liberal rights are seen as constructed rights (as opposed to arising
from natural rights) and posited as universal (rather than particular) rights. This results in
a tension between rights to freedom of religion versus women’s rights. The failure to
address this tension is part of the shortcoming of rights talk and GCS assumptions.
Paradoxically, liberal practices themselves are giving openings to illiberal values like the
traditional family, patriarchy and the protection of the life of the unborn child at the expense of individual choice. They further have provided openings for uncritical support for nation, God, and state at the expense of alternative readings of patriotism and citizenship. What makes these values illiberal is not their conservatism (as part of liberalism), but rather their contrariness to central liberal precepts. As defined by Jason Bivins, liberalism is not the opposite of conservatism but the broad political tradition commonly associated with John Locke, Adam Smith, JS Mill and others. At the most general level, liberalism is associated with representative democracy, has tended to privilege individual over collective rights, favors negative liberty (freedom from) over positive liberty (freedom to) and seeks to protects moral and religious pluralism by separating public from private realms of society, keeping the public free from contentious moral or religious beliefs that are regarded as threats to political stability (2003: 3).

These cases of RR NGOs not only complicate but also put into question liberal notions of global civil society, disabling easy assumptions that global civil society is necessarily progressive or democratizing according to liberal principles.

In this way, I am not only contributing to scholarship on global civil society with implications for International Organization literature, but also on IHR thinking with implications for international law. Further, I am contributing to literature on transnational social movements, and adding to the growing focus on Right-wing movements. Finally, I am furthering transnational feminist scholarship on international human rights that critiques the problematics of dominant liberal women’s human rights discourses and practices yet not at the expense of recognizing new illiberal challenges to and appropriations of human rights discourses that could end up in the abandonment of human rights instruments at women’s expense.
ILLIBERAL DEMOCRACY AND HUMAN RIGHTS

The openings for illiberal values to be promulgated by primarily RR elites in IHR policymaking contexts are not just a consequence of a liberal pluralist model of global civil society in which there is no differentiation made between highly resourced elite actors who are ideologically and financially supported by the state and those who are less resourced, more representative of grassroots movements, and make dissident demands. These openings are also a result of the very flexibility and fragility of international human rights constructs. The demands by transnational feminist NGOs in the 1990s to expand international human rights to include women’s human rights were significant instigators of what some now argue have become a too elastic construct. And ironically it is the elasticity demanded by feminists that enabled the Religious Right to appropriate international human rights to diminish women’s human rights.

There is no question that international human rights are historically part of the progressive European and US new Left agenda of the twentieth century, which were established by liberal internationalism, and entailed an engrained suspicion of the state in that human rights emerged out of harms committed by the state. The pedigree of modern human rights come from nineteenth century efforts to protect ethnic or religious minorities and to fight against slavery and, after the First World War, the flame was kept alight through the League of Nations and the International Labor Organization (ILO) instruments (Pettman 2006: 63). After World War II, European anti-fascist movement from the 1930s onwards transformed and created the language of human rights networks (Pettman 2006: 67). In the US, human rights rhetoric set the stage for the Civil Rights
movement and anti-Vietnam war movement and contributed to the cultural revolution of women’s rights and other movements for minority groups.

Another aspect of human rights formation is the emphasis on international institution-building, particularly the UN as the protector of rights against self interested national politicians and particularly against state sovereignty, and it is exactly these institutions which were able to develop a solid body of international law with the help of dedicated liberal activists. The international law developed serves several purposes: “setting a body of expectations, providing order, protecting the status quo, and legitimating the use of force by a government to maintain order” (Mingst 2008: 193). International law creates the mechanisms for settling disputes and safeguarding states, institutions, and individuals from each other. It signals moral imperatives to the international community, pressures states to obey and establishes what is culturally desirable behavior.

These activists who fought for the development of international law and norms persist today in the form of transnational networks, whose alignment with human rights go hand in hand with their support of international institutions and the UN. These transnational networks lobby domestic governments, work with international organizations, build transnational alliances and develop local area projects and are generally seen as concerned with a wide variety of global issues, such as the environment, human rights, poverty, health, migration, population changes, and weapons of mass destruction. This historically Left-leaning idea also received its first mature expression in, and remains deeply enmeshed with, liberal social contract theory, the only major tradition of political theory that assumes that individuals are endowed with equal
and inalienable rights (Donnelly 2003: 35). Ironically while human rights developed to protect individuals from an oppressive state, the notion of the state as an instrument of protection, implementation, and effective realization of natural rights is key to human rights realizations.

There has been a proliferation of rights and “rights speak” at both the domestic and international level in the last few decades. Rights have been used in new social movements, such as the feminist, civil rights, and ecological movements, to make demands on the state with great success. However, there are several critics who see the increase in rights discourse as making human rights a too elastic and flexible rhetoric to be of any use.¹

Human rights discourse has transformed international and humanitarian law and has become a valuable political and legal tool to advance the objectives of minority groups and the oppressed. Its development within international conventions, treaties and law, and the subsequent appearance of this language within the local vernacular has created a space for which human rights discourse can become an important tool in activist groups’ arsenals. However, human rights discourse is not a panacea for all social ills as it can at times produce unanticipated detrimental results (Gordon 2007: 244). Rights language can be and has been co-opted by people who promote oppressive policies (Gordon 2007: 244). “Leaders often invoke rights discourse in a cynical way to advance realpolitik interests, and not because they care about the rights of people living in other countries or even the rights of their own citizens” (as quoted in Gordon 2007: 244).
Jan Hancock’s *Human Rights and US Foreign Policy* traces the Wilson, Carter and Bush Administrations’ support for human rights and finds that regardless of administration type, human rights has been co-opted as an instrument of foreign policy. Hancock describes rights discourse “as an internally consistent site of mythological and ideational assumptions that impart meanings to events from a particular perspective” (2007: 4). In analyzing the foreign policy of presidents who have a historical record of concern for human rights, Hancock identifies three consistent rules constituting the hegemonic discourse of human rights through time in the US. These include: human rights advanced as independent foreign policy goals, human rights promotion realized as a preexisting US identity (good vs. evil); and human rights advocacy complementing the foreign policy goals of freedom, justice and democracy promotion (Hancock 2007: 5). In studying the foreign policy of various presidents and their use of human rights discourse, such as how Carter ignored human rights violations in the Middle East to ensure a steady flow of oil or how Wilson supported the democratization of Germany based on the threat posed by a militaristic Germany to US geopolitical interest rather than true desire to help the German people, Hancock demonstrates how the state is powerful when it uses human rights because it has disciplinary power to set the political agenda, define identities, contextualize issues, and enjoy instant access to popular media (2007: 31). Most recently, the US invasion into Afghanistan was presented as a war to destroy the Taliban regime and liberate Afghan women from their burqas. “‘If the marines had really been fighting for women’s rights,’” Arundhati Roy argues, “‘one would have expected them to stop on their way home for a short incursion into Saudi Arabia’” (as quoted in Gordon 2004: 5). This co-optation by the US helped garner public support because discourses are not
merely descriptive devices through which one understands the world; they also help produce social norms (Gordon 2004: 3).

Human rights discourse has not only been employed in the service of power but also has been used increasingly for issues that have historically been outside the scope of human rights language and instruments. Clifford Bob’s The *International Struggle for New Human Rights* highlights groups that have recently and successfully utilized human rights framing and rhetoric to gain international support for their causes, tracing the why and how of this process. By focusing on new human rights movements rather than previously well established movements, his volume helps explain how success is not simply about the nature of the issue or the need of a group. Rather advocacy success is about introducing a compelling narrative, situating the issue in human rights organizational culture, and in playing by the already established rules of power (gaining support of large, well-funded NGOs).

Several authors contributing to Bob’s volume show how human rights movements manifest political struggles over issue framing, using particular types of discourse. For example, Charli Carpenter’s work on children of wartime rape raises the controversial topic of how to separate the needs and rights of children born of wartime rape from issues of sexual violence against women. While there is certainly merit in focusing on the needs of children, the potential advocacy discourse might situate rape survivors as perpetrators of child abuse because the children are sometimes neglected by mothers who did not want to have them. This has forced the issue to be addressed under the umbrella of women’s rights rather than children’s rights. This is because women’s rights activists strategically avoid an issue which might pit the rights of children against issues of
violence against women. Therefore the issue has been largely ignored. Her chapter demonstrates how the use of rights of one group can either conflict with the rights of another group or even trump the rights of certain groups.

Other examples of “new” human rights issues include caste discrimination, HIV/AIDs and Female Genital Mutilation (FGM). These more recent rights movements demonstrate the importance of framing to the success of a movement. Caste discrimination, a centuries old practice, has recently gained attention from the international community as it has moved away from a specifically Hindu and Indian issue to a transnational issue. By re-formulating caste discrimination as an issue of denial of “decent work,” which links lower caste Indians to other groups around the world such as the marginalized Barakumin in Japan, more attention by the international community is being paid to how states are promoting equality. HIV/AIDs and FGM practices have been reframed from issues of public health to human rights. Rather than focusing on changing behavior that might prevent HIV/AIDs or FGM, movement activists have highlighted how poverty, lack of education and a host of other structural impediments makes certain populations more likely to contract the disease; similarly they relate the practice of FGM to the limitations placed upon women. But as Bob points out, the international system dedicated to improving individuals’ lives has become so rights-dominated (at least rhetorically) that rights have become potentially meaningless and even inappropriate. The critique of an overdose of rights rhetoric sheds light on how a one-size-fits-all model of Western rights institutions might not be a universal panacea for the vast and diverse needs of people around the globe and can create spaces for even
regressive forces and powerful state forces to co-opt the language of rights for their own interests.

While a proliferation of rights claims made by groups previously ignored may at first blush seem like a positive outcome of human rights, the co-optation of rights by the states and institutions demonstrate how seriously human rights have become engrained in the ideological forces diffused in world societies. In Gordon’s study of physician groups for human rights, he compares physician human rights groups in the US with those in Israel in terms of the ideological differences arising from their differing national contexts. The contrast between the US’s intensely neoliberal, free market-oriented society and Israel’s socialist tradition prompts each group to emphasize certain rights over others. Economic and social rights are not as important in the US as in Israel. Human rights organizations doing the same work but in different geographical and ideological locations emphasize different rights. This is a strategic, conscious decision, but also an unconscious orientation arising from particular dominant ideologies in specific contexts (Gordon 2006:165). According to Gordon,

*Human rights are always constituted by and through a series of exclusions. Their universality should be conceived as provisional rather than absolute. Human rights are still a vital reference point for judging the morality of political, social, and economic practices, but they cannot be taken for granted and must be continuously subjected to critical assessment (2006:164).*

Rights may be used for political change and have a history of doing just that, but they may also be massaged into discourse that can impede change, support the status quo, or even work to make changes that are regressive.² They may service and reproduce the dominant ideologies and thus help to sustain a particular conception of the universal that sits well with the existing structures of power and become complicit with the
commonsensical conception of the hegemonic ideology (Gordon 2006:175). Gordon uses an incisive example of how human rights groups who are advocating for the improved treatment of immigrants can reveal hegemonic ideology in their plea for support. Many groups use the argument that immigrants contribute to taxes more than they benefit from government services in order to gain support for immigrants’ rights. However, this undercuts their basic entitlements, under the UN Declaration of Human Rights. The idea of taxation without representation is supported in the plea for support, which is part of a neoliberal state discourse but it is antithetical to the very conception of human rights as an entitlement that one should enjoy by merely being human (Gordon 2006:170).

Often in using liberal rights language and the legal arena, radical social movements unwittingly end up lending support for an ideology that they truly oppose. Thus, the existing powers hold sway over not only the structures and institutions of power but also the discourse of human rights. In several ways, rights language creates the misunderstanding that legal arguments are separate and independent of political arguments and social movements. My work will look at how so-called democratic spaces like the arena of global civil society can be supportive of human rights that support pre-existing power structures. This pre-existing power structure can also support illiberal policies which are articulated in the language of human rights.

RR rights claims on behalf of their version of reproductive health and against human (and particularly sex) trafficking arrived on the human rights scene relatively recently. Progressive feminist advocacy groups for reproductive rights and against violence against women were previously seen as the initiators and promoters of women’s
human rights in these realms, but increasingly religious networks both domestically and internationally have taken up these two causes as part of their human rights organizing. While there is an ongoing battle on how to define family, reproductive rights, and trafficking as well as disagreement over legislation around these issues, the RR’s discourse of rights is heavily supportive of a state ideology steeped in neoliberalism and limited in terms of its capacity to give choices to women. Given the fragility of rights, the rise of the RR networks makes for an increasingly complex situation. My case studies will give more background on the issues, but the following section will provide an introduction to human rights, women’s rights, and the rise of the Religious Right.

**Human Rights as Women’s Rights**

While the English Magna Carta (1215), the French Declaration of Rights of Man (1789), and the US Constitution’s Bill of Rights (1791) are documents that specifically list rights possessed by an individual which cannot be withheld by the state, the post-World War II establishment of the UN generated international institutions and law focused on human rights with unprecedented force. According to John Humphrey, the US Director of Division of Human Rights from 1946 to 1966,

> So potent was the catalyst for human rights after WWII that it produced not only an unprecedented growth in human rights law, but the very theory of international law had to be adapted to the new circumstances. The individual now becomes a subject of international law … He [sic] is directly protected by this law and can even in some cases seek his own remedy (Slomanson 2000: 496).

The proposals for the establishment of the UN in Dumbarton Oaks contained only very general references to human rights, yet hard fought lobbying by NGOs in San Francisco, where the UN Charter was developed, ensured that human rights was a focal
point for the UN. The UN Charter however is simply a skeletal instrument which sets the
stage for future human rights instruments, including the International Bill of Human
Rights, that contains: 1) the 1948 Universal Declaration of Human Rights; 2) 
International Covenant on Civil and Political Rights (ICCPR); 3) its optional protocol;
and 4) the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 
(Slomanson 2000: 500).

These international human rights standards and procedures have historically been
perceived as gender neutral. Yet, this assumed neutrality has often amounted in practice
to the disregard of women’s specific oppression and lack of rights because rights have, in
fact, assumed a male norm (Schwab 2001). What women have learned through time is
that their needs, interests, and rights are neither automatically recognized nor insured
unless they speak out and fight for them. This struggle has not come without a price
however. While the international women’s human rights movement has achieved a great
many successes for women locally and globally, there are still a wide ranging number of
debates within the movement as well as from outside it. Women still face explicitly
discriminatory laws and practices. Opportunities to enjoy their rights and freedoms are
often also hindered by implicit societal, cultural, and religious norms that discriminate
against women. Debates on how to define and best achieve international women’s
human rights are also fraught with complexity. The liberal nature of human rights, its
flexibility and elasticity, and its inability to conceive of private domain issues as
violations of these rights as well as conflicts over assumptions about the universality of
women’s oppression without regard for cultural differences, dominate the current debates
among women about women’s human rights. While international women’s human rights
provide a framework for women’s struggles against oppression, women still face wide-ranging challenges ranging from outright discrimination in laws and policies to more structural and invisible sources of discrimination.

The history of international women’s human rights goes back long before the creation of the UN. Recent feminist scholarship credits the beginning of international women’s human rights to fifteenth century *Le Liver de la Cite des Dames* (The Book of the City of Ladies) by Christine de Pizan who argued for women to be educated, to be able to live and work independently, to participate in public life, and be masters of their own fate (Fraser 2006: 7-8). Mary Wollstonecraft’s *Vindication of the Rights of Women*, published in 1792 in response to the promulgation of the natural rights of man theory, is also considered a canonical text in the movement. Networks of women activists also organized across borders in the anti-slavery struggle and women’s suffrage movement long before the term women’s human rights gained usage. However, the creation of global institutions such as the UN certainly strengthened the international women’s human rights movement.

During the signing of the UN Charter, not only were large powerful states involved in the creation of the international bill of rights but civic and religious groups in many countries were prompted and self-organized during the Charter’s creation to call for the inclusion of the bill as a necessary feature of the UN’s development. And in many ways, the work of international women’s organizations came to fruition with the establishment of the UN during its Charter-making process. Led by South American delegates, most notably women from Brazil, Mexico, and Dominican Republic, and with support from Indian and North American NGOs, the linkage between women’s rights and
human rights was effectively made in the UN Charter in its introduction and four separate articles (Fraser 2006: 36). Women also fought for a separate commission to deal specifically with women’s issues, the Commission on the Status of Women (CSW). Established in 1946, the Commission is still in existence today.

Human rights in general and women’s human rights more specifically gained momentum over the twentieth century. The 1975 International Women’s Year Conference brought five thousand representatives to Mexico City. Developing country representatives suggested that development would bring equality, while women from industrialized countries cited numerous areas of discrimination in their countries. Despite many of the groups’ differences, in the end, contentious women came together around similar interests and showed the power of the international women’s human rights movement. Women’s international human rights conferences have provided a unifying forum for women around the world. They have also been places where debates in the movement have been voiced the loudest. From varying ways to improve the lives of women by incorporating women’s rights into state legislation, to affirmative action for women in positions of power, to the debate on the liberal nature of human rights and its inability to include private sphere issues in human rights frameworks, to cultural relativist arguments, contentious issues have played center stage at the numerous women’s human rights conferences over the years.

During the World Conference on Human Rights in Vienna in 1993, every government at the conference engaged with the issue of violence against women and added support to international women’s human rights. The 1995 UN World Conference on Women affirmed the conclusion of the Vienna Conference and continued to
strengthen women’s human rights. At the 1975 UN Conference in Mexico City marking International Women’s Year and the start of the UN Decade for Women, 6,000 of these advocates attended the parallel NGO forum: 114 were accredited to the official conference (Friedman 2003: 313). Twenty years later, 30,000 attended the NGO forum of the UN Fourth World Conference on Women in Beijing (Beijing Conference) and 3,000 were accredited to the official conference (Friedman 2003: 313). The central gains through the 1990s were not simply the features of women conferences and their shadow NGO conferences but also how women’s groups were able to “gender the agenda” of the UN by incorporating their views into other UN conferences and demonstrating how each UN conference was not as gender neutral as previously assumed and how issues as diverse as natural disasters to the nuclear arms race had consequences that specifically affected women. Movement activists shaped issues from population growth, to family arrangements, to the environment and HIV/AIDS, relating how each issue affected women. Using the frame of women’s rights as human rights ensured that women’s rights had a place in any arena where general human rights were addressed.

Because the international system lacks a central law making body to enact legislation, treaties are the primary way in which international law is made. These treaties create rights and obligations for the signed parties. The most powerful treaty related to women was drafted by the Commission on the Status of Women (CSW) and obligates states to eradicate discrimination against women. This text adopted by the General Assembly of the UN in 1979 was called the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Convention entered into force in 1981, faster than any other general human rights treaty. As of March 2006, 182 states
were party to it and glaringly absent is the US (Dunoff, Ratner, and Wippman, 2006: 505). In 1999 an additional protocol was added to CEDAW that allowed individual women, or groups of women to bring claims of violations of rights protected under the Convention to the Committee and included an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women’s rights. While fewer countries are party to the additional protocol than the larger CEDAW convention, it is notable that the US is absent from both.5

The UN system also has several agencies dedicated exclusively to issues related to international women’s human rights. Besides the CSW, there are also six treaty monitoring bodies within the UN, one of which is the Committee on the Elimination on the Discrimination Against Women. At its meetings held twice annually, the Committee reviews national reports submitted by the country’s parties within one year of ratification or accession to CEDAW, and every four years thereafter. They also provide recommendations to countries on the treatment of women. The International Research and Training Institute for the Advancement of Women (INSTRAW), which writes research and reports on the state of women in the world, is one of the five research and training institutes in the UN. Under the United Nations Development Program, the UN Development Fund for Women (UNIFEM) provides financial and technical assistance to innovative programs and strategies to foster women's empowerment and gender equality.

Many NGOs work at both the local and global level to advocate for women’s human rights. Some of the more well-known and highly funded organizations that have separate international women’s human rights divisions include Human Rights Watch and Amnesty International. There are also international NGOs that work exclusively for
international women’s human rights including Sisterhood is Global and MADRE. The
nature of UN conferences has prompted women to organize outside their own events and
outside established structures. These have included The Global Feminist Workshop to
Organize Against Traffic in Women and Third World Forum on Women, Law and
Development among others (Joachim 2003: 256). Several women-focused NGOs submit
“shadow” reports to correct national governments official reports and provide an
alternative voice to state documentation.

     International mechanisms to promote international women’s human rights are
secondary to the sovereign law of individual countries. A general rule in international
law is that domestic relief has to be exhausted before international law or regional
tribunals will engage an issue of international concern; and therefore, national protection
of women’s human rights is usually the first line of defense for women. Unfortunately,
woman often times do not seek remedies because they are unaware of their entitlements
under domestic or international law. Making such information accessible is a major
project to advance and assert the rights and freedoms of women as human beings. There
are major controversies on how best to provide this information and what exactly this
information entails. The conventional human rights framework did not address domestic
and private sphere issues and this was the reason why women’s human rights were
promulgated. To the point that it can be deployed, information on human rights needs to
be contextualized in relation to specific women’s needs. This contextualization leads to
another controversy related to the universalism of women’s human rights- the cultural
relativist arguments that not only are all women different but that culture must be taken
into account. At the same time, while this absolute nature of human rights prevents some
groups from taking advantage of human right rhetoric, others have used this universality and the inherent flexibility of rights language to manipulate certain goals into universal absolute rights. One example of this is the Religious Right versus women’s rights battle. Groups argue that religious freedoms will be denied if certain women’s rights are imposed like freedom in marriage or freedom to own property.

As well as the vast inequalities women face around the world in the private sphere, women may face discrimination simply for being female. The most pervasive violations of females are manifestations of violence against women in all their forms, from wife battery, incest, and rape, to dowry deaths, and female sexual slavery (Bunch 2006: 57). Sometimes such rights are recognized by law but ignored in practice, and sometimes they are not recognized at all. Often women’s rights are openly denied, and, despite the value of CEDAW, it is still marginalized by the international community through lack of support, country-specific reservations to specific parts of the text, and under-funding.

Despite the problems associated with international women’s rights, the movement has achieved many successes. Because women in most societies are starting from such an unequal position, even conducting feminist discourse in the language of rights can provide an invaluable tool to air political and social grievances and have them recognized by states. There are however, several critiques of the system by feminists themselves. Many feminists wonder if legal rights can really offer anything meaningful to women. Women’s disadvantages are often based on structural injustice and winning a case in court will not change this (Cook 1994: 4).
A common feminist critique of law is that it is often associated with liberal feminism. The law makes synonymous sexual equality and equal treatment. Disregarding any belief that the law should tolerate or recognize differences between women and men, liberalism seeks a solution in blindness toward difference. The strategy of liberal feminists is to require the law to fulfill liberal claims for its objectivity and principled basis. Liberal feminists have worked for reform of law, dismantling legal barriers to women being treated like men in the public sphere (Charlesworth 1994: 63). The assumption is that the disadvantages suffered by women can be compartmentalized and redressed by a simple requirement of equal treatment (Charlesworth 1994: 63).

This liberal “version” of law relies on the public/private dichotomy. The private sector is outside the realm of legal and political order and therefore regulation is seen as inappropriate. For example, domestic violence is invisible and unregulated. According to some feminists, women lead different lives from men and thus nondiscrimination on the basis of sex, does not eradicate gender inequalities. Forms of oppression which do not fit comfortably within the law are rarely recognized in international understandings. Such oppression include issues related directly to women such as the right to marriage, procreation, labor, property ownership, sexuality, and other manifestations of unequal citizenship that are routinely viewed as private, nongovernmental and reflective of cultural differences (Lockwood 2006: viii). There has been historical resistance to viewing human rights as gendered. Women's rights such as the right to safety from domestic violence and rape were historically not seen as human rights because a liberal framework only perceives of one type of human and one type of accountable actor—the male norm. This led to another problem associated with the liberal nature of international
law in that it required governments to respect, insure, and protect women’s international human rights. International law made a country accountable for violations of international treaty obligations that are attributable solely to the state. This meant that countries were the only ones that can commit a human rights violation. Non-state actors or private individuals were not held accountable under human rights law. Many violations of women’s freedom are perpetrated in the private sphere by non-state actors, and, thus, liberal women’s human rights frameworks were ineffective in dealing with these problems. Today there are certain mechanisms and protocols that allow for individuals facing domestic violence to use CEDAW and take their case to human rights courts. On top of this, liberal rhetoric promotes a flexibility of rights speak where groups hostile to private sphere rights can co-opt the language for their own purposes.

Complicating liberalism, feminists also question the legitimacy of a common oppression of women around the world. Accepting that men and women are different, some feminist also wonder if women around the world really have anything in common. A conceptual problem for all feminist analysis is that of essentialism which assumes that all women have similar attributes and experiences and ignores the impact of other variables such as race, class, wealth, and sexuality on the position of women (Charlesworth 1994: 62). Feminists who resist essentialist understandings of women that disregard power relations among women based on these other axes also resist universal understandings of women’s rights. Because international law is by definition concerned with transnational standards, applicable in a vast range of circumstances, its universalism does not sit well with anti-essentialist and anti-universalist transnational feminist analyses and activist projects. The potential for even discussing women’s lives in an international
system is questioned by many who see differences among women as significant. Given that women’s lives vary depending on time, place, and context, the idea that women experience the same forms of oppression worldwide is contestable.

International women’s human rights claims and have changed many people’s lives for the better. For example, acceptance of CEDAW around the globe has led to its use from cases on fair housing to equality in labor. However, women’s legal, economic, and social status around the globe is still inferior to men’s. The women’s international human rights agenda, ranging from standard law setting to policy actions from the global to the local, still tends to fall between the cracks at all levels due to the lack of precedence given it by those in positions of power. Feminists continue to debate amongst themselves the best ways to improve the lives of women around the world, as well as how to face anti-feminist challenges discussed below, ranging from outright rejection of women’s equality as a universal by Right wing actors to cultural relativist claims that women’s rights have to be mediated and particularized in terms of cultural contexts in which they live. Feminist controversies have erupted over the issues of the ineffectiveness of liberal rights in the face of structural inequalities and the need for taking cultural context into account in rights formulations to accommodate differences among women and their struggles for rights. More recently, however, transnational feminist critiques have emerged that try to navigate between liberal and cultural relativist constructs. These resist the cultural and racist reductionism of women’s human rights to “saving brown women from brown men” that pathologizes non-Western cultures. They rather favor a critique of Western-inspired global capitalism and militarism that produces “local” oppressions (that rarely are “authentic”) and global oppressions that most
undermine women’s human rights, particularly in the global South, but also the world over.\textsuperscript{6}

International women’s human rights are nothing new but the challenges facing women are constant. There are major differences among RR attacks on women’s human rights as a secular and unnatural project, cultural relativist positions that arise from non-Western, global South critiques of Western conceptions of rights, and postcolonial feminist critiques of women’s human rights. The feminist critiques of women’s human rights resist human rights reductionism which blames backward cultures rather than unjust political, economic, and militarized systems heavily promulgated by the West that most compromise poor, working class, racialized, women in the global South. Such external attacks and internal debates make feminists constantly reassess if and how women’s human rights contributes to social justice and equality.

\textit{The Religious Right Backlash}

While there are several feminist critiques of the liberal rights framework, the liberal discourse of rights has been a central political tool of oppressed and minority groups. However, another contradiction in the use of liberal rights to demand change is that liberal rights rhetoric is always value-laden: liberalism’s private/public, fact/value and objectivity/subjectivity divides make it vulnerable to illiberalism. Nowhere is this more apparent than in the battle between women’s rights versus religious rights.

While the right to religion is clearly articulated in several UN documents, religion as a right has been understudied. This is primarily due to the fact that many scholars of international relations, international law, and political development believed that as
societies modernized they invariably secularized. This would have consequential effects for religion which would be both marginalized and privatized from the public realm (Rudolf 1984). With the reemergence of “fundamentalist” groups, the assumption that modern societies would inevitably secularize has proven incorrect. Although there is much debate about the meaning and usage of the term “fundamentalism” and it is often applied to non-religious fanaticism, such as “market fundamentalism,” for the purposes of this work I am using the following definition of fundamentalists:

a group which believes that society needs to be rescued from the secular state; rejects Enlightenment norms, particularly individual rights and secularism; is committed to the authority of ancient scripture; holds a total world view such that religious beliefs are inseparable from politics, law and culture; relies on an idealized past; is selective in drawing from the past for religious traditions and orthodox practice; centers that idealized past in a patriarchal framework mandating separate gender spheres and a “pristine morality”; rejects outsiders and concept of pluralism; and is committed to activism and fighting for changed social, political, and legal order (Deller-Ross 2008: 116).

Today, given that religion has not disappeared, notions of women’s rights conflicting with religious rights often turns to a discussion of Islam. “Clash of civilization”-type critics see Islam as a religion that is utterly incapable of accommodating women’s rights. However, many religions have been used and manipulated by the state or actors working with the state in order to hinder women’s rights. The opposition of monotheistic religion to women’s equality is not a focus of this research, but rather how states and state affiliated actors use religious arguments while at the same time use governing institutions and liberal forms of government to impose illiberal arrangements at the expense of women. Examples of the political use of religion are numerous. For example,
in Japan a number of Japanese New Religions, under the banner of Buddhism, are lobbying to bring back the “ie” model of patriarchal family life by reinstating the relevant parts of the prewar Meiji Civil Code. The “ie” model of family consisted of the “house head, wife of house head, successor, successor’s wife, and the unmarried children of the successor generation. The eldest male was the head of the family, and normally he was succeeded by his eldest son. Women could not own property and any property brought into the marriage by the women became the man’s upon marriage (Deller-Ross 2008: 120).

Christian fundamentalist groups perceive Western culture to be in a desperate state due to the decline of what they perceive to be the basic unit of society, the “traditional family.” They regard women’s sexuality as potentially dangerous and destructive to men. Christian fundamentalists in the US have fought to define marriage as between a man and a woman and have been at the forefront of several attempts to openly discriminate against the gay, lesbian, bisexual, transgender, queer (GLBTQ) community. The Hindu faith in many cultures embraces selective traditional and conservative practices such as purdah, which legalizes women’s segregation from the public sphere. Religious and political groups in India have fought to repeal the Hindu Marriage Act of 1955 and the Hindu Succession Act of 1956 that reformed Hindu religious practices by giving women more rights in marriage, banning polygamy, allowing for widow remarriage, giving women statutory bases for divorce, and giving women some rights to inheritance where they formerly had none (Deller-Ross 2008: 127). State-supported Islam requires women to cover themselves with the hijab and gives unequal divorce, marriage, and inheritance transfers to women. A man may divorce his wife with simply one statement and is required to pay no alimony to his former spouse. Ultra-orthodox Jews also follow their own interpretation of religious laws and have succeeded in making halakah (the institution of the ancient system of law and justice
according to the Torah) part of state law in several crucial areas including family law in the state of Israel (Deller-Ross 2008: 131).

However this does not mean that religious women and men have not tried to reconcile religion with women’s equality. Abdullahi An-Naim (1992) encourages women’s rights advocates to engage in both secular and religious discourses. Otherwise, the dichotomy between the so-called religious and secular discourses in societies continues, with little communication. Many religious feminists have renegotiated religious discourse on their own terms, rather than dismissing them outright. For example, Amina Wadud (1992) has re-read the Koran by un-reading the patriarchal interpretations and has produced a highly sold Koran interpreted from a feminist perspective.

While this is a noble pursuit, liberal human rights constructs are incapable of securing rights for some religious women and for women outside of the religious spectrum who are simply citizens of states where religious groups’ demands are connected with state power and have gained legitimacy. Often it is argued that one right must trump the other right. Those who see religion as “sacred” give priority to religious freedom. Alternatively, those who support equality for women unconditionally and summarily dismiss religion. Where rights compete, it is inappropriate to require a balancing by using women’s conventions like CEDAW because as it is drafted in the legal language of liberal rights, it is unable to balance or subordinate one right to the other. In essence, it becomes completely ineffective because both religious freedom advocates and women’s rights advocates use the same rights arguments to inform their advocacy. Those who win are those with the power to articulate their liberal rights in a
means that resonant with state powers and the public. The very language of rights creates an impasse. Two legitimate rights norms are pitted against one another with no legal or philosophical resolution to the standoff, stalling real progress and extending the tenure of patriarchal religious ideology (Boden 2007: 4).

Religious freedom pitted against women’s rights is highly controversial, and a wide array of literature detailing culturally relative rights (including religious rights) versus universalism details the complexity within societies and states (Billet 2007; Mahoney 2007; Afshari 2001). However, there is also a battle being waged at the international level related to women’s rights and religious rights. Many argue that the women’s human rights regime, which has proved so strong internationally since the 1970s, is a result of the lack of its success at the state level (Buss and Herman 2003: Butler 2006). The same argument is upheld with regard to religious groups maintaining a presence at the international level. Their success has been limited at the state level and the less regulated space of the international level provides more of a welcome and potentially successful opening for their demands. Women’s NGOs were successful in gendering the UN agenda because they were comprised of diverse cultural and political groups, exerted pressure at a variety of levels from high level UN meetings to grassroots organizing, used their radical flanks to strengthen more moderate views, and used experts to provide testimony as evidence (Joachim 2003: 252). These same tools have been used by religious groups with the similarly successful effect of having their voices heard.

At the international level several counter movements against women’s rights have established a presence, including the Vatican, US Christian Right entities, and Islamic states. They have established a counter-frame to women’s rights as human rights which
sees women’s rights as a threat to family, nation, and God (Friedman 2003: 315). The religious-based counter-movement first emerged at the Cairo Conference. Seen as a huge victory for women’s rights advocates as a result of the codification of women’s rights to reproductive health in UN documents, the Cairo Conference did not take place without contention. Shifting the frame of the conference from population control to women’s rights, women’s health advocates argued for the need to go “beyond the numbers” to take a “holistic approach” that would recognize poverty, women’s status, and the structure of society as well as fertility per se (Friedman 2003: 322). “NGOs were extremely powerful during the conference, the UN Secretariat allowed NGOs to attend informal consultations and even incorporated their written statements in draft government documents” (Friedman 2003: 322). The International Conference on Population and Development Programme of Action (ICPD), which was the documentation resulting from the conference, emphasized women’s empowerment with respect to family planning and reproductive health services. The unity of the message of the ICPD has been used by individuals to make demands at the domestic level, and it also has lead to powerful institutional changes. Many development agencies and organizations have changed their goals from traditional family planning to strengthening women’s reproductive health options.

While women’s rights activists and NGOs were clearly successful in getting their demands heard at the Cairo Conference, so too were members of the religious right, including the Vatican, US Christian Right, Catholic and Islamic states, who also claimed to promote an agenda which supported gender equality. This gender equality, however,
was rooted in the difference doctrine wherein women’s and men’s roles were to be seen as different and complementary, not similar.  

The RR coalition was fronted by the Vatican, which receives state-like status with the UN, and consisted of a variety of disparate bedfellows including US Christian Right activists, which have grown in strength over time. It also included Catholic states like El Salvador, and Islamic states including Iran and Libya. “They were brought together by their objections to language in the ICPD that could be seen as promoting legal abortion or harming the traditional family structure” (Friedman 2003: 323). Reproductive rights and health challenged the values and goals of RR groups. They were seen as presenting a serious threat to the family, and the ICPD goals were incommensurable with the rights of the unborn life of the child as well as the dignity of women. As well, in the eyes of the Vatican, proponents of reproductive rights and health stood for a radical pro-choice position and the unrestricted right to abort the fetus without objection.

Throughout the preparatory conferences and the Cairo Conference itself, the alliance blocked discussion of the issue of women’s reproductive rights and health by making ample use of UN rules and procedures, such as frequent oral interventions and the demand for brackets (which indicate a disagreement on language) (Joachim 2003: 265).

Due to widespread support for the women’s health frame, the Vatican supported the consensus by adopting the ICPD. However, its support was not unconditional, and even after having gained considerable concessions on many issues the Vatican issued numerous reservations on the chapter on reproductive rights and reproductive health (Joachim 2003: 268). This support with major reservations left several delegates of the conference suspicious of the sincerity with which the Vatican had supported the final
document. These delegates wondered if their acceptance was simply an attempt to regain support in the face of world consensus.

Following the Cairo Conference, these same religious groups and supportive states continued to advance their frames of gender equality based on submission to patriarchal authority, the heteronormative, patriarchal family, and “traditional” gender roles at the 1995 Beijing Conference. During the preparatory meeting as well as the actual conference, several states objected to the term “gender,” which they saw as feminist in that it distinguishes between biological sex and the roles, assumptions, and actions of socialized men and women. This term challenged the religious doctrine of sex difference and was even seen by some religious actors as supportive of sexual minority (or GLBTQ) rights. While several Catholic states and organizations began the debate, Islamic countries, twenty in total, lodged reservations on paragraphs in the ICPD deemed not to be in conformity with Islamic law, covering issues including reproductive rights/abortion, homosexuality, and inheritance (Friedman 2003: 326).

During the Beijing Conference US-based Christian Right activists began to organize and take the leading role that the Vatican had previously held. While the Vatican remained a strong force, NGO involvement allowed for actors outside of states or those given state-like status (like the Vatican) a larger space from which to organize; thus, the number of those groups and their vocal opposition to increased. The election of George W. Bush particularly helped bring many Christian Right activists to the fore. Believing that feminists had hijacked the UN, the US Christian Right established a presence at the Beijing Conference and had grown so outspoken at subsequent meetings,
including Beijing + 5 and Beijing +10, that the effectiveness of those meetings has been questioned by women’s movements.

At all levels, it is important to note that the US Christian Right is not monolithic. It is therefore important to specify what is meant in my research when I use the term, “US Christian Right”. Using Butler’s definition, the term refers to “the organizations and leaders that mobilize key constituencies to a conservative social agenda motivated by religious values” (2006:12). In this regard, conservative refers to the desire to preserve existing conditions, institutions and to restore traditional conditions and institutions and to limit change. In contrast, progressive refers to a moral authority defined by a spirit of change, and reform. The US Christian Right is vast and diverse.8

In this research, the groups I analyze under the banner of the US Christian Right who organize internationally include, but are not limited to, such groups as C-FAM, the Mormon World Family Policy Center, Concerned Women For America (CWA), and Focus on the Family (FOF) and the Family Research Council. They make up some of the groups who attended Beijing and its follow-up meetings. While not all of the groups have gained consultative status which gives them access to treaty preparations and conference meetings, several have, such as CWA, the Family Research Council, and FOF (since 2001), and they have also conducted their own preparatory meeting for international conferences, the WCF, in a variety of cities around the world.

Members of the US Christian Right have also become official US delegates to several meetings since the installation of the George W. Bush administration in 2000. Janice Crouse, the executive director of Concerned Women For America (CWA) served as delegate to the UN Children’s Summit in May 2002 and to the UN Commission on the

Putting weight behind the Vatican’s position that “reproductive health services” were code words for abortion, the US delegation struck any language touching on reproductive rights in the document produced at the World Health Assembly conference. From Kaplan’s conversations with Maria Antonieta Alcalde, an NGO attendee from Mexico, the US delegation went “to extremes, like saying they won’t agree to health services for children living in war conditions, because that could be abortion-related, as many children in war situation face rape” (2004: 235).

The US Christian Right ignored health officials and the US State Department officials who attempted to explain past use and understanding of language like “reproductive health services.” Such officials instead were told that these positions were not in line with the Bush administration. This led to State Department officials cabling their embassies in Central and Latin America to pressure government officials to remove “reproductive health services” language during the UN Children’s Summit (Kaplan 2004: 236). By the end of the Summit, even though the US Christian Right had lobbied vehemently but unsuccessfully to keep death penalty procedures for those younger than 18, they had succeeded in ridding the entire document of the term “reproductive health services” along with any language which promoted sexual education and language
supportive of gay families (Kaplan 2004: 237). Again in 2002 during the regional Bangkok Population Conference, the US delegation led by pro-life officials from the State Department, a former Vatican negotiator, and a Head observer from National Right to Life used similar arguments to advance a traditional pro-family and pro-life agenda. Interestingly, not a single Asian country backed the extreme US stance, even conservative ones (Kaplan 2004: 241).

US Christian Right groups have also succeeded in restricting funds going to the UN Population Fund known as UNFPA. Together with Concerned Women for America (CWA), the Population Research Institution (PRI), which is closely linked with C-FAM, issued a report that claimed to document that UNFPA was complicit in China’s restrictive population policy- a policy sometimes implemented through coerced abortions and sterilization (Kaplan 2004: 225). Even though a local investigator saw no such link with UNFPA, the $34 million was restricted nonetheless (Goldberg 2009). The US Christian Right has also successfully lobbied for United States Agency for International Development (USAID) funds to be directed at religiously affiliated local organizations that promote abstinence rather than education on how to use condoms to protect against HIV/AIDS or for reproductive health services. They continue to monitor closely the activities of United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) and take credit for influencing final statements in several UN documents (Kaplan 2004). In addition to this activism, the US Christian Right has strongly opposed the creation of an international criminal court and ironically advanced the unilateral anti-UN stance in the US.
The US Christian Right’s work at the international level may not make sense given their disapproval of multilateralism; however, their notion of a “new world order,” consisting of socialism, feminism, and environmentalism embodied by the UN is part of biblical prophesy. This has made the UN in their minds both an enemy to the US Christian Right and also necessary adversary to play out this biblical prophecy (Herman 2001: 60). Based on the US Christian Right’s pre-millenialist belief system, which understands the bible prophesy of the end of the world followed by a second coming of Christ and the arrival of the millennium to be part of their spiritual journey, the UN is seen as a place where diversity and global unity exists. This is contrary to a millennium ruled by Christ where only “true” Christians survive, peace reigns and Christian orthodoxy rules the day across the globe (Herman 2001: 69).

Nevertheless, the US Christian Right and its allies have framed their goals in terms of women’s human rights and have gained support of states in the global South by deploying and combining the language of anti-Western secularism and imperialism. Their frame has by no means used anti-women rhetoric. Rather it has cast its agenda in pro-family and freedom of religion terms that supposedly assist women. The Christian Right has developed a frame on religious freedom which also supports the notion of ultimate state sovereignty. With the expansion of international human rights, there should be no conflict between the human rights norms emanating from the international level and the cultural, religious, and traditional beliefs within a state given its sovereign rights. They also frame their argument using classic cultural relativism, speaking to the Western bias in human rights discourse which supports the individual at the expense of culture, tradition and community. These groups have adopted human rights language,
arguments, and values advocating religious freedom around the world. Framing human
rights as a source of God’s authority instead of human rights as hard-fought and hard-
won consensus emanating from human compromise and mediation is an appeal to the
moral authority of human rights. The history of human rights is rooted in the
Enlightenment and secular grounds, but according to US Christian Right human rights
activists, God is ultimately the source of and authority for such rights. The US Christian
Right, the Vatican and conservative states have articulated their negative agenda of
halting social progress through the rhetoric that puts the role of women’s submissiveness
in a family and to society in a positive light while at the same time, denouncing the
transnational women’s movement as anti-family and unnatural and at odds with the
majority of women’s needs and wants around the world. They also frame secular human
rights generally as comprised by UN peacekeepers understood as an emerging world
army, environmental principles espoused by Kyoto as pseudoscience, women’s rights as
promoting homosexuality, and children’s rights as a way to sever family rights.

The US Christian Right domestically has also taken up the issue of sex trafficking
in persons. Some of the US or US-based groups include SHI and IJM. Their work is
now beginning to filter into the international arena as the US is taking a lead to end
trafficking in persons, with an emphasis on sex trafficking. The issue of sex trafficking is
replete with controversy even within the feminist movement. Arguments abound about
the nature of sex work, the reality of the statistics, and the ability of women to freely
choose sex work. The US Christian Right sees prostitution as inherently evil, sex
trafficking as victimization of the highest form, and a crusade against the perpetrators of
these forms of sexual violence from which women must be saved as a necessity. This has
lead to looking at trafficked individuals apart from labor laws designed to protect them. Rather than subjects of specific crimes such as trafficking or labor abuse, women are reduced to victims, and the act of trafficking becomes only a sexual crime rather than a labor issue emanating from an ever more global marketplace where the feminization of migration and poverty is on the rise. While international legislation like the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (UN Protocol) exists, and the ILO has signed conventions on forced labor and issues of trafficking, increasingly the US Christian Right has advocated a different position within the US that is beginning to seep into the international arena. Again, their framing is in terms of women’s human rights, but its outcome, I argue, is contrary to the liberal discourse in which it selectively partakes. My case studies will follow two transnational movements, the US Christian Right and its natural family campaign related to reproductive rights and the US Christian Rights’ anti-trafficking campaign, to uncover liberal rights discourse used by these groups and the state to impose measures less than hospitable to women’s equality and freedoms.

The establishment and codification of the international human rights movement, particularly since the end of World War II, has enabled the international community to advocate for and try to implement a basic level of social justice and human well-being, in essence to provide human rights for people around the world. However, as Seyla Benhabib (1996) has pointed out, liberalism, with its roots in the Enlightenment, emphasizes justice as the “the core of collective moral life” in such a way as to emphasize individualism that pervades the rights notion. One must question whether a liberal human rights framework can substantively address the systemic and structural
oppression of some groups and if more attention to collective issues, private sphere concerns, and women’s labor may be an alternative. While corrective measures have taken place, like restructuring documents to formally include the family, the primary emphases on the public sphere and on the individual seem to be unsalvageably intrinsic to the rights idea (Boden 2007: 10). This leaves open spaces that allow for state power and their allies to co-opt and massage liberal rights language for purposes hostile to the expansion of rights in the private sphere.

ILLIBERAL DEMOCRACY AND THE STATE

Neo-conservative Francis Fukuyama’s “End of History” argued that with the demise of the USSR and communism, liberalism would soon be the only legitimate form of governance. Fukuyama was both praised and critiqued for such a bold proposition. The article, originally published in 1989, foretold of a progression of human evolution to reach a worldwide embrace of Western liberal democracy. While there is statistical evidence positing an increase in the number of states that constitutionally uphold free and fair elections with universal suffrage, (see Freedom House 2009) the practices and outcomes of some of these elections are arguably less than liberal.

According to Schmitter and Karl, four ideals make up the concept of democracy; these include competition, freedom, equality, and accountability (1991: 162-163). These four ideals can be, however, limited in practice, in conflict with one another and imperfectly implemented. Schmitter and Karl go on to say in their article, “What Democracy Is and Is Not,” that “[D]emocracy does not consist of a single unique set of institutions. There are many types of democracy” (1991:161). In fact, there is a fallacy
that democracy equates to simply electoralism and that a democratic government is necessarily more efficient, orderly, harmonious, or stable than a non-democracy. There is also an assumption that liberal democracies are equitable. What is often ignored by liberal democracy advocates is that political liberalization and democratic elections can often result in the victory of illiberal regimes and/or implementation of illiberal policies.

It is often hard to recognize this difficulty because for practically a century in the US democracy has equated to liberal democracy -- a political system defined not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of the individual to rights like speech, assembly, religion, and property. So while democracy (in terms of elections) is flourishing around the world, liberal democracy in terms of individualist values has not. According to Fareed Zakaria in his seminal article, “The Rise of Illiberal Democracy”:

Popular leaders like Russia's Boris Yeltsin and Argentina's Carlos Menem bypass their parliaments and rule by presidential decree, eroding basic constitutional practices. The Iranian parliament -- elected more freely than most in the Middle East -- imposes harsh restrictions on speech, assembly, and even dress, diminishing that country's already meager supply of liberty. Ethiopia's elected government turns its security forces on journalists and political opponents, doing permanent damage to human rights (as well as human beings) (1997:23).

The concept of liberalism is to reinforce an individual's autonomy and dignity against coercion, whatever the source of that coercion, be it state, church, or society. Liberalism emphasizes individual liberty and is often associated with rights that an individual holds along with the rule of law to check power and secure those rights. Separation of church and state is also a fundamental building block of liberalism.

The notion that liberalism and democracy are not necessarily compatible is not new. De Toqueville (2000) questioned the “tyranny of the majority.” However, since
1945, empirical studies of democracies tend to conflate liberalism with democracy. With the rise of new governments and faith in elections, these two terms are difficult to reconcile. This has meant particular difficulty for women.

Women have had a complex relationship with the state. The state itself can rarely be seen as a homogenous entity. The state is not a unified structure but rather a differentiated set of institutions, agencies, and discourses, and the product of a particular historical and political conjuncture (Waylen 1998: 7). Some feminist highlight the potential for emancipation via the welfare state and its provisions for childcare, healthcare, and education as a means to provide more equal opportunities for women. From a pluralist point of view, the state can be a neutral arbiter between different groups in a society, which gives feminists even more reason to view the state positively. The use of quota systems, state subsidized maternity and parental leave as well as childcare have no doubt assisted in equalizing women’s status in particular states. As Joseph has argued,

‘the nation-state… is where groups gain or lose crucial legal and political protections against other political communities, patriarchies, and religious and secular non-democratic forces. Often women have nowhere other than the state to turn for protection from domestic violence, familial coercion, discriminatory practices’ (as quoted in Brand 1998: 6).

However, the state also has the capacity for less than benign actions on behalf of women.

Some see the state more skeptically. For example Drude Dahlerup (1987) finds the Scandinavian welfare state results in a move from dependence on husbands to dependence on the state and continues a general subordination even while the shift creates more resources for the mobilization of women (Waylen 1998: 4). Deniz Kandiyoti (1991) has highlighted a tendency for nationalists who gain political independence to see the state as a benign and potentially modernizing force that will
bring benefits to women (Waylen 1998: 5). Nationalisms and states have often portrayed women as the bearers of culture and have that demanded women assume traditional roles and increase the population in order to create a unified and strong state (Yuval Davis 1997). Nationalist movements have used women as symbols, fighters, and spies only to send them back to their homes under more repressive regimes than their colonial predecessors (Enloe 2004). Other feminists, from Marxists to radicals, have criticized the state for adding to the oppression of women. Marxists see the division of public and private labor and lack of monetary value given to women’s work within the household as means to sustain capitalism and thus inequality and oppression. Radical feminists have seen the state as inherently patriarchal, simply reflecting the male dominated nature of society, and therefore the state acts to uphold and defend male interests at the expense of women (Waylen 1998: 5). Given women’s contradictory relationship with the state, working with the state has often been difficult to navigate. It is often assumed that with democratic elections, there is a spur toward modernity and thus secularism. However, recent democratic elections in the East and West, North and South have demonstrated that religion is on the rise in a new political form. Increasingly religious fundamentalist groups or groups aligned with religious factions have gained new ground in elections and with this a lack of separation of church and state is developing. This significantly influences women’s relations with the state.

The political transformation in Eastern Europe in the early 1990s, while not exclusively associated with the rise of religious fundamentalism, demonstrates how conservative forces and those affiliated with the Church espoused extremely popular nationalist programs that emphasized a new interest in women as mothers and as
homemakers. The end of communism and the beginning of a market economy, which many assume was a victory for women, actually led to the decline in employment for women, a reduction in the quota system that provided for a presence of women in the political system and a diminishing of state subsidies for women’s care work. In Poland, Solidarity’s connection to the Catholic Church led to a rollback in women’s voices when Solidarity finally reached a position of power. Because the Catholic Church had been integral to the dismantling of the communist leadership, Solidarity was required to appease the Church as a form of payback. One simple way was to institute legislation preventing women from making free choices for their reproductive health (Brand 1998).

More recently, Laurie Brand in Women, the State, and Political Liberalization (1998) uses the case studies of Morocco, Jordan and Tunisia to detail how regimes that promised an end to things like debt, unemployment and corruption and to bring more economic reforms and greater political freedom have hindered women’s equalities and freedoms. Looking at issues like rights and access to contraception and abortion; rights and access to education; equality in labor, pension, and criminal legislation; protection against harassment and violence; and roles in the public sphere, Brand examines whether these rights exist, and are implemented during times of political liberalization (1998: 4). What Brand finds is that state feminist policies, like increasing access to girl’s and women’s education and raising literacy, were not ends themselves but rather served part of a broader state building and regime consolidation process. “Women were instruments and their “liberation” was part of a larger project of reinforcing what are generically referred to as patriarchal structures” (Brand 1998: 10). Women basically fit into a larger picture of consolidating power and ensuring certain interests were preserved. Brand’s
most central point is that political liberalization releases both women’s and RR movements, and, because RR movements are rivals to state power and thus more dangerous, they are either appeased with tradeoffs on women’s rights or clamped down. But when political liberalization experiments end by clamping down on RR factions, women’s movements are also clamped down.

In some cases, such as the more recent elections in Afghanistan and Pakistan or the history of the development of the Islamic Republic of Iran, religious populations dominating democratic elections allow politicians an easy win by garnering support of the Religious Right by using women and promoting their place in the home as well as regulating their dress and family law. This enhances state repression of women. For example, Hamid Karzai, in his bid for re-election in 2009, bowed to Shiite religious clerics in order to garner their electoral support by approving, along with Parliament, a law that essentially gives clerics authority over intimate matters between women and men, repealing among other things, laws against marital rape (New York Times 2009).

Scholarship on the state shows that women have been an important component in its effectiveness- through both their management and control. Even an absence of policy or institutions directly addressing women’s issues has not meant that the state was uninterested in women. In fact, the absence of an articulated policy does indeed constitute a de facto gender policy. Women’s seeming invisibility in the political process and within institutions should certainly not be mistaken for dearth of state interest. Policies generated by states, institutions, and groups allied with the state may be the reason for women’s invisibility or their prominence in the public realm at certain times in history. Factions of the US Christian Right, using pro-women arguments that fit within
their ideological frameworks, have taken their positions and policies on human rights and foreign policy beyond the state level to the global level, demanding that their illiberal policies be heard, thereby increasing the saliency of women’s issues in both domestic and international contexts.

The US Christian Right, an elite body with support at the highest levels of government used its knowledge of lobbying techniques to establish itself as a major voice of US human rights policy. It has also taken this expertise and clout to the international level. With support from the democratic electoral system in the US and democratic spaces of the UN, the US Christian Right has promoted its illiberal agenda, claiming its pro-women stance in order to gain power in both domestic and global venues. There is an implicit dependence on the language of liberalism at both the state and global level for legitimacy. This dependence is also noticeable in the organizations that promote illiberal causes. Using the concept and rhetoric of liberal rights, the US Christian Right and other RR groups have manipulated the liberal spaces they inhabit. Liberalism, emphasizing personal freedom, equality and the rights of the rational individual, was a result of the formation of the state system (Gill 2003). Liberalism as a form of government was to be hands off and interfere with society only when absolutely necessary. The US Christian Right and their use of liberal rights language contradictorily positions religion as a right that supersedes an individual woman’s right and allows states to interfere to disallow that right. I argue that while this is not a new phenomenon in politically liberalizing societies, particularly in post-colonial states or states where “traditional” (as constructed often by those in power) gender arrangements prevail, there are new consequences arising from the deployment of illiberalism at the level of global governance. The governance
institutions designed by Western countries, initially in their attempt to avoid another world war, assume a fundamentally liberal democratic space. The concept of global civil society, imagined as part of global governance, is one supposed manifestation of this democratic liberal space. It is also, however, where religious state-backed entities find a place in the global arena to make demands and be heard and tolerated by even their opposition. This is part of the manifestation of democracy, but the results can produce illiberal outcomes. Studying these groups yields more critical understandings of not only global civil society but also liberalism and its relation to rights and democracy.

ILLIBERAL DEMOCRACY AND NEOLIBERALISM

Benjamin Barber’s *Jihad vs. McWorld* (1995) offers one explanation for the rise of the Religious Right around the world and at the global level. Barber compares “McWorld,” a disarming way to describe globalization forces and neoliberal corporate control from above, with “Jihad,” an extremist depiction of reactionary responses to the effects of globalization and alienation from below. As globalization imposes a singular consumerist culture on diverse societies, local forces feel threatened and become reactionary. These local forces come in many varieties: religious, cultural, ethnic, regional, local, etc. More than just economic, the crises that arise from these confrontations may often take on a religious quality at the local level. Barber argues that neither global corporations nor “traditional” cultures are supportive of democracy.

“Traditional” reactions by the Religious Right in Western countries are also responses to the changes inspired by new social movements, which emerged in the 1960s and included the Civil Rights movement, the women’s movement, and the environmental
movement (Bivins 2003: 9). In the book, What’s the Matter with Kansas? (2004), Thomas Frank discusses why those in economic straights support a conservative party dominated by rich corporate interests, who are not only unsupportive of lower class interests but actually opposed to policies helpful to the under-class. Frank demonstrates how the US Republican Party has postured itself as the proponent of “traditional” values. It is therefore unimportant whether their economic and social policies actually help the under-privileged as long as the party speaks with an authoritarian “moral” voice. While Frank does not interrogate how “moral” and “traditional” arguments come to surpass more economic ones, Pierre Ignazi does by focusing on Inglhart’s post-materialist argument explaining why post-industrial societies have generated certain value systems (1996: 347). This post-materialist agenda contains some elements of anti-modernism based on the idea that the by-product of mass society is the destruction of the bonds of family, kinship and small community. The loss of social and affective roots has produced insecurity and anomie which, in turn, has favored authoritarian attitudes (Ignazi 1996: 348). According to Ignazi then, the reaction to postindustrial society, depending on which cultural mood has prevailed, has two opposite outcomes: more self-affirmation on one side in the form of progressive social movements but also more atomization and alienation on the other, leading to an attraction to authoritarian neoconservatism (1996: 348).

This by-product of alienation has also come to fruition as a reaction against the supposedly costly welfare system and Keynesian economics. It is connected quite intimately with the implicit support from “traditional” groups and the Religious Right for neoliberalism that consists of undoing the burden of state provision, advocating the
revival of laissez-faire, free market, individual entrepreneurship, the privatization of the public sector and cuts in the welfare system. This new attitude, accompanied by the move toward neoliberalism, includes support for traditional values, including order, hierarchy, patriotism, family, authority and morality, and, in this way the conflict over the distribution of resources is more and more displaced and replaced by conflicts over values allocation (Ignazzi 1996: 349-350). Some characteristics of this shift to a values orientation include the defense of the nation and community from foreigners in response to alienation, the claim for more law and order, security and harmony, and a desire for an authoritative guidance in a society where self-achievement and individualism have disrupted the protective network of traditional social bonds, and finally, the recall of rigid moral standards is the counterpart of post-materialist libertarianism (Ignazi 1996: 349).

This ideology, held by parts of the Religious Right, is deployed in international liberal institutions even though RR groups are extremely hostile to liberal ideas and the pluralism that is part and parcel of their establishment. However, these institutions are used in order to voice the RR’s goals and vision concerning reproductive health and trafficking. US Christian Right groups are opposed to the notion of multilateralism as a way to achieve change in that they claim multilateralism supports a liberal progressive agenda (that some RR groups also see as undermining traditional cultures in imperialist fashion). However, they have used multilateral forums in order to oppose progressive policies, attacking progressive groups in their “comfort zones”. Neoliberalism, which according to Ignazzi has led to the rise in “traditional” values, has helped enhance the arguments of the Religious Right as well as supported their rise and their move to the international level.
Neoliberalism has not only spurred on the rise of “traditional” values-speak; it has also undermined human rights rhetoric, arguably the most powerful tool of progressive social movements, transnational advocacy networks (TANS), and NGOs in their battle to assist those whose rights are deprived. Those using human rights rhetoric and the state as the guarantor of those rights too often fail to interrogate and investigate the links between global capital and human rights violations. Pheng Cheah points out how human rights are used to protect Western business and state interests:

‘the deployment of international financial and trade regimes in “neomercantilist” ways secures Western economic hegemony and destroys potential economic competition. These efforts should therefore be seen in a continuum with the curious homology between… the (Western) use of human rights universalism to justify encroachments upon the national sovereignty of the developing south and the attempt of industrialized countries to increase the freedom of the transnational corporation (TNC)’ (1999: 25 as quoted in Chowdry 2004: 231).

Chowdry’s case study of the actions of the US government and anti-child labor activists in their work to prevent the exploitation of labor in India’s carpet industry emphasizes how the carpet industry, the Indian state, and other foreign industries are seen as guilty of human rights violations while the states that import these products and the individuals who buy these goods are innocent by-standers. In fact, the West is often constructed as the savior of children and Western understandings of human rights are given a critical role in the elimination of child labor (Chowdry 2004: 239). These discourses, however, do not generally locate this problem in world capitalism; rather they seek to reform Indian cultural attitudes and feudal working arrangements. There are even arguments that child labor action is an “unfair” comparative advantage and human rights violations should be linked with labor standards to trade in this way using a moral argument while protecting western business interests (Chowdry 2004: 243-244). When
human rights discourses mirror economic power and social hierarchies, they are rendered useless to those who are working to prevent such abuses.

Baxi goes so far as to compare how human rights movements actually ally with markets in the form of producing a product, exchanging a service, and providing a good.

Thus, the war against hunger in the 1998 Rome Declaration becomes right to food, the struggle against homelessness and shelter in the 1998 UN Social Summit in Istanbul becomes a series of mandates authorizing a whole range of human rights violative practices of the construction industries and urban developers, sustainable development projects become a double-edged sword of state conduct and corporate governance in ways in which massive public projects, including large irrigation projects, proliferate in order to primarily serve the infrastructural imperatives of direct foreign investment and the promotion and protection of corporate governance ‘greenwashing practices’ (Baxi 2002: 250).

Baxi goes on to critique human rights practices by comparing them to neoliberal markets, showing how human rights organizations will support the free market as the best possible solution to human rights violations. For example, a human right to health is best served by the protection of the research and development of rights of pharmaceutical industry; the right to reproductive autonomy, the right of women over their bodies, becomes possible only in a technological era based on protection of the industrial property over reproductive technologies, etc (Baxi 2002: 257).

Neoliberalism, with its discourse in support of market-based competition, is seen as the most efficient way of allocating resources in society and the best way to secure human rights. Therefore, any attempt to interfere in its functioning would be contrary to the “greater good.” Thus, the flexibility of human rights rhetoric means it can operate in ways that provide no real change. Not only does the market dominate the use of human rights language and action, but neoliberal advocates’ frustration with the welfare state garners support from and connections to traditional neoconservative and RR forces, who
use liberal language and liberal pluralist spaces in order to promote an agenda based on religious morals and in support of neoliberalism. Therefore not only is the human rights agenda set up to support a market-oriented governmentality where no real change can take place, it also provides a rhetoric with which the Religious Right can hold sway.

Neoliberal governmentality, as encapsulated by Aihwa Ong:

can be traced to Foucault’s notion of ‘biopower’, a modern mode of governing that brought ‘life’ and its mechanisms into the realm of explicit calculations and made knowledge/power an agent of the transformation of human life. … Biopolitics thus refers to the series of regulatory controls exerted on a population and on individuals in order to harness and extract life forces. Neoliberalism is merely the most recent development of such techniques that govern human life, that is, a governmentality that relies on market knowledge and calculations for a politics of subjection and subject-making that continually places in question the political existence of modern human beings (2006: 13).

In this view, governmentality gives dominance to market-based, privatized solutions over publicly-funded solutions to solve human rights issues and in fact uses the human rights movements and the larger global civil society as spaces for containing grievances and places them in bureaucratic problem-solving modes that depoliticize such issues. Such privatizing solutions are consonant with RR emphases on fixing the private sphere of the family to restore traditional values undermined by public social welfare and justice efforts. This reading underscores the discursive fiction of human rights and emancipatory global society in some cases and demonstrates how illiberal forces can use the space of global civil society and human rights rhetoric to their advantage.

ILLIBERAL DEMOCRACY AND GLOBAL CIVIL SOCIETY

Dominant liberal understandings of global civil society are unable to account for the cases I present of illiberal democracy. These cases will advance critiques of global
civil society and the role of the restructured state in promoting illiberal interests in global
civil society, the “democratic deficit” at the level of global governance, the role of
iliberal GCS forces in subverting human rights, and particularly women’s human rights
discourses, and the role of neoliberal governmentality in enabling the manipulation of
and contestations over human rights norms in ways that control and sorely limit any
democratizing potential they might have. Liberal human rights norms are the best
possible example of the rise of global civil society, since, repeatedly, human rights
advocates have challenged the market and the state and used the democratic space of the
global level to advance their cause. The body of international conventions and law
which has emerged from human rights regimes have given teeth to liberal GCS norms
and demonstrate that if there is a strong enough voice, global norms and international law
can be changed.

Success of women’s human rights can be seen from the embeddedness of gender
equality in global governance, including gender mainstreaming at all levels of the UN to
the enshrinement of UN Security Council Resolution 1325, which resulted in giving a
voice to women and specifically addressed the impact of war on women, and women’s
contributions to conflict resolution and sustainable peace, as well as the rise of women’s
human rights norms within more general human rights legislation. The women’s human
rights movement has been a hard-fought struggle “not solely for women but also for the
expansion of the human rights agenda by identifying new bearers or subjects of existing
rights, establishing causal mechanisms for accountability, and proposing normative
standards for some new practice or changing condition” (Brysk 2005: 3). Recent
claimants in the international human rights arena consist of those holding grievances
against disability discrimination, caste discrimination, sexuality discrimination as well as those fighting to advance the HIV/AIDS crisis and extreme poverty as human rights issues. Women’s rights have certainly been at the forefront of opening up the human rights arena to other rights seekers.

However, human rights intellectuals have long flagged the purported perils of rights “inflation”. In 1984, Alston voiced “‘serious concern’” about rights being “‘conjured up… as if by magic’” (as quoted in Brysk 2005). More recently commentators have criticized the tendency to “define anything desirable as a right.” This growth and criticism of it demonstrate the flexibility as well as the fragility of international human rights. International human rights activists, as the most viable actors in global civil society, may participate unwittingly in becoming a politically ambiguous gatekeeper of rights, one that allows such a wide space for voicing concerns that international human rights and women’s human rights regimes lose their hard fought struggle to make a difference.

My case studies show the rising tide of the Religious Right and the counter-norms developing against gender equality and human rights more generally at the global level. While this has been studied, what makes my cases unique is the evidence they provide for a more political reading of global civil society by looking at how international human rights are used by those seeking to counter women’s human rights and tamp down the development of more expansive understandings of human rights. However, this project is not about retreating back into realism or cramped conceptualizations of liberal institutionalism, but rather about bringing to global governance theorizing a more critical analysis of global civil society that enables more sophisticated and politically astute
analysis of the democratic deficit in global governance. In this way, my research not
only provides a more complex reading of global civil society, but also interrogates claims
about the benevolence and progressivism of global civil society. Global civil society, in
the form international human rights regimes, might be the best tool available to defend
human worth, but critical perspectives caution that GCS actors, both liberal and
conservative, are also implicated differing ways in neoliberal governmentality, and, thus,
subject to the unintended consequences of participation in longstanding power relations
(Brysk 2005: 20). Following critical perspectives, this dissertation examines power
relations in global civil society and what this means for the future of international human
rights, specifically the women’s human rights struggle.

MAPPING THE DISSERTATION

This introduction has described a dilemma in liberal understandings of global
civil society. Can GCS theorizing and practice account for the rise of illiberal practices at
the global level? The long fought struggle of women’s human rights advocates has
resulted in the successful gendering of the international agenda; however, the elasticity of
the rights which these advocates demanded has created a backlash and openings for RR
counter-movements.

Women’s complex relationship with the state gives insight into what is happening
currently at the global level. Often states, in promoting liberalization to create a more
democratic space, use women as a means to garner support for those already in power.
Often this is not motivated to advance women’s equality but rather to appear modern
while actually keeping women in “traditional” and submissive roles. This form of
illiberal democracy has generally been associated with emergent democracies; however the variety of examples presented in this chapter suggest that this is also employed in both non-Western and Western contexts and is operational in global civil society as well. Globalizing neoliberalism has also been a catalyst for the resurgence of religion and “tradition” as well as the co-optation of human rights rhetoric in order to support the status quo. Institutionalized human rights rhetoric markets the goals of the IHR regime and remains uncritical of global capital. This narrow conception of human rights enables human rights to be used in service of the powerful and even forces progressive groups to use human rights rhetoric in similar ways, supporting the ideologies of the powerful, leading to illiberal re-framings, as my cases will demonstrate. The issues related to illiberal democracy, human rights rhetoric, and the rise of the Religious Right lead to a discussion of how GCS theorizing is understood. My aim is to complicate these theories in order to account for the cases and questions presented.

Chapter Two provides a literature review of liberal pluralist GCS theories and critiques of these. The literature shows that global civil society is a product of liberal thinking, which does not address illiberal groups in global civil society. More critical renderings of global civil society address neoliberal governmentality and issues of power that are generally unaddressed in GCS literature. Jumping off from more critical readings of global civil society, the case studies addressed in Chapter Three and Four address global civil society from this perspective. Methodologically, discursive analysis, political framing, and political opportunity structure (POS) through the lens of Feminist Constructivism developed in International Relations scholarship are employed to guide the case studies. Feminist Constructivism, with its focus on the constructed nature of the
state and international organizations and its gendered lens attuned to the co-constituency of structures and agency and focus on power, is particularly helpful in analyzing RR contestations of women’s human rights regimes. Feminist Constructivism is useful in that it starts from how meanings are constructed and changed through language and how meanings are secured into rules and norms that are also bound to discursive practices. Its methods also include examination of framing techniques, or the way language and goals are articulated to resonate with a larger audience to gain legitimacy; discursive practices, which include uncovering how meanings, symbols, and ideas are established; POS that allow discourses and counter-discourses to gain strength; and the material structures and resources that support some discourses over others. POS refers to the specific features of a political system that can explain the impacts of social movements, and social movement organizations. The use of these methodological tools enables me to investigate my two case studies that counter liberal presumptions of global civil society.

Chapters Three and Four present my case studies: the RR transnational natural family rights campaign related to reproductive rights and the RR transnational and domestic campaign against human, and particularly sex, trafficking. The analysis of each case will trace the material, structural, and ideational factors that enabled the ascendance of the Religious Right in global governance and its reframing of IHR norms to push back feminist women’s human rights norms to serve illiberal ends.

Reproductive rights and the US Christian Right’s global battle against them is the theme of Chapter Three. Reproductive issues have been seen as important to population control, religious authority, women’s rights, national security, environmental sustainability, and national strength. The events at the Cairo Conference in 1994 marked
a turning point in issues of reproductive rights. The turn resulted in legislation and rhetoric supportive of the population control establishment to legislation and rhetoric stepped in the empowerment of women, their health, education, and employment opportunities. Women as agents and rational actors dominated understandings of reproductive rights. However with losses at the domestic level, the US Christian Right made its way to the global level attending UN events and meetings to lobby on behalf of the pro-life movement. Using the rhetoric of the human right to life, religious, culture, and sovereignty they have used human rights legislation and tools and found several alliances with Catholic and Islamic states. Looking at the history of international reproductive rights, the transnational feminist movement, and US Christian Right ascendance in Chapter Three provides the empirical evidence for the relationship between the rise of IHR regimes and the rise of illiberal democracy enabled through alliances between the conservative state, neoliberal capital, and illiberal (global) civil society forces.

Chapter Four focuses on the campaign to end human trafficking, especially sex trafficking. Anti-trafficking work, traced back to centuries-old efforts to eradicate slavery, is one of the earliest forms of transnational activism. Tracing the brief history of campaigns and legislation fighting human trafficking is important because the current campaigns are directly descended from these initial attempts to end varied forms of this practice. Two NGOs with US Christian Right ties are highlighted in order to demonstrate how they reconcile their illiberal values and practices with their anti-sex trafficking work. As in my first case study, an examination of these groups will also reveal that the connectedness of the US Christian Right to sites of (state) power economically, socially,
culturally and symbolically largely account for its ability to set the anti-sex trafficking agenda. Divisions within feminist movement politics on this issue are also investigated. Feminist debates over whether and/or how “coerced” sex trafficking can be distinguished from “chosen” sex work have also resulted not just splits among feminists, but also alliances of some feminists with the Religious Right on the issue of sex trafficking, which gives them some access to the state support enjoyed by RR groups. The substantial state support and illiberal constructions and outcomes of the RR anti-(sex) trafficking campaign further evidence the problematic relationship between the rise and elasticity of international human rights speak and the rise of transnational RR forces that have become central human rights regime actors with respect to sex trafficking. Moreover, this case study further reveals how conservative state and neoliberal capitalist interests are implicated in illiberal civil society approaches to sex trafficking. I conclude this chapter by pointing to how my two case studies put into question dominant global civil society theorizing. At the same time, I consider how the power relations I uncover through these case studies can inform more critical understandings of global civil society in the interest of being attentive to and challenging illiberal uses of human rights.

Chapter Five summarizes the main arguments and findings of my ideological, discursive and material analysis and connects them to some international legislative outcomes of the anti-reproductive rights and anti-sex trafficking campaigns of the Religious Right. I argue that these legislative outcomes are the result of the discursive, material and ideational power of the US Christian Right and its connection with theocratic states and quasi-states as well as neoliberal IGOs. I will conclude, in Chapter Six, with the consequences this example of illiberal democracy has for theorizing on
global civil society as a progressive space for the furtherance of universal human rights. In this conclusion, I will suggest future research avenues arising from my study, including those that may benefit resistance to US Christian Right and other RR movements globally and locally as sources of illiberal democracy. As a critic of illiberal democracy, a stance that animated this dissertation, I make no apologies for advancing research and activism that challenges this phenomenon most associated with the Religious Right. At the same time, as delineated in this introductory chapter, no global civil society actors escape criticism in my treatment and all, I argue, are implicated to greater or lesser degrees in the production of illiberal democracy; underscoring how much more needs to be understood and done to deconstruct what enables it.
CHAPTER TWO

GLOBAL CIVIL SOCIETY REVISITED: ANALYZING THEORIES OF AND POWER WITHIN GLOBAL CIVIL SOCIETY

INTRODUCTION

This chapter is a review of the literature on global civil society that explores how such scholarship fails to acknowledge or adequately capture discursive and material power structures that both shape and exist within global civil society. The literature on global civil society consists largely of liberal variants, which generally see it as a democratizing, progressive, and plural space open to individuals around the globe to voice their concerns and make demands upon states, markets, and IGOs. More critical perspectives see the state and market as powerful forces which may enable global civil society to develop, in part to give them legitimacy, but set the rules and ideological frameworks for global civil society engagement in global governance. The state and market thus control resources to which GCS entities need access. This influences which GCS actors are privileged, what discursive frameworks are given priority, and how GCS actors are expected to conform in order to have access to those resources. My contention is that liberal theories of global civil society are unable to account for illiberal policies promulgated in the name of religion, but under the rubric of human rights at the global level. While liberal assumptions are unable to explain the rise of these groups, critical variants address the limits to progressive politics in the context of global governance. However these do not address how global civil society provides a space for illiberal groups to gain ascendance. My case studies draw upon critical perspectives but address this gap in the critical literature.
Methodological Approach

Feminist Constructivism developed in the field of International Relation and which draws upon both structural and post-structural insights and analyses, guides the methodological tools used to investigate two cases of the RR campaigns that employ women’s human rights rhetoric. Feminist Constructivism culls most from structural analysis. I employ this kind of analysis to look at the material resources by states that facilitate the rise of transnational RR groups and campaigns and their particular framings of international human rights, specifically international women’s human rights. Feminist Constructivism also draws from post-structural analysis by using discursive methods, along with neo-institutionalism approaches to the study of social movements. I employ this kind of post-structural analysis in investigating the framing and POS of IHR campaigns, specifically those involving international women’s rights, in order to examine how the Religious Right is able to reframe international human rights and international women’s human rights for illiberal ends. This type of analysis helps in challenging the liberal view of global civil society by showing that its model of pluralistic, democratic, representation does not apply in at least some cases.

GLOBAL GOVERNANCE AND GLOBAL CIVIL SOCIETY

Realist studies of international relations find a desire for power marks the relations among states in which the stronger dominates the weaker. In fact, realists emphasize a continued centrality of the state by asserting the absence of a singular legitimate authority to which states are subordinate and give allegiance; thus the strong
do what they can and the weak do what they must (Waltz 1979). The global is therefore seen as an unbounded political community where states and markets compete. Neo-liberal institutionalism moves a bit more towards states cooperating through liberal institutions and common agendas (Keohane and Nye 1977). This perspective led researchers at the end of the Cold War to begin studying not only cooperation between states but also the political communities of states mediated by a range of new governance issues.

Global governance literature suggests that authority is moving away from the state to multiple arenas at the global level, ranging from the UN and other global and regional IGOs to transnational business and social movement actors (Rai 2008: 21). This literature emphasizes the de-centering of the state and decidedly uses the term governance rather than government. According to Shrin Rai, the shift to global governance thinking can be seen in the 1995 reports of the UN Commission on Global Governance, globalization-from-below theorists like Falk (2000) and cosmopolitan theorists like Held (2002), who claim that there is an emergence of a global, rather than only national, civil society (2008: 21). Brought into political currency by the Report of the Commission on Global Governance (1995), the concept of governance came to be identified with “global values” and ”common rights,” rather than the rights and sovereignty of the state in the international arena (Rai 2008: 21).

Rosenau’s Governance Without Government (1992) uses the term global governance to emphasize “rule systems” through which we can trace and assess the processes of governance wherever they may occur… the way in which authority is created, dispersed, consolidated and otherwise employed to exercise control with respect to the numerous
issues and processes that states are unable or unwilling to address (1992: 188).

This conceptualization of governance goes beyond government of the traditional state, and state security and cooperation become broadened to include human security and transnational societal relations. In this scenario, human rights, the transformative capacity of civil society organizations to bring about individual well-being, are brought forth. Global governance rather than global government implies the idea of diffusion of power and thus theoretically allows for more forms of mediation and less conflict, cooperation rather than contestation. These positive attributes are seen as necessary for institutional and rational aspirations to solve world problems. Thus, the literature on global civil society arising from global governance thought focuses on global civil society as the counterweight to unaccountable IGO’s and global market forces by being more representative and responsive to the world’s people in a way that can make IGOs and global market forces more accountable to those people, approximating the accountability of states to their citizens. GCS literature tends to ask: If states and markets function outside the realm of a bounded political community, why not civil society as well? O’Brien argues that “global civil society contributes to global governance by proposing alternative norms and mobilizing political support and opposition to existing governance structures” (2005: 218). Examples of this can be seen in the growth of transnational women’s movements, struggles for an international ban on landmines, and resistance to the Multilateral Agreement on Investment (MAI). Such movements or networks have enhanced popular support, worked within and between states and IGOs and participated in multilateral forums in order to change existing norms on such things
as women’s rights, the use of landmines as a legitimate tactic in conflict and the regulation of the market.

GLOBAL CIVIL SOCIETY IN INTERNATIONAL LAW AND ORGANIZATIONS

GCS and global governance scholarship are part of the literature on international organizations and international law. International organizations were created by states to deal more efficiently and collaboratively with each other. These organizations are the institutionalization of international law. They help establish norms of behavior and not only use international law but also make international law. This surrendering or pooling of sovereignty empowers all member states to offer resolutions and recommendations to global problems. Through increased collaboration with states, non-state actors have become involved in the formation and implementation of both international law and international organizations. Non-state actors’ involvement in both international law and international organizations demonstrate the increasing competition with states in producing outcomes in the international arena. For example, a full comprehension of international conferences and their dynamics cannot be understood without taking into account the non-state actors in these processes. The non-state actors involved in the centralization of collective activities of states are part of global civil society. Members of global civil society help to gather information, call networks to action, and make demands both within states and across states to affect international law and international organizations. As greater integration and interdependence occurs between state and international organizations, individuals involved in global civil society grow in importance and relevance as they are seen as the embodiment of democratizing global
governance. At issue, however, is the distinction between non-state actors and states in global governance and its democratic disposition.

GLOBAL CIVIL SOCIETY AS LIBERAL PLURALISM

Extending the idea of civil society to the global level is a recent development and in some ways a contradiction in terms. The “global” is mostly associated with distant and unaccountable spaces and political and economic institutions, such as IGOs like the World Trade Organization (WTO) and International Monetary Fund (IMF) as well as transnational corporations. Yet, civil society, as an Anglo-American ideal, is imagined as a source of benign democratic values achieved through citizens empowered to make claims on their respective states to ward off potential abuses of power (Germain and Kenny 2005: 4). However, GCS enthusiasts direct attention to the 1989 revolutions in Eastern Europe, the Mexican Zapatista uprising, the 1999 Battle for Seattle, and subsequent World Social Forums as well as NGO forums that shadow and have input into UN conferences as proof that global civil society is not only a possible check on state and market power but also an example of celebrating diversity through solidarity. These examples of bottom-up movements, ranging from young Westerners using the internet to protest globalization to indigenous farmers fighting for basic land rights, are seen as representative of the potential of global civil society to resist unjust state and market forces.

Liberal Conceptions of Domestic Civil Society
There has been a revival of thought and scholarship on domestic civil society in the last few decades. This renaissance runs the entire political spectrum and has become part of the discourse of political activists, media pundits, and academics. The emergence and strength of civil society was credited with successful democratic movement in Eastern Europe during the 1980s. With these successes came the centrality of civil society to policies, aid programs and democratization around the globe (Wapner 2000: 264). Increasingly, the expansion of democracy around the world is attributed to the development of strong and robust domestic civil societies.

From political theory to literature on democratic development by policy makers, civil society is part of the new rhetoric of democratization. However, the boundaries between government, family, economy, and civil society are highly contested and debated amongst those interested in the term. From Hegel to present day, conceptualizations of civil society has been viewed as the propensity of individuals to live together harmoniously, an impulse that pre-dates and is morally superior to the state. The idea of “civil” is based on civility, the opposite of the oppressive, coercive and militaristic nature of the state. Such conceptualizations of civil society see it as developing public values and policies so that individuals can look beyond their own group identification to a larger political community where civic values of justice and fairness are instantiated. Despite the positive and cooperative connotations the term brings to mind, the contentious nature of the concept stems from the romantic views of civil society as a source of “resistance against arbitrary, oppressive, and overweening states” (Rosenblum and Post 2002: 1).
Much of the romance of civil society and its hope for more, deeper and better democracy stems from de Tocqueville’s (2000) work on the US, wherein he positively described American democracy by its rich associational groups that seemed to spring up from below, created by individuals in small geographic areas to get things accomplished outside of the state framework. More recently, Theda Skocpol has argued that these romantic de Tocquevillian ideas about civil society were largely untrue and that much of the success of US civil society stemmed from elite and top down elements that were deliberately encouraged by the federal government (2002: 235). Additionally Robert Putnam’s Bowling Alone (2000) used the analogy of the decline in bowling leagues since the 1950s to argue that that civil society is actually on the decline in the US, with people becoming radically disengaged from community and passive clients of the state.

Putnam is not alone in pessimistic conclusions regarding civil society. Sheri Berman’s “Civil Society and the Collapse of the Weimar Republic” (1997), a study of Germany after World War I, finds a society where social capital was flourishing in the form of numerous organizations all competing for power. However, in the absence of a strong state to process these demands the results were political breakdown, which paved the way for extremism and fascism. Since the state did not or could not respond to needs of citizens, citizens went to associations for their needs. This freedom of association became hospitable to all sorts of inegalitarian groups.

This does not negate the fact that domestic civil society historically has been used by many politically disenfranchised groups, such as women and minorities, to achieve political influence for progressive ends. Today, there is also an abundance of work on civil society in non-Western settings that is completely distinct from Western notions of
the term. Robert Hefner’s work on civil Islam in Indonesia demonstrates that Islamic political norms combined with a post-colonial state result in a new form of civil society.

According to Hefner:

This democratic Islam insists that formal democracy cannot prevail unless government power is checked by strong civic associations. At the same time, it is said, civic associations and democratic culture cannot thrive unless they are protected by a state that respects society by upholding its commitment to the rule of law. Recovering and amplifying elements of Islamic tradition, civil Islam is not merely a facsimile of a Western original (2000: 12–13).10

With the increased attention, both positive and negative, to domestic understandings of civil society around the world, it is no wonder that versions of global civil society have entered the lexicon.

FROM DOMESTIC TO UTOPIAN VERSIONS OF GLOBAL CIVIL SOCIETY

The globalizing of civil society emerged from an increasing lack of faith in governing institutions in Western democracies. The democratic deficit is described in five ways by John Clark:

ideological deficit where political parties are no longer relevant to people’s lives, the deficit of integrity where politics is increasingly linked to sleaze, nepotism, and corruption, the deficit of representation where wealth and powerful contacts determine electability, and the deficit of reach where democracies no longer hold sway on many decisions affecting everyday life and the deficiency of sovereignty where powerful states have found power dwindling especially in the economic realm (2008: 8-9).

Due to this erosion of trust in government, citizens are joining pressure groups and movements around the world and directly involving themselves in the issues that previously were seen as the province of the state. Citizens also criticize the democratic deficit associated with global institutions (globalization from above) and in order to
correct for this deficit, globalization from below in the form of global civil society is supported by citizens who see local organizing apart from the state and global institutions as a means to affect decisions.

Using these empirical examples, scholarship on global civil society has pointed to the increasing activity of non-state actors operating across national borders (O’Brien et al 2000: 12). There is no agreement on how these actors en masse should be classified but the leading terms for this phenomenon offered by O’Brien, et al (2000) include: global society (Shaw 1994), global civil society (Lipshutz 1992), international society (Peterson 1992), world civic polities (Wapner 1995), transnational relations (Risse-Kappen 1995), non-governmental organizations (NGOs) (Charnovitz 1997), transnational social movement organizations (TSMOs) (Smith, Chatfield and Pagnucco 1997), global social change organizations (Gale 1998) and transnational advocacy networks (TANs) (Keck and Sikkink 1998). These varying terms arise from differing investigations in scope and focus, but they also reveal differences about the relative centrality of the state in each investigation and assumptions about the appropriate method for investigating such phenomena (O’Brien et al. 2000: 12).

**Transnational Advocacy Networks**

For example, Keck and Sikkink’s 1995 concept of TANS follows the pluralist tradition when they invoke visions about mobilizing the marginalized majority through networks of activists “who are bound together by shared values, a common discourse, and dense exchanges of information and services” (1995: 25). In global governance literature, TANS, as a form or subset of global civil society, are seen as politically
significant as they promise to empower the excluded and subjugated through participatory processes allowing their dire needs to be addressed (Wapner 273: 2000).

TANs are seen as emerging when groups’ aspirations are blocked by states; thus, TANs represent GCS strategies for leapfrogging the state to appeal to global institutions to shift state policies for change. TANs, then, do not replace the state, but seek to serve as a counter-force to make it more responsive and accountable to the agendas of TANS. TANs offer a picture of advocates in voluntary associations within networks which are presented as autonomous, progressive, harmonious, pluralist, and democratizing.

**Global Civil Society Norm-Setting**

While Keck and Sikkink see networks as loose constellations of diverse actors brought together in transnational campaigns and do not include global capital or transnational corporations in their definition of TANS, John Keane takes a wider view of groups in civil society that includes economic networks. According to Keane in *Global Civil Society*:

Global civil society is an unfinished project that consists of sometimes thick and sometimes thinly stretched networks, pyramids or hub and spoke clusters of socio-economic institutions and actors who organize themselves across borders, with the deliberate aim of drawing the world together in new ways. These transnational networks, consisting of individuals, households, not-for-profit NGOs, profit-seeking businesses, social movements, and linguistic communities and cultural identities, tend to pluralize power and to problematize violence; consequently, their pacifying and democratizing effects are felt everywhere and at all levels (2003: 8).

Keane argues that pluralism is the basis for liberal democracy, and civil society is at the center of pluralism. Therefore, global civil society constitutes the basis for democratizing global governance. Despite his inclusion of global market actors, his
liberal pluralist worldview sees all these elements of global civil society as benign, relatively equal, and power-sharing. This liberal pluralist vision undergirds other literature on progressive TANS, NGOs, and new social movements (NSMs) which see these formations as advocating pluralistic, harmonious and bottom-up progressive change at the global level (Mathews 1997; Anhier, Marlies, Kaldor 2001; DeGreiff, Cronin 2002; Archibugi, 2008; Smith 2008). Thus, dominant liberal conceptualizations of global civil society parallel the liberal pluralist picture of a society of active citizens representing their interests through legal procedures, leading to greater democratization. This literature, while referring variously to global civil society as NGOs, TANS, NSMs, or human rights regimes, still has a certain faith in civil society independence from the state and in some cases the market with global civil society seen as a counter or counter-balancer to state and market forces. These GCS models envision a global democracy where autonomous agents are capable of association and claims-making similar to models of domestic civil society. In this reading, grievances are resolved through a balance of pressures between states, markets, and global civil society. Thus, global civil society is not seen as a replacement for the state, but its theorizing has also arisen to compensate for what some see as the weakening of the state and its authority to solve problems in the face of globalized capital and the proliferation of claimants.

For example, In *Transnational Civil Society: An Introduction* (2006) editors Srilatha Batliwala and L. David Brown argue that transnational civil society constructs itself through its very appeal to human norms and values as the source of values, aspirations, and norms for governance and problem solving that enable civil engagements to solve social problems. Civil norms and values- which these editors assume to be such
things as tolerance, trust, cooperation, nonviolence, inclusion and democratic participation—foster very different patterns of decision-making from the reliance on “might makes right” or the “divine right of kings” (Batliwala and Brown 2006: 2). Thus they imagine global civil society as “a sphere for public discourse in which citizens discuss and debate issues, examine their underlying causes, explore options, and build social consensus about appropriate action” (Batliwala and Brown 2006: 3).

Liberal pluralist conceptions of global civil society most typically include TANs, NGOs, and NSMs that are typically defined as part of a voluntary, nonprofit, independent or “third” sector that is separate from both the market and state (Fisher 1997: 446). Thus, global civil society shifts emphasis from a set of organizations to a fluid web of relationships and draws attention to the flows of funding, knowledge, ideas, and people that move through multiple levels, sites, associations and connections (Fisher 1997: 450). These multiple connections include relationships between and among governments, constituencies, communities, leaders, elites, municipalities, state institutions, and other networks, social movements and NGO coalitions (Fisher 1997: 450). While governments and state institutions are not a part of global civil society, advocacy groups’ relationships with them, both positive and negative, enable their actions. These loose coalitions now connect local, regional, national and the international levels (Fisher 1997: 450) and are consequently flexible and responsive to a wide range of problems.

Secular humanism inspires George M. Thomas to view global civil society as the cultural organization of one humanity in one place and of one time, realizing themes of universalism, individualism, and rationalistic progress (2001: 516). In his work comparing religion with global civil society, he uses the theory of world culture, where
ultimate authority in global civil society is located in humanity (the individual and society), not in God or the super-empirical (Thomas 2001: 517). While he recognizes that world culture must then “compete” with religions for providing the moral ground to both public and private life, he has confidence that pluralism, based on humanity itself, will ensure the success of (liberal) world culture.

**Summary of Dominant Conceptions of Global Civil Society**

In short, based on this review, I argue that liberal pluralist conceptions, while varied, all contain what I consider to be utopian propositions in that they assume global civil society is necessarily a space of autonomy, harmony and progressive pluralism. In the book *Critical Mass: The Emergence of Global Civil Society*, Andrew Thompson even advocates and provides a written charter for a GCS forum in order to provide guidelines for advocacy groups. While liberal propositions see global civil society as a natural space, this charter is an example of advocates attempting to institutionalize it in order to give the space more leverage. Clearly institutionalizing a space that is powerful based on its lack of institutionalization is contradictory. The charter for a GCS forum is an attempt to keep global civil society accountable to the people unlike other institutions. This “accountability charter,” as he calls it, includes the principles of global civil society like universalism, advocacy, transparency, and ethics (Thompson 2008: 224-229). The forum serves as a universal and equal space for all to debate and dialogue on changing global problems and concerns. The charter demonstrates the normative presumptions of the utopian space called global civil society. The goals and ideas of global civil society suggest the extension of political community in several ways. First politics is no longer
limited to the space of narrow state actors but rather non-state interests who conceive of a
universal humanity. Secondly, arguing that human actors determine world politics not
simply states, emphasizes agency and the power of ideas and norms to make changes to
the status quo rather than simply a deterministic “end of history” or “state system”.
Lastly, utopian GCS theorizing posits that not only are states less important as actors but
that territory is also less important and democracy can extend beyond national boundaries
and decision-making can take place both within and outside state institutions (Baker and
Chandler 2005: 4). With all the utopian propositions of global civil society however,
there is little room in them for accounting for less-than-benign GCS forces or power
differentials among GCS forces which can undermine the deliberative liberal democracy
they imagine.

CRITIQUES OF LIBERAL CONSTRUCTIONS OF GLOBAL CIVIL SOCIETY

Almost all liberal depictions of global civil society imagine progressive actors and
organizations which help democratize the space of global governance. However, critical
renderings are more helpful in offering a different picture of global civil society which
emphasizes power relations within global civil society and questions the assumptions that
global civil society (or elements within it) is autonomous from or more progressive than
the state. These perspectives highlight the many difficulties with appropriating liberal
notions of civil society from the domestic context for use at the global level. Critics of
global governance variously argue that its adherents fail to take seriously the continued
power of the state in new forms under neoliberal governmentality, the presence of both
regressive and progressive elements in global civil society, and the relationship of the
(marketized and neoconservative) state to global civil society which privileges some elements over others. As a result, utopian or romantic renderings of global civil society associated with the liberal pluralist view of it tend to obscure growing disparities and coercive power at work that undermines deliberative democracy.

Critiques of liberal constructions of global civil society come from both structuralist and post-structuralist perspectives and theorizing that can be found in sociological and International Relations literature, including Feminist International Relations literature on gender and global governance, particularly through the lens of Feminist Constructivism, which pulls from both structuralist and post-structuralist analysis as they shift power analysis away from pluralism. Because such critiques are wary of the liberal underpinnings of the term “global civil society,” they do not necessarily use this language nor do they offer a full-blown alternative grounding for it, but they do provide insights into why global civil society cannot be viewed as a panacea. My own work will draw most significantly from structural analyses in terms of the material relationships between elements of the global civil society and the state and how they structure international human rights and particularly women’s human rights agendas. It will also use post-structural insights and discursive methods used in Feminist Constructivism, along with neo-institutionalist approaches to the study of social movements, to draw out the conflictual ideational dimensions of global civil society as it relates to POS, framings, and (re)framings of international human rights in relation to women’s human rights.
In my view, structuralist readings of global civil society draw from what Lukes (1974) refers to as the “third face of power.” The third face sees both structure and agency as constitutive of power where:

Decisions are choices consciously and intentionally made by individuals between alternatives, whereas the bias of the system can be mobilized, recreated, and reinforced in ways that are neither consciously chosen nor the intended result of particular individuals’ choices. Moreover, the bias in the system is not sustained simply by a series of individually chosen acts, but also by the socially structured and culturally patterned behavior of groups and practices of institutions which may indeed be manifested by individuals’ inaction (1974: 42).

In Rai’s review of critical literature on global governance, she points to the structuralist argument made by neo-Marxists that states maintain power in global governance but in reconfigured fashion. In this view, states are not weakening or withering away, but rather are being restructured and “internationalized” by global capitalism. For example, Cox maintains that states, far from being a (weakening) bulwark against global capital intrusions into national economies, are becoming mediators, adapters and negotiators for global capital, exercising and reconfiguring power in new ways (in Rai 2008: 28). The rise of global civil society is a part of this reconfiguring through which the state and the market (or the marketized state) can act. From a Gramscian perspective, global civil society represents simply the sphere of contestation where various hegemonic forces struggle for dominance within a political system (Corry 2006: 314).

Rai also points to the post-structuralist Foucaultian concept of “governmentality,” which refers to global governance as a management system that controls and conforms responses to problems in both repressive and enabling ways. The current form of neoliberal governmentality, which privileges market-based, privatized solutions over
publicly-funded social welfare solutions to social problems, engages actors and groups in
global civil society in a form of “neoliberal disciplining” (Rai 2008: 32-33) by using
them as conduits for containing grievances and channeling them through technocratic
problem-solving processes that depoliticize such grievances. This reading underscores
the discursive fiction of an emancipatory global society by reducing it to a mechanism
for maintaining social actors’ alienation and perpetuating the belief that individuals and
communities can enact change, when in fact they only act for accommodation within
global structures (Benessaieh 2003: 111). In the view shared by many critics of
globalism, to the extent that global civil society accommodates and provides political
legitimacy to neoliberalism, its political role consists of stabilizing disturbances
generated by disruptive processes of economic globalization (Benessaieh 2003: 111).

Ronnie Lipschutz proposes that “global civil society is best understood in terms of
a dialectical relationship between developing modes of public global governance and a
global market system that is only weakly regulated by states and international
institutions” (2005: 748). Under this understanding, global civil society cannot function
without a neoliberal system while a neoliberal system is not capable of functioning
without global civil society. This materialist understanding sees both as mutually
constituting the other, simultaneously generating states, markets, and civil society
(Lipschutz 2005: 754). Using the example of worker’s rights campaigns, Lipschutz
describes how civil society activists push to influence the buyer and seller behavior of
individuals and corporations by educating buyers on the harms the product creates to
their environment. These campaigns end up treating the violated individual as an object
and part of the product to be bought or boycotted rather than as a subject and thus the
individual worker is disadvantaged by both structural and productive power. Little critique is made of the system which allows for the production of the products or wages of individuals working on products, rather the focus is on the product as opposed to the person. The end result is a program which privatizes individuals’ rights within a corporation’s commodity chain and thereby the power of individuals, corporations, and civil society is virtually unchanged. From this point of view, global civil society is simply a product of power, deeply enmeshed with forms and practices of the market and rendered effective or efficient according to market standards (Lipshutz 2005: 754). Thus utopian GCS theory accepts the structures of power as given and unchanging, and its authors engage in discourse that allows global civil society and the world it inhabits to remain fixed in the practice of governmentality.

Post-structural critiques of global civil society also help to explain how global civil society is captured by non-progressive forces. Neve Gordon describes how the largest and most effective IHR- oriented transnational networks benefit from their location in social space; that is, their closeness to sites of power (government, administrative, and judicial institutions as well as corporations). The amount of economic, cultural, social and symbolic capital at the disposal of transnational networks enables them to exert more influence and simultaneously inculcates within them a hegemonic worldview, circumscribing and restricting the universalistic agenda which should inform the activities of these groups (Gordon 2008: 23).

Bourdieu (2002) argues that the character, structure, and clout of an organization is informed by the place it occupies within social space. Bourdieu posits four major structural factors composing power relations: “economic” (material wealth), “social”
(power and resources accrued by virtue of their social networks), “cultural” (early socialization, education and professional career), and “symbolic” (the form that the various species of capital assume when they are perceived and recognized as legitimate and desirable) (2002: 233). Symbolic relations of power tend to reproduce and to reinforce the power relations that constitute the structure of social space. The naturalization of social space requires a kind of “habitus”—a way of seeing the world that depends on the imposition of cultural values which are presented as universal but whose content and context are politically and historically determined-and therefore arbitrary (Bourdieu 2002: 236). Thus, one cannot solely study the strategies of transnational networks, such as the incentives, agenda setting, implementation, and use of media or technology, but must also study the space they occupy. Transnational networks, on this view, are enticed to follow the rules and structures of the powers-that-be, which further confirm those power structures. Social movements in the form of TANs, NGOs, NSMs, or human rights regimes must establish their language, mission and goals in ways appropriate to authority and in close proximity to this authority. Clout does not come from the hard work and effort but rather from being situated in sites of power.

Neo-institutionalist critiques of global civil society also draw attention to the elitist and power-laden nature of TANs, NGOs, and NSMs. In what Ronald Inglehart (1971) terms “post materialist societies,” which refer to post-industrial states in the global North, many activists pursue quality of life, expressive, or cultural issues. Activists in post-materialist societies can express their identities and ideologies both through political action and social interaction with like-minded others. Simply put, a post-materialist demand for political causes intertwines sympathy and altruism with identity and ideology
without genuine participation of designated recipients. Instead of responding to grassroots activism, transnational networks found in post-materialist societies who garner the majority of funding are establishing themselves as the initiators of post-materialist demands for international audiences. In this view, transnational networks emerge, not from grassroots pluralism, but rather from elite entrepreneurs setting agendas and building policy communities not only via domestic policy but also policy at the international level.

**Review of Critical Global Civil Society Theorizing**

The high visibility of NGOs both at United Nation’s summits as well as through the media attests to their rise on the world scene. This rise of NGOs, according to the authors of *NGOs, States and Donors* (1997), is not an accident but rather the result of the worldwide application/imposition of neoliberal economics and liberal democratic theory (Hulme and Edwards 1997: 5).

According to Hulme and Edwards:

published OECD data indicate that the volume of its members’ aid going to NGOs increased from 0.7 percent of the total in 1975 to 3.6 percent in 1985 and 5.0 percent in 1993/1994. However, these published figures grossly underestimate the true volume as they exclude the US government, World Bank and other UN agencies (1997: 6).

With the mutual dependence of the voluntary sector on the state and the state on the voluntary sector, the ability to meet citizens’ needs is limited in that states are able to determine how NGOs help citizens rather than citizens being able to determine how to best help. The parasitic mutual dependency between civil society and the states where rigid allocation of public benefits inhibits vibrant democracy and the meeting of the
interests of citizens as a whole prevents global civil society as a realm autonomous from the state from coming to fruition (Hulme and Edwards: 1997: 30). The interdependency of state, civil society and neoliberalism facilitates civil society becoming less based on the values that theoretically make it up, like pluralism and voluntary decision making, and instead more based on state and market competition.

Nitza Berkovitch and Neve Gordon’s “The Political Economy of Transnational Regimes: The Case of Human Rights” (2008) complicate the parasitic relationship of states, markets, and civil society by detailing the Israeli case of the dynamic relationship between human rights organizations and the state and their mutually constituting partnership. In their study of NGOs working on human rights issues in Israel and the occupied territories, they find that internationally funded NGOs can both simultaneously strengthen and weaken the state. NGOs can both demand a state change its policies but can also appeal to a state to use its power of authority and strength to persuade other states and actors. The foreign policy practices of donor states as well as the donors themselves can determine the work of NGOs and, likewise, the NGOs can influence state policies. They argue that in order to better understand the mechanisms informing the double movement of state strengthening and weakening, which ends up reconfiguring the status of the state in a variety of ways, it is insufficient to examine the relationship between a human rights regime (in the form of NGOs) and the state. One needs to take into account the political economy of the human rights regime (Berkovitch and Gordon 2008: 899).

Other neo-institutionalist scholars such as Sidney Tarrow (2001; 2005) and students of mass contention including Tilly (2004) and Davis et al (2005), provide
additional ways of analyzing power within global civil society in terms of what criteria enable or disable social movements to shape public consciousness. Meyers and Tarrow (1998: 4) define social movements as “collective challenges to existing arrangements of power and distribution by people with common purposes and solidarities, in sustained interaction with elites, opponents, and authorities.” Social movement success depends on resources, ranging from material ones (money, space, publicity) to human ones (leadership, expertise, access to networks and decision makers, volunteer time and commitment) and societal ones (social status, legitimacy, name and issue recognition) (Jenkins and Form 2005: 337). In this literature, social movements, including NGOs and larger human rights regimes, can emerge from the ground up, but often their efforts do not gain traction in the absence of both material and human resources and legitimation gained from the state.

Other critical readings press for an investigation of the imperial nature of the discourse on global civil society. Vanessa Pupavac views the rights-based global governance sought by GCS enthusiasts as promoting a demoralized, non-agentic image of the human subject who requires the promotion of his or her rights “‘from without’” (quoted in Baker and Chandler 2005: 8). Instead of law emanating from below from individuals within a certain location, global civil society creates a global elite who are seen as moral global agents acting on behalf of the good of humanity.

Feminist Constructivism within International Relations, as represented for example in the compendium, Gender Politics in Global Governance (1999), brings attention to how meanings are constructed and altered through language and how meanings are stabilized into rules and norms that are also subject to discursive
contestation. For example, in Runyan’s (1999) critique of the neoliberal framing by IGOs of women’s interests in the run-up to and during the Beijing Fourth World Women’s Conference, she draws upon Baxi’s analysis of the 1995 report of the UN Commission on Global Governance entitled *Our Global Neighborhood*. In Baxi’s view, this report attempts to resolve any tension between global capital and the rise of social movements for human rights, equality, social welfare, democratization, and environmental protection by lumping together civil society organizations representing corporate interests with progressive social movements (Runyan 1999: 211). In doing so, this germinal report, which lays the basis for much liberal GCS theorizing, assumes a level-playing field for these voices, sees no contradictions in their interests or power differentials, and thus ends up privileging corporate interests to whom NGOs are to be “good neighbors” (quoted in Runyan 1999: 212). Moreover, Baxi warns of the rise of conservative civil society organizations that are hostile to women’s human rights gaining access to the UN under this uncritical construction of global civil society.

At the same time, feminists have critiqued the “NGO-ization” (Alvarez 1998) of social movements. Like Pupavac’s work on the imperial nature of global civil society, this refers to the ways in which NGOs claim to represent grass-roots activists, but such “experts,” who produce documentation and legislation for change for government or global governance consumption, become more accountable to these technocratic structures than to grass-roots social movements (Alvarez 1998). The demand for expert knowledge requires a type of “femocrat” who produce gender focused policies and programs that can either be so distant from the ground as to be insignificant or serve as a
means to document women’s rights rather than actually implement them. As a result, NGOs are more susceptible to manipulation and more apt to act as agents of control.

Some critical literature continues to hold out promise of resistance in the form of counter-hegemonic movements (that can sometimes be referred to as global civil society), but are less sanguine about their progressive, harmonious, democratizing, and autonomous nature. Nonetheless, critical variants provide a counter to pluralist understandings of global civil society and are thus an important jumping off point for continued study of power dynamics in global civil society practice and theorizing.

**METHODOLOGICAL APPROACHES: ANALYZING POWER IN GLOBAL CIVIL SOCIETY**

*Feminist Constructivism*

Feminist Constructivism will guide my analysis of the data. Feminist Constructivism conceptually and methodologically arose from two separate yet related fields in International Relations- Feminist International Relations and Constructivism. First, the emergence of a Feminist International Relations gained ground in the 1980s. Over the last few decades, feminist theories and feminist methodologies are increasingly relevant to the study of real world problems and theory as well as a welcome addition to the field, since much of the mainstream literature has been unable to make accurate predictions, has initiated a host of devastating policy prescriptions and has simply been insufficient from a scholarly point of view as a result of deeply embedded assumptions about identity and structure, among other concepts. Brooke Ackerly in “Feminist Methodological Reflections” notes that:
feminists do feminist inquiry particularly well because (and when) they are attentive to: (1) power in all of its visible and invisible forms, (2) boundaries and their potentials for exclusion, marginalization, and incomplete or superficial inclusion, (3) relationships of power and obligation (between people in different parts of the global economy, between men and women, parents, children, researchers, ad research subject, reader and audience, and (4) the role for self-reflexive humility in maintaining attentiveness to these concerns (2008: 28).

Much of the work on women’s human rights focuses on the specific harms inflicted upon women and makes use of “standpoint theory.” “Standpoint theory” is distinguished from postmodernism epistemologically in that it draws upon Marxist/critical epistemology which argues that the subjugated have a less partial view of reality and as such have no interest in protecting status quo (Harding 1986). In this way, standpoint theorizing is distinct from postmodernism that questions all claims about reality to de-center dominant claims. Standpoint perspectives subject traditional areas of focus like international law to a gender lens which illuminates, through interpretive, linguistic and sociological analysis, how dominant constructions of masculinity and femininity order social reality, marginalizing women and those things associated with the feminine (e.g., reproductive labor, social welfare, peace-making, etc) and privileging men and those things associated with the masculine (e.g., productive labor, market competition, war-making, etc.). While feminist work has increasingly been incorporated in more traditional International Relations, feminist critiques continually proceed from the position that there is a power politics at work in the construction of knowledge claims (Steans 2006: 5). Feminist work may be seen as “strategic interventions” to expose inherent instabilities of historically dominant theories (Runyan and Peterson 1999: 68). My use of Feminist Constructivism will build upon these contributions by using a gender lens to focus on concerns outside the scope of traditional International Relations, like...
social movements and women’s human rights to question dominant knowledge claims about global civil society. Constructivism recognizes that subjects (like women) are produced by claims about reality, just as claims about reality are productions of subjects; that is the co-constitutive nature of subjects and objects.

Feminist Constructivism is a useful approach because feminism contributes to Constructivism an understanding of power which includes gender. Feminists specifically investigate the way in which gender, race, class, and other distinctions serve as codes of power both in terms of super- and subordination. For example, Prugl uses the work of Pettman to show how feminist analyses of diverse nationalisms demonstrate gender constructs, such as the framing of the nation as a female body raped by a colonial power, or the eroticizing of the nation as a loved woman’s body, and how these constructions have enabled specific political projects, such as national liberation or national defense, associating transgressions of state boundaries with sexual danger (Locher and Prugl 2001; Pettman, 1996: 49). Politicians constructed women as mothers, warriors, and victims and men as soldiers, fathers, and citizens. Feminist Constructivism not only takes account of these constructions but analyzes them in order to more fully understand power dynamics at work. Constructivism shares with feminism a theory of agency (Locher and Prugl 2001: 113). Constructivist work on agency has highlighted marginalized voices and is quite similar to feminist work focusing on gender, race, and subordinated groups. Therefore, Constructivism and feminism share much ground. Constructivists see the “international system” and “states” as constructed, and feminists see “woman” and man” as equally constructed categories. Feminists demonstrate that gender constructions and constructions of states and the international system are co-constitutive. For example, the
way “woman” is constructed assists in the creation of a certain type of “global politics”. For example when thinking of casualties of war, the civilians are generally seen as women and children. This results in women either invisible in times of war or as victims, on the same level as children. From this view, women are not agents of war, committing violence, protecting those fighting, being political agents and, filling the workforce or guarding home and hearth during times of conflict.

Feminist Constructivism conceptually and methodologically enables me to question the gendered nature of the cases I will be studying. Other work on international organizations using Feminist Constructivism provides good models to probe and emulate. For example, Sandra Whitworth’s work on the ILO and International Planned Parenthood Federation (IPPF) and Prugl’s study of ILO home-based labor regulations show how international gender constructions follow formations of power. Whitworth points out that protective legislation keeps women out of the formal workforce and equal rights legislation fails to take into account women’s unpaid care work, which mitigates against equality. Prugl draws on the social construction of the home/work separation within global labor rules which produces “workers” as masculine identities and “homes” as feminine non-work spheres, with both constructions substantially affecting women’s economic and political status (Prugl 2004: 71). In her scholarship Prugl identifies three feminist constructivist methodological approaches that I will employ. The first is identifying how (gender) issues are framed; the second is exploring the purposive, goal-oriented activities and strategies of influential actors that propel policy processes in the inter-state arena; and the third examines the contestation of rules and discursive practices
in issue areas (Prugl 1999: 5). My material analysis of my case studies will focus on the second approach, while my ideational analysis will engage the first and third approaches.

The boundaries crossed by joining feminism with Constructivism require a bit more elucidation of what constructivists do. Constructivists emphasize how structural constancy and the dynamics of change are a result of agency through discourse. According to Audie Klotz and Cecelia Lynch in *Strategies for Research in Constructivist International Relations*,

Agency, in turn, is influenced by social, spatial, and historical context and rather than granting ontological priority to either structure or agency, constructivists view both as “mutually constituted . . . In the constructivist view, intersubjective understandings compromise structures and agents. These norms, rules, meanings, languages, cultures, and ideologies are social phenomena that create identities and guide actions . . . Constructivism helps understand how shifts in meaning affect people living in particular regions and eras- and gauges the potential for people to transform standard practices (2008: 3, 7-9).

While positivist research tends toward explaining behavior and advancing the historical and social conditions which force people to act in certain ways, Constructivism seeks to study meanings and the conditions for action while granting language a significant space in the analysis. According to Klotz and Lynch, “such analyses allow for context-dependent generalizations about behavior and language and answers “how possible” questions rather than “why” questions” (2008:15).

While feminists like Prugl find power to be under-theorized in general approaches to Constructivism, it is by no means absent. Since power operates through relationships rather than possession of capabilities, constructivists analyze processes and interactions (Klotz and Lynch 2008: 9). The exercise of power, for constructivists, can take place in meaning making, language and discourse. Discourse can thus shape
practices and this provides a means to assess how identities, actions, words and speech frame meanings. This method also broadens the reach of analysis beyond behavior to include how individuals validate their actions. For example, individuals might behave or speak in a certain ways because they have been accustomed to do so by language. This hinders alternate understandings of their environment and subsequently prevents them from consciously considering the social and material benefits of a certain situation. Constructivists seek to underscore that language, meaning, symbols, culture, discourse are all intersubjective phenomena as causes (Klotz and Lynch 2008: 16).

**Discursive Analysis and Framing**

Discourse analysis a particularly appealing part of using Constructivism for my research. It uncovers communication issues of framing and meaning making integral to understanding how the US Christian Right and women’s rights activists make sense of their movement and goals. It also helps uncover how my two case studies shed light on understandings of global civil society. Looking at the discourse of activist groups using a constructivist lens demonstrates how meanings get taken for granted and how certain assumptions prevail while others remain marginalized, and the consequences of this. Discourse can also determine how legislation is interpreted for the political purposes of groups. Discourses shape people’s mindsets, worldviews, and goals in more or less unconscious ways, leading them to act through habit and influencing more conscious choices (Klotz and Lynch 2008: 47). Institutions and groups can reproduce power disparities simply by the use of active language. Simply by telling a story and constructing a narrative, certain plots, characters, assumptions, and ideologies can prevail
these stories can be told by the group itself or can be created to explain others’ behaviors and actions.

Language helps tease out how power and knowledge are developed, performed, institutionalized as well as how power is transformed. Language also provides a tool to link the development of norms, interests and behavior. Constructivism’s ontological assumption that structure and agency are mutually constituted makes possible the analysis of discourse in the study of power and understandings of global civil society. As Murray Edelman aptly notes, language, political ideologies, and symbolism are types of performance and thus political actions in themselves (1977: 2). Approaching language as a type of symbolism and performance is useful to my work because it is in some ways at odds with liberalism. According to Edelman, liberalism is “the political philosophy which underlies a “bottom up” approach to politics where the public acts on its own values; that citizens more or less are equals in their influence on elites; and elites accept policy consensus which the public develops” (1977: 2). Edelman’s work focuses on how language is used to create the impression of power or the myth of an external enemy in order to marginalize dissent. He goes on to argue that quiescence comes from the use of space and even forms and rituals to evoke awe for power. Using the example of the American flag by right-to-life coalitions, Edelman demonstrates how political alliances can be formed by bringing patriotic sympathizers into the “right to life” battle simply by the use of symbol (1977: 8). Not only do symbols, ritual and myth create alliances, but language can also modify, confound and highlight the environment we experience. Political language can mystify by constructing political subjects (leaders and enemies) as well as political objects (social problems or news) (Edelman 1977:17). Problems, crises
and threats are able to create beliefs and assumptions. These beliefs and assumptions are not necessarily factual. The beliefs and assumptions created can reduce popular discontent or instill fears so that structures and institutions remain in place. This manipulation can serve to retain existing structures of power while simultaneously discouraging individuals from analyzing the reality of democracy and the rhetoric used to promote the belief of its existence.

**Framing and Political Opportunity Structure**

A handy tool to understand discourse is frame analysis, which developed primarily as a reaction against materialist presumptions in the field of social movement studies (Goffman 1974; Snow and Benford 1988). Frame analysis attempts to disentangle a complicated relationship between agents, their goals and desires, and the structures around them by focusing on the ways meaning is produced and how it influences those agents and structures. My own work will document frames from women’s human rights activists as well as rival frames from the US Christian Right activist groups at the international level. The frames will be gathered from the history of the movement. This will lead to the outcomes of these frames on domestic and international legislation on reproductive rights and trafficking. My analysis of issue framing will be particularly guided by the methods of social movement scholars like Sidney Tarrow (2001; 2005). Framing is best understood as a central component of ideological work that links grievance claims to broader movement goals as well as to specific strategies and tactics (Jenkins and Form 2005: 340). Individuals will not participate in social movements unless their own experientially based perspective corresponds to the interpretative
orientation of the organization (Jenkins and Form 2005: 340). This means the campaign must be personalized using experiences, values, and instilling solidarity to be successful.

Framing, according to extant global governance norms and rules, is also a key to success. Thus, I will be particularly attentive to how the US Christian Right TANs that are the subject of my case studies frame their arguments by using IHR rhetoric to enhance local, domestic and subsequently international support for their cause. This framing is particularly important to the empirical outcomes that result in domestic and international legislation. I will also examine how elite entrepreneurs in these groups manipulate the frame of their argument to establish a POS in order to build coalitions across beliefs and borders. I will also investigate to what degree these particular Christian Right TANs are not blocked by domestic structures and in fact enjoy considerable state support because of their positions, challenging the arguments of Keck and Sikkink. As stated before, Bourdieu (2002) uses structural factors which compose power relations including: “economic” (material wealth), “social” (power and resources accrued by virtue of their social networks), “cultural” (early socialization, education and professional career), and “symbolic” (the form that the various species of capital assume when they are perceived and recognized as legitimate and desirable) (2002: 233). Bourdieu goes on to define a “habitus”—a way of seeing the world that depends on the imposition of cultural values which are presented as universal but whose content and context are politically and historically determined-and therefore arbitrary (2002: 236). Due to the “habitus,” existing relations are taken for granted. Using discursive methods while investigating POS, framing and a material analysis of US Christian Right groups, my research will study the four forms of power as conceived by Bourdieu. This will also shed
light on how certain legislative language and framing take place which assist in the emergence of illiberal positions on policy and international law. The positions taken and legislative outcomes are an illiberal “habitus.” I will also track the extent to which these case studies provide evidence of a global level clash between progressive and conservative groups vying for their own interpretation of emerging human rights norms and rhetoric, producing “uncivil global society.”

My use of social movement framing comes from the vibrant research in International Relations on norms and dynamics of change that has developed in the last few decades (Khagram, Riker and Sikkink, 2002). The study of norms and ideational factors are a core concern for constructivists of varying persuasions. However, according to Fiona Adamson,

there are two limitations in the study of norms and ideas in the constructivist agenda: (1.) “liberalism bias” which is a focus on the narrow range of cases on the actions, discourses, beliefs, and strategies used by liberal actors promoting liberal norms in the international system. Liberalism is not the only ideology that is used in framing political action. However, constructivists studying norms and change have universalized the notion that liberalism is practically the only game in town and lost sight of alternative ideologies that historically have framed political action from socialism to communism and Islamic jihad. And, (2.) the lack of theory regarding the relationship between individual agents and global ideological structures- a disconnect between the structural theories of the international system and the micro-practices of individual actors involved in the promotion of normative agendas in world politics (2005: 547).

A more nuanced framework for shedding light on norms and ideas and frames in International Relations which takes heed of these limitations incorporates insights from social movement literature on contentious politics and the structure of political opportunities. POS is a concept which represents an attempt to model the relationship between agents and structures as dynamic and dialectical (Adamson 2005: 553). POS
can represent “sites of power” or structural incentives and constraints that can be drawn upon by norm entrepreneurs to either generate or constrain collective action (Adamson 2005: 554). According to the work of Adamson, there are three types of systemic-level opportunity structures which may be useful for theorizing the structure of normative action in world politics: discursive, institutional, and geopolitical opportunity structures. I will make use of discursive opportunity structure and institutional opportunity structure. Geopolitical opportunity structure is outside the scope of my work.

While framing is not new to social movement study, discursive opportunity structure is a more recent concept that has been used as a means of mapping the symbolic, cultural and ideational resources that are drawn when involved in process of strategic framing (Goffman 1974; Snow et al 1986; Khagram, Riker and Sikkink 2002).

As applied by Adamson,

The structures of meaning within which individual entrepreneurs operate can influence the content and type of claims that are made by agents within any particular political space and they, thus, have constitutive qualities that structure political action and shape the terms of the debate (2005: 554).

Discursive opportunity structure which will be highlighted in each case study is particularly relevant to my research as liberalism and its language of rights, equality, rationality and progress provide an ideological framework from which norm entrepreneurs can frame their claims (Adamson 2005: 554). Liberalism is a hegemonic system in that it is the dominant system in industrial Western nations as well as the political and legal framework of the UN; however, it is not the only possible system and there have historically been several alternative claims making that has taken place in the industrial west and its institutions like the UN. Adamson uses the example of Kurdish
groups in the 1980s that, in essence, traded in their Marxist-Leninist ideological
background in exchange for human rights rhetoric to gain support of indigenous rights
groups working with international institutions for recognition. Discursive opportunity
structure and social movement framing will provide tools to uncover the rhetorical and
metaphorical moves of activists working at the international level on issues of women’s
reproductive rights and anti-trafficking.

Adamson also uses institutional opportunity structure, which refers to how
international organizations, NGOs, TANs, and other global actors act as agents who
socialize other actors, like states, to accept new norms as well as provide organizational
platforms which can be used by norm entrepreneurs to promote interest, agenda-setting

Looking at institutional opportunity structure is to recognize the Bourdieuan concept of
social space, that is, claims must be recognized in ways that fit with institutional culture
and framed in ways that do not upset the institutions in existence. This is particularly
important for my case studies as I will use Bourdian concepts of power to my analysis.

Adamson’s work is helpful because she stresses the importance of studying POS
for not only social movements generally but particularly for illiberal ones.

Both these POS present one framework that constructivists can use to
move beyond the study of liberal actors in world politics to address such
issues because by modeling the international system as a structure of
political opportunities characterized by competing ideological
frameworks, it is possible to expand the research agenda on the diffusion
of international norms away from a focus simply on when normative
concerns trump material concerns and, instead, to begin to look more
closely at how competing normative claims in world politics are actually
tied into broader systemic-level discursive, institutional, and geopolitical
I will also look at tropes and metaphors used by all groups to uncover how ideas are developed, diffused, and institutionalized. Metaphors are keys to political language because they are central to shaping values, attitudes, and perceptions of an issue (Edelman 1977). Metaphor defines the pattern of perception to which people respond, for example to speak of deterrence and strike capacity is to perceive war as a game, to speak of legalized murder is to perceive of war as a slaughter of human beings, to speak of a struggle for democracy is to perceive war as a vaguely defined instrument for achieving an intensely sought objective, and so forth (Edelman 1971: 67). In essence, metaphor can be an instrument for shaping political support and opposition and the premises upon which decisions are made (Edelman 1971: 68).

**Material Analysis**

Social movement advances depend on resources, ranging from material ones like foundational monetary support to human ones like access to leadership and volunteers and societal ones like legitimacy and issue resonance. Social movements, NGOs, larger human rights regimes, and non-profits can emerge from the ground up, but often their efforts do not gain any sort of leverage without the material, human and social resources that the state controls independent of POS.

In *The Revolution Will Not Be Funded* (2007) various authors explore the idea of NGO and non-profit funding by comparing it to the prison industrial and military industrial complex. Calling it the non-profit industrial complex authors argue that progressive movements have been unconsciously incorporated into the spectrum of government organizations. The non-profit industrial complex links political and financial
technologies of state and owning-class proctorship and surveillance over public intercourse, including especially emergent progressive and Leftist social movements (Rodriguez 2007: 21-22). This forces social movements to be heavily dependent on external foundations and a certain level of expertise to be able to persuade elites, or have elite connections and support the reigning ideology in order to sustain the organization. This leads inevitably to an assimilation of political projects with the state and market. In studying my two cases on the US Christian Right, material resources in the form of funding sources, leadership and connections with the state as well as methods used to gain legitimacy with the larger public will be uncovered. My cases explore the purposive, goal–oriented activities and strategies of US Christian Right groups as well as transnational feminist networks to gain support or connect with influential actors and funders that propel policy processes in the inter-state arena. This material analysis is not a one-way street in that elite funders and actors, including the former Bush administration, use US Christian Right groups to propel their own agendas. My material analysis will look at the multi-directionality of funding and resource support for the rise of the US Christian Right in two campaigns- natural family related to reproductive rights and anti-sex trafficking.

METHODOLOGICAL FRAMEWORK: PRESENTING DEVIANT CASES IN GLOBAL CIVIL SOCIETY RESEARCH

Case Studies

Using the critical literature on global civil society helps develop an approach that uses a more sophisticated model of power to assess policy-making in global civil society.
Therefore this approach will be used to analyze deviant case studies of the Religious Right working on reproductive rights and anti-sex trafficking. This approach will suggest a need to reconsider the whole notion of global civil society as a sphere of democracy and to demonstrate the advantage of looking at power analysis in recasting the analysis of democracy in global civil society. Critical perspectives on global civil society have led me to a focus on the rise of the Religious Right in transnational activism. The Religious Right (including alliances between Christian, Islamic, and Jewish fundamentalists) constitutes an outlier in most liberal pluralist constructions of global civil society, which imagine global civil society as solely populated by progressive groups seeking to extend, not limit, definitions of human rights. Thus, it is my contention that a study of contemporary RR TANs provides empirical evidence that deeply complicates and even contradicts prevailing dominant assumptions about global civil society. The range of critical perspectives on global civil society I have reviewed informs my choice and analysis of the case studies I briefly describe below (through use of secondary literature). However because the transnational Religious Right has particularly targeted a roll back in gains made by women’s human rights activists in global governance circles from the 1970s through the 1990s, I find feminist critiques of global governance and global civil society particularly useful.

I situate my own inquiry primarily within what has been called Feminist Constructivism. As delineated by Elisabeth Prugl (1999), Constructivism refers to an orientation that sees international relations as “social” (5) and thus “malleable” and not a “pre-given” set of “static structures” and “identities” (6), views agency and structure as co-constitutive (as in Luke’s third face of power) puts “at the center of attention the
constitution of agents, their identities, and interests” (5) that are by definition unstable and shifting, and recognizes that “validity claims” expressed through language gain normative force only when they are “agreed to” and corollaries to them are “repeated” (13). Such normative rules: “engender rule because all rules distribute privilege” and thus power. Because “gender is a code for power” as “a constellation of rules. . . that distribute privilege in a patterned way,” it “cuts across such institutions as the state, the household, and the economy, and interacts with the configurations of rule they effect” (Prugl 1999: 13).

To illuminate how social movements (progressive and regressive) seek to change rules (and thus restructure rule), Feminist Constructivism makes use of neo-institutionalist approaches (especially Tarrow’s) that analyze the relative “success” of social movements in relation to issue re-framings that are performed linguistically and through POS. It also takes seriously post-structural insights about the restructured state and neoliberal governmentality which circumscribe and control social movements through NGO-ization. And because gender is at the center of its theorizing, Feminist Constructivism is uniquely attuned to neoconservative forces that seek to maintain gender rules. Thus, Feminist Constructivism enables me both conceptually and methodologically to analyze these case studies and their implications for GCS theorizing.

The US Christian Right, Women’s Reproductive Rights, and International Human Rights

There is a vast array of literature on progressive TANs, NGOs, NSMS, and the development and “success” of women’s human rights regimes is highly documented. Yet, while domestic right-wing counter-movements have been the subject of some
research, transnational conservative advocacy groups have been largely ignored. The few books which do deal with the US Christian Right’s work internationally, to impact human rights norms, raise questions for dominant liberal conceptions of global civil society as a progressive arena.

During the 1990s, at the international level, an alliance of the Vatican, Muslim fundamentalists, and the US Christian Right united to fight against women’s reproductive and sexual rights. These groups continue to work together and use the international realm to advocate for social change in the name of the natural family. Rebuking what it sees as an international system controlled by Marxists, secular humanists, and radical feminists intent on destroying “traditional” values, this alliance has contradictorily used the international system to establish itself as a voice within global civil society (Buss and Herman 2003: 21). By maintaining an international presence as well as obtaining UN Economic and Social Council (ECOSOC) consultative status, many religious groups have targeted the UN treaty/committee system, fought for agendas supportive of the natural family and policies at odds with transnational feminist advocacy networks. Taking on abortion rights, child-parent rights, issues of sexuality, reproduction, trafficking in persons and the overall definition of women’s rights, these networks of religious groups have used legal structures as well as embraced the language of liberalism and human rights to realize their conservative agendas by pitting concerns over gender equality and the oppression of women against calls for religious freedom and individual liberties. These groups have also taken UN sponsored international conferences as models for their own international conferences, such as the WCF held in a diversity of settings like Mexico City and Warsaw, Poland.
One study, *Globalizing Family Values* (2003), assesses the impact of the US Christian Right’s work at the UN. The authors argue that the domestic Religious Right in the US is separate from the more elite RR actors at the international level because of the former’s distrust of globalism as cosmopolitanism and its potential to be disruptive to “traditional” values. Nevertheless, this work does document the entry of the US Christian Right into global governance and as an increasingly vocal element of global civil society. Jennifer Butler’s work *Born Again: The Christian Right Globalized* (2006) argues that major demographic and political shifts, especially the growing number of Christians and rising fundamentalism across the global South, provide the political opportunity for conservatives to take a role in global civil society. According to Butler, the US Christian Right’s attempt to alter the UN system in ways that expand political opportunity for religious interests might actually help build a more responsive and effective global democracy. Neither of these case studies connects political Christianity to the state, and thus both imagine the US Christian Right as just another liberal pluralist voice, consonant with advancing global democratization.

In contrast, my case study of the RR’s natural family campaign and its work in reproductive rights will reveal how states are implicated in the promotion of Religious Right ascendance at the global level, both materially and ideologically, as well as how domestic Christian Right groups that also enjoy state support are enabling this global campaign, which is nevertheless controlled by religious “experts” and elites. I will also show how these expert illiberal voices trade on IHR norms discursively to gain international legitimacy in order to push back earlier women’s human rights gains. Finally, I will point to how the non-negotiable positions of the US Christian Right,
although couched in the name of democratization, are hostile to deliberative, pluralist democracy.

**The Christian Right, Anti-Sex Trafficking, and International Human Rights**

In December, 2000, over 80 countries signed the The Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children (The UN Protocol) in Palermo, Italy (Doezema 2002: 2). The Trafficking Protocol was the target of heavy feminist lobbying. Feminists, however, were split into two camps according to their views on prostitution. One group, the Human Rights Caucus, saw prostitution as sex work or legitimate labor and the other, represented by the Coalition Against Trafficking in Women (CATW), saw all prostitution as a violation of women's human rights. CATW’s work also extended to US legislation in form of the Trafficking and Violence Prevention Act (TVPA) and Trafficking Victims Protection Act (TVPA) of 2000, 2003, 2005 and 2008. CATW worked closely with US Christian Right interest groups to support this domestic human rights legislation. In fact the alliance of US liberal feminists and evangelicals was noted in several *New York Times* articles when a renewed movement against trafficking began in the 1990s. While several journalists have taken note of this collaboration, notably little has been written about this alliance of strange bedfellows from an academic standpoint.

Allan Hertze’s 2004 book, *Freeing All God’s Children*, documents the grassroots mobilization of conservative evangelicals to pursue human rights causes abroad including the effort to combat sex trafficking from a pro-evangelical standpoint. There is also a plethora of studies on sex trafficking from feminist perspectives detailing the
controversies among feminists who see all prostitution as a result of coercive trafficking versus those who give primacy to sex worker agency, arguing that sex workers are more often making independent decisions rather than just being at the mercy of traffickers. Some work (Weitzer 2007; Block 2004; Crago 2003) does detail the social construction of sex trafficking as a form of moral crusading by conservative feminists and evangelicals who use faulty statistics, exaggeration, and the state apparatus to promote their cause. These authors argue that this social construction leads to ignoring the economic aspects of sex work, feeds into a criminalizing and victimization rhetoric, supports anti-immigration law making, and promotes sexually titillating and sensationalist discourse. However none of the literature on sex trafficking takes on the questions of how the US Christian Right acts as a state intermediary, uses liberal language to promote illiberal policies and finds support from the public and even some feminist NGOs by developing and deploying “expert” discourse at the level of global governance on the issue of sex trafficking. The issue of sex trafficking also gained traction domestically because of its consonance with neoconservative state priorities (and constructions of gender) and neoliberal solutions that would not require challenging global capital. My study of this case will address this gap and in doing so further question uncritical readings of global civil society and claims about the Religious Right contributing to democratization.

**METHODS**

*Data and Data Collection*
Data for this study includes such primary sources as written records of human rights campaigns and statements by their leaders, publicity material, websites and press treatment (all found online and via media sources), and legislative records, both domestic and international. It will be supplemented by such secondary sources as books and journal articles. Data will also come from the US Christian Right’s documentation of its international campaigns in support of the right to life and against trafficking. The data will consist specifically of primary documents of domestic and international legislation. This legislation pertains to religious freedom against reproductive rights and anti-sex trafficking. I have compiled this data based on my own judgment about availability, usefulness and representativeness. It is an untapped resource for the study of global civil society and global liberal democracy.

I have chosen to use documents as a source of my social research for several reasons. Documents are not just passive items operated upon by human agents; rather their very existence can influence the actions of human beings (Prior 2003: 20). They are obviously of particular usefulness to research driven by language. Not only are the words important for the analysis but also examination of how and by whom the document was assembled and what was included and excluded provides insight into what is known and unknowable.12

Apart from the domestic and international legislation regarding both case studies, written records from human rights campaigns and their statements by leaders, publicity material, websites, and press treatment will also be consulted to uncover and trace the social movement campaigns of the US Christian Right in their domestic and international fight in the women’s reproductive rights movement and the anti-trafficking movement.
Using this material will help in analyzing the domestic and international legislation for both issues.

**Data Analysis**

First, I will distinguish the history, frame development, POS, and discourse of transnational feminist networks from that of the US Christian Right’s transnational work. The history of the transnational feminist network’s campaigns for reproductive rights and against sex trafficking is contentious and complicated. Developing appropriate frames, having a POS available, and receiving funding and leadership for success have been less straightforward than often assumed in the international women’s rights as human rights movement. Conveying the development of women’s IHR work for reproductive rights and sex trafficking give background to how the US Christian Right was able to deploy their own human rights language to change the framing of the issue and use legislation for their own benefit.

My analysis will continue by tracing the rise of the US Christian Right within the halls of power in the US. This tracing includes a discussion of the underlying structures, beliefs and perceptions that motivate the US Christian Right. This domestic rise led to the US Christian Right campaigns domestically and internationally against women’s reproductive rights and anti-sex trafficking. I will proceed by detailing the following in these two campaigns: design of programs, the leadership in these programs, the rhetoric used, and their articulation of goal and values. I will also focus on a material analysis of how each group is funded and their closeness to sites of power. This will include what foundations provide resources and assistance as well as leadership and members
connections, positions, or proximity to the state. In studying the campaigns I will provide a story of how norm evolution of a certain human right may occur. This type of “tracing” assists me in moving between a micro-level analysis of framing and macro-level analysis of rule making, and how the two episodes of transnational advocacy, the campaign against reproductive rights and anti-sex trafficking, relate to a broader process of GCS theorizing. Shereen Hertel, in describing Clifford Bob’s *The Marketing of Rebellion*, describes how he analyzes the interplay between three key groups of actors involved in norm emergence:

1). local groups that seek to transform their grievances into rights claims; 2). international human rights NGOs and intellectuals that act as “gatekeepers” screening such claims and deciding which to transmit to the international level; and 3). states and IGOs that translate claims into rights in a procedural sense, codifying and institutionalizing them” (2006: 16).

Bob then outlines a three-stage process through which new rights emerge: 1) the shift from grievance to claim, 2) placement of a proposed right on the agenda of an international NGO (gatekeeper) and 3) the state-decision phase (Bob 2006). My work is distinct from this process in that I will look at: 1) how key actors in norm emergence transform their local grievance to a right claim; 2) how the state connects with this right claim for their own purposes and 3) how groups, as their own “gatekeepers” using closeness to the state, are able to translate their grievance from already established and codified legislation or in the creation of legislation.

Thirdly, I will analyze the legislation, both domestic and international, that has been developed in response to both campaigns. This legislation has resulted in the way people think about and understand an issue, in essence how dominant discourse and rule-making are constructed. The study of legislation and policy statements and the history
and manner of their production would provide a thin picture of the legal process unless we also studied how such legislation was used in action, that is how it was referred to and interpreted (Wetherell 2001:67). It is therefore, integral to a study of campaigns for women’s rights and the US Christian Right’s campaigns to study how both groups have used the language of the legislation as well as how they have helped construct the legislation itself. Reading legislative outcomes also helps evaluate each campaign’s success in terms of their impact on the formulation of official policy and legislation. The mapping of campaigns alongside the analysis of official policy and legislation is important because it contextualizes the material and the power/knowledge networks of the period. This gives insight into how material power as well as less visible forms of power, like speech, give rise to illiberal forces. Identifying dominant rhetoric, metaphors used across campaigns and in official policy, the absences and silences of certain policy outcomes as well as resistances and counter-discourse, provides greater insight about how power is garnered within global civil society.

Lastly, I will relate my findings to the research questions I have posed regarding the usefulness of GCS theorizing, how illiberal policies are able to gain ground in the liberal democratic space of global civil society, and the implications for the perseverance and increasing strength of illiberal democracy. This will be done by looking at how the specific cases, reproductive rights and anti- sex trafficking, reveal the relationship between human rights and the making of illiberal democracy through “unholy” alliances between and among RR members of global civil society, states, and neoliberal capital. By investigating how the case studies illuminate these alliances, GCS theorizing and practice is further complicated and implicated in non-progressive forces, exposing
assumptions about it being simply a zone of progressive, harmonious, and democratic activism as problematic and masking power relations within and around it that contribute to illiberal democracy.

CONCLUSION

Liberal human rights regimes, which are commonly seen as representative of an emerging liberal global civil society, are particularly vulnerable at the global level to contestations and co-optations involving value orientations that diminish liberal human rights, the pluralism of interests, and democracy. Liberal conceptions of global civil society do not account for these vulnerabilities. While more critical variants shed light on power relations and the inability of global civil society to exist independently from state and market power, they do not investigate how value orientations and closeness to sites of power materially, structurally, discursively, ideologically, and symbolically enable illiberal actors and practices to flourish within global civil society. By investigating the value orientations and closeness to sites of power of illiberal GCS actors through discursive and material opportunity structure analyses that are informed by a feminist constructivist approach to the study of international organizations, I put into question dominant claims about the emancipatory power of global civil society. The following chapters present two case studies of the Religious Right’s (and particularly the US Christian Right’s) use of human rights to advance illiberal goals, thereby challenging current mainstream liberal democratic conceptions of global civil society. I have chosen these two case studies because they represent anomalies in the context of the mainstream GCS literature. The first case study investigates the role of the US Christian Right and its
allies in their work against women’s reproductive freedom and for the natural family at
the domestic and international level. The second case study examines the US Christian
Right and its allies in their work on anti-sex trafficking at both the domestic and the
international level. Combining a feminist constructivist perspective with social movement
theory that foregrounds the interplay of discursive and material power, I employ framing,
and POS analysis to uncover links between the state (as well as neoliberal capital) and
illiberal human rights groups emerging at the international level. My work will conclude
by using these case studies to reconsider the use of human rights rhetoric as the primary
political tool for advancing liberal democracy at the global level, to revise assumptions
about the nature of global civil society in light of the relationships unearthed between and
among (theocratic) states, neoliberal capital, and RR groups, and to reflect on the
conceptual future of global civil society.
CHAPTER THREE
REPRODUCTION AND WOMEN’S HUMAN RIGHTS

INTRODUCTION

When a president agrees to give a university’s commencement speech, he is usually welcome with open arms. Universities are quintessential spaces of open debate and public forums. However, when President Obama gave the University of Notre Dame’s 2009 commencement speech, controversy erupted. The protests regarding his visit stemmed from his pro-choice view on the abortion debate. His visit inspired arguments from both sides of the aisle and placed the abortion debate front and center after a time of relative calm. While some adamantly felt his invitation should have been withdrawn, Obama presented the commencement address along with parallel protests and an alternative ceremony for students and faculty still wary of his appearance.

A few months after Obama addressed Notre Dame and called for a more civil dialogue between both pro-choice and pro-life activists, Dr. George Tiller, one of only a few doctors in the nation who performed late term abortions, was shot to death in Kansas in the foyer of his longtime church as he handed out the church bulletin. He was by no means the first employee of an abortion provider to be murdered for the job, but his death brought to bear the issue of abortion once again. Pro-life groups were quick to denounce the murder of Dr. Tiller but the vociferous campaigns and provocative language used by some pro-life groups suggested their denouncements were part of a public relations campaign more than sorrow over the death of the abortion provider. Some in the pro-life camp were quick to accuse other pro-life activists of inciting hate speech and zealotry. Still, the firestorm over Obama’s presence at a Catholic institution and Tiller’s murder
vividly show that the issue of women having control over their own reproductive lives still inspires not only passion, debate, and anger, but also violent and non-violent activism.

Women’s reproductive choices are still controversial not only in the US but also around the world. There are an estimated 25 million to 30 million legal abortions worldwide each year, and a further 20 million unsafe, illegal abortions (Seager 2009: 38). Not only is the choice about whether to bring a child into the world controversial but so too are issues related to reproduction like population control, resource management, and national security. One of the newest “national security” concerns for the developed world is the growing number of older individuals as fertility rates drop. “According to the UN’s latest population estimates, fertility is currently below replacement level in over 70 countries, which account for nearly half of the world’s population” (The Economist 2009: 5). Certain countries like Japan and Russia are providing tax incentives for families with more than one child and increasing child care provisions to make the increase in families more appealing. As population decline becomes increasingly relevant, media reports stating such things as, “The International Organization for Migration thinks there will be 200 million climate change migrants by 2050 when the world’s population is set to peak at 9 billion” (The Economist 2009: 67), stirs fears of the enormity of human population and its ability to wreak havoc on the planet. Women’s bodies and the number of children they decide to have or not have is of interest to the state. This does not only come from faith, religion and the sanctity of human life but also from the need for a healthy strong nation as well as a viable workforce and a sustainable environment. The interest in women’s bodies also comes from those who see an increase
in children as a burden on states and the planet. Thus, women’s reproductive lives are variously and contradictorily read through an array of lenses, including national security and planetary sustainability as well as most often religion, feminism, and liberalism which stresses an individual’s rights to privacy and non-interference from the state. Given this diversity of viewpoints, women’s reproductive health has a long and storied history full of complexity and divisiveness.

The following chapter will detail a history of international women’s reproductive health from population control to the present in order to provide background to a theoretical analysis of global civil society and its shift in non-progressive directions. There are three stages in the history of reproductive rights: 1) population control of the 1960s; 2) transnational feminist networks of the 1970s to the 1990s; and 3) religious illiberalism from the 1990s on. These stages can be seen in terms of organizational patterns such as: 1) hyper-rationalization; 2) liberalization of individual rights; and 3) neoliberal privatization of control and values conflicts. Population control emerged in a variety of forms in the 1950s and its legacy continues today in the form of debates on pro-life versus pro-choice to national security and environmental concerns. The transnational feminist network which emerged to counter population control and later the Religious Right will also be described historically. This transnational feminist networking emerged in the 1970s and 1980s to counter the discourse on population control that dominated the international agenda. Their greatest victory came during the Cairo Conference of 1994. Since the Cairo Conference, the discourse of women’s autonomy, choice and freedom to engage in education and in public life have dominated issues of women’s reproductive rights. However, this movement is now dealing with the
more recent emergence of the US Christian Right and its strong alliances with conservative states which while rhetorically supporting women’s rights and autonomy do so through the ideologies of pro-life, motherhood, the natural family and equality based on complementarity. The rhetoric of the transnational feminist movement has been unable to account for and is incompatible with the growing influence of the US Christian Right. Nonetheless, most international law and conference documents support the transnational feminist movement’s rhetoric of women’s autonomy and choice.

From the historical background on reproductive rights, an account of the US Christian Right’s rise in political power will be given. This includes consideration of the POS, framing, discursive techniques and material sources of power which provide for this rise. Understanding the US Christian Right’s belief system and the role it plays in US foreign policy and IHR regimes, is integral to an analysis of their positions at global UN conferences. I will specifically trace US Christian Right organizations that have been most involved in redefining reproductive rights through pro-life activism at UN conferences. The Catholic Family and Human Rights Institute (C-FAM), Human Life International (HLI), Population Research Institute (PRI), and World Congress of Families (WCF) were chosen for their exclusive focus on pushing a pro-life agenda at the international level, their alliances with states and other pro-life organizations, and their longevity. These groups grasp onto human rights instruments and rhetoric arguing for a right to life, freedom of culture and religion, and respect for state sovereignty. They have been successful in promoting the making of reservations to conference documents and the blocking of language that hints at openings for international abortion rights or more fluid ideas regarding sexuality, even though they have not gained much ground in terms of
overturning feminist approaches to reproductive rights at the international level. Nevertheless, they have made their presence known, developed consultative status within the UN, found support (discursively and materially) from conservative states, and made headway in clamping down on any new pro-choice legislation that appears in domestic contexts. The description of international reproductive rights in terms of its history and organizing will provide the tools for a review and analysis of power in international reproductive rights with regard to framing and POS, both discursively and institutionally. The Religious Right’s use of universalist rhetoric to argue for a particular and absolutist set of rights, implicates global civil society in the production of illiberal democracy. This challenges mainstream theories of global civil society which posit only liberal democracy flowing from GCS actors as a result of failing to take seriously how discursive and material power operates in and through global civil society. In Chapter Five, I will return to this dominant assumption of GCS theorizing and the counter-liberal discourse of the pro-life movement that seeks to turn international reproductive rights on its head in my analysis of how these pro-life organizations have enabled a range of states to enact domestic legislation and support international policies that curtail or hamper liberal-oriented reproductive rights. This, in turn, will open up space for further interrogating of how dominant claims about the nature of global civil society also enable illiberal democracy.

**HISTORY OF REPRODUCTIVE RIGHTS**

In 1995, James Dobson, leader of Focus on the Family (FOF) warned that the UN Conference on Women that year represented “‘the most radical, atheistic, anti-family crusade in the history of the world’” and “‘the Agency for International Development
will channel hundreds of millions of dollars to support women’s reproductive and sexual rights and family planning services. The only hope for derailing this train is the Christian church’” (as quoted in Rose 1999: 16). How did Dobson come to attack the international women’s human rights movements for reproductive rights, especially since international reproductive rights were historically based on fertility control rather than freedoms? The transnational feminist movement for women’s reproductive health in the 1970s through the 1990s worked to move reproductive rights from control and fertility reduction, particularly in the developing world, to a focus on women’s health, autonomy, and individual freedoms. Prior to this, women’s control over their reproductive health was tied to the eugenics movement both in the Western and non-Western world. Eugenics was a social movement beginning in the early twentieth century devoted to the belief in improving the qualities of the human species or a human population by embracing birth control for persons having genetic defects or to control hereditary factors or encouraging reproduction by persons presumed to have inheritably desirable traits. Feminists and many socialists, like Margaret Sanger the founder of Planned Parenthood, embraced birth control as a fundamental woman’s right and ended up searching for allies in their struggle to provide birth control thus connecting with the eugenics social movement.

While the eugenicists avoided calling people “dregs” and “scums,” this did not mean the eugenics social movement was not steeped in racism. (Connelly 2008: 107). “In fact, reform eugenicists believed that the whole future of family planning depended on their ability to manipulate a large segment of society they considered unfit for parenthood” (Connelly 2008: 107). However, after World War II, the eugenics movement and its connection to the Nazi regime led to its lack of legitimacy. The social movement
was re-born due to this discrediting in the form of neo-Malthusian population control. It followed much of the same reasoning that the eugenics movement did. With too many resources and environmental degradation there was a need for population control. This neo-Malthusian discourse was slightly different from the eugenics movement in that its racist message was more toned down. With the Nazis discrediting eugenics due to an explicitly racist agenda this cleared the way for those who wanted to promote more “family friendly” policies to improve reproductive choices and child-rearing while regulating such choices through institutions of social control (Connelly 2008: 114).

According to Mathew Connelly,

Family planning could win the allegiance of so many and different kinds of population activists, including Catholics and pro-natalists, because it simply meant encouraging what certain individuals with science and power on their side considered a more rational approach to reproduction. It required calculating the value of human beings and implied that society must have a say- locally, nationally, and globally. Applying this concept in particular cases would occasion fierce struggles, but it could easily accommodate the idea that poor nations, like poor people, should plan to have fewer children, while rich nations and rich people should have more. The concept of family planning brought human reproduction squarely within the realm of public policy. Population control was now recognized as a tool of social engineering (2008: 114).

Neo-Malthusian population control as understood by the 1968 publication *The Population Bomb* written by Paul R. Ehrlich was not simply developed on high. This book focused on the idea that population impacted resources and the environment. This allowed the US to use its significant resources to control population. Initially many feminist were excited about the book. The female body has long been a symbol of all religious and fundamentalist movements to control women, sexuality and reproductive capabilities (Freedman 1999: 181) and a movement to provide family planning mechanisms to women who had never been given choices in their reproductive lives was
a radical notion. *The Population Bomb* and its policy prescriptions, including providing contraception to women, seemed liberatory and progressive at the time. However, the book was later critiqued for ignoring the glaring fact that regions of the world with the lowest population are the most affluent and thus largest and biggest consumers and hence wasters (Eager 2004: 47).

Since the world’s population did not reach one billion until the nineteenth century, population control did not become relevant until a rapid increase occurred after the one billion mark. By the 1930’s there were two billion people on earth. By 1960 there were three billion. By 1980 there were four billion people. The increases in population were mostly in the developing world and the increases in a few small years as compared to the increases in the nineteenth century worried many demographers, politicians, and communities. “In 1951, India became the first country in the developing world to initiate a state-sponsored family planning program” (Eager 2004: 45). While this occurred prior to the US’s forceful engagement with population control, it benefited from generous US support and the US did not question the use of incentives for sterilization programs (Eager 2004: 45). Incentives in India included small stipends which resulted in families subverting the system by sending grandfathers to be sterilized in order to bring in much needed income. Other incentives for sterilization included waved fees at hospital after birth, housing laws changed to provide better housing for couples accepting sterilization, better school was offered to children from smaller families and income tax laws were change to encourage smaller families (Eager 2004: 81). Clearly while population control was desired and encouraged by feminists around
the world, its incentives, stipend systems, and coercive policies were not what feminists had in mind.

From the 1950’s through the 1970’s mostly white men from the United States funded by the population control establishment ran population policy. Two of the largest private agencies concerned with assistance to international population activities were founded in the 1950’s, the International Planned Parenthood Federation (IPPF) and the Population Council (Eager 2004: 39). Domestic consensus in the US also supported the idea that development for the world’s poor would occur only when fertility rates began to decrease (Eager 2004: 35). In Fatal Misconception, Connelly states:

The 1960s became a big year for population control… The budgets, staff, the access were all increasing even more quickly than the population growth their programs were meant to stop. There was “something in it for everyone, “Population Association of America President John Kanter later recalled: “the activist, the scholar, the foundation officer, the globe-circling consultant, the wait-listed government official, world Conferences, a Population Year, commissions, select committees, new centers for research and training, a growing supply of experts, pronouncements by world leaders and, most of all, money- lots of it (2008: 236).

Much of the population control from the 1960s through the 1980s focused on modernization theory and the idea of the “demographic transition theory.” The first stage of the “demographic transition theory” saw high death and high fertility rates due to the circumstances of poverty. As societies improve, lower death rates improve the life spans of adults, but there are still high birth rates which lead to net increases in people. In the last stage of the theory, death rates and birth rates even out and to get to this last stage was the goal of population control groups (Eager 2004:36).

Behind this strategy was the rationale that the population problem could be solved by a technical fix, birth control, rather than attending to the social, economic, and cultural circumstances which influence fertility
decisions and reproductive behavior in the developed and developing world (Eager 2004: 41).

Women’s access to education was given no particular importance even though Irene Taeuber, a Princeton colleague of Frank Norstein who headed the UN Population Division, found a correlation between women’s education and lower birth rates in her research. Instead, modernity was understood as an integrated whole and achieving it required a “great project of social engineering” (Connelly 2008: 123). Most population control specialists were interested less in women and their levels of literacy and more in the ability to coordinate and manage population control across states and find opportunities for massive population control programs to spread. The focus on resource depletion that set up debates about the roles of the West and non-West, and anecdotal evidence versus large scale statistical studies left little room for considerations of women’s reproductive autonomy as a right. This was ignored or simply viewed as not relevant when it came to establishing programs and policies with regards to reproduction.

Population was also linked to national security. In 1959, the Draper Report viewed population as a cause for food riots and potential revolution. In 1974, Nixon asked the National Security Council (NSC) to examine how population growth would affect US security interests and the NSC advised on the necessity for family planning policies due to the possibilities of scarcity, conflict, and violence due to overpopulation. The link between national security and population is not a part of the past. Today Russia provides stipends for increased childbirth for mothers in an attempt to retain their state power and legitimacy. Women’s bodies remain a site of state and national security interests and are upon which battles over these male-dominated interests are fought.
Women’s bodies have historically been used as symbols of the nation and its health (Yuval Davis 1997). Their reproductive powers have been praised and shunned in accordance with larger state goals. The international reproductive rights movement is often mistakenly seen as part of the women’s rights as human rights program which emerged in the 1970s, gained steam in the 1990s, and continues today. However, its longer history demonstrates that it was part and parcel of a eugenics-based development movement led by Western men to reign in the growing population in the third world that they viewed as a threat to global prosperity and national security. The management and control of populations can historically be viewed as a form of high modernism where state power is strengthened through rational actors and mechanisms of control, like legislation. Reducing population as a form of high modernism and control was rejected by feminists seeking a more humane view of reproductive health.

Transnational Feminist Networks/ing

The framing of reproductive health from population control to women’s autonomy began as population control was increasingly scrutinized for its coercive imposition from on high, the dangers associated with its implementation, and the invisibility of local women’s voices to its goals. With increasing scrutiny, a formidable transnational feminist network emerged to counter population control policy. Most of the concerns which dominate transnational feminist networks from violence, health and poverty are not recent but rather stem as far back as the fifteenth century. However with the creation of the UN, many women’s rights activists found a forum to mobilize actors and press for representation and change. This was certainly the case for
transnational feminists working for reproductive rights. Therefore, this section is
dedicated to the rise of transnational feminist networks devoted to humane
understandings of women’s health. It sets the stage for the current rise of the Religious
Right on the international reproductive rights scene and the emergence of an illiberal
global civil society.

Since the 1970s, several places for organizing amongst transnational feminists
were created including four World Conferences on Women (Mexico City 1975,
Copenhagen 1980, Nairobi 1985, Beijing 1995). In separating from other institutions like
previous population organizations, transnational feminists were unconstrained by male
controlled structures. This gave women’s voices an autonomy that had previously not
existed. The growing strength of domestic women’s movements as well as the UN as a
site for activism increased feminist activism internationally. Transnational feminists
were strategic in their activism. For example “in Activists Beyond Borders (1995), Keck
and Sikkink describe how transnational feminists sought social change including issue
creation and agenda setting, transformation of prevailing discourses, and modification of
global conventions, as well as the alteration of the procedures and policies of national
governments” (Hawkesworth 2006: 68). These strategic choices however created
conflict in that transnational activists were made up of individuals purporting to represent
a certain group. This is particularly a problem for women in the global South who often
see women from the developed West speaking on behalf of women around the world.
However, transnational feminist activists attempted to work strategically not only using
the methods mentioned by Keck and Sikkink but also by emphasizing commonality,
solidarity, and shared interest as well as a recognition of differences and a common
agenda (Allen 2001; Patel 2001; Moghadam 2005; Hawkesworth 2006). This form of solidarity as well as their strategies for social change enabled large numbers to work outside of the “traditional” halls of power to effect change.

Transnational feminist networks also used outsider political strategies to transform dominate rhetoric, certain assumptions and policy interpretations which were naturalized and taken for granted. In order to keep a semblance of solidarity amongst women, transnational feminist networks developed less formal bases of power where leadership was multiple and competing and linkages were far less bureaucratic than other types of organizing because of its outsider status (Hawkseworth 2006: 70-71). In this way a new social movement was born. In these informal yet strategic outsider spaces, transnational feminist networks transformed the concept of human rights. Feminists refigured rights discourse away from liberal individualistic rhetoric in order to challenge the public/private divide as well as to focus on both political/civil rights and economic/social rights. This articulation led to the women’s rights as human rights movement.14

**Transnational Feminist Networking for International Reproductive Rights**

This section highlights the women’s rights as human rights movement focus on reproductive rights and its rejection of high modernism and population control. This sets the stage, I argue, for the emergence of the Religious Right as a key illiberal element of global civil society.

The focus on more inclusive understandings of human rights led transnational feminist networks to fight for reproductive rights. Through the 1960s and 1970s with the
Roe v. Wade decision, activism shifted and the struggle for birth control and population became a focus of transnational feminist networks made mostly of Western activists focusing on human rights. Reproductive activism widened again in the 1980s when women from the global South voiced their concerns that reproductive rights were less about choice and more about basic survival. Though voices of women from developing countries had been absent from the debate until then, a series of symbolic events focused attention on the reproductive health problems with which they were confronted (Joachim 2007: 134).

By 1975, women began to work on population issues. In an op-ed piece for the *New York Times* by Adrienne Germain titled “A Major Resource Awaiting Development: Women in the Third World,” it began, “who does the major part of the work in poor countries? Women do. Yet they are probably the most underrated economic resource in ‘resource poor’ third world countries”. She argued that first world should “support women’s organizations as a focal point for work, a source of credit, training, information and community power” (Goldberg 2009: 74).

Women started to focus on how technocrats were simply reducing women to wombs. In 1974, Margaret Mead, Germaine Greer, and Betty Friedan showed up at the World Population Conference in Bucharest (Goldberg 2009: 81). At Bucharest, developing countries took the lead in determining how international institutions and foundations should understand population. At this time, the analysis reversed directions and fertility increase was seen as a consequence of underdevelopment rather than the other way around (Hodgins and Watkins 1997: 487). At the same time, ideas about empowering women in the form of increasing literacy, providing employment, and decreasing infant mortality began to emerge as a way to reduce fertility. John D. Rockfeller, the famous philanthropist, also spoke at Bucharest and said, “in my opinion, if we are to make genuine progress in economic and social development, if we are to make progress in
achieving population goals, women increasingly must have greater freedom of choice in determining their role in society” (as quoted in Goldberg 2009: 81).

The 1980s was also a time when feminists from both the developed and developing world began to articulate their concerns from a united front in opposition to the population control movement focusing on self-empowerment and liberal notions of equality. It was not a smooth road to achieve consensus amongst a variety of women, but when it did emerge, it proved powerful. According to Jutta M. Joachim in *Agenda Setting, the UN, and NGOs*, there were several events in the 1980s which lead to an agreed platform from which to make demands.

Among these events was the International Tribunal and Meeting on Reproductive Rights held in Amsterdam, July 22-28, 1984. This meeting was the fourth in a series of International Women’s Health Meetings that had been held since the late 1970s in Rome (1977), Hanover (1980) and Geneva (1981). It was organized by women from the International Conception, Abortion, and Sterilization Campaign in London and the Dutch, Belgian, and Luxembourgian abortion campaigns (coordination group). It brought together nearly four hundred women from 65 countries to talk about issues such as population control policies, contraception, abortion, sterilization, having children, sexuality, infertility, and many other women’s health issues (Joachim 2007: 134).

These initial meetings were somewhat controversial in that they did not include many women from the global South due to limited funding and lack of advertising. The funds which were available went to women in the global South and led to tension since minority women in the Western world, like women of color and lesbians, were not granted a space at the tribunal. They saw this incorporation as a simple way for an elite cadre of women from the West to enhance their own power base by using Southern women (Eager 2004: 136). Still collaboration took place and alliances between the West and global South were established. The event ended by developing an international
network called the Women’s Global Network for Reproductive Rights (WGNRR) with headquarters in the West. This tribunal also determined that following meetings would be held in the global South.

The testimonies articulated by women at the 1984 tribunal inspired a sense of kinship between Western women and women of the global South. Despite vast differences in cultural and political differences personal testimonies from a variety of women brought a sense of solidarity to the organizing. The problems for women in the global South related to a lack of resources and the historical dumping of unsafe contraceptive methods into their communities (Joachim 2007: 138). The stories of women suffering from infections and pelvic inflammatory diseases to unintended sterilizations and tubal pregnancies was a huge mobilizing tool as was the use of contraceptives like the Dalkon Shield and intrauterine device (IUD or Depo-Provera injectable progestin) which had been outlawed in many Western countries. (Joachim 2007: 137-138).

At these initial transnational feminist networking meetings, population control policies were understood not simply as violations of human rights but also the consequences of certain types of unequal relationships with the West and global South. This demonstrated a new solidarity between women from the global West and global South which was a big shift from the 1960s. The outcomes of the Population Conference in Mexico City in 1984 demonstrate this well.

At the UN Population Conference in Mexico City in 1984, the US delegation announced that it would no longer fund international family planning organizations providing abortion services and would reduce funding for international family planning more generally (Fox 1986). The Decision known as the Mexico City Policy, came as a surprise to many and sent shock waves through developing countries because the US had
been the main engine behind population control efforts since the 1950s. More important it was detrimental to women. Two of the biggest family planning organizations providing abortion services and referrals- the UNFPA and the IPPF - had received a major portion of their funding from the US government (Joachim 2007:139-140).

The Mexico City Policy (global gag rule) emulated the change in US executive administrations. The new Republican administration under Reagan was highly supportive of the neo-liberal and pro-life agenda. In the Mexico City statement, the delegation stressed that “‘population control programs alone cannot substitute for the economic reforms that put society on a road toward growth and as an after-effect, toward slower population increase as well’” (as quoted in Joachim 2007: 140). Basically, free market policies would create a rise in living standards which would consequently result in a decline in fertility. The global gag rule also demonstrated the effectiveness of the lobbying activities of pro-life organizations in the US for whom the conference presented an excellent opportunity “to gain global attention for anti-abortion perspectives and an opportunity to strengthen transnational connections especially since they had been less than successful in overturning the legalization of abortion in the US” (Joachim 2007: 140).

The ability for states and private foundations to control women’s reproductive rights in both directions led to a mobilization of women. After Mexico City women’s rights advocates began dialogues with members of the population control establishment intending to create policies that took the autonomy and health of women into account. One of the most instrumental organizations in support of women’s health and autonomy was the International Women’s Health Coalition (IWHC) in New York (Joachim 2007: 142). These dialogue meetings resulted in finding a common desire to provide birth
control. However, women’s rights advocates favored a user controlled form of birth control whereas scientists and demographers favored a supplier controlled form of birth control. This led to an agreement where activists used the idea that “women’s health advocates could act as a bridge between women and scientists, helping women interpret scientists’ findings to other women, and bring women’s concerns to the attention of the scientific community” (Joachim 2007: 144). Economists were convinced that investment in reproductive health and women’s education could lead to economic growth. Advocating this position were transnational feminist reproductive rights networks who were pleased to develop this alliance even if they might join in partnership with those who viewed women’s reproductive capacities in instrumental ways. Social justice activists from the global South agreed to temper their demands against neoliberal policies and feminists accepted that abortion rights were not going to be legalized in order to keep this alliance (Roseman and Reichenbach 2009: 12). In this way, transnational feminist networks and the population control establishment managed to work together. Clearly a sea change attitude took place in the 1970s and 1980s rejecting population control and focusing on feminist concerns for justice, equality, solidarity, and self-empowerment. This did not mean that controversy and contention were over. Members of the Religious Right were concerned with the power of the transnational feminist movement for reproductive rights.

**Continuing Controversy over International Reproductive Rights**

Even though the transnational feminist movement gained increasing strength, pro-life forces and anti-contraception groups were a powerful force. In 1983, a group called
the Family of the Americas Foundation was brought in to brief foreign aid officials in the main State Department advocating a method of natural family planning developed by Australian, Doctor Billings which measures women’s cervical mucus to determine fertile periods (Goldberg 2009: 93). At the State Department, the organization proposed setting up billboards outside of capitals in the global South reading: “when you’re wet, a baby you will get. When you’re dry, the sperm they will die” (Goldberg 2009: 93). This group received a $1 million grant from USAID (Goldberg 2009: 93).

Frank Ruddy, a Texas antiabortion activist was made assistant USAID administrator to Africa and …sent Billings on a taxpayer funded speaking tour of the continent. On a Tanzanian radio show they warned listeners that anyone using contraception would go “straight to hell.” (Goldberg 2009: 95).

In the 1990s USAID also funded anti-abortion conferences around the world- one in Paris and one in Caracas. (Goldberg 2009: 95). The transnational feminist networks clearly were not without opposition yet they did have access and control of agenda-setting during the ICPD of 1994.

Second Stage: The United Nations International Conference on Population and Development (Cairo Conference) of 1994

The increase in women’s rights advocates, the new understandings of women’s literacy as a form of fertility decline as well as the new knowledge of the harm of some birth control methods and the recent epidemic of HIV/AIDS led to changes as individuals began preparations for the Cairo Conference. While strong in numbers, the transnational feminist networks still had to fight during preparatory meetings to get their goals and visions of women’s reproductive health on the agenda including access to safe contraceptives, counseling, and health services (Joachim 2007: 150). During the Cairo
Conference the Religious Right began to learn the techniques and strategies of transnational feminist organizers and began a heavy opposition campaign. This counter-campaign has grown in strength and demonstrates that global civil society is not a harmonious progressive space but rather a site where the power of the state privileges some movements over others.

While the Cairo Conference was a huge success for women’s reproductive health due to heavy organizing and strategizing as well as the growth and influence of transnational feminist networks, this was also where conservative religious groups and states opposed several of the proposals. The biggest controversy was over terms like “reproductive health” or “reproductive rights” which conservative and religious entities and states believed were code-words for unencumbered abortion. During the 1990s, however, women’s rights advocates had the assistance of the US administration under Clinton and not only overturned the global gag rule but also supported women’s rights advocates at Cairo through their delegates. The General Secretary at the Cairo Conference, Nafis Sadik, who was prior to her appointment a gynecologist in the global South, was also supportive of the women’s rights advocacy groups. Strategically using language to make their position legitimate, women’s rights advocates were extremely successful at the Cairo Conference.16

At the end of the day, however, the ICPD is non-binding and several reservations from states lead to loopholes allowing for a diverse array of interpretations which can be politically motivated. Its success has also inspired the opposition--the US Christian Right and Religious Right more generally. Not only has the opposition been inspired but feminist activists themselves have criticized the ICPD for not addressing broader
questions about globalization, unequal distribution of resources, and structural
inequalities resulting from past and current population policies. Nonetheless, as
Freedman states in “Finding Our Feet, Standing Our Ground,” it did lead to a:

shift and challenge to dominant paradigm for thinking about, researching,
and acting on women’s reproductive health and sexuality. That challenge
included the following four critiques: a critique of biomedical approaches
that view women’s bodies as isolated mechanical systems to be “fixed”
through application of expert knowledge; a critique of population control
measures that posit women’s fertility as the primary threat to development
and use of women’s wombs as the primary tools of target-driven state
social engineering policies; a critique of patriarchal social structures that
rob women of the ability to control their reproduction; protect their health,
enjoy their sexuality, and participate fully in the lives of their societies;
and a critique of economic development policies (especially structural
adjustment programs) that decimate already rickety health and social
welfare systems, while throwing onto women a disproportionate burden
for ensuring the survival of families and communities within the brave
new world such policies are creating (1999: 184).

Because of the work of women’s rights activists and the advances that took place over the
years, most especially at the Cairo Conference there are now four key elements of that
vision:

first, health must be viewed holistically with reproductive issues planted
firmly within the wider context of women’s overall physical and
emotional health and well-being over the course of the life span; second,
reproductive health is premised on a woman’s right to make decisions
about childbearing and to have the means to implement such decisions,
and to express and enjoy her sexuality, free from coercion, violence, and
discrimination; third, women’s reproductive health and reproductive rights
are grounded in the enjoyment of a wider set of human rights, including
economic, social, and cultural rights, which are also key to their societies’
broader health and development; and finally, because the purpose of
health programs is to facilitate the fulfillment of this vision of
reproductive health and rights, such policies and programs need to be
dramatically reoriented to incorporate women and women’s perspectives
in the planning and implementation (Freedman 1999: 184).

The 1994 ICPD agreement was accepted by 184 countries who at the outset accepted
women’s reproductive rights as human rights. Women’s reproductive autonomy as a
human right rather than population control came about due to a variety of factors. Some of these factors included the hard work of women’s rights activists and the new space opened to transnational activists after the Cold War where global conferences began to take place and activists from around the globe began to meet and start initiatives for their voices to be heard. The triumph of women’s rights however was the beginning of its challenge by illiberal human rights constructions generated by the Religious Right.

**Political Opportunity Structure of Transnational Feminist Networks for International Reproductive Rights**

Several factors may account for reproductive rights gaining ground at the international level from the 1970s through the 1990s. The emerging strength of women’s movements domestically, especially in the US and Europe, contributed to an already growing global women’s movement. The success of decriminalizing abortion in several states, on the one hand, and on the other, the voices of women from the global South describing coercive and dangerous population policies led to an acknowledgment by feminists of the need for a wider reproductive rights agenda at the global level. The success of this wider agenda at the Cairo Conference also was the result of progressive and experienced leadership both at the UN and within the US. Nafis Sadik, the Secretary General for the conference, along with the Clinton administration’s delegates supported a more inclusive understanding of women’s health. The rise in transnational feminist organizing as well as discussions on reproductive rights also emerged as tensions from the Cold War were ending and the bi-polar distribution of power in the international system declined. A focus on global civil society actors re-directed previous concerns related to this bipolarity. The decline in tensions between the two superpowers also
enlivened the developing world which established a forum for its concerns, including women’s reproductive rights, at the UN and within global civil society.

**Framing by Transnational Feminist Networks for International Reproductive Rights**

The transnational feminist network for women’s reproductive rights developed as a response to the population control establishment and the notions that women could be reduced to numbers and their reproduction studied, measured, and thereby decreased. The transnational feminist movement sees women as agents who are able to control and make their own decisions about fertility and family. Progress is made when women are able to take advantages of education, health, and employment opportunities which help them develop a healthy and sustainable life and family of their choosing. Equality is understood in the form of autonomy and development where women have access not only to contraception and abortion but also access to basic development, education, and health. The ICPD was monumentally important because it laid out a radically different way to deal with the population “problem.” Population could not be separated from other economic and social development concerns, particularly the need for women’s empowerment (Roseman and Reichenbach 2009: 5). Framing power inequalities, subordination of women and the ill consequences for their health that ensued were integral to this new way of viewing women’s reproductive choices. Using terms like “reproductive health” expanded the concept of reproduction to one not only of rights but also a concept about the integrity of one’s well-being. It was strategic framing on the part of the transnational women’s movement but one that RR activists were quick to pick up on.
Material Strength and Losing Traction on International Reproductive Rights

Unfortunately in advocating this vision, this movement did not anticipate the rise of the US Christian Right and its alliances with conservative Islamic and Catholic states as well as the Vatican. The US Christian Right’s use of human rights and their support for women as well as distaste for the population control establishment complicates the work of the transnational feminist network. Both groups find the previous work and rhetoric of the population control movement to be contrary to their goals and vision. Both groups also use IGOs, support for ultimate state sovereignty, anti-colonialism and the rights of life, religion, culture and women to articulate their goals. While the legislation is supportive of the work of the transnational feminist network for women’s reproductive rights, the US Christian Right can use alternative international legislation on human rights to supplement their own beliefs.

With the rise of the Religious Right globally there is a simultaneous argument that we are living in a “post-feminist” era. Similar to also recent claims about a “post-racial world,” feminism, like race, is depicted as no longer salient. This argument assumes that there are no longer impediments to feminist demands. In a word, feminism is dead. Such claims about a “post-feminist” world are designed to de-politicize many feminist concerns and goals. Mary E. Hawkesworth describes Judith Stacey’s critiques of this notion of post-feminism:

Over the past 35 years as the real value of wages has fallen, more and more women have entered the labor force. Divorce rates have risen, out of wedlock births increased, generating increasing numbers of single women heads of households. These changing material conditions form more than feminist demands for equality and have transformed the conditions of women’s lives, leading many women to seek an ideology that can help
them cope. Stacey construes post-feminism as just such a coping mechanism, one that depoliticizes feminism, removing its public agenda and situating it squarely within the home (155) . . . To declare feminism dead, then, is to characterize autonomous women’s activism as altogether foreign to the living, to depict it as a mode of existence so alien that it cannot be tolerated within “our” communities. By ritually re-inscribing the death of feminism with each invocation of post-feminism, those who would expel feminism from the contemporary world inflict damage while masking their own culpability (2009: 159).

This analysis may explain why follow-up conferences after the Cairo Conference and continuing conferences on women’s rights have not taken place. The lack of a follow-up conference stems not only from simple conference exhaustion and the rise of the Religious Right on the scene but also the deadening “post-feminist” climate being constructed. Gains were definitely achieved due to the ICPD, yet the health and development problems that brought activists and states together still exist. Even after the ICPD, women around the world do not exercise control over their bodies. Women and girls are forced into marriages and into sexual relations. Their husbands and families make decisions about when and whether they can leave the home, be it to go to work or to obtain health care (Roseman and Reichenbach 2009: 3). While the ICPD is important in its articulation of basic reproductive rights, its operationalization has been difficult. The strategies for implementing ICPD were never agreed upon and several unforeseen challenges have presented further complications for operationalizing the important document. Therefore several factors contribute to the lack of success of reproductive rights for women.

One such unforeseen challenge was the massive outbreak of HIV/AIDs and the increasing attention by global health officials to preventable diseases and infections like HIV/AIDS as well as malaria and TB. Initially funding for reproductive rights increased
due to high levels of advocacy during and prior to women’s global conferences and the ICPD. However, funding levels tended to fall after conferences and continued to decrease with other serious global health problems. While ICPD funding has decreased, global health more generally has been able to find lucrative funding sources.

An analysis of donor funding from 2000 to 2004 found that funding for “global health,” as opposed to “international health” or any other collective heading, has been steadily increasing since 2000 and approached $14 billion in 2004 (Kates, Morison, and Lief 2006). This increased funding comes from several sources, and global health is commanding an increasingly large portion of official development assistance as well. The World Bank’s spending on health reached a peak of $3.4 billion in 2003 before falling back to $2.1 billion in 2006 with $87 million of that spent on HIV/AIDS, TB and malaria programs, and $250 million on child and maternal health (Garret 2007; 4, online version). Private foundation spending also increased. Between 1995 and 2005, total giving by all US charitable foundations tripled and the portion of money dedicated to international projects soared to 80 percent, with global health representing more than a third of that sum (Garret 2007; 3, online version). (Roseman and Reichenbach 2009: 15-16).

Secondly, the rise in funding for global health as opposed to reproductive health provokes confusion since the Cairo Conference was the first conference which prepared estimated costs for its implementation. However, even with these cost estimates, donor states and private funding sources did not meet the estimates. The ICPD stated that donors were to pay one-third of the predicted costs while state governments were to cover the remaining two-thirds. These costs suggested that, in 2000, $17 billion would be needed for reproductive rights services, $18.5 billion in 2005, $20.5 billion in 2010, and $21.7 billion in 2015 (Paragraph 13.15 ICPD). This lack of funding demonstrates a marginalization from global health conversations that were prevalent only a decade earlier. This is especially the case with the glaring absence of reproductive health in the 1999 Millennium Development Goals (MDGs). This exclusion infuriated those working
for women’s reproductive rights. With increased activism, at the World Summit of 2005, which was organized to review progress toward the MDGs, a new turn occurred.

“‘Achieving universal access to reproductive health by 2015, as set out at the ICPD’” was added as a commitment to the World Summit Outcome document (as quoted in Larson and Reich 2009: 202). Although a new MDG on reproductive health was not added at this time, this World Summit commitment to universal access represented a new win in the tug of war over international development goals and women’s reproductive rights. Achievement of gender equality and women’s empowerment as well as maternal health, are now included among the MDGs and reproductive health became an indicator by 2008, although not a goal (see 2008-2009 UNIFEM report on World’s Women).

However, a 2005 Crosette’s review of the political process surrounding the MDGs concludes with skepticism about whether the Millennium Project task force reports will succeed in reintegrating attention to reproductive health given its original omission from the Millennium Report and Declaration (Kaufman 2009: 85). “Regardless of the implications, most agree that reproductive health was not a specific MDG because of its political nature and the hesitancy to put it front and center on the global agenda at a time of conservative politics” (Reichenbach 2009: 28).

While ICPD costs have not been met and reproductive health was excluded in the initial MDGs, the trend in donor resources for population and reproductive health did increase in the new millennium. The International Women's Health Coalition founded in 1984 by Joan Dunlop and Adrienne Germain works to secure girls' and women's sexual and reproductive health and rights around the world. Arguably one of the largest pro-choice international movements, their annual budget is $5-6 million provided by private
foundations, UN agencies, European governments, individuals, and corporations (International Women’s Health Coalition 2009). In their 2000 Annual Report some of their funders included the Hewlett Foundation, MacArthur Foundation, Ford Foundation, and the UNFPA (International Women’s Health Coalition 2009). The International Planned Parenthood Foundation (IPPF), again another impressive and strong pro-choice group, received more money than ever in 2007 with income from all sources being $120 million—a staggering 39 percent increase from 2002 (IPPF 2009). This increase however is due to the fact that IPPF did not receive any US government funding in the year 2007. They have received funding from sources like The Bill and Melinda Gates Foundation, the Hewlitt Foundation and Packard Foundation as well as UNFPA which is largely funded by the US.

Yet, many of the increases in reproductive health were only shown when connected with HIV/AIDS programs as HIV/AIDS focus on global health was part of the conservative framing of AIDS as a threat to the West. USAID is still a major donor in terms of global share of development assistance for HIV/AIDS and population assistance but there is no breakdown on what groups the US supports and how to define population assistance. For example, defining assistance to population might mean supporting abstinence only education. Most funding though comes from a few large private foundations going to NGOs and some to states implementing population assistance. While in 2003, 11.45 percent of US total overseas development assistance went to population (Reichenbach 2009: 29), this does not necessarily mean the funding went to groups that are considered part of transnational feminist networks for reproductive health.

There is a belief that reproductive health is no longer salient as a development issue because of the fertility decline that has occurred in
many parts of the world (Gillepsie 2004: Blanc and Tsui 2005); that donor priorities have shifted to other issues; and that the resource estimates no longer reflect the reality of programming reproductive health (Reichenbach 2009: 28).

The challenges of improving women’s reproductive rights are several: 1. the HIV/AIDS epidemic; 2. lower population growth; 3. opposition to family planning by social conservatives especially in the US; 4. and the shift from population control to women’s health and autonomy created less of an urgency that once inspired many funders to assist in population policy. President Bush’s personal and administration’s hostility to sexual and reproductive rights was also a crucial factor in explaining how RR groups gained ground in countering reproductive rights and why transnational feminist networks lost traction. Ignoring reproductive health and rights in the MDGs in 1999 revealed how low reproductive rights concerns had become. Many saw the absence in the MDGs as a fear of putting such a politically controversial agenda item at the center of such international and widely accepted goals. In sum, a recent report entitled, “Where is the Money for Women’s Rights?”, the authors explain that not only has funding decreased in all sectors for women’s issues, but that many organizations have been forced to establish “survival and resistance” tactics in order to remain in existence (AWID 2006).

Beyond conservative states’ and organizations’ opposition to reproductive rights, there is also a fifth structural challenge inhibiting the capacity for liberal rights for women, which is an increasing preoccupation with national security and a “securitization which has become the new vernacular of liberal democratic and social democratic states” (Hawkesworth 2009: 160). This discursive change aided by the two interventions in Iraq and Afghanistan also redirected attention to “hawkish” understandings of women’s rights where “saving” women through military intervention becomes the dominate rhetoric.
War often deemphasizes feminism and feminist goals. This was true during World War I when women were forced to leave jobs they had been recruited for during the war as well as pro-natalist policies to enhance the population lost including the criminalization of abortion (Hawkesworth 2009: 166). World War II also stopped practically all transnational feminist activity that had been re-created in the interwar years as women’s claims were made to seem selfish in comparison to the larger war effort (Hawkesworth 2009: 166).

Despite feminism’s vibrant presence around the globe, the new discursive regime would “disappear” feminism and replace it with the realpolitik of evangelical masculinity, crusading against a feminized perversity of its own making, to protect paternalism at home and abroad (Hawkesworth 2009: 166).

The 1994 ICPD was by no means the end of the transnational feminist reproductive rights movement. Given the continuing rise of conservative elements at the international level, and a simple exhaustion from the number of conferences at the UN, the movement in some ways had to re-group. In more recent history, this movement has been using CEDAW and courts of human rights to fight against bans on abortion around the world. In November of 2005, for example, The UN Human Rights Committee (UNHRC), an 18- member group that monitors the UN’s human rights covenants, decided that abortion is indeed a human right in *KL v. Peru*. This decision affirmed the work of international women’s health advocates and has been followed by others. For example,

In Tanzania a court cited CEDAW when overturning a law that prohibited females from inheriting clan land from their fathers. In striking down Colombia’s total ban on abortion that country's supreme court noted that, Various international treaties form the basis for the recognition and the protection of the reproductive rights of women, which derive from the protection of other fundamental rights such as the right to life, health,
equality, the right to be free from discrimination, the right to liberty, bodily integrity and the right to be free from violence. Sexual and reproductive rights of women have been finally recognized as human rights (Goldberg 2009: 115).

However, such decisions continue to send pro-life NGOs into action. Such opposition is able to use similar tactics in the forms of conferences, transnational organizing, the use of rights language and the building of alliances to press forward on reversals of feminist work. Several challenges have hindered the success of the reproductive rights movement. The history of the rise of transnational feminist networks demonstrates how global civil society is assumed to be a progressive and democratic space where previously marginalized global actors can control agenda-setting and power. With the success of transnational feminist networks in reproductive rights, unforeseen challenges emerged both to the movement as well as for global civil society as a democratic and progressive site.

Global Civil Society and the Transnational Feminist Network for Reproductive Rights

The transnational feminist movement for reproductive rights is a quintessential example of global civil society at work. Working against previously established state beliefs on reproduction and using outsider techniques, feminists from around the globe used solidarity as a form of commonality to change the status quo. These groups demonstrate the increasing diffusion of power from the state to local citizens where cooperative engagement leads to challenging states and forcing them to be more accountable to their populations. NGOs that previously held little sway over their governments, linked together and used international institutions to not only democratize the global arena but also create what Held names “cosmopolitanism”--“the ethical and
political space which sets out the terms of reference for the recognition of people’s equal moral worth, their active agency, and what is required for their autonomy and development” (Reilly 2007:183).

At the same time, the rise of fundamentalist groups and decreases in funding show that states still remain powerful actors pulling the funding and rhetorical strings of NGOs, including those working on reproductive health and autonomy from a transnational feminist perspective. With the movement of funds to the HIV/AIDS crisis, transnational networks are forced to follow rules and structures of the powers-that-be in order to garner funds. Shifting the focus due to HIV/AIDS and the global gag rule demonstrates how funding, language, goals and mission must be appropriate to authority in order to affect any sort of change. According to Wapner, Rosenau’s “sovereignty free” understanding of the arena of global civil society must be complicated not only with the rise of fundamentalist states and organizations working to counter reproductive rights but also simply within previously understood detached entities, like the transnational feminist network for reproductive rights (2000: 269). That is to say, state power still matters even to transnational feminist networks working toward reproductive rights.

**THE US CHRISTIAN RIGHT**

This section highlights the rise of the US Christian Right not only on the international scene working against reproductive rights but also as a major actor in US domestic policy and in global politics. It sets the stage for a detailed analysis of power dynamics and paradoxes in global civil society. Compared to other Western countries, the US holds strongly to religious beliefs. While church-going attendance continues to
decline and secularism dominates political debates in most advanced industrialized
countries, religion remains a distinct aspect of America’s associational life. Indeed in a
September 2000 poll, 70 percent of US adults agreed it was important that a president has
strong religious beliefs (Domke 2004: 15).

Religious civic groups have a long history of involvement in politics and civic life
and not just at the domestic level. Religion is also significant to US foreign policy.
While separation of church and state is a characteristic of US culture, interest groups and
pluralism in politics are also at the heart of US culture. Religious networks therefore are
examples of this pluralism at work. To give but one of many examples, in 1956 when the
flagship magazine of the National Evangelical Association (NAE) was established,
*Christianity Today*, they housed the magazine in an office suite overlooking the White
House (Lindsay 2007: 7).

**The Christian Right in Domestic Politics: A Brief Background**

Many assume that of the US Christian Right gained increased legitimacy during
the recent George W. Bush era. While Bush was supportive of the US Christian Right,
their work in political life did not begin with the Bush presidency. President Jimmy
Carter’s strong religious faith was continuously mentioned throughout his presidency and
inspired him to work diligently for the realization of human rights around the world. This
evangelical faith as defined by Michael Lindsay, is a belief that: “1) that the Bible is the
supreme authority for religious belief and practice; 2) that he or she has a personal
relationship with Jesus Christ; and 3) that one should take a transforming, activist
approach to faith” (2007: 4). While Carter took his own personal faith seriously, Reagan
used faith to garner votes and provide a thank you for his victory. During Reagan’s presidency, evangelism as a form of faith became more influenced by conservative elements.

The Reagan administration developed a language and set of communication strategies, under leadership of Michael Deaver and David Gergen that appealed simultaneously to fundamentalists and to a broader mass public. In the words of Ritter and Henry (1992), “the union between the sacred and the secular…defined Reagan’s public discourse.” (Domke 2004: 8).

By the end of the 1980s, according to Lienesch (1993), the new Christian right to which Reagan spoke and depended on exercised power via “a labyrinth of lobbying groups and political action committees” (Domke 2004: 8).

Reagan was also supportive of religious conservatives by appointing members of the US Christian Right to several critical posts like C. Everett Koop as Surgeon General and James G. Watt as Secretary of the Interior (Lindsay 2007:19). Reagan placed several federal judges on the bench who were supportive of US Christian Right concerns and insiders assert that many of Reagan’s staffers were Christian. In fact, after the 1980 election, James Dobson, head of a newly formed evangelical organization, Focus on the Family (FOF), found that he had several personal connections with Reagan’s inner circle. Most notable among those was Susan Baker, wife of Chief of Staff James Baker and a member of FOF’s board. Dobson was also appointed to the National Advisory Commission to the Office of Juvenile Justice and Delinquency Prevention in 1982 and in Reagan’s second term he was frequently consulted on policy issues (Lindsay 2007: 20).

Clinton also appointed evangelicals to prominent posts for example, Brady Anderson-- a former missionary in Africa to serve as US Ambassador to Tanzania, and then administrator to USAID. Robert Seiple the ambassador for religious freedom under the
International Religious Freedom Act (IRFA) was also appointed the CEO of the massive evangelical aid agency, World Vision (Lindsay 2007: 44). However Bush surrounded himself with more conservative evangelicals, or what I would call US Christian Right members, than any other US President in the last fifty years. Attorney General John Ashcroft, U.S. Representative to the UN John Danforth, Chairman of the White House Council of Economic Advisors Glenn Hubbard and Counsel to the President Karen Hughes are some of the few evangelicals Bush placed in elite positions of power (Lindsay 2007: 26). Ellen Saurbrey, an ardent conservative was placed in the position of US Ambassador to the UN Commission on the Status of Women (CSW), a position previously held by outspoken liberal feminists.

**The Bush Presidency and the US Christian Right**

Bush used religious tones and spoke of his personal religious beliefs routinely. One of the more memorable presidential campaign debates asked Bush who his favorite political philosopher was. Bush easily answered with Jesus Christ. His administration also used religious rhetoric strategically and articulated a set of binaries which spoke explicitly to the US Christian Right.

The Bush administration offered a conception of reality that emphasized good versus evil, security versus peril and conceptions of reality reflected and contributed to a sense of moral certitude among Bush administration that was used to justify limits on civil liberties and help to engender consistent public support for the president’s war on terror. (Domke 2004: 25).

While other presidents had used religion in a vague manner, Bush’s presidency focused on the US Christian Right and their goals and vision for the world. On Bush’s ninth day in office he announced the establishment of the Office of Faith-Based and Community
Initiative (OFBCI) which he argued was designed to end a “legacy of discrimination against faith-based charities” (Lindsay 2007: 49). According to Lee Marsden in *For God’s Sake*,

The real demarcation between missions and US government under Bush becomes increasingly blurred under faith-based initiatives, which awards mainly Christian organization contracts to deliver US assistance through USAID. Many Christian right organizations such as Operation Blessing and Samaritan’s Purse have received tens of millions of taxpayer dollars to sustain and increase their missions as active participants in US foreign policy… USAID manages $10 billion for US foreign assistance programs within 84 developing countries. A Boston Globe survey of prime contractors and grantees revealed that just over 98 percent of funds to Faith-Based Organizations (FBO) went to Christian organizations . . .. Similarly, organizations like Planned Parenthood, which partners with similar organizations overseas and provides vital healthcare find themselves denied USAID funding because they offer an abortion option as part of their advice and guidance on family planning and reproductive health, a stance at odds with the administrations policy (2008:125).

Even Bush’s push to assist HIV/AIDS victims in Africa was enmeshed with his religious convictions and the support of the US Christian Right. There is no doubt that the increased funding delivered to Africa in the form of medication assisted many individuals; nonetheless, the policy and leadership involved suggest that values important to the US Christian Right were at the forefront of the HIV/AIDS work of the Bush administration. For example, Anita Smith, chair of the Presidential Advisory Council on HIV/AIDS and Dr. Anne Paterson, Global Health Director resigned after James Dobson from Focus on the Family (FOF) attacked them for advocating the use of condoms to prevent AIDS. While there was funding for HIV/AIDS medications there was not funding for condoms. Peterson’s replacement was another conservative evangelical from the US Christian Right, Kent Hill, who while less qualified for the job was nonetheless extremely straightforward in his conservative views on condom use (Marsden 2008:135).
With Bush in office, the US Christian Right was also highly supportive of Israel and the War on Terror. Christian Zionism is increasingly important as a subgroup within the US Christian Right, especially under the leadership of the late Jerry Falwell and the Moral Majority and more recently under John Hagee and the Christians United for Israel (CUFI) (Domke 2004:8). The US Christian Right’s passionate support for Israel also helped draw the US Christian Right to support the “war on terror”. According to Beliefnet, an online journal covering religion, 70 percent of evangelical leaders (or Christian right leaders) consider Islam to be a “religion of violence” and 66 percent believe Islam is dedicated to world domination (Kaplan 2004:13). “Evangelicals have substituted Islam for the Soviet Union,” Cizik, a vice president of the National Evangelical Association told the New York Times. “The Muslims have become the modern-day equivalent of the “evil empire”” (Kaplan 2004:13).

**Political Opportunity Structure and the US Christian Right**

The Bush administration certainly provided the space for populist US Christian Right movements as well as US Christian Right elites to gain power in terms of spreading their message and dominating many foreign policy debates, including issues like reproductive rights. The global “war on terror” which began shortly after Bush took office allowed religion to be used for political purposes. A perfect example of this was the rhetorical use of the “clash of civilizations” debate by political elites in order to whip up the religious base. Samuel Huntington writing in 1993 posited that the world would essentially be divided in the future not by conflicts among states but by conflicts among major religious and ethnic groups. He predicted that the most significant fracture of all
would pit “the West against the rest.” This influential article was often cited after 9/11 as prescient and precise. The “clash of civilizations” debate was used by well-placed elites in order to gain support for foreign interventions and state-building in the Middle East. This clash was not of cultures, religions, or ideas but rather about using structural and material power engineered for political purposes. The power elite used new-found fears of certain religions and cultures in order to shut down deliberative democracy and stir up the religious base, particularly the US Christian Right. Assertions that cultures are not homogeneous entities but rather complex, internally divided and changing were the response to the initial debate. However, more recently there have been critiques about the manipulation of culture and religion for political purposes. Following the work of Edward Said (1993) and Jack Snyder (2000), religion cannot be separated out from political and economic ideologies. Snyder’s book *From Voting to Violence* (2000) details the dangers in new democracies where politicians use so-called “ancient hatreds” to stir up voters, inflame ethnic tensions, and thus garner votes in order to gain power. While his work centers on newly democratizing nations, the US and its use of “us” versus “them” at the beginning of the new millennium provided the backdrop for the US Christian Right to continue their work on the international scene and dominate conversations on human rights, particularly for women.

**The US Christian Right, Human Rights, and Framing Techniques**

The US Christian Right’s connection with state power is partly due to its unyielding support for the “war on terror” but also stems from the US Christian Right’s support for interventionist and “hawkish” human rights. This is not new if the role of
Christian missionaries in development and humanitarian work as well as the resettlement of refugees around the world is taken into account. Religious networks have been integral to helping those in need. Their humanitarian assistance has at time been plagued with a proselytizing mission however. Missionary work occurs around the developing world and many consider the consequences to be huge increases in Christianity. In fact as a proportion of the world’s population of Christians, at least half as many believers reside today in Europe and North America as in 1900 (den Dulk 2007: 217) and at least 60 percent of Christians live in the developing world. The change is so important that the historian Philip Jenkins calls non-Western Christianity the “next Christendom” (den Dulk 2007:217). American religious groups who work as missionaries work simultaneously as development workers and are exposed to social and economic ills in the developing world. This leads missionaries to develop a keen sensitivity to the plight of the “suffering church” abroad as well as sensitivity to related policy issues like the devastation of ethnic conflict and problems associated with international family planning. These demographic shifts and missionary activity accompany a particular set of beliefs which allow evangelicals an intellectual resource for global commitments.

Consider the Pew Center findings in 2003 that 86% of evangelicals think that moral principle ought to guide American foreign policy, 62% claim that foreign policy out to be “compassionate” and 55% say that religion ought to shape foreign policy- all of which are significantly higher than any other reported demographic or political group (den Dulke 2007: 217). The US Christian Right increasingly abandoned their historical isolationism, favoring foreign policy that is focused on the global but often unilateralist, in part motivated by distinctive theological convictions and aided by increasing strategic sophistication. (den Dulke 2007: 214). In fact, In May 2002, New York Times columnist Nicholas Kristof
declared the US Christian Right “the newest internationalists” (den Dulke 2007: 215). While previously believed to be isolationist, the US Christian Right took a leading role in combating human rights violations around the world well before George W. Bush took office.

One area of human rights where the US Christian Right is highly influential is over religious persecution and religious freedom. Michael Horowitz, a lawyer in the Reagan administration who in the 1980s helped maintain White House pressure on the Soviet Union so that persecuted Jews could emigrate was concerned about the plight of persecuted Christians. He used connections he forged with evangelicals through the Reagan White House to rally a variety of religious leaders to action (Lindsay 2007: 43). By 1996 this lobbying ultimately resulted in legislation supportive of religious freedom. Religious freedom legislation began with a National Association of Evangelicals (NAE) approved *Statement of Conscience* that detailed necessary steps to secure religious liberty around the world. This resulted in the passage of the International Religious Freedom Act (IRFA) signed into law by President Clinton in 1998.

The legislation, the most sweeping of its kind ever passed, made freedom of religion a core objective of US foreign policy, created an independent Commission on International Religious Freedom and an ambassador-at-large for international religious freedom and required an annual report from the State Department on the status of religious freedom in every country of the world. John V. Hanford, the current ambassador at large for international religious freedom was one of the main drafters of the legislation and holds a graduate theological degree (Lindsay 2007: 43).

Sudan became an ideal test case for IRFA since those persecuted happened to be Christians. Using the IRFA, Persecution Project Foundation (PPF), International Christian Concern (ICC), Christian Freedom International (CFI), and Voices of the Martyrs (VOM), among others, all loosely associated with the US Christian Right,
lobbied the White House and Congress for the US to defend Christians in the Sudan. Sudan is now arguably one of the most well-known human rights causes in the US (Marsden 2008: 119). While the International Religious Freedom Report identifies states persecuting religious groups and has the ability to provide sanctioning information, it is often criticized for being a political tool. For example in 2004, Iraq was taken off the list of states with a poor record of religious freedom although by any measure religious persecution remains high and amongst the worst in the world while no criticisms of Israel is found (Marsden 2008: 122).

**Framing and the Belief System of the US Christian Right**

It is important to take into consideration the religious motivation of the last presidency and the ascendancy of the US Christian Right as well as how it is distinguished from evangelicalism more generally.

Bush was not just religious. He ignored several religious calls- when National Council of Churches and US Conference of Bishops opposed his war on Iraq he didn’t bat an eyelash. He didn’t listen when the Council on American-Islamic Relations filed a suit challenging the constitutionality of the Patriot Act. When the Union for Reform Judaism announced that an anti-gay marriage amendment would “defile the constitution”, the president took no notice. Nor did Bush respond to a joint call signed by fifty prominent Christian leaders, including Richard Cizik of the NAE and Jim Wallis of Call to Renewal, for policies that promote “quality health care, decent housing, and a living income for the poor”. He embraces right-wing Christian fundamentalism not faith (Kaplan 2004: 4).

There is a tendency to perceive evangelicals as nearly monolithic and marching in political lockstep with the US Christian Right, which I defined previously using Butler’s definition of “the organizations and leaders that mobilize key constituencies to a conservative social agenda motivated by religious values” (2006: 12). In speaking and
describing evangelicals it is important to look at the definition given previously by Lindsay which does not address political persuasion since evangelicals can come from both a liberal and conservative bent. In fact, there has been recent literature describing how evangelicalism does not have to be a right or left issue (Harper 2008). There are real and substantial disagreements among evangelicals and even the US Christian Right in general on domestic issues. Evangelicals, religiously motivated political groups and the US Christian Right are rarely of one mind on how to view or implement specific foreign policies. In terms of religious justifications for specific policies, faith based approaches can take on many forms. Religious explanations are dependent on the issue at hand and often vary depending on slight differences in theological grounds. For this reason I rely on the definition of the US Christian Right developed by Butler to define a certain set of values and certain set of groups working in international policy both domestically and internationally. These groups support notions of complementarity to men rather than equality, support of the natural family, a pro-life stance on reproductive rights, a view of global governance as useful but potentially dangerous, and a strong desire to rid the world of trafficking and prostitution in order to “save” women from being victimized.

Religious Right Leadership and Connections with the State

Often evangelicals who have reached the halls of power attempt to distinguish themselves from these more grassroots and populist forms of Christian conservatives. This is often important in that there is a great disjuncture between their goals, motivations, values, and policy interests. Mainstream evangelism is often separated from
the black church without hesitation but there tends to be a lumping together of other Christian religious groups. As Lindsay notes in *Faith in the Halls of Power*, during his interviews with elite evangelicals, “some expressed frustration at what they perceived as inaccurate reporting that collapsed diverse parts of evangelism with radical Christian reconstructionists and apocalyptic premillennialists- into a monolithic whole” (2007: 63).

Many who want to separate themselves from more populist forms of Christian advocacy see Rick Warren as a positive face of evangelism because he seems less known for conservative politics and public denunciations (Lindsay 2007: 150). However Warren is friends with the likes of Jerry Falwell who did denounce progressive politics and is becoming more well known for his extremely conservative connections. This new form of US Christian Right activism seeks to focus on helping the downtrodden and emphasizes issues like human rights rather than the previously more divisive issues that pitted the US Christian Right against more liberal groups.

While there is diversity in faith that encompasses conservative Christians in the US, all attempts to separate from more populist versions of conservative Christianity of the US Christian Right are false. Members of the US Christian Right have been appointed to high offices in the US military, large corporations, on Wall Street and in Hollywood as well as Washington (Lindsay 2007). Working at both grassroots levels and elite levels, the US Christian Right has formed powerful coalitions around issues as diverse as human trafficking and same sex marriages (Lindsay 2007: 208). Using symbolic action and similar rhetoric, the populist movement has helped elites gain positions of power. They have also used military interventions since 9/11 and a “clash of civilizations” debate to increase support from the base for policies which are unrelated to
religion. For example, the Council for National Policy (CNP), founded in 1981 which supports a “strong national defense, belief in a free enterprise system, and support for traditional western values” was co-founded by Time La Haye, Pat Robertson, and Tony Perkins of the Family Research Council (Lindsay 2007: 59). While this is an elite institution its co-founders make up the leadership of grassroots populist US Christian Right organizing. In fact, Tim LaHaye is the author of the *Left Behind* Series of books which focuses on the populist premillenialist conceptions of the Christian Right. This premillennialism animates the populist elements of the US Christian Right and believes the bible prophesies the end of the world, followed by a second coming of Christ and the arrival of the millennium (Herman 2000:141). The connections between state elites and populist forces are present and thus bring to life the discourse of the movement.

The connection between elites and populists is intimate but the movement is also constantly transforming, bringing in new leaders and ushering old leaders out. The leaders may change but values remain the same. In terms of leadership and support for US Christian Right values, over a quarter of members of both Houses of Congress identify themselves as evangelicals (Marsden 2008: 34). “By 2007 every governor, every senator and all but eleven congressional representatives identified themselves by religion” (Marsden 2008: 34). While they may leave open the term of evangelical to simply mean “motivation by their connection to God,” it does help them gain support of the populist US Christian Right and thus in turn they support elements of the populist US Christian Right. The US Christian Right’s motives and goals are also represented well by influential think tanks from the Heritage Foundation, Hudson Institute, Institute on Public Policy and Religion, to the Ethics and Public Policy Center (EPPC) (Marsden 2008: 42).
The [Christian right] movement has key wealthy benefactors who have provided start-up capital in order to establish organizations, which have then been able to develop through the financial contribution of supporters. Being a conservative movement, the Christian right encourages entrepreneurship and free enterprise, and it is therefore no surprise to discover that organizations are run as businesses, albeit with tax-exempt status. The most successful Christian right organizations have balance sheets revealing turnovers of many millions of dollars. Such income serves to maintain a high profile for organizational leaders, play an active role in the continuous US electoral cycle, and provides the Christian right leaders with the credibility and income to enable them to mix with the country’s political elite. (Marsden 2008: 34-35).

Another dynamic force mixing political elites with religion is the controversial group known as “The Family.” They have most recently gained national coverage since several members admitted to extra-marital affairs including Mark Sanford, the Governor of South Carolina and Senator John Ensign of Nevada. According to Jeff Sharlett in the book, *The Family* (2009), the members are “followers of a political religion that embraces elitism, disdains democracy, and pursues power for its members the better to "advance the Kingdom." (2009: para. 1). Established 74 years ago, “The Family” emerged as a group of pro-business individuals against the New Deal. They viewed the depression as a punishment for Roosevelt’s socialist reforms. Some of its members include Senators Strom Thurmond and Willis Robertson -- Pat Robertson's father.

“Membership lists stored in the Family's archive at the Billy Graham Center at evangelical Wheaton College in Illinois show active participation at any given time over the years by dozens of congressmen” (Sharlett 2009: para. 2). Charles Colson, well known in other Christian circles, has bragged of it as a "veritable underground of Christ's men all through government." They have appropriated tens of millions in federal funds for new mega-church-style chapels on military bases around the country and the organization plans the annual National Prayer Breakfast that is attended by the president,
members of Congress, and diplomats from around the world (Kozloff 2009). Earlier this year, Obama even presented his Office of Faith-Based and Neighborhood Partnerships there. These connections demonstrate that the US Christian Right is a quasi-state actor not only supported by the state through leadership and funding but also in articulating state policies via their discourse.

To better understand framing, POS, discourse and material analysis which connects the US Christian Right movement with the state, I review four Christian right organizations: Catholic Family and Human Rights Institute (C-FAM), Human Life International (HLI), Population Research Institute (PRI) and World Congress of Families (WCF). These organizations were chosen for several reasons. They all work in international reproductive rights and have done so before the ICPD in 1994. They also focus exclusively on international issues but also support a domestic agenda in favor of pro-life and “traditional” family values. They are based in the US and have support of the US government in the form of relationships with state leaders from political appointees to elected officials. They also developed alliances with conservative Muslim states, Catholic states, and the Vatican. While these groups have existed well before the Bush administration and its “war on terror,” these two crucial factors provided the POS from which these organizations prospered. While their material funding sources are difficult to find, their attachments to the halls of power within the US state and abroad are easily investigated. The framing techniques they used are based on the broader turn by the US Christian Right to support human rights rather than frame their goals and missions as foils of progressive politics. Their pro-life stance speaks to the human right to life, a
pro-woman stance based on complementarity, support for sovereign states, and a fight against neo-colonialist oppression.

THE RELIGIOUS RIGHT AND INTERNATIONAL WOMEN’S REPRODUCTIVE RIGHTS: THE 1990s TO TODAY

In his first few days in office, President Obama overturned the infamous global gag rule that Bush instituted during his first few days as president. The global gag rule prohibits any US funds to go to organizations abroad which perform abortions or advise women about the potential for abortion services. This dramatic shift sent a message to pro-choice and pro-life advocates working internationally as it is common for new presidents to either repel or institute the global gag rule upon entering office. Shortly after Obama’s decision, Secretary of State Hilary Clinton announced the decision to renew funding to the UNFPA for family planning overseas. In testifying to Congress, Clinton stood her ground against Republican Chris Smith, a well known advocate for pro-life issues domestically and internationally as well as a proponent of human rights issues such as sex trafficking. Smith, speaking during Clinton's first hearing in the House Foreign Affairs Committee since she became Secretary of State, asked if Obama's team sought to influence African and South American countries on abortion (Agence France Presse 2009: para. 1). Smith ignored the glaring statistics that unsafe abortions kill 36,000 African women each year, representing more than half of the global total of between 65,000 and 70,000 annual deaths (Goldberg 2009: 3) or that “according to the WHO, complications from unsafe abortions cause 13 percent of maternal deaths and account for a fifth of the total mortality and disability burden due to pregnancy and childbirth” (Goldberg 2009: 3). The shift in funding to UNFPA was dramatic as funding
decreased dramatically through the 1990s. Funding to transnational feminist groups and reproductive rights more generally declined during this time. The emergence of US Christian Right activists on the international scene and a shift from the hegemony of feminist transnational networks in the reproductive rights arena influenced this decrease in funding. An emphasis on HIV/AIDS and global health also allowed for US Christian Right groups to take on reproductive health. Bush’s “war on terror” spurred the US Christian Right to focus on international issues. State actors could thus focus on foreign interventions; meanwhile the domestic religious base was able to focus on international reproductive rights. Several of these US Christian Right organizations emerged after the Vatican was dealt a severe blow during the ICPD. At subsequent conferences from Beijing and follow up reproductive rights meetings, the US Christian Right gained consultative status as NGOs, developed pro-family blocks with state alliances with Islamic and Catholic countries, and worked to unhinge some of the successes of transnational feminist networks. NGOs are significant at the UN and a definitive aspect of GCS. They pressured the UN to help create the UN High Commission on Human Rights, to advance the creation of the International Criminal Court (ICC), and influenced the UN to address women’s advancement and global racism through world conferences (Butler: 4). NGOs are powerful forces at international meetings and conferences. Many attribute the success of the transnational feminist networks to the creation of a feminist civil society made up of NGOs.

The Vatican and Reproductive Rights
Previous to the US Christian Right’s international organizing, the Vatican was one of the first conservative groups on the scene to take up reproductive rights. Unlike US Christian Right organizations the Vatican is a strong believer in global governance, seeing the UN as a means to achieve global peace and prosperity. Like the US Christian Right the Vatican views women and their roles in reproduction as important and praiseworthy. In fact John Paul II sent a letter to the public called “Letter to Women” and a statement to the Secretary General at Beijing, Mrs. Gertrude Mongella. This letter thanked women for their many contributions to society, apologized for historical oppression and explained the connection between women, families and human rights. This letter also detailed the need for equality for women in the form of protecting working mothers, equal pay for equal work, in career advancements, and for spouses with regard to family obligations and rights. He did not criticize Western feminists but stated that they advocated a Western-dominated agenda that did not represent women from the global South and that this feminism was “‘relying on mainstream and limited discourses that was of little value to women’” (as quoted in Buss and Herman 2003: 114). This focus on human rights enabled the Vatican to characterize the women’s movement for reproductive freedoms as simply focusing on rhetoric without actually helping women and girls. The focus on life as the foundation by which all other human rights are built meant abortion would undermine women’s status rather than enhance it (Desmond 2009: para. 8). Abortion from the Vatican’s view was a “dangerous weapon… in the hands of public authorities” according to Pope Paul VI and that contraception would allow for an exit plan for men and husbands (Desmond 2009: para. 11). The Vatican indeed saw a false promise in reproductive rights developed at the ICPD. Rather than empowering
women, access to abortions and contraception allowed men to avoid their responsibilities which in turn destroyed the “traditional” values that support a “natural” family. The Vatican along with established conservative state alliances were vocal opponents of ICPD. However since there was such wide support for ICPD they also conceded and with reservations supported the final draft.

**The US Christian Right and International Reproductive Rights**

This concession resulted in the emergence of several US Christian Right organizations who sought out NGO consultative status in order to increase the pro-life lobby at international gatherings. These groups mobilized in a variety of ways by not only gaining consultative status but also through US presidential appointments of delegates to UN sponsored meetings (under Bush), by publicizing their frame that the right to life is a basic human right and that advocates for abortion access and reproductive health are calling for illegitimate and special rights (Chamberlain 2006: 3). They continue to pursue goals by disrupting the deliberative process of committees and by organizing and funding an international caucus composed of other conservative religious entities and governments to mobilize opposition more broadly within the UN (Chamberlain 2006:1).

**Catholic Family and Human Rights Institute**

One such organization that focuses on international pro-life issues and developed a strong presence at UN sponsored meetings is C-FAM. C-FAM- started in 1997 with contributions from Human Life International (HLI). Human Life International (HLI) was denied consultative status at the UN due to its attacks on Islam and hostility toward UN
goals. In order to create legitimacy it established C-FAM headed by Austin Ruse (Chamberlain 2006: 9). C-FAM, however, also does not hold consultative status as an NGO. Even so, C-FAM has become one of the most prominent American anti-abortion organizations working at the UN. Even the conservative US based Family Research Council with strong ties to the Council For National Policy (CNP), the “think tank” formed as a religious version of the Council on Foreign Relations founded by Tim LaHaye and Tony Perkins, has put its weight behind C-FAM (Butler 2006: 2). C-FAM issues a UN-related fax message to its constituents every Friday. Ruse uses the faxes to expose the “dirty laundry” of the UN and to demonstrate the successes of C-FAM in countering many UN activities (Chamberlain 2006: 9). According to its website, it was founded in order to monitor and affect the social policy debate at the UN and other international institutions as “a non-partisan, non-profit research institute dedicated to re-establishing a proper understanding of international law, protecting national sovereignty and the dignity of the human person” (C-FAM: n.d.). C-FAM personnel participated in every major UN social policy debate since 1997 including the Rome Statutes of the ICC, the Convention on Disabilities, Cairo+5, Beijing+5 and dozens of other international conferences (C-FAM: n.d.). C-FAM conducts research and lobbying focusing on how international law and international organizations are undermining the “natural” family and are thus out to destroy a just and free society.

C-FAM recognizes that its success is dependent on state support. According to Ruse, conservative state alliances are essential to undoing reproductive freedoms at the international level. As stated by Ruse, “We don’t need them all; we need only a few [member states]. We establish a permanent UN pro-family bloc of 12 states. And upon
these [conservative delegates] we lavish all of our attention’” (as quoted in Chamberlain 2006: 9). By using the frame of “natural” family and highlighting motherhood, the problems of homosexual marriage and the threat of adolescent sexual education, this is a way to achieve alliances with different faiths and cultures. Rights to culture and state sovereignty are also integral to the message which is highly aligned with rhetoric about neo-colonialism.

During the Beijing Conference, Ruse called upon people to help with his organization’s mission and summoned hundreds of “‘pro-family and pro-life advocates” to come to the UN to fight against “the Beijing Platform for Action… one of the most radical and dangerous documents you can imagine’” (as quoted in Butler 2000: 4). His call to action made promises to his supporters such as, “‘You will work alongside Catholics, Evangelicals, Jews, Muslims and Mormons… We are the children of Abraham arising to fight for faith and family’” (as quoted in Butler 2000: 4). The non-Western world is a spot of growing Christianity and the development of alliances with non-Western countries strengthens the international work of the US Christian Right.

Frustrated with political defeats at the national level, the US Christian Right can easily turn to the developing world as a frontier which has not dealt with the difficulties of progressive groups. In the eyes of US Christian Right organizers this area has yet to be corrupted by the disintegration of the family due to modernization.

Ruse focuses on IGOs and the international community while at the same time disregarding them. Once a consultant for Population Research Institute (PRI), Ruse visited Albania after the conflict in the former Yugoslavia to make sure refugee women who had dealt with rape were not being coerced into sterilizations or abortion. Ruse
acknowledged that he found only one case of abuse that was still questionable but he insisted that UNFPA was assisting Slobodan Milosevic’s campaign to ethnically cleanse the Kosovars, “a slander he spread among both people in the region and sympathetic right-wing pundits at home, where it made its way into *The New York Post*, among other places” (Goldberg 2009: para. 6). His organization helped bar the morning after pill to rape survivors in Kosovo and supported the barring of access to condoms and sexual education in AIDS ravaged Africa (Susskind 2008: para. 7).

While still the president of C-FAM, most recently in 2006 Ruse became president of The Culture of Life Foundation and Institute in Washington which demonstrates his new interest in lobbying not only at the international level but also domestically. (Chamberlain 2006: 9). However, the first office of C-FAM was opened in New York across the street from the United Nations. As a “think tank,” C-FAM produces something called the Friday fax. Such recent faxes deal with the renewed funding by the US government to UNFPA, the meaning of CEDAW and how groups are “manipulating” it to legalize abortion, and the issue of missing girls in India and China due to sex selected abortions. C-FAM also produces a research branch called The International Organizations Research Group (IORG) which is “dedicated to advancing a deeper understanding of social policies advanced at the international level in order to protect and promote better national policies regarding human life, the family, religious freedom, and human rights” (C-FAM: n.d.). IORG’s publications are a series of white papers examining the activities of UN agencies, NGOs, foundations, and other international institutions. Another branch of C-FAM is the Law Group, the legal arm of the organization. It is made up of a group of legal practitioners and law professors from
around the world who are “concerned that international instruments are used to advance a radical social agenda and undercut the rule of law” (C-FAM: n.d.). The Law Group presents amicus briefs to courts around the world hearing abortion related cases and crafts shadow reports to human rights commissions on why abortion is not to be considered a human right. Several important UN documents, treaties, and convention platforms for action are presented on C-FAM’s website as well. This site contains both binding and non-binding documents and is a good source for finding UN related policy. They also provide a daily schedule of UN activities. As well, C-FAM provides a CEDAW watch component along with its center for UN documents. Stating that CEDAW is continually reinterpreted and used by the committee and some national courts and parliaments to change national laws, “CEDAW watch provides policy makers and citizens with knowledge they need to understand CEDAW and how to protect their laws from the effects of activists on the committee and in organizations “abusing” the treaty” (C-FAM: n.d.).

Additionally, C-FAM covers the day-to-day meetings of various UN committees and commissions. C-FAM provides this information because it works closely with a several states working at the UN as well. C-FAM is proud of its record.

C-FAM has organized many conferences on UN social policy and international institutions in New York, Rome, Paris, Vienna, and Washington, D.C. and has organized conferences at UN headquarters on the natural law, in Rome on international law, in Rome on bioethics, in Washington DC on end-of-life issues, and annually brings together social conservative leaders in various European capitals. C-FAM’s research arm, IORG, has chaired academic panels at the International Studies Association, an annual meeting of thousands of academics from all over the world, as well at the conferences of the Society of Catholic Social Scientists and has presented its research at the European Union Studies Association bi-annual meeting (C-FAM: n.d.).
Human Life International

As stated before, C-FAM was founded by Human Life International (HLI). These two organizations are part of a tripartite group working to advance pro-life goals internationally. HLI founded both C-Fam and Population Research Institute (PRI). Population Research Institute (PRI) helps circumvent the UN exclusion of both HLI and C-FAM as legitimate NGOs with consultative status by presenting itself as a pro-life think tank. HLI, established in 1981 by Father Paul Marx, is located in Maryland but has established satellite officers in more than 50 countries. HLI provides special anti-abortion missionary trips where they formed (using US strategies) crisis pregnancy and post-abortion healing centers, “chastity programs” in schools, and priest training on how to organize against abortion (Chamberlain 2006: 5). HLI claims to be the largest pro-life movement in the world with revenue of 4.0 million (HLI: n.d.). Its tax reports indicate revenue but provide no membership structure. Thus its international leadership remains a mystery (HLI 2008). The group requested accreditation for consultative status in 1990 and the NGO Committee of the Council recommended that the group be added to its list. Nevertheless, in May 1991 ECOSOC refused to endorse this recommendation (Druelle 2000: 29). It has therefore made every effort to develop affiliates and alliances with other organizations supporting its cause. Some of the organizations that HLI supports are Population Research Institute (PRI), Humanae Vitae Priests, the World Council for Life and Family and several members of the Catholic hierarchy like Cardinal Alfonso Lopez-Trujillo President of the Pontifical Council for the Family. In fact, HLI has close connections with many Latin American priests. For example, Dr. Cabrera is the president
of the Nicaraguan Anprovida, the country’s leading pro-life group and affiliate of HLI. Not only does he support jail sentencing for women who receive abortions, he fought for Nicaragua’s harsh abortion restrictions and even for the excommunication of a nine year old El Salvadoran girl who received an abortion after being raped by her stepfather (Goldberg 2009). One of the Spanish language fliers made by HLI is titled “Moral deceit: The IPPF’s Attack on Children, Families and National Sovereignty.” This demonstrates HLI’s focus on traditional values and its threat from outsiders (Goldberg 2009:22). HLI’s support comes mostly from Latin American. In fact, at one point, HLI’s local affiliate in Colombia submitted 30,000 anti-abortion children’s drawings by kids as young as three as amicus briefs in an abortion rights case (Goldberg 2009: 33).

HLI considers itself not only a pro-life organization but also a pro-woman organization. Some of its more recent successes include: the amending of El Salvador’s constitution so as to secure and protect "the life of the unborn from conception," HLI's teen chastity outreach program in Tanzania which brought to national attention the UN’s designs to force young people to use defective condoms and HLI’s detective work which resulted in the destruction of over 10 million condoms (HLI: n.d.). Many of the reports on their website relate to reproductive rights as it relates to population control including research about missing girls due to sex selected abortion, eugenics, and the population decline of Europe. HLI is also very strategic in countering any successes of the pro-choice movement. In Africa, health ministers met to agree on the The Maputo Protocol and its Plan of Action in 2005. The Protocol called on states to “take all appropriate measures to… protect the reproductive rights of women, by authorizing medical abortions in cases of sexual assault, rape, incest, and where the continued pregnancy
endangers the mental and physical health of the mother or the life of the other or fetus’” (as quoted in Goldberg 2009: 168). HLI bought the domain names of MaputoProtocol.org and MaputoProtocol.com where it put up a website claiming that the treaty is “part of a decades long campaign by Western elites to reduce the number of black Africans” (as quoted in Goldberg 2009: 169).

**Population Research Institute**

However, HLI’s affiliate Population Research Institute (PRI) is the most concerned with population control. One of the biggest concerns for PRI is US support for UNFPA. PRI is well known for its investigation on whether the UNFPA was providing funds to support China’s one child policy. Ironically while the US founded UNFPA, it is a tool (like the global gag rule) of presidential administrations to demonstrate their support or lack thereof for abortion. It is therefore an easy target for pro-life organizations. A crucial figure in the process of defunding the UNFPA was Father Paul Marx of PRI. He initially worried about the growing Muslim population and was supportive of pro-life issues based on his anti-immigrant beliefs. The development of PRI, separate from its parent organizations HLI and C-Fam was “to enable [PRI] to operate more effectively in the secular world, out from under the mantle of a Catholic pro-life organization” (Goldberg 2009:153). While the separation exists between organizations, HLI has provided over $1 million in starting PRI (Goldberg: 2009: 154). PRI’s president is Steven Mosher a former PhD student and aspiring China specialist at Stanford. Mosher called the UN initiated Global Fund for AIDS, “The global fund for abortion, prostitution, and homosexual agenda” (as quoted in Chamberlain 2006: 6). In
the early 1980s, he was expelled from Stanford and made national headlines from the dismissal.

The controversy started while doing fieldwork in his then wife’s village and he attended meeting where women with unapproved pregnancies were browbeaten into having abortions. Mosher called it “brainwashing” which included appeals to patriotism. He wrote an article about this when he returned in “Sunday Times Chinese Weekly a Taiwanese magazine… Furious about this, China officials banned his field research an accused him of bribing villagers and smuggling antique coins out of the country among other offenses. The country was clearly trying to discredit a critic but when Stanford began to research the issue they found damning evidence, some of it provided by his recently divorced ex-wife. .. A university committee eventually accused him of “illegal and serious unethical behavior” and… unanimously voted to expel him (Goldberg 2009:154).

His outrage of China’s policy left him outraged at UNFPA and international family planning more generally. ““Overpopulation is a myth according to Mosher and the entire population of the world could live in the state of Texas, in single family dwelling with front and backyards”” (as quoted in Goldberg 2009: 155).

PRI along with conservative pro-life Representative Chris Smith helped defund the UNFPA in 2002. Smith called together a House panel to look at the research of PRI and if the UNFPA was assisting in China’s one child policy and abortion. Mosher and several of his colleagues testified and also wrote to Bush to end funding of the UNFPA stating, ““[UNPFA] clearly supports a program of coercive abortion and involuntary sterilization”” (as quoted in Goldberg 2009: 158). His few citations described evidence from an undercover fact finding team ““sent to Sihui, one of the 32 counties where the UNFPA operates in China”” (as quoted in Goldberg 2009:158). Mosher still provides this research to Congressmen like Chris Smith in their international work countering women’s reproductive rights.
Political Opportunity Structure of Catholic Family and Human Rights Institute, Human Life International and Population Research Institute

Created before the Bush administration, these three organizations emerged on the international scene as a response to the successes of transnational feminist networks and the failures of the Vatican to delegitimize women’s reproductive rights. They gained ground through the Bush administration not only through governmental support and pro-life delegations to UN bodies but also through the rhetoric of the “war on terror” used by the elites to inspire a domestic religious base. These groups succeeded in gaining support of developing nations by using the rhetoric of state sovereignty and the right to culture and religion through the use of POS and structural capacity.

Framing Techniques of Catholic Family and Human Rights Institute, Human Life International and Population Research Institute

The organizations which essentially exist as one entity see women’s roles as mothers and rational state policy as supportive of a human right to life. The organizations support a pro-life agenda as part of a right to religion and culture as well as right to prevent the intervention of large powerful states in the affairs of less powerful nations. Progress stems from individuals understanding their rightful position in society, particularly women as mothers. The “natural” family with male as head of household is also part of this progress. Another important part of progress is in making sure that increases in population in the non-Western world do not threaten recent decreases in population in the West. Even with the growth of Christianity in the non-Western world, the rhetoric of C-FAM, HLI, and PRI stems from a concern for a decline in the
population in the West. Population control is understood as detrimental to the West and provides too many freedoms to women and men. Equality is an important aspect of their framing. Women and men are equal yet they are different. Women are equated as mothers and men are equated as heads of household. Family is framed as the most essential and basic unit of a healthy society. This fits well with the neoliberal conservative take that families are integral to society and the decline of the family leads to a decline in society and thus economic competitiveness. IGO’s and strong states are manipulating the rest of the world. The message therefore is a paradox. On one hand there is an anti-immigrant and anti-Islamic voice yet at the same time, the alliances and work that has been the most successful has taken place in the global South and with the help of Muslim states.

Material Strength of Catholic Family and Human Rights Institute, Human Life International, and Population Research Institute

C-Fam, HLI, and PRI have been able to establish a presence at international and domestic settings related to reproductive rights meeting and gained funding through individual level support in millions of dollars but have not been able to place their language and rhetoric on any international conference documents. The US Christian Right’s strategic move away from controversial and divisive rhetoric to the rhetoric of a moral foreign policy and human rights bolsters their message. Understanding human rights from this lens means that the US Christian Right does not have to interrogate other human rights claims which it may be guilty of violating. These US Christian Right organizations support state policy and are supplemented by elites in state power to push policies reflective of larger state goals like “hawkish” humanitarian interventions and
support for sovereignty. The state has provided an outlet for these groups as state sovereignty should be an ideal and global governance and global institutions provide a mere thorn in the side of the state. This support also allows the state to ignore other human rights like providing women with educational, health, and employment opportunities which allow for real autonomy and choice.

**World Congress on Families**

WCF started in 1995 and has met five times since its inception. While not a “think tank” or traditional NGO per se, the WCF holds meetings and brings together like minded NGOs, states, and individuals to discuss issues related to notions of the “natural” family including pro-life advocacy. The meetings model themselves after UN conferences where there are sessions and consensus making as well as the development of a platform for action. The congress was designed, in its own words, in response to the "militantly anti-family ethos prevalent in the ‘post modern' West." (Kurlantzick 2007: para. 14) For several days during their conferences participants meet in several sessions, discuss issues of relevance to “traditional values” and teach attendees how to influence political debate on the ground, like advocating for "pro-family" tax policies and learning how to interpret laws to favor home schooling (Kurlantzick 2007: para. 14). The group has brought together conservative religious activists representing monotheistic faiths around the world including Islam, Judaism and Christianity. The WCF was formed by Dr. Allan Carlson in Rockford, IL a conservative Lutheran spin off of the ultra right Rockford Institute, a nationalist isolationist entity known for its anti-semitic ideas. “Carlson is a PhD in history and wrote his dissertation on a critique of the work of
Gunnar and Alva Myrdal who were social democratic progenitors of Sweden’s ultra-progressive family policies” (Goldberg 2009: 156).

In 1997 the WCF held their first meeting in Prague. There the groups in attendance issued a declaration in defense of the “natural” family explained as “the fundamental unit, inscribed in human nature and centered around the voluntary union of a man and a women in a lifelong covenant of marriage” (as quoted in Herman 2001:57). While US Christian Right organizations dominated as the delegates, speakers, and organizers, representatives of Muslim countries and Catholic countries also attended. The alliances are curious and unstable give the fact that many of the US Christian Right organizations are suspicious of Muslims and Muslims in turn are suspicious about potential proselytizing by Christians. However, this first meeting demonstrated according to Herman, “the new sophistication on the part of American activists: the recognition that conservative social change, at the global level, requires a networked alliance of orthodoxies” (Herman 2001: 57).

In 1999 the second WCF meeting took place in Geneva called the WCFII. There the members discussed meeting in Rome to lobby against the creation of an international criminal court and called for the defense of the “natural” family from “certain social, political and economic forces under slogans such as “modernity”, “globalization”, and “progress”, and in the name of “civil society”… have weakened the bonds between husband and wife, parent and child, and the generations”” (as quoted in Herman 2001: 57). At this meeting, C-FAM was a co-sponsor and attendance was at a record 800 people with a 25 person delegation from Iran (Goldberg 2009: 156). Speakers included Alfonso Cardinal Lopez Trujillo, the American Ambassador to Gambia and the wife of the
assassinated leader of Egypt, Anwar Sadat (Goldberg 2009:156). Sessions included such titles as “A Life-long Covenant of Marriage”, “The Needs of Children” and “The Family at the UN” (Herman 2001: 56).

The WCFIII was held in Mexico City in 2004, a large gap between the prior meetings. This was the first time the meeting was held outside of Europe. Mexico City was strategic in an attempt at coordinating with conservative Catholic alliances in Latin America. The speakers in Mexico included Moktar Lamani, the Permanent Observer of the Organization of the Islamic Conference to the UN (Butler 2000: 5). For the first time, at WCF III, the U.S. government spoke and gave its explicit endorsement of the so-called pro-family agenda, with Ellen Sauerbrey the US representative for the UN Commission on the Status of Women (CSW) speaking forcefully about Bush administration efforts to counter “attacks” on the “natural” family, including the nascent movement in favor of gay marriage (Kane 2004: para. 23). “Sauerbrey also announced the US was working within the UN to prevent documents that support the “family in its various forms” from being codified” (Kane 2004: para. 24). There was also more of an international presence at this conference than previously held meetings where first time attendees included Morocco, Italy, India, Latvia, Russia, Azerbaijan, Pakistan and Qatar. One of the final products of the meeting was the “Mexico City Consensus,” a document similar to UN conference platforms for action that would be presented at the follow up Beijing +10 Conference in 2005, the 10-year follow-up to the Fourth World Conference on Women (Kane 2004: para. 34).

While a WCF was not held again till 2007, the WCF IV in Poland began where other meetings left off and was titled “The Natural Family- Springtime for Europe and
the World”, a hopeful contrast to “demographic winter” which is the term for the threat to first world population decline (Goldberg 2009: 199). Ellen Sauerby who was the head of the State Department’s Office of Population, Refugees and Migration again attended.

Co-sponsors of the Congress included the American Family Association, Concerned Women for America (CWA), the Family Research Council, Focus on the Family (FOF), the Heritage Foundation, and the Seattle-based Discovery Institute, which promotes the "intelligent design" concept of the universe's origins and where the former ambassador for US anti-trafficking initiatives held a previous position. Even the Polish president Lech Kaczynski, addressed the Congress (Crary 2007: para.5). Poland was an interesting spot for the conference due to their strict abortion laws yet huge population decline. The focus of this conference and concerns of WCF members was the declining population in the Western industrialized world. Carlson’s opening statement was,

Militant secularism would stamp out religious and spiritual sentiments that animate the family home. Sexual radicals would twist and distort the procreative act, turning it away from the creation of new life. Neo-Malthusians would accelerate the disappearance of nations and the depopulation for the earth (Goldberg 2009:200).

The speakers at this conference, like previous ones framed women as the saviors of their culture by returning to their God-given roles in the home, thus saving family and nation. According to Venezuelan countess Christine de Vollmer, president of the Latin American Alliance for the family “‘A society that has no desire to continue in time, and has so low a birthrate as we have seen, is a society with little joy, and of course, no future’” (as quoted Goldberg 2009: 206).

The most recent meeting was held in August of 2009 in Amsterdam and was titled “Family: More than the Sum of its Parts.” Again a strategic location, Amsterdam is the
capital of a well-known liberal country where population is on the decline, prostitution
and gay marriage are de-criminalized, and there is increasing disdain for immigrants.

Those attending and speaking at the conference included Steven Mosher of PRI, Austin
Ruse of C-FAM and Janice Crouse a former Bush speechwriter who is from the popular
US Christian Right organization, The LaHaye Institute based out Concerned Women for
America (CWA). Crouse was a US delegate at UN conferences and is actively working
to stop the work of UN, seeing it as contrary to US interests. She has said,

The UN is actively anti-American both the Security Council and the
General Assembly work to thwart American interests… Literally billions
of dollars have been squandered in misguided utopian efforts that failed
to accomplish the stated goals or were misdirected into the hands of
corrupt officials through the UN’s poor management, cronyism or
support for harsh dictators and ruthless regimes (Chamberlain 2006: 7).

As part of CWA and the LaHaye Institute, Crouse is a close companion of the
evangelist and Pastor Tim LaHaye, a leading RR activist and author of the popular Left
Behind Series as well as board member of the Council For National Policy (CNP), the US
Christian Right’s version of the Council on Foreign Relations. The group has long
opposed abortion and women's rights, being originally formed to fight against the Equal
Rights Amendment (ERA).

**Political Opportunity Structure of World Congress of Families**

The POS developed to allow the WCF to thrive are the alliances developed with
conservative Catholic and Islamic states as well as the support of the previous Bush
administration. However, this group existed and was supported by many organizations
and states previous to the Bush administration. Their use of *rights speak*, equality in
difference as well as diversity of support (open to any religion as long as it is
conservative) has allowed the WCF to thrive. The conferences are a way to rejuvenate the members of conservative groups and inspire them to work and fight harder. The model of UN conferences has prepared them for actual UN sponsored conferences. The end of the Cold War allowed an opening for states previously not seen as allies to become partners and debate the effects of globalization on the family and women’s status. Most of these debates related to the travesties brought upon women and the “traditional” family due to modernization and globalization. It is with this discourse that the WCF gains support and status.

**Framing and Discourse of the World Congress of Families**

During the WCF meetings, speakers and organizations have used the term human rights, spoken of the West’s break down of sovereignty, the destruction of families, feminizing poverty, increasing crime rates, degrading societies and catastrophic population declines (Goldberg 2009: 11). For groups who have been frustrated with the political defeats at the national level, the US Christian Right is turning to the developing world as an innocent, unspoiled frontier, which might possibly be rescued from a morally bankrupt West. In contrast to early missionaries who privileged Western culture as they spread their religious message, these emissaries warn the developing world to avoid mistakes made by the Western world that led to the disintegration of the family and declining morality (Goldberg 2009: 8).

The WCF uses diversionary framing in an attempt to draw attention away from the goals of the transnational feminist movement. They have moved the women’s rights as human rights movement away from domestic violence, development, work/family
balance, anti-discrimination to issues of pro-life and the “natural” family and a fight against sexuality education and human rights. It is not anti-woman rather pro-family framing. It is not progressive in the sense of social change but has conservative and patriarchal foundations. The frame of state sovereignty, defending sovereignty in the face of the expansion of international human rights norms especially where they are seen to conflict with traditional cultural and religious practices, is an essential part of their rhetoric. Relatedly, they critique an emphasis on individuals as rights bearing subjects which ignores the possibility of group rights, especially the rights of religion and cultures. They support the idea of rationality through the human right to life, freedom of religion and culture, and the cult of motherhood. Equality is seen in terms of complementarity and progress takes place when states do not intervene in other state’s rights, when neocolonialism ends by powerful state’s staying out of the global South, and when women and men recognize their “traditional” place in society.

Material Strength of the World Congress of Families

Materially they have gained support from their state alliances. Conservative states make up their membership and host their conferences. US Christian Right movements have helped co-sponsor and support WCF meetings. Several well-connected elites, such as, Ellen Sauerby who previously headed the UN Commission on the Status of Women (CSW)have attended and spoken at WCF meetings. Their funding and support is derived from individuals but their strength is a direct result of state’s action in supporting human rights frameworks.
Global Civil Society and US Christian Right Organizations

Because mainstream literature on global civil society imagines global civil society as an arena of progressive and harmonious organizing across borders, it selectively studies those groups within global civil society that fit within this imaginary. The US Christian Right’s international organizing demonstrates that conservative elements exist in global civil society and they contend with more progressive movements for dominance. Other researchers have highlighted the cross border alliances established by the US Christian Right, but they argue that this is demonstrative of a democratizing global civil society (Buss and Herman 2003; Butler 2006). While grassroots elements indeed have a presence at the level of global civil society, many of the US Christian Right’s successes in terms of creating NGOs, blocking legislation in international treaties, and using international law to clamp down on women’s reproductive rights, stems from their connections with elites and state entities. Global civil society as a counterweight to the state and the market must be questioned. Conjuring up images of individuals achieving cooperation and change across borders and forcing accountability on the state is part of the romanticization of global civil society. The case presented here counters these romantic images. The US Christian Right’s work is an example of conservative and contentious elements operating at the level of global civil society.

The US supports human rights for both its “hard” power and “soft” power strategy. The US used human rights rhetoric for the sake of military action around the globe. It also fits with the human rights discourse manipulating individual freedoms, like disregarding women’s choice and promoting sovereignty, culture and religion. Only
critical variants of global civil society are able to account for this case which complicates idealized understandings of the global space called global civil society.

CONCLUSION

The politics of reproductive rights, lurching from population control advocacy to transnational feminist network activism and then to domestic and transnational RR backlash, reveals the contentious nature of global civil society. These phases of international reproductive rights history bring out a conflict of values that challenge liberal notions of global civil society. It also reveals the less than democratic, conservative, and state-backed features of it. The Bush administration and its framing of the “war on terror” as a “clash of civilizations” created the POS for the US Christian Right to develop strength. This led to quasi-state organizations connected to power elites countering transnational feminist groups and reproductive rights. Framing their pro-life arguments as a human right to life, culture, religion, and sovereignty these groups also gained support from Catholic and Muslim states. Using human rights frames, the US Christian Right is able to develop state support and suppress women’s reproductive choices in the name of these human rights. IHR norms are the glue that holds global civil society together and the manipulation of such norms challenges GCS assumptions of a liberal, progressive, democratic space. Rather, global civil society, as this case demonstrates leaves open the door to and enables illiberal democracy by camouflaging ideology and absolutism for universal, democratic rights. The RR groups gained more resources and ideological support from states than the transnational feminist networks ever did. Differing notions of women’s rights, therefore, can never be fairly adjudicated.
Thus, in this case, global civil society becomes a source of illiberal democracy not a foil of illiberalism (usually associated with the state). The notion that global civil society is separate from the state and market or immune from conflicting social forces is questionable given the relationship the market and state have with RR actors who use the discourse of human rights to take away the right of women to make choices autonomously about their reproductive lives.

Global civil society, in neoliberal fashion, becomes a marketplace where the goal is to create efficiencies in the system whereby there is hostility to states which get in the way of the international “greater good” (Harvey 2005). This push for efficiencies opens the door for privatized solutions, much like the US Christian Right’s work to privatize women’s issues by making them part of “tradition”, the “family”, and separating them from public debate. In this way, the control over “traditional” values in the name of human rights empowers not only the Religious Right but also the state and market, establishing an unholy alliance, and preventing changes in current power dynamics.

Chapter Four will continue with the next case study on the US Christian Right and their anti-sex trafficking campaign and the questioning of global civil society’s emancipatory potential and the unholy alliance of state, market, and RR forces. While the transnational feminist movement has held sway over international legal discourse in reproductive rights, the US Christian Right (in alliance this time with some feminists), controls the legal and popular language on sex trafficking. In addition to the Religious Right’s use of absolutist language about controlling women’s sexuality, they have also democratically taken away rights through their support of anti-sex trafficking measures
which actually do control women’s sexuality. The previous and the next case show how shifts in human rights discourse can mask particularistic goals as universal rights.
CHAPTER FOUR

SEX TRAFFICKING AND WOMEN’S HUMAN RIGHTS

INTRODUCTION

Somaly Mam and the actress Susan Sarandon appeared on the Tyra Banks show in November 2007. They were promoting the Somaly Mam Foundation, an NGO that works with former child prostitutes in Cambodia. The foundation is named after Mam, herself a former child prostitute. Both she and Sarandon spoke of sex trafficking, detailing explicit tales of what girls face during their imprisonment in brothels. Inspired and appalled, the Western female audience discussed donating money to “save” the young girls.

In May 2009 Global Watch with Daljit Dhaliwal on Public Broadcasting Service (PBS) focused on the topic of trafficking. In this episode the host interviewed one of the filmmakers of the documentary, Holly, which, filmed in Cambodia, includes footage of the brothels of Phnom Penh’s Svay Pak. This area is notorious for its underage brothels where thousands of sex tourists and pedophiles come to prey on children. While discussing the film, one of the filmmakers states that Holly is a good portrayal of what is happening with human trafficking because it is “not as jarring as the actual issue” (Marcus, Milliken & Hirsen 2009). Like Holly, much of the information on trafficking focuses not on general human trafficking and smuggling, but rather sex trafficking. Lurid details of naïve young woman and perverse brothel owners and collaborators dominate the descriptions. The journalistic accounts of trafficking typically rely on horror stories and “atrocity tales” about victims of the sex trade and the most shocking examples of victimization are described and typified (Weitzer 2007: 448). However, as attested to by
Freedom from human trafficking, especially sex trafficking, has become a significant human right. Media and governments around the world are taking it on with sincerity and interest. However, the issue of sex trafficking is not without complexity and controversy. The National Organization of Women (NOW), arguably the most well known organization advocating for women’s rights in the US, takes no stand and makes no mention of sex trafficking (Weitzer 2007: 450). This is in part due to debates among feminists over whether prostitution and pornography should be prohibited or legalized in the US. Such debates are embedded in sex trafficking politics, therefore, it is not surprising that many groups avoid the topic altogether. However, as sex trafficking is now awash in the media, capturing the public imagination, feminists need to grapple with it distinct from the prostitution and pornography debates.

Women comprise almost half of international migrants and they are trafficked across borders and within borders for various types of labor including sweatshop services, domestic services, mail order brides, and for prostitution (Marcus, Milliken, and Hirsen 2009). However both men and women are trafficked across borders. Often those trafficked openly seek to cross borders illegally and sometimes those trafficked are coerced into this movement. According to Global Voices, the most trafficking occurs within and across the poorest countries and regions: Africa, South Asia and the Middle East (Marcus, Milliken, and Hirsen 2009). Given this, why does sex trafficking into the
West garner so much more attention from not only the press and politicians but also feminist NGOs, celebrities, and religious organizations committed to human rights? Women and men suffer from equally oppressive forms of migration and forced labor yet interest in preventing broad violations of the human rights of migrants in general is virtually absent in comparison to the near-hysteria about female and child victims of sex trafficking. To understand why sex trafficking is so foregrounded a turn to its history provides an array of answers.

Examining the organizations involved with trafficking and legislation related to trafficking over time provide background to the current fascination with sex trafficking and its high public agenda rating. As I have shown, the struggle for women’s reproductive rights demonstrates how women’s bodies have symbolically been used to maintain status quo power. Here I examine how the emphasis on sex trafficking provides evidence that women’s bodies continue to be the political ground through which the status quo is maintained in relation to human rights, immigration, and law enforcement. Combating sex trafficking has served as a unifying political tool, bringing people from various ideological and religious bents together against an act of oppression and exploitation that people are hard-pressed to defend. “It is commonly assumed that only the most callous would criticize efforts to free the world’s sex slaves from the clutches of organized and brutal trafficking networks” (Soderlund 2005: 67). Thus, sex trafficking, as an issue and a discursive field, operates to allow a variety of groups historically at odds with each other to unify against a common goal. But while the issue of sex trafficking creates alliances and is a useful political tool to garner support from the
masses, currently dominant discourses about it disable actual concern for its inherent complexities.

To analyze anti-sex trafficking politics in terms of its consequences for global civil society assumptions, I begin with a short history in order to demonstrate the rise of illiberal forces in global civil society, which also exposes that global civil society has really never been the site of democratic pluralism that has been imagined or claimed. In Chapter Three, I gave an account of the transnational feminist networks which arose to counter population policies. These networks were themselves countered by the Religious Right which had three phases and patterns of power distribution. Anti-sex trafficking movements have their own distinct history with particular patterns and phases. For example, in the early twentieth century, groups organized across borders against trafficking because it threatened Victorian mores and norms of the time rather than on the basis of any rights claims. My review of the history of anti-sex trafficking efforts demonstrates that sex trafficking is by no means a new item on the agenda of states and international institutions and that older forms of anti-sex trafficking legislation continue to shape contemporary anti-sex trafficking laws. Sex trafficking has been debated for more than a century and the older discussions and debates still haunt current conversations and legislation on the topic. It is related to slavery and the movement of people across borders, both of which are historically controversial. This short history, including an account of historical legislation, will be followed by the examination of the initial activism in the 1970s by feminists in the US to eradicate violence against women in the form of prostitution and pornography. This movement preceded the global
violence against women movement which focused not only on domestic abuse but also prostitution, sex trafficking and to a lesser degree pornography.

Today, feminist transnational networks are divided on sex trafficking. Some see all forms of prostitution as harmful to women; therefore, sex trafficking should be addressed as a criminal concern. Based on concerns about state control of women’s lives and claims about women’s economic rationality in opting to become prostitutes, other transnational feminist groups conceive of prostitution as sex work and advocate decriminalization and protection of women who choose this form of labor as a form of self-empowerment. This part of the movement supports some anti-sex trafficking initiatives, but is in disagreement over ways to go about preventing coercive forms of sex trafficking. Their more nuanced positions, solutions, and legislative alternatives are generally ignored by dominant, prohibitionist anti-sex trafficking rhetoric. Although pro-sex worker activism and scholarship is most common in academic circles and in urban areas, such positions have been less well-received in international anti-sex trafficking activism, but recently this thinking has made its way into international debates.

Nevertheless, feminists focusing on the eradication and criminalization of sex trafficking and prostitution have made greater inroads at the international level. This divide between feminist activists at the international level has been accompanied and exacerbated by the growth of the US Christian Right. Its recent use of human rights discourse has positioned it to influence much of the debate on sex trafficking in the US and increasingly at the international level. Recently, the US Christian Right has shifted its discourse from divisive issues like “values” and “tradition” to human rights work. This interest comes from the US Christian Right’s interest in human rights like religious freedom in an
attempt to move away from contentious issues like abortion and gain an array of allies to help unconsciously promote the goals and values of conservatism and control over women’s autonomy. Aligned with several prohibitionist feminist groups, the US Christian Right has defined sex trafficking as illegal in all forms and prostitution as detrimental and violent to women around the world. Distinct from the US Christian Right is that all feminist groups, regardless of their support or disdain for prostitution, want women to be able to express their own sexuality. US Christian Rights groups are much less interested in sexual autonomy for women.

After discussing anti-sex trafficking as part of human rights agenda of the US Christian Right, I will trace two organizations led by US Christian activists, Shared Hope International (SHI) and International Justice Mission (IJM). These, do not necessarily associate themselves directly with the US Christian Right, but they find support from it in that the leaders of these organizations define themselves as members of the US Christian Right, hire within the US Christian Right, and align mission and goals with the US Christian Right’s mission and goals. These two organizations are highlighted because of their stability in terms of organizational strength, longevity, their strong religious commitments and their closeness with sites of state power. In Chapter Three, I explored the work of US Christian Right activist groups working to counter transnational feminist networking for reproductive rights. The groups I highlight in this chapter are not simply antagonizing transnational feminist networks. In some cases, they are working alongside liberal feminist groups across and within borders. They are committed to ending prostitution and child sex trafficking but use the word of God to illuminate their work. This chapter will examine the POS, both discursively and institutionally, the framing and
material power of US Christian groups working on the anti-sex trafficking campaign in order to do challenge mainstream literature on global civil society as a democratic environment.

The next chapter addresses contemporary legislation arising from US Christian Right activism within and across borders on the issue of reproductive rights and sex trafficking. Contemporary legislation produced at the domestic level (within the US) and internationally is connected with the dominant discourse of US Christian Right activists and other activists who see trafficking as largely related to sex, prostitution as bad for women, and women and children in need of protection, “rescue” and “saving”. Chapter Five re-visits the dominant discourse on sex trafficking, as well as the counter-discourse on reproductive rights, that have been created and advanced by RR groups, to interrogate dominant theoretical claims about the nature of global civil society, revealing them as not just partial, incomplete, or utopian, but more importantly inadvertently enabling of illiberal democracy.

HISTORY OF TRAFFICKING: FROM HUMAN TRAFFICKING TO SEX TRAFFICKING

The history of human trafficking finds its roots in the history of slavery, which constituted one of the earliest forms of what we now associate with globalizing processes—that is, massive movements and extractions of people, capital, and resources across borders. Slavery abolitionists also constituted among the earliest forms of transnational networking for social justice.
The “modern day slavery” of human trafficking is more directly related to fears of “White Slave Traffic” which arose in Europe in the early twentieth century. The notion of “White Slave Traffic” involved the fear of kidnapping and abduction of white, young European women to sexually exploit. Many of those fighting against the “White Slave Traffic” were middle to upper class white women and men who were dealing with the changing role of women from industrialization. Suffrage and women’s autonomy were also part of this early twentieth century landscape. This bred fears of women’s independence and of women moving on their own. Industrialization did increase female mobility. In Europe during the early twentieth century increasing numbers of poor and rural individuals, particularly women for the first time immigrated from Ireland and southern and eastern Europe to industrial centers in northern Europe (Owens 2008: 10). Like immigration today, immigration in the early twentieth century inspired distress and anxieties over the changing nature of society. An unease over the morals that immigrants brought with them accompanied these changes. Among the questionable morals that were feared included concerns about sexual depravity, which led to racist fears about “White Slave Traffic.”

While fears of “White Slave Traffic” generated the earliest (post-slavery) anti-sex trafficking legislation in the West to protect white women, trafficking of non-white women was taking place around the world, contributing to boosting the economies of many states. For example, in the second half of the nineteenth century, Karayuki-san were women brought from rural areas to brothels in Russia, China, and Japan. “The comfort women of Japan not only sustained the morale of soldiers defending their state but also were crucial to the economic and industrial development, particularly of Japan in
the 1950s” (Jeffreys 2009: 32). As countless other examples show, trafficked women have always been crucial to the economic development, and particularly capitalist, development of states. Thus it is not surprising that there has been little interest in stopping the widespread, international phenomenon of trafficking in women until this appeared to threaten white European women.

In 1904 several European nations developed an agreement to combat this supposed slavery, called the 1904 International Agreement for the Suppression of White Slave Traffic (hereafter 1904 Agreement). This agreement defined “White Slave Traffic” as the “procuring of women or girls for immoral purposes abroad” (article 1, 1904 Agreement, 1904). The lineage of modern day trafficking discourse lies in the policy of the 1904 Agreement. In fact, the wording of the 1904 Agreement makes it clear that trafficking is linked to forced prostitution. For example, Article 2 of the 1904 Agreement states:

Each of the Governments undertakes to have a watch kept, especially in railway stations, ports of embarkation, and en route, for persons in charge of women and girls destined for an immoral life. With this object instructions shall be given to the officials, and all other qualified persons, to obtain, within legal limits, all information likely to lead to the detection of criminal traffic. The arrival of persons who clearly appear to be the principals, accomplices in, or victims of, such traffic shall be notified, when it occurs, either to the authorities of the place of destination, or to the diplomatic or consular agents interested, or to any other competent authorities (article 2, 1904 Agreement, 1904)

Prostitution in the form of “White Slave Traffic” was recognized as a moral problem and necessitated immediate assistance. “The combination of increased migration and the morality of the time contextualizes the political attack on the white slave trade” (Owens 2008: 11). Divisions between crusaders against the “White Slave Traffic” resembled today’s divisions between anti-sex trafficking movements, as they were divided into the
following camps: the abolitionists, regulationists, feminists and social purist reformers (Owens 2008: 11). Clearly, the abolitionist stance deemed prostitution immoral. They advocated for its prevention based on the sexually deviant nature of selling women’s bodies. The regulationists did not agree with selling of women’s bodies for sex, but they realized it was a "necessary evil" of society. Therefore, it needed regulation so that venereal diseases would not spread. Regulationists supported arresting suspected prostitutes, not to enact a moral crusade but rather to carry out medical examinations (Owens 2008: 12). Feminists argued that prostitution was not the fault of ill-reputed women but rather the cause of “unbridled male lust” (Owens 2008: 12). Males made up the majority of social purity reformers. They believed prostitution was the result of unchaste youth of both sexes. They proposed reform involving the establishment of education programs to promote appropriate sexual behavior for the young (Owens 2008: 12).  

The 1904 Agreement was buffeted in 1910 with the International Convention for the Suppression of White Slave Traffic. While enforcement was weak, like much international law, this Convention articulated more clearly expectations of states to control and deter sex trafficking. This agreement dealt more forcefully with the issue of consent and stated explicitly that to acquiesce to sex trafficking and prostitution was impossible. The 1910 Agreement was thus much more aligned with the abolitionists’ standpoint than the 1904 Agreement. The creation of the 1910 Agreement resulted from increased interest in the “White Slave Traffic,” static immigration numbers, and the opinion that the 1904 Agreement was perhaps ineffectual. The wording in the document on trafficking stated in Article 1 and 2:
Article 1 - Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries (1910 Agreement, 1910).

Article 2 - Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procured, enticed, or led away a woman or girl over age, for immoral purposes, shall also be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries (1910 Agreement, 1910).

Fears of “White Slave Traffic,” immigrants, and changing mores created even more trafficking legislation through the twentieth century. Under the League of Nations, the 1921 International Convention for the Suppression of Traffic in Women and Children and the 1933 International Convention for the Suppression of the Traffic in Women of Full Age were passed. Both retained the definition of trafficking set forth by the 1910 Agreement. However, there was a significant difference in the 1921 Convention and 1933 Convention in that they did not mention the term “White Slave Traffic.” Rather than “White Slave Traffic” these two pieces of international legislation used “traffic in women and children.” This can be seen from the title of the 1921 Convention. As well, the inclusion of males as children in “children of both sexes” was new. Article 2 of the Convention states:

The High Contracting Parties agree to take all measures to discover and prosecute persons who are engaged in the traffic in children of both sexes and who commit offences within the meaning of Article 1 of the Convention of 4 May 1910 (1921 Agreement, 1921).

The Convention acknowledged trafficking as a harm inflicted upon others beyond the Caucasian race or females. Nonetheless, the connection between trafficking and prostitution continued in both pieces of international legislation. By 1937 there was an
attempt to incorporate the language of all four previous Conventions. Due to the outbreak of World War II and the failure of the League of Nations, this attempt was stymied. (Owens 2008: 15).

When the UN was established in 1945, it became the place to begin discussing the issue of trafficking again. By this time newer legislation could bring together all the former pieces of legislation. This conglomeration of the previous four Conventions was the 1949 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (hereafter 1949 Convention). This convention clearly continued to define trafficking in terms of sex and prostitution because the Convention began with the words:

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community, Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force… (1949 Agreement, 1949)

For the first time the 1949 Convention not only linked trafficking with prostitution but also addressed the issue of consent. For example, Article 1 of the convention states:

The Parties to the present Convention agree to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person (1949 Agreement, 1949).

Consent gets at the heart of how women’s autonomy and independence was understood during the twentieth century. Since women were unable to determine their vocation as prostitutes or to freely decide to use their body as a form of labor, they were always a victim or a dupe enticed into the trade. Women, like children were naïve and in need of legislation to prevent the preying upon of this gullibility. Otherwise, they risked falling
into a harmful occupation that no rational individual would be interested or willing to partake. No other piece of international legislation was developed since 1949 until the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000 (The UN Protocol) despite major increases in trafficking, particularly as economic globalization gained steam in the latter part of the twentieth century.

The legacy of twentieth century international trafficking legislation resulted in reducing trafficking to sex trafficking as a form of prostitution in an attempt to control women. This phase was centered around state fears of women’s independence and xenophobia from recent increases in immigration as well as changing societal mores. The framing of sex trafficking emphasized criminalization and law enforcement that would combat it. Industrialization at the turn of the century and the fears it bred of new immigrants, a rising working class, and new gender roles in a changing society, created the POS for trafficking advocates. Ideas of the time sought to protect women from their irrationality as all forms of prostitution were deemed criminal and women who engaged in prostitution were either victimized or irrational and vulnerable. Such gender ideology molded the international legislation on sex trafficking. This legislation provided a means to clamp down on sex trafficking as an impediment to progress and a more moral and stable work force and society.

**US Women’s Movements Against Pornography and Prostitution**

Embedded in contemporary trafficking debates are conflicts between feminists around prostitution and pornography that were set off in the US in 1970s and 1980s when
radical feminists claimed that these practices constituted female sexual slavery. During this time, US feminism fractured along political fault-lines defined by theories of power, agency, and sexuality. The so-called “sex wars” divided feminists on prostitution and pornography. Women Against Pornography (WAP) was one of the radical groups who opposed all forms of prostitution and pornography. They began their work by taking “tours” of New York City sex shops and pornography theaters. Their work branched out to lobbying and legislation particularly in support of civil rights-oriented laws against pornography. Two key players in the radical feminist movement against pornography were Andrea Dworkin, herself a former prostitute, and Catherine MacKinnon, a trained attorney. MacKinnon famously questioned whether prostitution was an autonomous choice, and if so why women with the least amount of choices entered the profession (MacKinnon 1998). MacKinnon and Dworkin argued that pornography was a violation of a woman’s civil rights and proposed local ordinances which would allow women to seek damages in lawsuits. This approach was distinct from historical laws against pornography and prostitution that defined these practices as assaults on morality and leveled criminal penalties to attempt stop them. Both Dworkin and MacKinnon participated in the Meese Report, an investigation into pornography established by Reagan and his conservative administration. Many of those comprising the commission included US Christian Right activists and conservative Republicans including James Dobson from Focus on the Family (FOF), a supposed blend of groups and values.

Feminists who opposed WAP and the radical feminist variant it represented claimed it was supportive of censorship and against sex positive views. Sex positive proponents argued that anti-pornography groups threatened First Amendment rights and
sexual freedoms which would be detrimental to women and sexual minorities in the long run. WAP disappeared in the 1990s after focusing for several years on eradicating international sex trafficking. As feminism enlarged to encompass sexual minority groups and LGBTQ issues, sex positive feminists seem to have triumphed as women’s agency and power is now foregrounded in much feminism, reversing previous emphases on women’s victimization. According to Kathy Miriam, “the declared winners of this battle, at least in feminist circles, were the “pro-sex” advocates” (Miriam 2005: 1).

**From the Domestic to the International**

While some feminist efforts to criminalize the prostitution and pornography industry were limited to the US domestic context, Kathleen Barry’s 1979 book, *Female Sexual Slavery* internationalized the issue of prostitution. In fact, today she is credited with launching the feminist anti-sex trafficking movement. Sex trafficking, which Barry refers to as sexual slavery, was basically global prostitution.

She explains, “from interviews and other research I learned that virtually the only distinction that can be made between traffic in women and street prostitution is that the former involves crossing international borders.” Her position thus entails a rejection of any distinction between “forced” prostitution and “voluntary” prostitution, as the latter is a contradiction in terms. Women who believe they are voluntarily engaged in prostitution have fallen prey to false consciousness as a survival strategy. Worse, women engaged in prostitution who are also proponents of prostitution are actively supporting the patriarchal exploitation of other women (Lobasz 2009: 335).

This book was also published during the era of “global sisterhood.” Anti-female sexual slavery could unite women from around the world. This was because sexual slavery was about access to women’s bodies and this effected women negatively regardless of statehood, nationality, race, class, or other identity markers. To Barry, there
was not that much difference between the raped prostitute and the battered wife, the sexually abused child, the purchased bride, or the veiled woman (Lobasz 2009: 335). This was part of the international women’s movement which understood violence committed against women as a cause for solidarity. While prostitution was an extreme form of oppression it was but one example of women’s sexual exploitation, something that all women had experienced. The theme of Barry’s work was the common sexual exploitation of women. This would be a uniting call for women around the world as the international decade on women’s rights began and continued in the 1990s.

**International Violence Against Women Movement**

The issue of sex trafficking of women and children quickly became part of the international violence against women’s movement demonstrating that controversial issues that could make headway in a US domestic setting could easily be advance in international agenda setting. This movement gained prominence with the many women’s conferences taking place through the 1980s and 1990s. Violence against women influenced the campaign for women’s rights at such international conferences as the 1993 Vienna World Conference on Human Rights and the 1995 Beijing Conference. Many women’s rights activists saw violence against women as an important organizing tool based on the belief that women’s exposure to many forms of physical harm was the most significant problem for human rights in the late twentieth century (Soderlund 2005: 69). Many also saw it as the best way to get access to international organizations and gain the world’s attention. Women’s rights activists emphasized the idea of women as victims, providing personal testimonials of the most harsh violence women survived. These testimonies were important tools to build the movement by connecting women from
disparate backgrounds in solidarity of a common problem (Keck and Sikkink 1998; Kapur 2002; Soderlund 2005). These testimonials counteracted historical divisions between women who focused on discrimination and women who focused on social justice as well as the division based on ethnicities, class, age, and other differences amongst women. According to Wendy Hesford,

> The rhetorical appeal of the transnational identity of women as victims of oppression is persuasive, Keck and Sikkink suggest, because the issue of “bodily harm resonante(s) with ideological traditions of Western liberal countries like the US and Western Europe (and) with the basic ideas of human dignity common to most cultures... Issues of bodily harm also lend themselves to dramatic portrayal and personal testimony that are such an important part of network tactics” (2005:150).

The focus on violence against women is also important in that it brought to bear human rights violations that might not be perpetrated by states but rather their citizens. Violence against women as a human right became a violation of a person’s fundamental rights to freedom of movement, personal dignity, and economic sustainability, with CEDAW being written to address this gender-based form of violence (Bumiller 2008: 133). However, within this general advocacy to gain acknowledgement of against women as a human rights abuse, the specific issue of sex trafficking proved to be highly controversial among feminists and other activists (Soderlund 2005: 70).

Feminist demands for attention to sex trafficking were successful in getting states and international organizations to act. Today, over 100 states have signed The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons of 2000 (The UN Protocol) and there are several international organizations including the International Labor Organization (ILO), Organization of American States (OAS) and International Organization on Migration (IOM) who are involved with anti-sex trafficking work.
However, while activists stress the human costs of sex trafficking, states and IGOs have taken on the issue largely on the basis of the threat they perceive it constitutes for state sovereignty and stability. As a result, anti-sex trafficking legislation spotlights international law enforcement, criminalization, border security and immigration control.

In response to the state-centric security approach, transnational feminist activists have re-thought their own framing as the state itself is a major source of violence against women and traditional statist security frameworks cause more harm than good. Essentially, a state-centered focus on sex trafficking constructs women as secondary and policies which emerge rely on control and surveillance. Border control pushes sex traffickers further underground. State-centered policies depend on deportation which do not solve the problem or help the trafficked individual. Thus, as contemporary feminists argue, a state-centered sex trafficking construction:

reproduce[s] gender and racial stereotypes that (1) discount women’s agency, (2) establish a standard for victimization that most trafficked persons cannot meet, and (3) unjustly prioritize the sexual traffic of white women over the traffic of women and men of all races who are trafficked for purposes including, but not exclusive to, the sex trade (Lobasz 2009: 322).

These stereotypes produce women as always already victimized and fail to take account of the many reasons why women may choose to migrate or sell their bodies (Lobasz 2009: 344).

Feminists worked to internationalize the pornography and prostitution debate by extending their activism to the issue of sex trafficking. Since human trafficking has historically focused on women and children and sexuality, trafficking is often understood as synonymous with the sex trade. By advocating in the violence against women’s movement for sex trafficking to appear on agendas of states and IGOs, the result appears
to be the state securitization of sex trafficking. This is not what transnational feminist networks had in mind as women and children became secondary hapless victims. Human trafficking in all its forms has turned into an issue of sex trafficking with labor trafficking being under-studied, under-theorized, and ignored by policy-makers. At the same time, transnational feminist networks are divided on how to deal with sex trafficking.

Feminist Debates

The debates on trafficking are varied and difficult to pinpoint. This is due to the diversity of beliefs and actors involved. While there is some resemblance to the old division between abolitionists and regulationists from the “White Slave Traffic” debates in the early twentieth century, there are presently even divisions within camps. These commonplace debates on prostitution and pornography have reconfigured themselves along familiar feminist theoretical lines, but even these are by no means homogenous. The complexities of the debate are often reduced to divisions between activists who align themselves with radical feminist and abolitionist approaches that see prostitution and trafficking as institutions of male domination and activists who are pro-sex work and aim to distinguish voluntary migration from sex trafficking (Miriam 2005: 1).

Abolitionist Arguments

Abolitionists generally reduce trafficking to sex trafficking and believe it to be a particularly violent and harmful act against mainly female victims. Many in the abolitionist camp are suspicious of any feminist alliance with US Christian Right groups. Yet this has been a crucial connection for both groups to advocate for abolition and
counter sex workers’ rights advocates, which some feminist abolitionists charge are in
the pay of pimps and traffickers (Lobascz 2009: 334). Many of the radical feminists who
fit into the abolitionist camp were inspired by the work of Kathleen Barry. Most well
known of the groups which emerged from this inspiration is the Coalition Against
Trafficking in Women (CATW) which hold that criminalization of prostitution is a
necessary step toward ending sex trafficking. These feminists found unexpected allies in
the US Christian Right. Their success in allying is evidenced in the federal “gag rule”
implemented under Bush which requires groups working against sex trafficking to verify
their support for the criminalization of prostitution in all forms. Both feminists and US
Christian Right activists worked in tandem to create the “gag rule.”

Abolitionists use provocative theoretical and practical arguments to defend their
stance. Sheila Jeffreys argues that sex trafficking has increased due to neo-liberal
globalization. Its tolerance is a response to the changing global political economy.
“Neo-liberalism has created a tolerance of sexual freedom which merges with a belief in
the free market to construct prostitution as a legitimate form of work” (Jeffreys 2009: 1).
Jeffrey provides evidence by listing several countries that since the 1980s turn to neo-
liberalism have legalized prostitution and in turn become important destination states for
sex trafficking victims. She also provides data on remittances to states in the form of
profit from prostitution which supports states’ economies around the world. Not only do
states benefit from prostitution but so too do hotels, taxis, airlines, and the alcohol
industry (Jeffreys 2009: 5). Furthermore, she argues that the pro-sex work argument that
poverty and the inequalities of the global marketplace should be addressed to stop sex
trafficking is as bad as the neo-liberal toleration for prostitution. Other human rights
abuses are not understood this way and therefore, prostitution should not be considered a necessary evil to diminish once poverty is eradicated (Jeffreys 2009: 170).

The theoretical critique of prostitution advanced by abolitionists is also a critique of liberalism and the social contract. According to Kathy Miriam the idea of agency is not unique to the pro-sex work movement (Miriam 2005). Rather women can and do have agency as victims. A more thoroughgoing and complex critique begins by questioning the concepts of power as *power over* and the notion of agency. Prostitution should not be about women’s right to be subordinated that allows for certain powers of command over one person’s body by another person, but rather should be about why men have the right to “demand that women’s bodies are sold as commodities in the capitalist market” (Miriam 2005: 2). In Miriam’s view, the pro-sex work view of prostitution depends on a contractual, liberal model of agency that both conceals and presupposes the demands of the institution of prostitution and conceives of power as *power over* rather than *power for* social change (Miriam 2005: 9). This abolitionist critique points out that agency is not simply a prostitute’s ability to negotiate over her work conditions but also about reworking an existing social order where consent to be subordinated is seen to encompass freedom (Miriam 2005: 13). Empowerment comes not from negotiating a situation but in transforming it. Thus, while the abolitionist camp is by no means homogenous in its theoretical or practical beliefs, it is in agreement that prostitution should be made illegal under all circumstances and trafficking is fundamentally about the sex trade. Regardless of argument for or against prostitution, feminist groups all argue for women’s autonomy and control over their sexuality.
Sex Workers Rights Groups

Pro-sex work advocates do not share homogenous beliefs on prostitution and trafficking. Some see it as a means to a livelihood or a form of self-identity. Others simply offer a critique of abolitionists, arguing that reducing trafficking to sex trafficking harms all people by reducing the issue to state security, control and regulation and insisting that the abolitionist camp does little more than reduce women to naïve innocents lured by criminal networks where all women and children are potential victims. Still others offer pragmatic solutions to the problem and believe the regulation of sex work is the best way to avoid trafficking.

For example groups like the Global Alliance Against Trafficking in Women (GAATW) and the Network of Sex Work Projects (NSWP) believe that sex trafficking exists on a continuum of forced migrant labor (Soderlund 2005: 71). These activists argue that sex trafficking and prostitution should be separated and that morality should not play a part in policies related to sex work; rather these issues are inseparable from global inequalities of capital and labor that left many women, particularly in the developing world with few options apart from factory work and often more financially lucrative sex work (Soderlund 2005: 71). They also find the bizarre fascination with the sexual aspect of trafficking to be nothing more than a huge distraction from issues of poverty and the inequalities of globalization. In fact, they argue that the persuasiveness of the abolitionist campaigns was achieved through their opportunistic association with national narratives of crisis, vulnerability, and security (Hesford 2005: 152). Sex worker advocacy groups have been successful in promoting a broader definition of trafficking into the UN Protocol, by, for example, gaining the inclusion of men, women, and
children, and labor generally, including those in domestic and agricultural work, as people subjected to trafficking (Desyllas 2007: 62).

Nevertheless, the dominant rhetoric on trafficking tends to fall on the side of abolitionist perspectives, and particularly those of US Christian Right. The responses from women’s rights activists attempting to counter the current dominant abolitionist movement are many. Some women’s rights activists in this movement believe trafficking is a horrible crime necessitating the attention of citizens and their states; however, they see the focus on sex trafficking as simply focusing on one particular side of the issue.26 Melissa Ditmore of the Network of Sex Work Projects (NSWP) sees a dangerous conflation with regard to sex trafficking as all trafficking. It leads to eclipsing the trafficking of migrant workers in other industries. “The majority of trafficking cases that I know of in the US are of [debt- bondage of] migrant construction workers. The [TVPA] bill was not a labor bill, nor a women’s rights bill, despite how it was packaged. It was a law and order bill” (as quoted in Crago 2003: para. 9). Connected to the dismissal of other forms of trafficking is the controversy over sex trafficking statistics.27 Many from this movement see the statistics as overblown and a way to ignore other more prevalent forms of labor abuses. Ann Jordan, the director of a trafficking program run by the International Human Rights Law Group, notes that the US government keeps changing the statistics regarding the number of people trafficked into the US (Shapiro 2004: para. 43). “At one time, they said there were 50,000 trafficking victims here, then 18,000 to 20,000 and now, according to the latest Department of State Report, 14, 500 to 17,500 are trafficked and all of these focused mainly on the issue of sex trafficking” (Shapiro 2004; para. 43).
From a Government Accountability Office (GAO) report in most countries where trafficking data are gathered, women and children are seen as victims of trafficking, and men are predominately seen as migrant workers, reflecting a gender bias in existing information. Men are also perceived as victims of labor exploitation and labor regulators (Lobasz 2009: 339).

Some anti-abolitionist activists find themselves involved in the sex trafficking issue simply because they are supporting sex workers rights and the belief that women should be able to make choice and be respected rather than stigmatized. Pro-sex work brings back dignity to a legitimate form of labor. Any laws against prostitution are redundant since there are already laws against rape, sexual assault, kidnapping, false imprisonment, coercion etc. (Miriam 2005: 9). Regulation can reduce sex trafficking and harm to prostitutes by decriminalizing and unionizing. In this way, the commodification can be a site of cultural subversion and resistance where women are not simply passive objects used for male sexual gratification but have agency in their legitimate choice of professions.

Finally, there is a strong critique regarding the rhetoric of the mainstream anti-sex trafficking movement because of the historical legacy of the “White Slave Trade.” The “White Slave Trade” emphasized the threat of enslavement of a population generally not at risk from sex trafficking- white, Western European women- and was based on racist and sexist fears over foreigners, immigration, and the changing role of women in society. This post-colonial critique notes that certain women and children are focused on at the expense of others. By using a meta-narrative about the sex trafficked victim, the rhetoric simplifies a complex issue and erases differences among women. Interesting to note also, groups that have been working the longest on issues of trafficking take no stand on the issue of adult prostitution. These include Anti-Slavery International, End Child
Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), and the faith based World Vision.

From a domestic standpoint, in the US there have been several criticisms regarding the Trafficking Victims Protection Act (TVPA) particularly its re-authorization in 2003 which sanctioned organizations that refused to comply with its anti-prostitution stand. According to Leah Platt in her article, “Regulating the Global Brothel”, “TVPA implicitly seems to exempt sex workers (and their exploiters) from the labor laws that already exist to protect them- making them instead subject to the specific crime of “sex trafficking”” (2005: 88-89). These laws hide the fact that abuses in trafficking occur with many migrant workers, not just those working in the sex industry. Platt’s article goes on to discuss the 1997 report by Jo Bindman’s of Anti-Slavery International, “Redefining Prostitution as Sex Work on the International Agenda.” Platt writes:

Prostitutes are subjected to abuses which are similar in nature to those experienced by others working in low status jobs in the informal sectors...[the] mistreatment of prostitutes- everything from arbitrary arrest and police brutality to pressure to perform certain sexual acts at work- should not be thought of as hazards of the trade or as conditions that loose women bring upon themselves but as abuses of human rights and labor standards (quoted in Platt 2005: 89)

This viewpoint is at odds with establishing legislation specific to sexual slavery and sex trafficking and instead supports using the existing national and international labor laws already developed to deal with smuggling, debt bondage, and trafficking.

The ILO, for example, has signed conventions in areas specific to the harms of trafficking in all its forms. Christina Arnold of Project Hope International provides a firsthand account of the trouble with groups who receive federal funding to denounce prostitution. She tells of how her organization is dedicated to ending sex trafficking, but
when dealing with it on the ground in the short term, the reality is that she must tell the women and girls she works with: “You will get out of this. There’s a way out. In the meantime, here’s how to use a condom” (as quoted in McKelvey 2004: 102). But since Donna Hughes, a professor at the University of Rhode Island, testified before the Senate Foreign Relations Committee that, “It is unacceptable to provide medical services and condoms to enslaved people and ignore the slavery. Project Hope International cannot give out condoms or teach women and children how to cope with their current situation unless they want to get shut down” (McKelvey 2004: 102). Many groups have lost their funding this way, but while some find these prohibitions a mere distraction from helping victims, others point to the further divisions such prohibitions cause in the anti-sex trafficking movement.

T-visas established by TVPA for sex trafficking victims are also controversial. They are criticized as not a means to help victims but rather as a device to assist prosecutors in closing down sex trafficking networks and a way to prioritize state interests (Lobasz 2009: 333). Another concern and critique is the usefulness of the TVPA in its prosecutions and true combating of trafficking. In a 2006 report by the Government Accountability Office (GAO), the report found that "the U.S. government has not developed a coordinated strategy to combat trafficking in persons abroad...or evaluated its programs to determine whether projects are achieving the desired outcomes” (Ditmore 2008: para. 3). The re-authorization in 2008 added controversy to the claim that current legislation was ineffective. The re-authorization in its House form sought to expand the definition of “sex trafficking” to include cases in which no element of force, fraud or coercion was involved. This was yet another way to support the abolitionist movement
while at the same time increasing the number of sex trafficking cases reported and prosecuted successfully. However, the question remained as to whether these cases would be true issues of sex trafficking or simply issues of prostitution. Groups working for victims rights saw this as a way for government to be perceived as successful in its fight against sex trafficking while in reality diverting resources from those most in need—the real victims of sex trafficking (Ditmore 2008: para. 6).

According to Ditmore:

There is something deeply wrong with our government when the answer to the desperate problem of human trafficking is to change the definition of the crime so we can claim we're doing something about it. It's a tactic that is misguided at best and at worst, downright cynical (Ditmore 2008: para. 6).

Creating “victims” or “sex traffickers” threatens to diminish the seriousness of the issue. Many feminist groups are highly committed to fighting trafficking in all its forms but find the focus on sex, the desire to criminalize all forms of prostitution, and ill-conceived legislation favoring certain interest groups and law enforcement aspects as a mis-directed way to fight the problem. It does however lend itself to increasing state power by allowing the state to increase social control mechanisms while at the same time ignoring the structural inequalities which result in individuals being vulnerable to trafficking in all its forms.

Loss of Traction by Pro-Sex Work Advocates

While the issue of sex trafficking was being argued amongst women’s rights activists at international conferences, the US government, US Christian Right organizations, and abolitionist feminists were gathering momentum to influence not only
domestic legislation but also the UN Protocol in 2000. There was simply a lack of consensus on key concepts in this debate with regard to the legalization of prostitution and the idea of voluntariness, abuse, and coercion. This complicated efforts to develop an effective human rights framework to address sex trafficking in women by feminists working at the international level (Ucarer 1999:236). The differences in national legal approaches especially with issues of law enforcement made a more human rights focused approach difficult to implement. While many thought that an effective and broad set of international rules to suppress the problem would alleviate the differences between national legal systems, the current UN Protocol seems more of a win for abolitionists and those advocating a US Christian Right position as can be seen in the outcomes of both domestic and international legislations. The UN protocol and domestic US legislation will be addressed further in the concluding chapter.

*Political Opportunity Structure of the Transnational Feminist Network(s)*

The divided transnational feminist movement on sex trafficking gained a platform based on the history of other feminist activism. The US domestic battle over pornography inspired the divisions which exist today. This battle also initiated the connections between feminists and the US Christian Right. The international women’s rights as human rights conferences from the 1970s through the 1990s resulted in attention paid to violence against women by the state and individuals. Sex trafficking as an international problem was part of this global women’s movement. Sex trafficking has become one of the dominant human rights concerns in the US and abroad. This is partly due to globalization which arguably expands the number of individuals crossing borders
both freely and through coercion. It is also part of a wider movement to extend a state-centered securitized human rights framework by states as well as a movement toward neoliberalism. Parts of the abolitionist camp have joined the US Christian Right and state elites in advocating for this security centered approach. The pro-sex advocacy groups are critiquing this frame. With the relationship and benefits to the state, clearly the abolitionist groups have dominated the legislative, media, and political landscapes of sex trafficking work.

**Framing of the Transnational Feminist Network(s)**

The framing of sex trafficking is clearly divided depending on the advocacy promoted. Abolitionists argue that trafficking is overwhelmingly driven by the demand for sex workers. Pro-sex work advocates view trafficking as more complex than simply prostitution. Both groups use faulty statistics to promote their viewpoints. According to the abolitionist frame, women engaged in prostitution or sex trafficking are subordinated and rational actors would not view freedom as the capacity to be subordinated. Progress and equality are achieved with the eradication of prostitution in all its forms. A pro-sex worker view understands women as agents who can rationally make decision on their own with regard to labor choices, including prostitution. Progress is made by uncovering root causes of sex trafficking including structural inequalities, poverty, globalization, and immigration. Equality is an important concept in the pro-sex paradigm. They see sex trafficked women not in need of “saving” and “rescue,” rather as individuals in need of a human rights framework which takes into consideration the problems of neoliberal capitalism and its effects on individuals. They critique the hegemonic abolitionist
discourse of anti-sex trafficking efforts by uncovering how states may use abolitionist discourse to promote their human rights credentials without analyzing structural or economic reforms. Without truly examining the dynamics of globalization, states can increase criminal justice systems, immigration controls and please the Religious Right at the same time. Of course an added complexity to pro-sex worker groups arises when sex trafficking is discussed in terms of children. Nonetheless pro-sex workers advocate against coercion and for choices for autonomous adult women.

**Material Strength of the Transnational Feminist Network(s)**

Any legitimacy gained by pro-sex work advocates stem in large part by the increased funding given to the HIV/AIDS crises (Jeffreys 2009). When HIV/AIDS became a global health crisis many organizations determined that abstinence education was ineffective. Instead pragmatic groups supporting regulation and assistance to those involved in the sex trade were much more effective. Jeffrey’s argues that “HIV/AIDS money created a powerful force of sex workers rights organization which take the position that prostitution is a job like any other” (2009: 16). These newly powerful organizations empower sex workers and gain titles such as global health experts. Some of the organizations taking a more pragmatic stance toward sex workers rights are Global Alliance Against Traffic in Women (GAATW) and Network of Sex Work Projects (NSWP). GAATW is an Alliance of more than 90 NGOs around the world. While its focus is global, GAATW is based in Thailand (GAATW 2009). They take a pragmatic stance to sex trafficking and look at the issue as one of labor. GAATW also see trafficking as affecting migrating families. Their funding comes from private and individual sources around the world and the UN. There is little information on their
revenue through the years. Mostly sex worker advocacy groups have limited funding sources. What funding does exist is for HIV/AIDS prevention. NSWP is based in England and is therefore not funded by the US. Its revenue for 2006 was little over $100,000 dollars, vastly different from abolitionist groups (NSWP Year End Report 2006). However, in a report on sex workers rights groups, many have received US federal funding through the Ryan-White Act (SHARP Report 2006: 7). Sex worker groups have also received funding from foundations like the Ford Foundation and the Global Fund for Women (SHARP Report 2006: 14). Even though the Open Society Institute won a lawsuit arguing the “gag rule” on prostitution instituted by USAID violated the First Amendment of free speech, funding of sex workers rights groups by the US and larger foundations is minimal in comparison to abolitionist groups.

Global Civil Society and the Transnational Feminist Network(s)/ing Organizing Against Trafficking: A Summing Up

The transnational feminist networks engaged in the sex trafficking battle complicate dominant notions of global civil society, challenging the view of global civil society as a harmonious and necessarily progressive space. A variety of abolitionist and pro-sex work groups work to eradicate sex trafficking but disagree on causes, consequences, and solutions. Some groups see the state as the solution while others find the state to be part of the problem. The groups represent autonomous organizing but are given support ideologically, rhetorically, and financially by certain elites, the US Christian Right, and the state. While it can be argued that GCS groups are not necessarily attached to the state simply because their position aligns with state ideology, groups with messages that resonant with the US Christian Right and state discourse are successful in
making claims and affecting legislative outcomes because their views help those in power dominate. Groups that have supported the choice of women to prostitute themselves have found that a “global gag rule” exists in terms of state funding supported by the US Department of State and the former Bush administration. The liberal concept of global civil society sees it as contributing to, indeed making possible, global democracy where independent agents are voicing grievances and demanding that their voices be heard. The divisiveness of the feminist campaign demonstrates the lack of harmony even among supposedly progressive groups within global civil society, but the state support of the abolitionist feminist movement in league with the US Christian Right undermines the notion that global civil society promotes liberal, global democracy. Chapter Five will bring forward the concrete legislation which has emerged from the liberal feminist/US Christian Right/state alliance that constitutes exercises in illiberal democracy. Anti-sex work action aims to protect the civil rights of women to participate more equally in any market, not to be forced into a segregated sex worker market populated mostly by poor women. However, anti-sex work views also serves state interests by legitimating exclusion and punishment of women in the sex market. While there is an argument that women with political and social rights would not “choose” sex work, the legislation I review and analyze in Chapter Five suggests something else. By focusing on punishment and control rather than alternative forms of work and empowerment, anti-sex work legislation does not reduce the problem. Rather it simply legislates against it while enhancing control mechanism on individual women. Global civil society as the space where these organizations operate is thus implicated in the promotion of illiberal legislation at the behest of states, not of global peoples. Feminist reproductive rights
discourse is openly at odds with RR constructions of women’s rights that rest on a desired return to “tradition” thereby obviating political conflict within global civil society even though it does not take place on an even playing field. In contrast, the dominant forms of anti-sex trafficking discourse over time, whether promulgated by the Religious Right or feminists, are of a moralizing nature, claiming to be above politics. Sex trafficking is presented as an unambiguous violation of human rights and the “morally” correct way to deal with it is to free women from “traditional” constraints. Thus, when it comes to sex trafficking elements of global civil society on the Right and Left end up allying to promote state-sanctioned coercive actions that further harm women sex workers and migrants more generally. The comity created in sex trafficking discourse between previously antagonistic groups to support illiberal actions puts into question the value of unity in global civil society if that unity is based undermining liberal human rights.

THE US CHRISTIAN RIGHT

Today, the legacy of twentieth century international sex trafficking conventions is still present. This legacy follows an abolitionist and security-centered frame. Under the security framework, the main threat from sex trafficking is to states and state borders. Therefore, sex trafficking is seen as a criminal act that requires law enforcement, immigration controls, and strict enforcement of borders. Under this frame, prostitution is inherently degrading. The most vocal advocates of this securitized human rights frame is the US Christian Right, which has worked in coalition with some abolitionist, liberal feminists. Together, they use the historical abolitionist frame of sex trafficking which
emphasizes the protection of women. However, particularly for the Religious Right, this position is motivated by a fear of immigration and xenophobia that has driven other hawkish versions of human rights like the invasions of Afghanistan and Iraq. Human rights and the saving of “brown women” from “brown men” (Spivak 1988) framed both military incursions. This combination of a threat to the state and the need to assist innocent women and children necessitates state and social control - a kind of authoritarianism. While critiques of this form of “hawkish” security – centered human rights exists, (Block 2004, Shapiro 2004; Ditmore 2008), the US Christian Right and their liberal feminist allies control the hegemonic discourse of the sex trafficking movement. Evidence of this is found in domestic and international legislation which will be described in detail in the following chapter.

The US Christian Right and most activists working on sex trafficking use statistics to bolster their research. In 2002, the US State Department estimated that 700,000 to 4 million persons were trafficked for sexual purposes and these were mainly women and girls (Block 2004: para. 7). In 2004 it estimated that the numbers of trafficked for sexual purposes were actually 600,000 to 800,000 people again mostly women and girls (Block 2004: para. 7). Because of the illegal nature of sex trafficking however, statistics are extremely difficult to determine and the US State Department never indicated how if found its data nor how the numbers fluctuated to such a great extent. When pressed on the number of trafficking victims, John Miller, the former Ambassador-at-large and Director of the US State Department Office to Monitor and Combat Trafficking in Persons, has pointed to 8,000 sex trafficking prosecutions worldwide in 2003 (Shapiro 2004: para. 50). This number is much smaller than the
statistics and does not support the numbers. In order to supplement his argument, he states that each sex trafficker may have anywhere from 20 to 500 victims but there are no official estimates of this (Shapiro 2004: para. 50).

David Feingold at UNESCO, the research arm of the UN, explained to Jennifer Block in an article on trafficking that the focus on sex trafficking may not be entirely justified. His statement was not based on his opinion but rather on the facts of the issue. “‘It is said over and over again that the majority of trafficking is for sex but there’s absolutely no data to substantiate that’” (as quoted in Block, 2004: para. 7). He also stated that “‘there is no data to support the characterization of victims as mostly women and children’” (as quoted in Block 2004: para. 7). The UNESCO Trafficking Statistics Project has worked to find and then fact check every sex trafficking statistic that has been published. What UNESCO found was that often the statistics used were given no source and no methodology. The US State Department was found to be one of the guilty parties in its faulty and inconsistent data. These numbers have not deterred the US Christian Right rather it has enlivened them to take up the issue of naïve innocents lured into treacherous situations and work to “save” women.

Political Opportunity Structure of the US Christian Right

The popularity of anti-sex trafficking work in US Christian Right circles is a strategy on the part of activists to move away from the divisive “traditional” values debates. The alliances the US Christian Right developed with secular human rights activists help moderate the bitter tone that issues like abortion and same-sex marriage ignite. According to Larry Eskridge of the Institute for the Study of American
Evangelicals at Wheaton College, the co-joining of forces “‘offers the possibility on both sides to derail the demonization process’” (as quoted in Page 2005: para. 12). From the other side of the aisle, Eleanor Smeal of the Feminist Majority whose group supports abortion rights states, “‘the less people see people as uni-dimensional, the better off we are’” (as quoted in Page 2005: para. 14). Even US government officials agree, “‘within the American political spectrum, the Religious Right and the internationalist Left stand at opposite poles, but on humanitarian issues, it’s more a circle than a straight line’” (as quoted in Page 2005: para. 24) This statement was made by Madeline Albright in a speech at Georgetown University. This move to engage with the “opposing side” is a strategic tool. The coalitions developed by the US Christian Right were not an accident; in fact it was part of a deliberate strategy to move away from the unyielding methods of influential leaders like Jerry Falwell (Shapiro 2004: para. 10). “‘Second generation leaders-people my age- saw the initiatives of the 1980s crash and burn and decided we had to do things differently,’ explained Richard Cizik, the former vice president for government affairs of the NAE” (Shapiro 2004: para. 10).

The sex trafficking issue was easy because the US Christian Right believed that God’s children were not supposed to suffer and many non-religious individuals also believed this. The notion of modern-day slavery, like the internationalized Christian abolitionist movement for slavery in the eighteenth and nineteenth century lead by William Wilberforce plays into the US Christian Right’s work for justice. Sex trafficking seen as something wide scale as well as shocking and degrading fits into the US Christian right’s worldview which sees the world falling into immorality where traditional values are being destroyed. This certainly makes it a cause to focus on eradicating. It also helps
the state increase its social controls, immigration, and regulation of citizen and non-
citizen bodies with increased surveillance. The end of the Cold War with a renewed
emphasis on human rights, human rights crises which were ignored like Rwanda, and
invasions that were deemed humanitarian in nature (Iraq and Afghanistan) provided an
POS for the US Christian Right to re-energize their base with human rights work. Even
as they are presented as human rights, their goals do not focus on rights at all but rather
absolutist values in a shell called human rights. Legislating against women making
autonomous choices is a clear example of this and one that is shown in both case studies
presented.

Leadership and Connections with the State

The Family Research Council, Concerned Women of America (CWA), National
Association of Evangelicals (NAE) and the Southern Baptist Convention have all lobbied
and supported anti-sex trafficking measures and organizations (Block 2004: para. 10).
The coalition also includes Chuck Colson, the former Nixon aid who found Jesus while
serving time for Watergate, and Chris Smith the leading House advocate for the cause
and a staunch pro-life Catholic. In fact, the NAE, which represents 52 denominations
with 45,000 churches and 30 million members approved a document in 2005 called “For
the Health of the Nation: An Evangelical Call to Civic Responsibility” which states seven
priorities for conservative Christians which not only include issues of human rights and a
pro-life mission but also “justice and compassion for the poor and vulnerable” and
“labor[ing] to protect God’s creation” (Page 2005: para. 28). Sex trafficking was
highlighted at the Beijing Conference as part of the violence against women movement.
It was an issue to deal with sex workers’ rights and against abuse and exploitation- a human rights focused way of dealing with sex trafficking. However, it has now turned into a way for governments to exploit the issue and “has been taken over as an anti-prostitution and anti-migration movement” (Block 2004: para 12). Ignoring the articulations of sex trafficking from the Beijing perspective and relying on historical abolitionist rhetoric to protect coerced women and children comes from the relationship between the state and the US Christian Right in their expanding coalition.

**The US Christian Right, Human Rights, and Framing Techniques**

The state and its security-centered sex trafficking framework and the US Christian Right’s human rights-focused frame combine to create a “hawkish” state/security-centered human right. Individuals are not important in this version of human rights. Rather, the state and morality are the focus of these human rights norms. Historically human rights emerged from liberal democracies, but this newer version contains illiberal elements where individuals are no longer the necessary component as these rights become focused on states responsibilities and duties. Rather, rhetoric emphasizing the protection of a specific moral code and the state create the logic to impose certain legislation. This is regardless of the assistance it provides individuals affected by sex trafficking.

The Trafficking Victims Protection Act (TVPA), the most significant US domestic legislation on the issue, was passed with the assistance of conservative and faith-based groups, while they also worked on passing the International Religious Freedom Act (IRFA) in 1994. These two acts combined, provided them a huge position
within the State Department, allowing for more USAID and US government funding to go to their organizations (Block 2004: para. 15). Today, when US foreign policy addresses human rights it looks to its legislation on religious freedom and anti-sex trafficking measures rather than issues of torture or civil conflict to which the US arguably played a role. According to Chip Berlet at Political Research Associates, “‘they’re not trying to liberate women, or trying to let them control their own destiny. They’re trying to stop women from sinning’” (as quoted in Block 2004: para. 17).

Jennifer Butler goes on to distinguish between Evangelicals who were in the field assisting with sex trafficking or under-served populations and those in the US Christian Right who are using the issue as a political tool. She states that the sex trafficked woman is “‘a symbol the can be used to further promote their agenda and it proves the world is falling apart, that families are falling apart, that morals are decaying. This is what happens when women go to work or when they are sexually liberated…’” (as quoted in Block 2004: para. 18). In fact the funneling of money to groups supporting anti-abortion, anti-condom use and anti-sex campaigns from the former Bush administration’s agenda on “family values” is supported in the name of providing women with rights. On top of this they have developed a strong human rights rhetoric that can be deployed in circumstances they deem worthy.

THE US CHRISTIAN RIGHT AND SEX TRAFFICKING

While several faith-based organizations focus on anti-sex trafficking, my dissertation looks at two in particular, Shared Hope International (SHI) and International Justice Mission (IJM). These two organizations are highlighted because they reflect
many of the characteristics of the faith-based anti-sex trafficking movement and the work of the US Christian Right. They are prime examples of the politics of framing, the use of POS, and how material power counters the notion that global civil society is a democratic, harmonious space absent of power relations and separate from the state. These two organizations were founded over ten years ago before the TVPA and UN Protocol and their leadership was at the forefront of bringing about these two pieces of legislation as well as bringing them into public view. They are both supported by the US government in terms of funding and in their ability to speak to individuals in Congress and the administration. They have also received numerous press reports from large media establishments including The New Yorker and New York Times.

**Shared Hope International**

One of the original members of the US Christian Right anti-sex trafficking crusade is Linda Smith a former Congress woman from Washington state whose failed bid for Senate did not prevent her from remaining a leader in the fight against sex trafficking. She has worked on sex trafficking for over a decade. Focus on the Family’s (FOF) Citizens magazine highlights the anti-sex trafficking work of Linda Smith, who says she has “spent 10 years of [her] life restoring little girls and young women who have been in the commercial sex industry” (Joyce 2008: para. 2). In many US Christian Right circles she is the hero and epitome of the cause.

Smith was a two-term write- in US Representative who lost her run for Senate in 1999 and quickly switched gears to found SHI, an organization dedicated to combating sex trafficking, forced prostitution, and child sex tourism (SHI Annual Report 2006). SHI acknowledges the many forms of trafficking including forced labor but chooses to
focus on the sex trafficking based on the experience of Smith on her first trip to India. According to Smith as related by Shapiro, “‘During her last year in Congress she got a call from a man who had visited missions in India affiliated with the Assembly of God Church, to which Smith belonged for many years. He told her through his work he had seen “little girls in cages’” (as quoted in Shapiro 2004: para. 3). Smith was so distraught that she went to India with a member of Teen Challenge an organization affiliated with the Assembly of God. She went straight to the red light district and found an 11 year old girl who hugged her and thus changed her life. In the words of Smith,

“It was different for me. I’m pretty cut-and-dry.” As she looked down at the girl, she asked herself, “What do I believe?” and answered, “I believe you are made by God.” Right there and then she made a resolution: “Today I am going to act on my faith.” She returned to her hotel and immediately started fund-raising for homes she wanted to build for the girls (Shapiro 2004: para. 4).

Prior to her sex trafficking work, Smith was known as a Congresswoman well received by the US Christian Right. She supported traditional values in her positions and The New Republic even profiled her in a story titled “Invasion of the Church Lady” (Shapiro 2004: para. 1). She even received a rating of 100 percent from the Christian Coalition for her staunch pro-life views (Joyce 2008: para. 2). Her move from conservative Christian politician to humanitarian follows the redirection of the US Christian Right from opposing “liberal” values in the 1980s to their turn in the 1990s to provide compassion, hope and assistance to the downtrodden of the world with a focus on human rights. Her work is very personal and much of it based on her initial experience in India. The young girl who hugged her was brought to the US and taken on a trip to Disney World by Smith as a form of “salvation.” This is not the only young girl “saved”
by Smith. She has also paid for the education of several others escaping sex trafficking. All of this assistance is motivated by a religious calling.

The work of SHI is varied but focuses on a few core components including: preventing sex trafficking, “rescuing”, and “restoring” victims (SHI: n.d.). The prevention category of SHI’s work supports a smaller organization supported by SHI called The Defenders USA. The Defenders USA seeks to defend women and children against sexual exploitation by getting men on board, promoting awareness, and initiating a strong stand against the practice of prostitution in all its forms (SHI: n.d.). Attempting to decrease demand through education, The Defenders USA also speaks out against pornography believing it is a gateway into the exploitation of children. Another part of SHI’s protection work involves the War Against Trafficking Alliance (WATA) which was established in 2001 to train governments in anti-trafficking laws and enforcement agencies in how to deal with sex trafficking. They also coordinate international conferences (SHI: n.d). WATA has grown to include several organizations, including the US Department of Justice, the US Department of State, USAID, The Organization for Security and Cooperation in Europe (OSCE), ILO, and UNIFEM. In 2004 WATA was made up of only three groups: SHI, one secular organization, and another founded by a US Christian Right activist. International Justice Mission (IJM) founded by a US Christian Right Harvard trained lawyer formed the religious part of the WATA alliance. The Protection Project co-directed by Mohamed Mattaer, a research institute based at Johns Hopkins University was the only secular group in the initial formation of WATA. All three organizations at the time of their alliance building were against prostitution and
aligned their sex trafficking work with the eradication of prostitution more generally. In Congressional testimony in 2002, Smith stated,

‘I encourage the administration to consider countries with legalized or tolerated prostitution as having laws that are insufficient to eliminate trafficking.’ She went on, “tolerated prostitution provides cover for the traffickers,” which was in line in 2003 with the Bush administration’s defunding of organizations supportive or neutral with regards to prostitution as choice’ (as quoted in Shapiro 2004: para 19).

In terms of rescue, SHI has been supportive of interventions and sting operations that literally video tape exchanges in brothels and support raids to “rescue” women. SHI works toward “restoration” in the form of Villages of Hope which are plots of land built to house “rescued” women, educate them and teach them life skills outside of prostitution. Currently SHI has five Villages of Hope in Fiji, India, Jamaica, South Africa and Nepal (SHI: n.d.). These Villages of Hope are also associated with The Women’s Investment Network (WIN) program to focus on building and sustaining economic opportunities to prevent re-victimization of women. The idea of restoring women evokes the repairing of a broken or used object and bolsters the anti-prostitution rhetoric supported by SHI.

Like most NGOs, SHI creates an annual report of their organization each year. Their annual report provides the typical sordid tales of women and girls victimized into treacherous conditions and “rescued” by SHI’s Villages of Hope to re-build their lives. In their report of 2006, it details a story of their 42 acre Fijian refuge where a girl is impregnated in a “sex hotel” and is told to leave. She then finds a “compassionate Christian couple” to adopt her (SHI Annual Report 2006). According to the report,

Her nightmare lasted a decade. But her story has a beautiful ending ... it becomes a story of redemption, of healing, of a new chance at life. Natalie will soon be self-sufficient. And she will be a light in her world,
radiating God’s love and hope.” Statistics show clearly that the average

girl lured into commercial sexual exploitation in the U.S. could be your

own neighbor, your own daughter, a child at your own church — while the

man sexually exploiting her may too often be someone you know (SHI

Annual Report 2006)

SHI not only uses their annual report but provides many film clips and longer movies to

educate the public. These testimonies, studies, and films are used for many of their

media interviews for US Christian Right broadcasts and publications. For example, SHI

provides a list of recent interviews with the 700 Club a daily Christian television

program, World Vision Report a Christian organization, Point of View a national radio

program covering current events from a Christian perspective, and Family News in Focus

a national Christian radio program. Clearly, they are articulating their views and energies

toward the US Christian Right.

Most recently, SHI has begun work with the support of the Department of Justice

on a topic called End Demand: Kids Are Not for Sale National Awareness Campaign.

This campaign is the beginning of an initiative to combat domestic sex trafficking and

began on June 12, 2009 with a rally and candlelight vigil in Las Vegas (SHI 2009). This

date coincided with SHI’s National Report, Domestic Minor Sex Trafficking: America’s

Prostituted Children featuring the latest findings from four years of research on

childhood prostitution in the US (SHI: 2009). The new dedication to domestic issues

indicates a shift in focus from international programs to issues of children and

prostitution in the US. Smith’s leadership position in US government, her tactics of

coalition work with secular organizations, and her focus on sex trafficking as something

that occurs only to women and girls as well as their support for criminal legislation and

“saving”, demonstrate global civil society.
Political Opportunity Structure of Shared Hope International

Highlighting sex trafficking using human rights language and frameworks gives the organization access to other human rights organizations and a legitimate narrative to frame their work. The end of the Cold War and the Clinton presidency that acknowledged its failures in Rwanda, the former Yugoslavia, and used the rhetoric of human rights for its bombings of Kosovo provided an opening for the US Christian Right to get involved with issues they consider at the forefront of human rights. US foreign policy is historically associated with bringing freedom and human rights to various parts of the globe. It is increasingly used to support invasions and interventions. Lack of intervention, for example in Sudan and Rwanda caused shame in the Clinton administration. Discourse on the incursions in Afghanistan and Iraq is strategically deployed and promises hope in the form of liberty and freedom. The nature of US foreign policy and its rhetoric of human rights create the POS for other human rights concerns like trafficking and HIV/AIDS to become part of the long register of human rights concerns. The Bush administration’s focus on military intervention with a human rights face, rhetoric pitting “us” against “them,” and their connection with the US Christian Right enlivened the POS and created both institutional and discursive spaces for groups like SHI to operate.

Framing Techniques of Shared Hope International

SHI, like many other anti-sex trafficking organizations, uses explicit and horrifying stories to provide drama and create fear in readers. It also inspires readers to
support any cause which undoubtedly works to end the exploitation of women and children in all its forms, equating prostitution with victimization and using prostitution as a metaphor for victim. The stories assume that anyone can be a victim of sex trafficking, ignoring how poverty, immigration, and few work opportunities may result in some being more vulnerable than others.

SHI frames the issue of sex trafficking in line with both prostitution and pornography and argues the use of pornography and prostitution becomes a slippery slope toward sex trafficking in women and girls both at home and abroad. All trafficking becomes synonymous with prostitution and in turn victim becomes a metaphor for all women and children. They need to be rescued and restored, equating women and girls as objects in need of fixing and repair. SHI has been extremely successful from its increase in revenue, large volunteer and cash donations as well as its funding by the US government. Their view of trafficking is the dominant rhetoric used in official policy both domestically and internationally. This rhetoric reinforces prostitution and sex trafficking as the main focus of all trafficking. There is a continuing emphasis given to sex trafficking and women and girls even though there is evidence to counter to the number of women and children trafficked into sex. Trafficking equates to sex, trafficked individuals are equated to helpless victims in need of salvation, and the guilty are corrupt individuals, generally men from developing countries. This is potent in that it uses fear as a stimulant but isolates victims from political engagement, ignoring questions about social equality and moral responsibilities and political change.

*Material Strength of Shared Hope International*
Smith’s former position as Congresswoman and her connections with the state helped her garner substantial state funding. According to Shapiro, “She received $930,000 in federal funding over the last two fiscal years” (2004: para 21). In 2003, under the auspices of the State Department SHI received $1.8 million to organize an international conference entitled “Pathbreaking Strategies in the Global Fight Against Sex Trafficking” and SHI’s annual revenue in 2003 was almost $1.7 million, including private donations and foundation grants which continued up to 2008 to be over $2 million.

SHI is supported by funders and the US government. However a large part of its work is also supported by individuals through volunteer donations and organizing. SHI asks that individuals buy Smith’s book, host vigils to educate communities, and donate funds to the cause. In fact, cash donations make up the majority of SHI’s revenue totaling over $1.7 million of their over $2.4 million revenue for 2008. Much of the material accessible on SHI’s website is for classrooms to teach students and other interested parties in the realities of sex trafficking. Because many groups have been faulted for overblown or inaccurate statistics, SHI provides a research methodology for their work as well as a host of statistics to prove their point. According to SHI’s 2006 annual report, “the research employs an interdisciplinary approach to the marketplace analysis using both primary resources (conversations with the victims, survivors, and buyers) and secondary resources (NGO studies, government reports and statistics, websites, and other documentation)” (SHI 2009). However many of their statistics fit the statistics provided by the US Department of State and again are considered controversial.
Both the state’s and the US Christian Right’s focus on human rights make them natural partners. In fact, this focus on human rights by states and international organizations allowed the US Christian Right to shift its mission away from controversial traditional values to human rights. The state found a partner in its ability to keep its power and economic capabilities by using the rhetoric of human rights to control it. This focus on sex trafficking as a core human rights issue allows the state to focus on regulation and control of citizens and non-citizens as well as its own borders. It also prevents a critique of globalization or acknowledgement of those victimized by the global free market. At the same time the US Christian Right is able to use the language of human rights to work toward not only helping victims of trafficking but also to articulate traditional values in line with their own belief system.

*International Justice Mission*

IJM is most well known for its controversial brothel raids but this is not the only aspect of IJM and its mission. IJM was founded in 1997 by Gary Haugen who was educated at Harvard and the University of Chicago Law School and who is an evangelical Christian. Haugen believes that Christians have generally ignored the Biblical injunction to “seek justice, protect the oppressed, defend the orphan, plead for the widow” (as quoted in Power 2008:2). This fits well with US Christian Right activists moving from “contentious” issues to human rights work. It was founded to provide legal services to the poor in developing countries. Haugen’s belief is that problems plaguing the developing world are not from poverty, lack of democracy or increase in diseases but rather the absence of rule of law and proper law enforcement. The work of IJM includes helping bonded laborers, sex trafficked children, the poor and women who have had their
property seized, and innocent individuals convicted of crimes. Three hundred Christian lawyers, criminal investigators, social workers and advocates work in 12 different countries (Powers 2008:2).

Haugen’s office is dedicated to prayer and action and he does not hire outside of the Christian faith. Every morning before the work day starts, there are prayer services which continue throughout the day. While he has been critiqued for only hiring Christians, he is proud of the fact that 90 percent of his staff in foreign countries come from within the country. He is forceful in his words criticizing those in the US Christian Right who speak about problems but do nothing to address the needs of others. In an interview with Samantha Power for The New Yorker magazine, Haugen addresses his critics:

Others might associate Christianity with the Religious Right and a political agenda as it relates to sex. . . . If there’s a missionary picture of us, too, there are a lot of people with negative views of missionaries. That’s a lot to carry. Nonetheless our basic attitude is let’s just get on with the work of offering poor clients the highest-quality legal representation. (Power 2008: 3).

Haugen’s spirit of activism comes from his religious background. He travelled with religious groups working on issues of reconciliation in South Africa after apartheid and was so moved the he dedicated his life to serving the world’s poor. He has worked for the Department of Justice on issues of civil rights and with the UN on investigations related to the genocide in Rwanda.

While Haugen’s work has assisted bonded laborers and women regaining their property rights around the world, the brothel raids are by far the most controversial tactic used and defended by IJM. In 2004, Jennifer Block wrote an article on these tactics explaining how IJM had received $1 million from the US government for their work. At
the same time much of their work actually “exacerbated the plight of victims and put
prostitutes who are not victims of trafficking in danger, leading to arrests, deportation and
further exploitation by border patrol and policy” (Block 2004: para. 27). Many who have
reported on IJM, (Jones 2004; Powers 2008; Thrupkaew 2009) referred to the
organization as a “bull in a China shop” with regard to the brothel raids. One raid in 2001
involved undercover visits to a brothel in Thailand where men would spend time with
girls and record their conversations on hidden camera. After the initial investigation, IJM
produced a report with photographs, found Thai legislation against prostitution, and
submitted brothel addresses to government authorities (Jones 2003: para 2). After this
report, local Thai police raided the brothel and placed 43 women and girls in custody.
The girls were “rescued” in the form of being locked into a government run orphanage.
These women complained they had no other choices outside of prostitution, they needed
money for their families and that several were from neighboring Burma where they were
fearful of returning. One month after the raid, 24 women and girls had left their “rescue”
and “restoration” (Jones 2003: para.6). IJM even brought Dateline NBC into one of their
brothel raids in Svay Pak the notorious brothel area of Cambodia. This footage of rescue
was televised to US audiences. Nothing about the 37 girls after the rescue was made for
television however. Apparently six women immediately left the shelter and ran away.
Some individuals not even involved with the brothel were arrested. Haugen understands
the critique that working with the police may be unhelpful since often the police are
involved in the corruption and sex trafficking taking place. This is one of the reasons he
invited MSNBC with him, hoping that filming the raid will force authorities to cooperate.
According to Powers:
When “Dateline” aired its story, in January, 2004, its depiction of the mission’s American lawyers and investigators liberating children from brothels won the organization thousands of new financial supporters. Among many in the human-rights community, however, the mission gained a reputation for cowboy behavior and media sensationalism. Haugen also stumbled into a wider debate over the legality of prostitution, which he would rather have avoided (2008: 7).

In some of these raids they went after the same brothel more than once. Both times according to The Nation, IJM called local NGOs “in panic afterward to ask for translation help and no one had realized the frightened women and girls were Burmese and Shan” (Thrupkaew 2009: para. 21). They also have a hard time distinguishing between voluntary work and trafficked women. This is because their mission relates not to changing the system but rather “saving” individuals, one by one. This philosophy of saving individuals stepped in religion and human rights resonated with the Bush presidency and fits with neoliberalism’s framework. According to The Nation,

Eager to complement his war on terror with a parallel “soft power strategy”, according to his speechwriter Michael Gerson, Bush signed on to the “war on trafficking” with a vengeance. Although counter-trafficking funds found their way to groups that worked more broadly on immigrant’s rights and services, much of the money went to organizations like IJM whose interventionists attitude was congruent with Bush’s foreign policy stance, and to groups that believed that prostitution was inherently exploitative and deserving abolishment (Thrupkaew 2009: para. 7).

According to Haugen, “‘Each little girl is made in the image of God and each one rescued is a blessing’” (as quoted in Power 2008: 7). This completely ignores the fact that some women actually don’t want to leave these situations. Noted by Phil Marshal, manager of the UN Project on Human Trafficking in Southeast Asia’s Mekong region by Maggie Jones, “‘I’ve never seen an issue where there is less interest in hearing from those who are most affected by it’” (as quoted in Jones 2003: para. 4). Many girls are earning
an income for their entire family and when dispersed to orphanages they still owe debts to sex traffickers. They know that their family will be obliged to pay this off and that a younger sister or brother will easily replace them. In this way, women are caught in a system of oppression, making the task of freeing them more complex and political.

Even before this controversial raid, Empower, a sex workers advocacy organization, issued a report documenting another brothel raid by IJM in Thailand in which several of the 28 arrested or “rescued” Burmese women escaped from a local institution in the first 24 hours (Suderland 2005: 66). Empower stated that this raid took the form not of “rescue” and “restoration” but rather criminal arrests. Traffcord another anti-sex trafficking NGO formed in 2002 through funding from the US reported that other coercion took place after “rescue” and the refusal to be a witness against the traffickers resulted in prolonged detention (Suderland 2005: 66).

Haugen hears many of these criticisms but refuses to stop. Haugen states he has never spoken with a “rescued” woman or child who was not thankful. While many are indeed relieved by the raids, especially children, there are many other children who will easily replace those taken in raids. The aftermath of raids is generally what is ignored. The raiding of brothels is not sustainable nor does it resolve the long-term root problem. Through the media, websites, Congressional testimony and lobbying the roots of sex trafficking or long-term solutions are absent. Since the controversy over their work in Thailand and Cambodia, IJM has moved much of its work to the Philippines because there is a less vocal sex-worker movement (Thrupkaew 2009).

In terms of the criminalization or legalization of prostitution, Haugen and IJM stay quiet in this debate. In fact, in 2003 when the Bush administration required all
groups who receive funding from the US government to denounce the legalization of prostitution, IJM stayed silent. Haugen avoids the conversation but continues with raids and works with US Christian Right supporters of the criminalization of prostitution. He does this even while critics argue that that the mission’s raids give police more opportunities to degrade women by violating them, by rounding them up in the sweeps, or by deporting them. Their reliance on the police is what has helped them change direction somewhat. Realizing that low salaries for police encourage corruption, IJM found out the hard way that police were often part of trafficking operations. Based on the inflexibility of laws in certain countries, IJM refocused its efforts on the Philippines (Thrupkaew 2009). Haugen’s connection with powerful US government elites, his self-proclaimed Christian background and motivation, the focus on human rights rhetoric along with politics of “saving”, morality and criminalization without recognizing the inconsistency of his goals (some women choose sex work and pimps are less culpable than the global market), demonstrates global civil society’s complexity. Far from a space of democratic pluralism, global civil society is a site of values debates and those who control the terms of the debate win out and rule.

According to IJM’s website their core commitment is to restoring victims of oppression. They highlight the similarities of their work with those of Mother Teresa and Martin Luther King, Jr. The website goes on to say:

IJM’s work is founded on the Christian call to justice articulated in the Bible (Isaiah 1:17): *Seek justice, protect the oppressed, defend the orphan, plead for the widow*. By defending and protecting individual human rights, IJM seeks to engender hope and transformation for those it serves and restore a witness of courage in places of oppressive violence. IJM helps victims of oppression regardless of their religion, ethnicity, or gender. (IJM: n.d)
The Political Opportunity Structure of International Justice Mission

Haugen has uses the POS of the increased commitment to human rights issues, the end of the Cold War, and the support of the former Bush presidency. IJM is firmly ensconced in the power of the state. While he tries to distance himself from older forms of rhetoric of the US Christian Right which he sees as solely moralizing without any action, his language of “saving,” “rescue” and even “evil” limits the audience he can reach and is why his audiences come from large mega-churches. Haugen’s work not only supports the “rescuing” and “saving” in line with abolitionism but also the desire to change the US Christian Right from simply speech to action. Even with this attempted distancing, the discourse and end goals are the same. His human rights rhetoric serves to empower the status quo state as well enhance their surveillance and regulation of citizens and non-citizens alike.

Both SHI and IJM have taken an issue which their leadership find close and personal to their heart and used their leverage with sites of power, fundraising capacity, and US Christian Right supporters to transform their claims into internationally powerful messages against sex trafficking. The US Christian Right’s attempts to move away from “contentious” issues to human rights causes have been successful especially in developing alliances with groups previously at odds, like liberal feminists. The US Christian Right has acted as “gatekeepers” by using their closeness to sites of power of the state. This closeness is reflected in US legislation reflective of the goals of the US Christian Right.
This has also helped translate their claims from the domestic to international level. While many involved in the transnational feminist movement see holes in the US Christian Right’s rhetoric, it is still quite powerful, given the US Christian Right’s closeness with the US and the US’s prominence within international institutions. Their discourse is still dominant in international legislation. The use of rights language focuses on how progress will come with the end of all forms of trafficking and the criminalization of prostitution. Rational women and children would never choose to endure the pain of this harmful profession and equality will come about via law enforcement and criminalization of prostitution.

IJM works closely with developing the US view of sex trafficking. The agenda of the US state goes well beyond ending the exploitation of children and ventures into legislating against non procreative sex and using law enforcement strategies to combat all forms of sex work in the name of protecting women (Soderlund 2005: 81)

**Framing Techniques of International Justice Mission**

IJM frames their work in the context of providing legal services and amping up law enforcement to “rescue” and then “restore” trafficked women and children. Their framing is similar to Shared Hope International (SHI) and is one of the reasons they are able to collaborate closely with them. While IJM is less outspoken with regard to prostitution, they clearly make no statement in order to keep their US Christian Right partners, volunteers, and donors supportive of their efforts. Their raiding of brothels without asking the intended “rescued” individuals their thoughts confirms that they equate trafficking to prostitution. The official state rhetoric of TVPA and international
legislation is in line with the work of IJM in its focus on sex trafficking and emphasis on women and girls. IJM’s work is inspired by the movement of the US Christian Right from “contentious” issues to trying to re-energize the US Christian Right’s social conscious. According to Powers, Haugen states, “I saw my own faith community as spiritually impoverished…Jesus put these things together… That they were ever separated is absurd” (as quoted in Power 2008: 9). Power says about Haugen, “that he felt that Christians had become so caught up with knowing God deeply that they were thinking too little about meeting the needs of their neighbors” (2008: 9). Haugen has stated that old fights on abortion and gay rights are misdirected and that Christians should be involved in other issues. At his Willow Creek speaking engagement he called on the crowd to join with him in leading “‘our faith community out of a prison of triviality and fear…May this be the generation of Christian leaders that resets the bar of excellence’” (as quoted in Power 2008: 9).

**Material Strength of International Justice Mission**

Through this core commitment they have four purposes in their work including: victim relief, perpetrator accountability, victim aftercare, and structural transformation. These goals are supported by both volunteers and cash donations as well as through foundation support and the US government. In fact, IJM was considered one of George W Bush’s “pet programs” and in photos of the signing of the TVPA reauthorization of 2008, Haugen is seen prominently behind Bush (McKelvey 2004: 105). “In 2010 the organization will have received more than $4 million from the government, including a $500,000 grant to open an office—established last January-to work against sex
trafficking for forced prostitution in Samar, the Philippines (Thrupkaew 2009: para. 14). Their new approach implemented in the Philippines is called Project Lantern and is supported by the Bill and Melinda Gates Foundation through a $5 million dollar grant (Thrupkaew 2009: para. 6). IJM’s Board of Directors includes members from Google to the Walt Disney Company. While 61 percent of their revenue comes from individual donations, they have funding from a variety of foundations like the Bill and Melinda Gates Foundation and World Vision. According to the 2008 Independent Auditors’ Report & Financials Reports, their revenue is over $11 million annually (McGladrey and Pullen 2008). According to Powers though the budget is much larger, “Largely owing to support from Christians, the organization’s budget has grown rapidly, from two hundred thousand dollars in 1997 to twenty-two million in 2008” (2008: 4). In terms of their volunteer network, it is vast and growing with the increased popularity of the anti-trafficking movement. In January 2009, IJM issued a press release from their “Abolition Pledge” which delivered more than 5,000 postcards signed by Willow Creek Community Church members, to the office of Illinois Senator Richard Durbin.  

IJM’s work is a perfect example of the US Christian Right’s mission establishing itself within the halls of power. World Bank economists recently asked Haugen for advice (Powers 2008). He has testified before Congress a half-dozen times and in 2008 he was readying to speak at the World Economic Forum, in Davos, Switzerland (Powers 2008: 3). He is praised by the Ford Foundation and Amnesty International USA. However, as his work from the “Abolition Pledge” campaign attests, his base is the US Christian Right. He has spoken at Saddleback Church with Rick Warren and on more
than one occasion at the Willow Creek Leadership Summit, an annual religious conference, before sixty thousand people (Power 2008: 4).

*Implications for Global Civil Society of US Christian Right’s Anti-Sex Trafficking Work*

RR anti-sex trafficking groups demonstrate that global civil society as a whole is neither a necessarily progressive nor a necessarily harmonious space beyond the market and the state. They focus on victimhood, visually framing the lurid details of sex trafficking, emphasizing race-blaming and women’s rescue, statistical inaccuracies, and resort to law and order/security actions on the basis of morality. This leads to ignoring the market-related chain of events that cause sex trafficking. Their religious message is not about compromise and negotiation but about a universal set of values. This calls into question the democratic potential of global civil society. The state is supportive of these conservative contentious groups. Under the US Christian Right’s human rights frame that is dominated by securing the state, they moralize about women’s roles and victimization in society. In order to secure the state, there is a need to construct women as victims. This instills fear which then leads to the stepping up of controls, monitoring, and border surveillance. The symmetry between the framings of anti-sex trafficking promoted by the US state and the US Christian Right organizations enables a militarized foreign policy propped up by the language of human rights. Aiding women through the “war on terror” in Afghanistan and Iraq becomes closely aligned with aiding women in the “war on sex trafficking”. The eliding of US Christian Right approaches to anti-sex trafficking with state foreign policy goals reveal shared authoritarian visions for securing rights. Narrow and absolutist understanding of anti-sex trafficking as “saving” women
represent illiberal versions of human rights that rest on restrictions on and even coercions of women. Thus we see that global civil society becomes not space where women’s rights and religious rights are somehow reconciled without compromising either, but rather is complicit in imposing new illiberal universalisms.

CONCLUSION

Human trafficking has a long, sordid, and global history and this history continues to influence contemporary anti-sex trafficking debates and legislation. US feminists, the US Christian Right, and the international women’s rights movement are some of the actors who engage in the contemporary anti-sex trafficking debate. However, the anti-sex trafficking position of US Christian Right is most consistent with and provides “democratic” cover for US security interests. The US Christian Right’s close connections with the state, abolitionist views, and criminalization efforts merge well with the state’s interest in closing borders and containing state security threats. This consonance provides the POS and discursive openings for catapulting sex trafficking to the front of the international human rights agenda. However, this consonance has assured that anti-sex trafficking efforts will be carried out in coercive and illiberal ways that compromise the rights of sex workers and migrants more generally. The goal of ending coercive trafficking of persons is not an illiberal one, but the absolutist motivations of state-sanctioned/supported RR groups and the coercive and infantilizing means by which they attempt to stamp out sex trafficking are decidedly illiberal.

This consonance also ensures that alternative framings of sex trafficking and labor trafficking more generally as the result of neoliberal capitalist priorities and practices that the US promotes will not be taken seriously. Thus, the case of sex trafficking reveals that
global civil society both harbors illiberal groups that are state-supported and provides a
“democratic” cover for coercive actions by states that are in contravention to liberal
human rights precepts.

Chapters Three and Four provided complex political histories of transnational
reproductive rights and anti-sex trafficking campaigns. Through these histories, we
learned of not only the ideological conflicts among groups making up what is called
global civil society, but also how some elements of global civil society enjoy significant
state support, financially and ideologically. Specifically, US Christian Rights groups,
through their appropriation and re-framing of women’s human rights discourse in ways
that are consonant with US state security and economic interests and/or patriarchal
culture interests, took advantage of the POS provided by these state and dominant culture
interests as well as the material support provided especially by the US state to promulgate
an illiberal human rights agenda. As I will further discuss, these cases have serious
implications for global civil society theorizing and practice.

The codification of RR positions on international law with universalist pre-texts is
the subject of the next chapter. In it, I will argue that such codifications are the most
problematic outcomes of the rise of the Religious Right in global civil society as they
inscribe illiberalism in law. As I have argued thus far, The Religious Right has used the
expansion of human rights fostered by liberal members of global civil society to imbue
their illiberal agenda with the power attributed to the universalist and supposedly
apolitical (that is, transcendent of politics) values of international human rights. By
situating themselves as global civil society actors, RR groups are able to drape
themselves in visions of global democracy while actually serving powerful and
undemocratic state interests. The very elasticity of rights talk enables such cooptation of human rights discourse for illiberal ends, while dominant constructions of global civil society as a solely progressive space separate from the state (and the market) gives the Religious Right a legitimated space through which to gain acceptance and ascendance in international policy making. As enumerated in the next chapter, by gaining a foothold at international conferences and contributing verbiage to international documents, conventions, treaties, and legislation, the Religious Right has been successful in codifying illiberalism in the name of human rights in several instances.
CHAPTER FIVE

LEGISLATING AGAINST RIGHTS: GLOBAL CIVIL SOCIETY AS ILLIBERAL DEMOCRACY

INTRODUCTION

The cases of reproductive rights and sex trafficking reveal the problematics of the concept of universal international human rights. The elasticity of human rights, while useful in expanding them, also stretches them so broadly as to ultimately make them meaningless. Their elasticity also makes them vulnerable to manipulation. When human rights (that by definition are absolute and unassailable rights) come in conflict, there is no single arbiter of which some human rights should take precedence or any way to adjudicate between absolute rights. This leaves human rights embedded in politics, not transcendent of it. And this has implications for liberal IHR regimes, especially women’s IHR regimes, which are typically diffuse, internally contentious, less resourced and unable (or unwilling in the interests of democracy) to “settle” permanent norms. They are politically disadvantaged in the face of challenges by more highly resourced, state supported, neoliberal consistent and religiously dogmatic forces.

In this chapter, I will look at both the legislation used by the US Christian Right as well as how these laws are used to manipulate international human rights. The codification of RR illiberal positions in international law has a universalist pre-text. In this sense, members of global civil society can actually promote the rescinding of rights through the cloaking of religious and state interests in human rights language. It is one thing to talk about framing and discourse but the US Christian Right has entered a whole new realm by enabling the codification of illiberalism through reproductive rights and anti-sex trafficking legislation.
Manipulation of International Human Rights within and through Global Civil Society

The two cases studies presented in this dissertation revealed how IHR discourse was co-opted and manipulated by the transnational Religious Right that became an ascendant and increasingly hegemonic element of global civil society as a result of being privileged ideologically and materially by state power and economic resources. IHR regimes are most often seen as synonymous with global civil society, yet this new IHR regime of the Religious Right represents the less than benign and less than liberal face of the so-called “third space” of global civil society. International human rights are socially constructed and dependent on context, historical period, and groups in power. In this way, they can easily be “securitized” or manipulated for political purposes. Put plainly, human rights are created by people in particular social, historical and economic circumstances. This stands in direct opposition to the long held theory that human rights are timeless universals. Human rights can be deployed by the powerful and closeness to sites of power can be beneficial to those using the framework of human rights language for their own purposes. Human rights have little substantive content in this sense. It is an entitlement to civil rights but not to providing the resources or inclusiveness, making these rights effective. In this way, power defines truth. The case studies demonstrate that groups with power determine and define human rights at specific times and in certain contexts. Often timeless universal understandings of human rights only focus on violations of human rights that are observable and purposeful. This ignores the latent forms of power at work in human rights constructs. Power is deeply embedded in how
we think and speak of human rights and this has an effect on GCS theorizing and practice. Rights themselves have power by bringing certain entitlements to individuals in certain contexts and this can result in increasing inequalities through the granting of rights to one group that results in depriving others of other rights. For example, limiting the free speech of pornographers may result in freedom for some women. Group rights and cultural rights may deprive women of their basic liberties including movement, reproductive choices, and inheritance. Reliance on oppression and subordination to give rights to people, particularly women, also result in a one-dimensional understanding of the individual, always already subordinated and marginalized. The complexity of the individual rights bearer is invisible and, nuance, diversity, and inclusivity needed to enhance an understanding of agency and power are ignored.

Illiberal policies can emerge directly out of the manipulation of human rights discourse used by members of global civil society. The passage of illiberal legislation by nominally democratic governments in consultation with the supposedly independent and democratizing force of (global) civil society that sanitizes what are in fact state agents operating within it constitutes illiberal democracy at work.

Illiberal policies also tend to succeed when human rights are made hierarchical whereby certain rights are seen as a priority over others or where certain rights are determined to be a pre-text to other rights. Women’s rights, understood as those particular to women in public and private spheres, are often trumped by cultural and religious rights. As found in the case studies, this prioritization of one right over another most often stems from well resourced, overtly political groups who are able to control issue framing that is often most resonant with state interests.
The “securitization” of international human rights also is productive of illiberal measures. “States name an issue, often a human rights concern, as a security interest and once it has been “securitized” it is prioritized above “normal politics,” and “extraordinary means” are necessary to address the problem” (Sjoberg 2009: 208). RR groups and especially the US Christian Right construct human rights as security concerns to be dealt with coercively if necessary, which accounts for their high level of state access and support. IHR regimes are supposed to question state sovereignty yet the “securitization” of international human rights is used to bolster state power and control.

The manipulation of international human rights by states and reactionary members of global civil society to promote illiberal interests and policies, however, constitutes only one level of the problem. While human rights are indeed manipulated, there is also something more complicated at work wherein dominant constructions of human rights and global civil society actually make possible illiberal democracy.

Enabling Illiberal Democracy through International Human Rights

Recent legislative successes I detail below by the Religious Right under the banner of international human rights challenge assumptions about the necessarily progressive and autonomous space of global civil society and reveal that IHR universalisms can just as easily play into retractions of rights as the expansions of them.

The POS, discursive, and material power of the US Christian Right expose how the sinews of the state and ideological politics are stronger than imagined in international human rights. IHR norms are also consonant with neoliberalized state priorities in that they offer privatized solutions for what the RR claims are human rights abuses. This
chapter provides examples of concrete illiberal outcomes of state-backed IHR norm-setting by RR groups which disrupts the dominant narrative of global civil society as independent of and providing a check on state power. Liberal global civil society theorizing cannot account for IHR legislation that supports illiberal interests. As my analysis of illiberal IHR legislation will show, they represent the convergence of neoliberalism and neoconservatism and their de-democratizing effect. This has implications for how global civil society is represented and whether it can still stand unambiguously for the promotion and expansion of liberal democratic rights in the political imaginary.

REPRODUCTION AND WOMEN’S HUMAN RIGHTS

Women’s reproductive capacity has been linked historically to issues of national security, immigration control, national sovereignty, environmental sustainability, and protection of local religious and cultural practices. Only recently has the debate on human reproduction been cut loose from the confines of the population control establishment and reframed as a movement that is explicitly based on the promotion of women’s autonomy and health. In response to this sea change, the Religious Right gained strength by arguing that women’s independent decision-making regarding their own bodies actually work against women’s “true nature.” They continue with this same line of reasoning by arguing that abortion inherently degrades human rights, specifically the right to life. By defending national sovereignty, privileging religious and cultural rights embedded in the UN language of human rights, and selectively employing anti-
imperial rhetoric, the Religious Right has become a presence to be reckoned with at IGO conferences and on the NGO scene.

The language in international documents frames reproduction in terms of women’s autonomy based on the hard fought struggle by transnational feminist networks. Nonetheless, the Religious Right has been successful in containing this language and battling against any new wording suggestive of abortion rights or openings for GLBTQ rights. The Religious Right has found success in domestic contexts particularly in countries in the global South where evangelical Christianity is on the rise. They have framed pro-life and anti-contraception as part of human rights legislation in such countries. With the rising tide of fundamentalism around the world, a POS has been created in which the Religious Right operates quite well. Ironically, the increasing relevance of human rights rhetoric around the world has also strengthened the RR movement against reproductive rights. The strength of the US Christian Right is also the result of backing by the Vatican, Islamic and Catholic states as well as its previous support by the US under the Bush administration. Historically states have had a precarious relationship with women. On one hand, the welfare state has enhanced the ability of women to join the public sphere and depend on the state rather than individual male breadwinners. At the same time, the state has used women’s rights as a means to control populations or garner support from “traditional” constituents who favor a more regulated role for women. As the following examination of reproductive rights legislation will show, the rise of neoliberal globalization has resulted in a retreat to “traditional” values, a fear of immigration, and xenophobia, creating strong receptivity for RR versions of reproductive rights. But these versions that are used to deny abortion
and contraception to women also deny the human rights abuses of poverty, illiteracy, and ill health that disable women’s choices. The legislative outcomes of conservative and contentious GCS actors aligned with the state codify not only the dismissal of women’s rights but also illiberal forms of international law.

**INTERNATIONAL LEGISLATION FOR AND AGAINST REPRODUCTIVE RIGHTS**

The main pieces of current international legislation in terms of reproductive rights and women’s rights more generally are the ICPD, Beijing Platform, and CEDAW. ICPD developed from the Cairo Conference and the Beijing Platform from the Beijing Conference. They are two significant pieces of legislation that, while not binding demonstrate the work of transnational feminist networks fighting for women’s rights and a new understanding of reproductive rights separate from the population control’s stance and the US Christian Right’s stance. CEDAW is a binding document that when ratified by a state becomes law. It is understood as the most comprehensive treaty on women’s rights. While sex trafficking legislation has been crafted by a strongly influential US Christian Right, legislation pertaining to reproductive rights at the international level has been strongly influenced by transnational feminist networks. This is mainly due to when the two issues became popular. Sex trafficking has gained attention from the late 1990s until recently, when the US Christian Right had a powerful foothold within domestic government institutions and at the international level. Transnational feminist networks gained a foothold in the 1970s, bringing reproductive rights to the spotlight of international conferences. Even though the legislative language tilts toward autonomy and health frameworks, the US Christian Right is able to use other human rights treaties
and legislation to frame their own arguments in human rights terms. Thus, they are able to strategically disrupt liberal and individualistic understandings of human rights. They have used their influence as NGOs with consultative status, closeness to the US administration, and alliances with Catholic states, Islamic states, and the Vatican to make reservations and block language.

Women’s Autonomy, Health and Rights in International Legislation

The right to health, including sexual and reproductive health, is clearly articulated in several documents. The ICPD states,

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant (Paragraph 7.2 ICPD)

This strategically avoids the term abortion but does provide an opening for abortion services in terms of “regulation of fertility which are not against the law.” Several of the terms from “family planning” to “reproductive health” and “fertility regulation” were seen as openings for abortion services and were contentious terms throughout the process of creating legislation. The Beijing Platform continued to use these terms without making explicit reference to abortion:

[Governments should p]rovide more accessible, available and affordable primary health-care services of high quality, including sexual and
reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care . . . (Paragraph 106 (e) Beijing Platform).

[Governments should s]trengthen and reorient health services, particularly primary health care, in order to ensure universal access to quality health services for women and girls, reduce ill health and maternal morbidity and achieve world wide the agreed-upon goal of reducing maternal mortality by at least 50 per cent of the 1990 levels by the year 2000 and a further one half by the year 2015; ensure that the necessary services are available at each level of the health system; and make reproductive health care accessible, through the primary health-care system, to all individuals of appropriate ages as soon as possible and no later than the year 2015 . . . (Paragraph 106 (i) Beijing Platform).  

These same international treaties make explicit reference about the ability of women to decide the number of children she wants as well as the spacing of these children. For example, CEDAW in Article 16 (1):

States Parties shall . . . ensure, on a basis of equality of men and women . . . (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them exercise these rights . . . (CEDAW)

The ICPD makes this even more explicit in among other paragraphs, paragraph 8 and paragraph 7.3:

All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so (ICPD).

[Reproductive] rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so . . . [The definition of reproductive rights] also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents (ICPD).

Finally The Beijing Platform for Action states in Paragraph 223:
The Fourth World Conference on Women reaffirms that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so . . . (Beijing Platform).

The “number and spacing of children” is significant in each document. Again, while the documents do not explicitly use the term abortion, they open the door to interpretation which caused many debates during the crafting of the documents. These same documents also mention a right to privacy which supports the right to abortion in terms of US domestic legislation and increasingly around the world as issues off abortion rights makes their way to the courts. In the ICPD paragraph 7.45:

[Reproductive and sexual health] services must safeguard the rights of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs (ICPD).

And again in the Beijing Platform for Action:

[Governments should redesign health information, services and training for health workers so that they are gender-sensitive and reflect the user’s . . . right to privacy and confidentiality. . . . (Paragraph 106(f) Beijing Platform)

[Governments should prepare and disseminate accessible information . . . designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially information on sexuality and reproduction, taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent. . . . (Paragraph 107(e) Beijing Platform)

Beyond these pieces of legislation and rights, several UN binding and nonbinding treaties deal with equality and non-discrimination, education and healthcare, economic rights and freedom from harm based on gender.

The US Christian Right’s Use of International Legislation
At the same time, as these feminist-inspired pieces of legislation developed and were used by governments around the world, the US Christian Right began using international legislation to argue its own points. For example, there are several international documents declaring a right to life. These can be used as important tools to argue that abortion inhibits the right to a fetuses’ life. The Universal Declaration of Human Rights, the ICCPR and even the ICPD include the right to life:

- Everyone has the right to life . . . . (Article 3, Universal Declaration of Human Rights)
- Every human being has the inherent right to life. This right shall be protected by law (Article 6 (1) ICCPR)
- Everyone has the right to life . . . . (Principle 1, ICPD)

Therefore, from a pro-life standpoint, international legislation is supportive of their belief in a right to life. The US Christian Right also uses freedom of culture and religion to demand certain rights for specific groups. This is part of their argument countering Western imperialism in the global South. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Beliefs (Declaration on Religious Freedom) is similar to CEDAW. It states:

- Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (Article 1 (1) Declaration on Religious Freedom)
- No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice (Article 1 (2) Declaration on Religious Freedom)
- Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public
safety, order, health or morals or the fundamental rights and freedoms of others. (Article1 (3) Declaration on Religious Freedom).

The UN also takes seriously issues of group and cultural rights. While this has been the basis for the cultural rights versus universal rights debate and opened the flood doors to a hierarchy of rights, it is still an important part of the human rights regime at the international level. Group rights represent particular rights for certain segments of the population previously oppressed or in the minority. At times these claims bump into each other. The best example of this is in the FGM debate. Many argue it is a cultural practice to be defended since many choose to undergo the procedure. Some even argue that it should be allowed based on a freedom of religion and religious practices. Others argue that it goes against women’s basic rights. Both groups are able to pull from their arsenal of human rights to defend their claims. Often times, the outcome is nothing less than political and one right ends up trumping the other. The conflict between group rights and cultural rights tends heavily toward issues related to women. Reproductive rights are another area where debates over groups’ rights versus women’s rights take place. Groups claim freedom of religion and cultural expression to deter women from access to contraception while others argue for explicit women’s rights to reproductive health. The right to culture and cultural expression is a foundation to human rights. This is expressed in the language of the Universal Declaration of Human Rights, Article 19:

Everyone has the rights to the freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through and media and regardless of frontiers (Universal Declaration of Human Rights).

Finally, the US Christian Right supports state sovereignty by arguing that pro-choice radical feminists as well as the population control establishment are infringing on
the rights of states. This is an especially strategic argument for US Christian Right organizations since many of the states they work and ally with have a history of colonialism and are sensitive to neo-colonialists rhetoric. The language of state sovereignty is the touchstone of the UN Charter.

The Organization is based on the principle of the sovereign equality of all its Members (Article 2 (1) UN Charter)

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations (Article 2 (4) UN Charter).

The ICCPR goes on to supplement the UN Charter’s idea of state sovereignty:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (Article 1 (1) ICCPR).

The US Christian Right has plenty of human rights and UN tools at hand to bolster their argument for a right to life, freedom of culture, religion and respect for state sovereignty.

**Reservations, Blocking, and Debates against International Reproductive Rights**

When progressive women’s groups successfully replaced “population control” with “reproductive rights” at the ICPD, this signaled a shift in policy emphasis from family planning to women’s rights. This prompted a backlash from conservative forces that viewed that language as a slippery slope towards increased access to abortion and groups knew that in order to prevent a complete victory for the transnational women’s rights networks, they must begin to limit the language choices in UN documents (Chamberlain 2006: 8). The organization, United Families International, even published a Pro-Family Negotiating Guide intending to challenge pro-choice language.³⁰ Even
CEDAW to which the US Christian Right was not even a party during its drafting uses language such as “access to health care services,” including those related to “family planning.” US Christian Right groups used this language to claim it would lead to the right to an abortion (Chamberlain 2006: 11). Some of their indirect successes like preventing the US from signing onto CEDAW reflects the ability of these groups to maintain a long-term focus on curtailing women’s rights and makes sure any language to which they are in disagreement does not infiltrate domestic law. According to the US Christian Right, any language that dealt with services, reproductive health, access, and issues of gender, opened up the treaty and the UN to being supportive of abortion. The term gender was contentious in that it implied a social construct rather than a biological difference which religious groups opposed. These groups were fearful that the term gender would open up the doors to issues of sexuality and sexuality rights and disturb their interpretation of equality based on “complementarity”.

While the Vatican and over 180 countries signed on to the ICPD, the Vatican and 13 countries did so with reservations. The Vatican and its allies including El Salvador stated:

‘Because our countries are mainly Christian, we consider that life is given by the Creator and cannot be taken unless there is reason which justifies it being extinguished. For this reason, as far as Principle 1 of the PA is concerned, we associate ourselves with the reservation expressed by the delegation of Argentina: we consider that life must be protected from the moment of conception… As far as reproductive rights, reproductive health and family planning are concerned, we wish to express reservations, as the other Latin American countries have done; we should never include abortion within these concepts, either as a service or as a method of regulating fertility’ (as quoted in Friedman 2003: 324).

Islamic countries also made reservations stating that any term which was in contradiction to the Islamic Sharia, or Islamic law, was to be seen as null and void. Even during late
night sessions at Cairo, Islamic countries were adamant. In one retelling of the conference process a Dutch delegate recalls a late night session where an Iranian delegate proposed to delete the term “fertility regulation” with “regulation of fertility” because the WHO definition of “fertility regulation” included “interrupting unwanted pregnancies” thus opening up the document to the lawfulness of abortion (Goldberg 2009: 116). In the end, while most countries acknowledge the power of the ICPD, the Beijing Platform, and other documents supportive of women’s rights, several organizations and states still fight over the hierarchy of rights, and language in legislation.

Nonetheless, while US Christian Right organizations and their allies fought tooth and nail over legislation and language at the international level, their supplanting of rights did not succeed. Even while fighting against certain language, the legislation pertaining to women’s rights retained its strength in terms of articulating the need for women to have autonomy and choice over their reproductive decisions as well as access to health, education, and employment. At the Beijing +10 in February and March 2005 a five person US delegation made up of conservative US Christian Right members attempted to reopen and amend the ICPD to include the statement that the document does not confer any “‘international legal rights or legally binding obligations on states under international law’”(as quoted in Chappell 2006: 503). The US found support for its view from the Vatican and states like Egypt, Qatar, Costa Rica, Nicaragua and Panama. However the US withdrew the motion with heavy lack of support from other states and NGOs (Chappell 205: 503).  

DOMESTIC LEGISLATION FOR AND AGAINST REPRODUCTIVE RIGHTS
Transnational feminist networks succeeded in translating their demands into international legislation. However, the US Christian Right has taken the tools it learned at the international level to the domestic arena. The US Christian Right has a strong history of pro-life protesting and lobbying within the US. The US Christian Right advocate their cause using literature and visuals focused specifically for adolescents, protesting outside of family planning clinics, and lobbying state and federal politicians to support waiting periods and restrictions that get around Roe v. Wade. In fact, women’s rights in the US are often equated with the right to choose based on this ongoing struggle.

**The United States and its Global Influence**

In terms of taking the debate from the international level to domestic level, one of the first tools to affect women around the world was the implementation of the global gag rule by the US government. While the US gives a small amount of their GDP to foreign aid, in terms of amounts compared to other countries, the US’s allotment is substantial. With the global gag rule imposed by the Reagan administration, any organization operating around the world receiving US donor funds was not allowed to provide, promote, or give information on abortion services. This limited some of the largest providers of women’s reproductive health care like IPPF and virtually shut down some providers that were the only sites of health services for women in parts of the globe. The global gag rule was overturned by Clinton but reinstated by Bush. It has now been overturned by Obama but it demonstrates the power of the US Christian Right and how countries must understand the instability of their women’s health providers depending on American cultural and the electoral climate. While the global gag rule makes
reproductive health services unstable, the wavering of the political climate in the US affected the UNFPA. The UNFPA was formed by the generous donations of the US but was de-funded during the Bush administration with the help of Human Life International (HLI) and Population Research Institute (PRI). Because of the strength of the US at the UN and in funding the UNFPA, this has also resulted in instability for UNFPA.

The US and other Western countries founded the UNFPA and brought the legalization of abortion to many parts of the developing world. The US Christian Right is working to take it away. Currently, abortion is mostly legal in the vast majority of the developed world and in Asian countries, including China and India. Nonetheless, about one-quarter of the world’s women still live in countries with highly restrictive abortion laws (Seager 2009: 38). There are many poor countries, including large parts of Africa and Latin America as well as parts of Asia and the Middle East where abortion is either banned entirely or allowed only to save a woman’s life. These pro-life laws are also largely relics of colonial constitutions promulgated by European countries that have since abandoned such restrictions themselves which is what makes the US Christian Right’s work against neo-colonialism so paradoxical (Goldberg 2009: 41).

In countries with bans on abortion, often the US Christian Right assisted these countries by lobbying their governments or bringing information about anti-abortion activities to its people. Latin America has some of the strictest abortion laws in the world. While it cannot be said that the US Christian Right directly influenced these strict laws, they certainly used their influence within the countries. For example, in June 2004, Representative Chris Smith, one of the strongest promoters of pro-life, pro-human rights, and anti-trafficking in the US government, came to a regional UN conference- the
biannual Economic Council for Latin America and the Caribbean held in Puerto Rico. There he contacted Uruguay and Guatemala about their abortion legislation. Faxing Uruguay’s Senate with the co-signatures of five other Republican representatives, he asked them to defeat a pro-choice bill that would “‘legalize the violent murder of unborn children and the exploitation of women through abortion up to the twelfth week of pregnancy’” (as quoted in Chamberlain 2006: 2). He also said at the meeting that “‘these documents contain direct attacks on the right to live, family rights, and national sovereignty’” (as quoted in Goldberg 2009: 18). His message, faxed on Congressional stationary, urged these heads of state to instruct their delegations to vote against “‘direct attacks on the right to life, family rights, and national sovereignty’” at the conference (as quoted in Chamberlain 2006: 2). Today abortion in Uruguay and Guatemala is illegal.

**Reproductive Rights Around the World**

Since 1998 abortion has been criminalized in all cases in El Salvador fitting with the pattern of legislation addressed above. “The *New York Time Magazine* put it “‘forensic vagina inspectors’ treat women’s bodies as potential ‘homicide scenes’” (Goldberg 2009:14). Much of the pro-life work in El Salvador has taken place by American pro-life groups and the Catholic Church (Goldberg 2009: 14). In 2006 Nicaragua followed suite by banning all abortion. Much of this had to do with the election of Sandanista Daniel Ortega who found that if he pandered to the Church it would help him with his presidential bid (Goldberg 2009: 15). Nicaragua is interesting in that the pro-life legislation demonstrates a large war against culture. After the civil turmoil of the 1980s Nicaraguans saw casinos and sex tourism booming in the country.
Like the US, abortion became a symbol for broader anxieties about declining religious authority, family break up and foreign intrusions (Goldberg 2009: 16). The Dominican Republic in April 2009 followed the trend by including in its constitution the right to life and its beginning at conception. Based on Dominican law the doctors and women who undergo abortion may face penalties like prison sentences (Camp and Juarez 2009, para 1). At the state level in Mexico, 12 states have recently adopted constitutional amendments declaring that life begins at conception (Camp and Juarez 2009: para. 2). These amendments may represent a reaction to the legalization of abortion in Mexico City in 2008. Outside of Latin America, the US Christian Right has been working to thwart pro-choice and pragmatic reproductive health efforts. “In 2005, Ethiopia, a country where a study found unsafe abortion to be the culprit in more than half of all maternal deaths, a US style evangelical anti-abortion movement arose and thwarted some, yet not the entirety of reforms directed at legalizing abortion” (Goldberg 2009:16).

Poland, where the World Congress of Families (WCF) had their last meeting, is a stronghold for very conservative views on abortion in Europe. In 1993, the Catholic Church restricted all abortion even when the life of the mother was at risk (Goldberg 2009:16). Sex education in public schools is almost non-existent, and even with one of the lowest population rates in the world, 45 percent of Polish women use "natural family planning" as their principal method of contraception (Kane 2007, para 1). A well-known case that went to the European Court of Human Rights dealt with a Polish woman who was told she would lose her eyesight if she gave birth. Undeterred, the authorities would not allow the abortion and she sued receiving 25,000 Euros in compensation (Goldberg 2009). The laws in Poland are still, however, unchanged.
India has become the new cause for the anti-abortion crusade. With the increase in sex selection abortions, this new debate complicates the historical abortion dialogue. The use of sonogram machines to detect the sex of a fetus in small villages around India and the cultural stigma and dowry obligations for families with girl children increased the rate of abortions. The abortion issue in terms of a right to life backed in religious terminology, understanding life as beginning at conception, and even the right to privacy are not issues in India. In fact, abortion was an accepted practice for most of the country’s history (Goldberg 2009). However, the US Christian Right found a new battleground in which to frame their pro-life arguments quite strongly in rhetoric attached to women’s equality. The pro-life work of the US Christian Right is far from over around the world and at the UN.

The use of human rights discourse and the tightening of restrictions on women’s reproductive choices exemplify the use of legislation to promote the US Christian Right’s goals. While laws matter, this legislation is reflective of the power configurations in global civil society which enable this type of legislation. The legislation is thus a concrete empirical analysis of power configurations at work. Using the space and tools of global civil society, like international law and global forums, as well as their partnerships with state elites, the US Christian Right has imposed illiberal democracy upon women around the world. They continue usurping the rights of women in their campaign against trafficking.

ANTI-HUMAN TRAFFICKING, ESPECIALLY SEX TRAFFICKING, AND WOMEN'S HUMAN RIGHTS
Sex trafficking and women’s rights is also indicative of the lack of a harmonious and progressive global civil society. Sex trafficking and women’s rights are distinct from women’s reproductive rights. Transnational feminist networks succeeded in framing the most recent women’s international legislation on women’s reproductive rights. Historically, sex trafficking legislation has been dominated by conservative forces criminalizing prostitution and wittingly and unwittingly controlling women’s bodies. Sex trafficking legislation is dominated by the US, both in their domestic laws used as models for other countries and their emergent work at the international level. The framing of trafficking legislation by the US and the US Christian Right focuses on a crime that occurs only to women for sexual purposes. Thus, women are all identified as vulnerable and potential victims in need of surveillance, control, and possible rescue.

The US Christian Right is involved in sex trafficking as a strategy to gain support by focusing on human rights that are less divisive than previous concerns like “traditional” values. Women are “saved” and rather than discussing women’s autonomy, saving becomes embedded in rhetoric on human rights. This dominant framing requires that prostitution and victimization become central to domestic and international legislation. The unintended consequences of sex trafficking legislation include restricting women’s movements, the sexualization and victimization of all women and allowing the issue of illegal immigration and xenophobia to be incorporated into sex trafficking discourse. Sex trafficking becomes a national security issue where surveillance techniques and anti-immigration policies are needed to protect all women from possible victimization. Neoliberal globalization and the market, both long held to cause migration across borders, remain immune from critique. The US Christian Right is one of
the dominant figures in global civil society’s work against sex trafficking. Without analyzing the dimensions of the power operating in global civil society, the US Christian Right seems like just another pluralist and democratic voice among many. However the US Christian Right’s articulation of human rights dominates the legislative outcomes and assists states in insuring the status quo.

**US HUMAN TRAFFICKING LEGISLATION**

Sex trafficking was a dominant concern of international legislation through the early twentieth century and beyond but was relatively ignored in the US until recently. One of the initial approaches to sex trafficking in the US was the 1910 White Slave Act also known as the Mann Act. The act prohibited unmarried women from crossing state lines for immoral purposes and it criminalized interracial couples (Desyllas 2007: 61). The 1910 Mann Act is still used today in order to convict sex traffickers. This early twentieth century legislation stood alone until 2000 when the US created supplemental sex trafficking legislation.\(^{35}\) Part of the lack of legislation is due to the lack of media and political attention given to sex trafficking until the late 1980s and into the 1990s. By this time, trafficking became a well-known term which represented immigrant smuggling, coercion suffered by migrants from their smugglers, with the most attention going to sex trafficking (DeStefano 2007: 7). Much of the US legislation was created with coercion in mind and is therefore driven by law enforcement. This law enforcement focus drives recent legislation at the global level too. Understanding US sex trafficking legislation assists in uncovering the way international sex trafficking expanded from 1904 till today.
The absence of sex trafficking legislation was noted by US officials. The State Department’s James Puleo discovered that there was no concept of trafficking in Blacks Law Dictionary (DeStefano 2007). In fact, there were no historical laws which applied to human beings as a commodity. Puleo and a number of his colleagues at the Department of State Office of International Law Enforcement (INL) became curious about this absence of a human trafficking law (DeStefano 2007: 7). In 1995, the Platform of Action from the Beijing Conference called for the implementation of the 1949 Convention and for the implementation of criminal and civil measures against human traffickers. This signaled that human trafficking once again was an issue that needed to be addressed, at least on the international stage. This was significant because there had been no UN Conventions on human trafficking since 1949 and the long absence with an increased amount of attention showed the increasing relevancy of the topic. Puleo and many others involved in this first attempt at defining the problem in the US would recognize this need and play a role in shaping the new UN policies (DeStefano 2007: 8).

**Trafficking Victims Protection Act of 2000**

As stated before, the US had no explicit sex or human trafficking legislation until 2000. This all changed with the work of Senator Paul Wellstone of Wisconsin and Representative Chris Smith of New Jersey. The law, TVPA as it is called today in its many re-authorizations (2003, 2005, and 2008) is still tied to its initial aims of accomplishing the three Ps’: Prosecution, Protection, and Prevention. While Wellstone wanted to avoid human trafficking turning into a debate on prostitution, TVPA was driven in many ways by the US Christian Right and their sentiments on prostitution.
Against this backdrop, however, Paul Wellstone was quoted as saying, “‘something important is in the air when such a broad coalition of people- including Bill Bennett, Gloria Steinem, Rabbi David Sapperstein, Ann Jordan, and Chuck Colson- work together for the passage of legislation’” (as quoted in DeStefano 2007: 87). Even with the division Wellston recognized and acknowledged the unique activists with divergent viewpoints coming together. The divisive nature of sex trafficking was not the only controversial part of developing legislation. Congressional hearings became forums for tales of women and children working as virtual sex slaves for pimps who had sex trafficked them through Europe and Southeast Asia and these horror stories turned the ensuing debate about sex trafficking into a platform for abolishing prostitution, the premise being that if prostitution dries up, there will be no need for sex trafficking (DeStefano 2007: xi). Much of the testimonies followed the expected storyline, similar to how the media portrays sex trafficking- a vulnerable young attractive white woman meets a criminal and then is tricked into a life of bondage only to be rescued by a courageous law enforcement agent. The conditions of servitude and the brutal conditions women lived in have become similar versions of the stories told during the early twentieth century when the “White Slave Trade” inspired many in the Europe to fight against prostitution.

The two transnational feminist networks that were involved in lobbying for the definition of trafficking in persons for the UN Trafficking Protocol, Coalition Against Trafficking in Women (CATW) and the International Human Rights Law Group (INRLG) were also involved in the hearings on the TVPA (Owens 2008: 36-37). These organizations concentrated on trafficking as sex trafficking and associated all sex
trafficking with that of prostitution. These stories motivated the US Congress. This motivation led Wellstone with the backing of both Republican Senator Sam Brownback of Kansas and Democratic Senator Diane Feinstein of California to introduce in April of 2000 the TVPA. Even though testimony and lobbying focused on sex trafficking, Wellstone was concerned with the fascination and equalization of all human trafficking with sex and prostitution. As the bill was developed it addressed many long standing issues from advocates and human rights experts which included provisions dealing with immigration status, health concerns, and their long term benefits (DeStefano 2007: 34). It focused on both the sex and more general labor standards. “The Wellstone sponsored bill included provisions to prosecute forced labor in all its guises, stressing that involuntary servitude was not exclusive to segments of the sex industry but was also liable to occur in the agricultural, domestic labor, garment, food service, and many other industries” (Soderlund 2005: 73).

However, Chris Smith a Republican Congressman from New Jersey and the chair of the U.S. House International Relations Committee's Subcommittee on International Operations and Human Rights introduced his own version of the TVPA in 1999 in the House. It was also at this time that, the Senate Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, chaired by Republican Senator Sam Brownback, began to consider anti-sex trafficking legislation (Stolz: 2007). These sex trafficking hearings while full of titillating and sordid details about young women led astray also included testimonies from a variety of NGOs, religious groups, and service providers that focused on the issue of forced labor apart from sexual aspects of trafficking. Smith’s legislation favored a focus on sex trafficking and Smith argued that
Wellstone’s bill would divert needed attention away from the need of women to be saved from sex trafficking in all its forms. Many feminist organizations took an attitude that focused on human rights arguing that the definition of human trafficking should be seen from a lens of forced labor, rather than solely sex trafficking and prostitution. Those who agreed with this position fought to keep human trafficking and prostitution distinct and find wording which protected women who chose to work as prostitutes at the same time offering protection to those who were forcibly trafficked into sex work or other forms of labor.

In terms of the two bills presented in the House and Senate, both were similar but what was striking about Smith’s was his explicit condemnation of sex trafficking, especially with regard to children (DeStefano 2007: 35-37). Smith’s viewpoint gained credence with the election of George W Bush who supported the idea that human trafficking was one of the most heinous crimes against women and children. Nowhere was this more apparent than in George W Bush’s 2003 speech to the UN General Assembly when he mentioned the “special evil” with regard to sex trafficking in women and children. Given that women and children rarely if ever get mentioned in such international forums with such a high presence of media, this signaled an important and significant step for those concerned with gender issues from all sides of the debate. During Bush’s term, groups affiliated with the coalition against the legalization of prostitution including abolitionist feminists and US Christian Right groups, “ascended to the top of the anti-trafficking milieu, gained control of most federal anti-trafficking funds, and became the most prominent media and policy spokespeople on the topic” (Soderlund 2005: 68). His speech, with 18 minutes dedicated to sex trafficking described
“underground brutality and fear” and a “‘special evil’” (as quoted in Soderlund 2005: 77) and was filled with anti-prostitution rhetoric reminiscent of the early nineteenth and twentieth century abolitionists.

The TVPA passed successfully in 2000. In defining trafficking, the TVPA makes a distinction between what it calls a "victim of a severe form of trafficking" and a "victim of trafficking.” A victim of a severe form of trafficking is defined in two parts:

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (TVPA, sec.103.8, 2000).

A "victim of trafficking" is defined as one who has been subjected to either the above definitions or the "recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act" (TVPA, sec 103.9, 2000). The definition of a victim of “a severe form of trafficking” is similar to the UN Protocol’s definition of trafficking. In these two pieces of legislation, trafficking is associated with the way in which the individual has been recruited into labor. “Victim of trafficking” is associated with prostitution in that it encompasses anyone brought into sex trafficking regardless of force or coercion. The use of “victim of trafficking” satisfies abolitionists who do not believe in consenting to trafficking.

Beyond mentioning its goal of focusing on the three Ps’ the TVPA of 2000 also beefed up prison sentences and added a number of changes related to law enforcement for example, adding various trafficking offenses to the list of racketeering offenses under US law (DeStefano 2007: 106). It created a Trafficking in Persons (TIP) Office to compile
the yearly rankings of countries. This was headed initially by John Miller, a former member of the House of Representatives who had chaired the Seattle based Discovery Institute, a non partisan organization formed by Reagan’s administration devoted to research on a number of issues among them the theory of creationism known as intelligent design (DeStefano 2007: 107). Miller also became ambassador-at-large for trafficking and gained support of Chris Smith, Michael Horowitz, a prominent member of the conservative Hudson Institute, and Charles Colson a former counsel to Nixon whose had been in jail and become a born again Christian during his prison stay (DeStefano 2007: 107). Gretchen Soderlund’s “Running from the Rescuers” quotes Anne Morse reporting in a 2003 evangelical publication World Magazine:

‘Mr. Miller’s fans- including Vice President Dick Cheney and Congressman Tom Delay, Henry Hyde, Frank Wolf, and Chris Smith-believe he has the guts to take on what Miriam Bell, national director of public policy at the Wilberforce Forum calls ‘the pro-prostitution mafia’- people who are, anti-trafficking slavery activists charge, deliberately subverting the mandate of the TVPA’ (as quoted in Soderlund 2005: 75).

The two largest controversies surrounding the TVPA of 2000 were how to deal with the sanctioning of states with poor human trafficking record and how to deal with immigration issues for those found to be trafficked. Wellstone’s legislation mentioned the term “may sanction” while Smith’s legislation only mentioned the possible use of sanctions (DeStefano 2007: 43). In terms of sanctioning, the use of them was made available by the legislation but was not demanded by a state’s record or placement on the TIPS Report. Wellstone’s legislation avoided the difficult issue of T-Visas being provided for trafficked individuals and set no limits for the number permitted per year. Smith’s legislation however set a limit of 5,000 T-Visas (DeStefano 2007: 42-43). A T-Visa allows victims of severe forms of trafficking in persons to remain in the United
States as long as they assist federal authorities in the investigation and prosecution of human trafficking cases. The arbitrary number 5,000 is controversial given the statistics used to report on human trafficking which include extremely large numbers. While the statistics may indeed be conflated, the success of the TVPA and the mass support for anti-human trafficking work comes from the astounding number of human trafficking victims the US government reports. Therefore, the establishment of a 5,000 person T-Visa limit seems contrary to the initial argument of the scope of the problem.

**Trafficking and Victims Protection Act Reauthorization 2003**

The re-authorization of the TVPA in 2003 passed easily and it introduced new legislation that would refine the law and extend funding to combat domestic and worldwide human trafficking. These additional appropriations were an attempt to demonstrate the seriousness with which the US government took the issue of human trafficking. Again, Bush’s speech at the UN this same year demonstrated the high profile nature of this human rights violation. The direction of the funding however reflects what the administration found to be integral to solving the problem. Two thirds of the funding was for law enforcement while one third was for services (DeStefano 2007).

Legislation for human trafficking under Clinton focused on three P’s: Prosecution, Prevention, Protection, and in 2003 George W Bush expanded them to include the abolition of prostitution in the Prevention category (DeStefano 2007: 119). Many found this problematic. Significantly, the TVPA during its re-authorization in 2003 made an important distinction for those working on human trafficking. Unless an organization made an explicit statement formally stating that they did not “promote,
support, or advocate” the legalization or practice of prostitution, it would receive no
funding for anti-human trafficking work (DeStefano 2007: 107). The State Department
had issued a letter about the link between prostitution and sex trafficking. According to
the December 2002 National Security Presidential Direction, “based on evidence that
prostitution is inherently harmful and dehumanizing, and prostitution fuels trafficking in
persons, a form of modern-day slavery… the US Government adopted a strong position
against legalized prostitution” (Office of the Press Secretary, White House, 2003). The
letter went on to cite statistics, for example that an

estimated 600,000 to 800,000 people are trafficked across international
borders annually, 80 percent of the victims are female and up to 50 percent
are minors… and 80 percent of women in prostitution want to escape as
well as 60-75 percent of women in prostitution were raped, 70- 95 percent
were physically assaulted…(Office of the Press Secretary, White House,
2003).

The organizations which did not focus on prostitution were disconcerted because they
were forced to take a stand for or against it in order to determine their funding. Several
groups advocating for human rights and public health around the world as well as
individual scholars from faith-based affiliations to secular organizations sent a letter to
George W Bush opposing the restrictions in March 2005 (DeStefano 2007: 110). As
stated by those who wrote the letter, the restrictions were against “best practices in public
health and will undermine efforts to stem the spread of HIV and human trafficking”
(Destafano 2007:110). Miller, the ambassador-at-large at the time respectfully disagreed
believing the criminalization of prostitution would actually cut down on sex trafficking
cases (DeStefano 2007: 112). One example of this global gag rule was the termination of
literacy classes for sex workers by Thailand’s Empower, a group that since 1985 had
advocated for the rights of women in the entertainment industry (Soderlund 2005: 80).
**Trafficking and Victims Protection Act 2005**

By 2003 the Bush administration had more than doubled the number of prosecutions of people suspected of human trafficking from 2001. Officials still stated that the problem continued to grow (Marquis 2003). In 2005, the TVPA was reauthorized with an additional $300 million given over two years to combat human trafficking, sex tourism, and the expansion of federal criminal jurisdiction to human trafficking offenses committed by US government personnel and contractors while abroad (Polaris Project, n.d.). This final addition to the TVPA came about because of the discovery that US contractors were engaged in sex trafficking situations. Similar to UN peacekeeping forces who had engaged in sex trafficking while deployed, this potentially could stain war efforts if left unaddressed. The issue of law enforcement’s complicity in the crime of human trafficking is not addressed or interrogated in the re-authorization but the ability to prosecute those involved was an important addition to the legislation.

**Trafficking and Victims Act Reauthorization 2008**

More recently, the TVPA reauthorization of 2008 allows federal prosecutors to investigate and prosecute human traffickers found in the United States even if their human trafficking crimes were committed abroad. It is also quite distinct from previous re-authorizations because it includes the Child Soldier Prevention Act, to deter the use of children as soldiers in armed conflicts around the world. This new addition demonstrates that the TVPA is moving more toward issues of coercion and less about sexual slavery, although the issue of sexual slavery is still front and center. The centrality of sex
trafficking can be seen from the controversy between the Senate and the Department of Justice in terms of finalizing the reauthorization. Initially under John Ashcroft, the Department of Justice spent an average of $100 million a year to fight human trafficking domestically and internationally, a sum that overshadows any other individual nations’ contributions to similar efforts (Soderlund 2005: 67). However, in the reauthorization, the Department of Justice issued a 13 page letter criticizing several of the new provisions based on the threat of the diversion of federal resources into state and local rights. Basically, less than 70 cases of sex trafficking have successfully been prosecuted. Many outside the Department of Justice, like the Senate wanted to increase the number of prosecutions by combining the TVPA with the 1910 Mann Act which deals with the movement of trafficked individuals across state lines. Because the Department of Justice focuses on “severe forms of trafficking,” the combination of the two pieces of legislation would allow the Department of Justice to prosecute “all forms of trafficking” and thus open itself up to prosecute prostitution as a trafficking crime. This was supported by abolitionist groups who were promoting strong legislation to prevent any form of prostitution and sex trafficking. This change would increase the number of human trafficking prosecutions because any form of prostitution in a state would be considered human trafficking. Easy access to domestic prostitution could increase prosecutions without really doing anything about the actual crime of human trafficking. The number of victims would increase as would prosecution without actually dealing the cross border crime. The reauthorization, in the end, incorporated the two bills proving a major victory for the abolitionist camp.
The Trafficking in Persons Office

The Trafficking in Persons (TIP) Office documents the Trafficking in Persons Report (TIP Report) which developed out of the TVPA of 2000 along with the Inter-Agency Task Force to Monitor and Combat Trafficking in Persons. This office and task force is tasked with "measur(ing) and evaluat(ing) progress of the US and other countries in the areas of human trafficking prevention, protection, and assistance to victims of trafficking, and the prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking" (Owens 2008: 44-45). The TVPA uses the TIP reports in order to rank order countries on their ability to deal with the importation and exportation of human trafficking. This report is tied with the US’s ability to sanction offending countries. Tier three countries are reported to have the worst trafficking records; Tier two are borderline countries; and Tier one countries are deemed to have complied with the provisions of TVPA. While the TIP reports provide a powerful weapon with which to name, shame and cause states to take action, some argue the direct correlation between the Bush administration’s larger foreign policy goals and anti-human trafficking has little to do with assisting victims of human rights abuses (Soderlund 2005: 76). For example in the 2004 TIP Report, 10 nations received tier three status including Cuba, North Korea, and Venezuela, three states where the US had diplomatic strains. Venezuela provides a good case for the political nature of the TIP Report. In 2003, the TIP Report did not place Venezuela on tier three status but the following year it did. This was the year Chavez received a referendum to stay in power after an attempted coup that was supported by the US. That same year the US pulled out $250 million in loans that Venezuela had requested from international financial
institutions arguing their anti-human trafficking protection didn’t measure up to the necessary requirements (Soderlund 2005: 76). This justification to sanction was likely based on political issues rather than Venezuela’s poor handling of human trafficking abuses. Thus human trafficking was used as a political tool by the powerful to discipline states making human trafficking legislation seem less benign and helpful to women and more a form of state control and punishment.

INTERNATIONAL HUMAN TRAFFICKING LEGISLATION

The UN Protocol of 2000, the most recent protocol since the 1949 Convention, came into being only two months after TVPA and was clearly associated with the US policy initiative. Of course while other actors have been involved in the debate on human trafficking the US was at the forefront of the new international legislation and it is clear that the UN Protocol resembles the controversy of the TVPA. The UN Protocol also incorporates some of the points in TVPA for example, the three P’s of Prosecution, Prevention and Protection. This made international collaboration easier, allowing countries to rely on one another for extradition and mutual legal assistance, without going through time-consuming bilateral negotiations (DeStefano 2007: xx). While the UN Protocol was the first piece of legislation since the 1949 Convention, the UN had been concerned with the issue for a much longer time. The Beijing Conference and its Platform of Action of 1995 discussed trafficking but the concept of human trafficking and the social construction of trafficked individuals were still vague.

*UN Protocol To Prevent, Suppress, and Punish Trafficking In Persons, Especially Women in Children of 2000*
In 1994 at the World Ministerial Conference on Organized and Transnational Crime in Naples, several countries proposed the creation of UN convention to deal with the problem of human trafficking (DeStefano 2007: 16). During the next few years ministers and officials from the US and scores of other countries held informal meetings regarding the feasibility of a wide-ranging global pact on organized crime (DeStefano 2007: 16). This took place at the same time the initial dialogue regarding TVPA took place. While the US government was discussing human trafficking, there was also international interest especially since the end of the Cold War and globalization stirred high levels of immigration both legal and illegal in Europe and throughout the world. In tandem with the issue of human trafficking, the mid 1990s saw the US along with other countries develop law enforcement standards to deal with criminal issues like small arms money laundering, official corruption, and human smuggling (DeStefano 2007: 17).

With the support of the US, the UN’s Commission of Crime Prevention and Criminal Justice and its Economic and Social Council took over human trafficking in several forms (DeStefano 2007: 17). In 1998, this organization recommended the UN General Assembly adopt a resolution that would deal with transnational organized crime (DeStefano 2007: 17). In 1998, the US outlined a protocol that would guide the UN and any deliberations that took place regarding transnational crime. This was directly affected by the TVPA that was being crafted at the same time. This protocol was proposed at an initial session of the Ad Hoc Committee on the Elaboration of the Convention Against Transnational Organized Crime. These meetings continued for two years with the ultimate aim to finish the document for approval at a major conference in the autumn of 2000 (DeStefano 2007: 23). The UN Protocol emerged out of the
Convention Against Transnational Crime being one of its two supplementary protocols, along with the Protocol Against Smuggling of Migrants by Land Sea and Air. Both protocols fall under the umbrella of the UN Office of Drugs and Crime (UNODC) a subsidiary organ of the UN Secretariat whose focus is on halting international crime. When it was passed in December 2000, over 80 countries signed it (Doezema, 2002). Interestingly it took till 2005 for the US to sign the protocol even though it had been at the forefront of its creation. According to the book, *The War on Human Trafficking*:

After the US and Argentina proposed a skeletal protocol in March 1999, it spent nearly two years in Vienna in negotiations with a team of 17 lawyers, diplomats, and law enforcement officials. The Office of the UN High Commissioner for Human Rights raised the first major concerns about the draft protocol: the high commissioner wanted to ensure that some core rights of migrants already secured under international law would not be overlooked. Mary Robinson also took issue with what she saw as a limited class of persons under protection. Because trafficking purposes were constantly changing, the terms sexual exploitation, and forced labor seemed inadequate to cover future developments (DeStefano 2007: 23)

There were several concerns by the High Commissioner for Refugees including the use of the term “sexual exploitation.” There was a belief that this term resonated too clearly with the anti-prostitution debate and should be changed to reflect the overall problem with human trafficking, one of general forced or bonded labor. There was also a concern, like in TVPA, that the assistance to victims was weak and that a forced repatriation for trafficked individuals might cause more harm than good (DeStefano 2007: 24).

With pressure from the more conservative elements in the US, the US focused on combining anti-prostitution legislation with anti-human trafficking legislation. The US members of the negotiating team were pressured from a variety of directions. “Ann
Jordan, a member of a human rights caucus that was part of the negotiation process stated that this issue of adult prostitution divided the delegates” (DeStefano 2007: 26). Because several countries refused to sign a protocol articulating a complete outlawing of prostitution, the US avoided dealing with the abolitionist stance that many of its domestic supporters wanted. The Protocol was finally signed in Palermo, Italy in 2000 and while avoiding criminalization of prostitution, it dealt mainly with law enforcement much like US law but was applauded for using even more forceful language in terms of the rights of trafficked individuals.

The definition of “trafficking in persons” developed by the UN Protocol of 2000 is extremely different from the notions of human trafficking which came before it. However the connection between human trafficking and prostitution still hold up even with this more current legislation. While prostitution is still connected to the legislation on human trafficking, the protocol did succeed in establishing policies more broadly than just prostitution:

"Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (Article 3, UN Protocol, 2000).

Divisiveness in determining International Human Trafficking Legislation

Like the TVPA and other Conventions predating the UN Protocol, two different factions developed to lobby for distinct understandings of human trafficking in relation to
prostitution and consent. The Coalition Against Trafficking in Women (CATW) joined by the European Women’s Lobby (EWL), the International Abolitionist Federation (IAF), and the International Human Rights Law Group (IHRLG) led the Human Rights Network (HRN). The Global Alliance Against Trafficking in Women (GATTW) led The Human Rights Caucus (Owens 2008: 25). The HRN held an abolitionist stance while the Human Rights Caucus felt that human trafficking and prostitution were distinct issues. Other NGOs as well as members of the UN General Assembly organized around the two factions.

The HRN led by the Coalition Against Trafficking in Women (CATW) lobbied to define trafficking in persons as it had been defined previously. Their framework centered around prostitution and sex trafficking. They maintained the abolitionist position where consent was impossible. In essence this definition would criminalize all forms of human trafficking and all forms of prostitution (Owens 2008: 25). The Human Rights Caucus led by the Global Alliance Against Trafficking in Women (GATTW) lobbied for a more broad based definition of human trafficking, not dealing with the criminalization of prostitution. It included human rights protections such as witness protection and health care for victims of human trafficking (Owens 2008: 25). They also sought to avoid the issue of consent because this would certainly result in having to either support the legalization or criminalization of prostitution. The Human Rights Caucus was made up of other NGOs as well as sex workers who supported the idea of human trafficking legislation that did not outright criminalize those who chose the occupation. The sex workers who were involved in the debates saw the deliberations as contentious and focused too narrowly on the issue of prostitution at the expense of protecting persons
trafficked for other reasons including labor. The NGOs supportive of a more broad and open-ended understanding of human trafficking were successful in keeping the definition away from criminalization as well as in advocating for the inclusion of men, women and children as well as labor and human rights for those working in other industries, such as domestic work and agriculture (Ditmore 2005).

While the issue of prostitution was left out of the protocol, the issue of consent was less easily resolved. However, the UN Protocol's stipulation that the means of trafficking must involve the use of threat, force, coercion, deception, or abuse of power (UN Protocol, 2000) or other consent-nullifying behaviors (Owens 2008: 26), allowed for the issue of consent to be addressed.

The UN Protocol, like the TVPA acknowledges the need for states to provide assistance to human trafficking victims and to repatriate them in ways that will not put them in harms way. For example, Article 7 of the UN Protocol states:

… each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily, or permanently, in appropriate cases (UN Protocol, 2000)

Prostitution remains central to the Protocol as well as to parties’ interpretations of it by emphasizing the protection of women and children as well as by defining acts of prostitution and sexual exploitation discrete from different forms of exploitation (Gallagher, 2001). The emphasis on women and children is arguably important because the majority of individuals coerced and trafficked into sexual slavery are indeed women and children. However, the unintended consequences range from a re-victimization of women to the restriction of female migrant workers. In fact, countries like Nepal have initiated measures that limit a woman’s mobility out of the country without male
supervision. These restrictions make women more vulnerable to using illegal means to cross borders and therefore even more vulnerable to being trafficked. (Owens 2008: 27). These effects are reminiscent of the legislation developed from the fear of the “White Slave Traffic.” In addition, this narrow focus overlooks trafficked laborers outside of the sex paradigm, a large proportion of the individuals trafficked worldwide. This allows men to be deemed illegal immigrants regardless of the actual situation in which they arrive within or across a border. Their exploitation is denied while all women regardless of choice are deemed exploited.

The Connection Between Domestic and International Human Trafficking Legislation

The TVPA and the UN Protocol together determine international policy on anti-human trafficking. Due to the contentious context in which they were conceived both pieces of legislation offer multiple definitions of human trafficking. In some cases, the term trafficking recognizes all forms of forced labor and at other times it is tied to all forms of prostitution and the exploitation of women and girls. A nice summary of how the TVPA and UN Protocol view trafficking comes from Soderlund:

The TVPA offers no category for unforced prostitution, while the UN Protocol is the more liberal document and vacillates between referring to all commercial sex exchanges as forced and making distinctions between voluntary and involuntary prostitution. The UN’s Protocol’s inconsistent definition of trafficking suggests that the views of groups arguing against a monolithic understanding of trafficking as prostitution were also registered, albeit indirectly. In the last instance, however, both documents constituted a decided victory for neoabolitionists forces. Both label objects of trafficking interventions “sex slaves,” a term that functions to obliterate distinctions between involuntary and voluntary sex work (2005: 74).

The control of women’s sexuality is not new. The legacy of the “White Slave Traffic” resonates through current domestic and international legislation on human
trafficking. Even with divisive activists groups, prostitution and sex remain central to discussions and law on the issue. The emergence of the US Christian Right in international activism and in crafting discourse on morality and prostitution dominate conversations on human trafficking and constrain the movement and freedoms of both men and women. This has effects for global civil society and notions of liberal democracy.

CONCLUSION

The legislation developed and supported by the US Christian Right that counters reproductive rights and sex trafficking reveals how elements of global civil society are directly responsible for illiberal measures that rescind rights and increase coercion. The fact that such legislation is now considered part of the human rights canon further reveals that international human rights are effects or products of power not transcendent norms outside of politics. The illiberal legislative outcomes analyzed in this chapter are representative of how neoliberal and neoconservative forces within global society and the state marshal state power to undermine liberal conceptions of rights and the protection of them. This collusion of forces instead supports universalizing the values of the moralist Religious Right, the market and the national security state under the mantle of human rights. The following and final chapter will address whether the concept of global civil society as “third space” source of liberal democracy and liberal democratic human rights can be redeemed in light of its complicity in illiberal democracy. It will also address the countering of illiberal constructions of international human rights both in terms of norms and legislation.
CHAPTER SIX

CONCLUSION: COUNTERING ILLIBERAL DEMOCRACY IN GLOBAL CIVIL SOCIETY

INTRODUCTION

The flaws in liberal IHR constructs and regimes, such as the assumptions that human rights claims are necessarily in tension with statist and capitalist interests leave rights claim open to expropriation by intolerant values that seek reductions in certain rights in favor of others. There are also flaws in women’s IHR approaches, including neoliberal co-optation that makes it difficult to make progressive-regressive distinctions between feminist and RR women’s human rights agendas. As I have shown in Chapter Four, some feminists even ally with the Religious Right and its state backers when they adopt prohibitionist positions that support international human rights norms and legislation that are oriented to statist forms of discipline and punishment. As I have argued, then, IHR regimes and norms are not necessarily liberal or democratic in formation or outcomes.

On the other hand, my discussion of the contestations among feminists over women’s international human rights lends support for seeing a continuation and even re-enlivening of democratic impulses and debate within IHR regimes to resist the current illiberal IHR formations and outcomes. Feminist resistance to narrow, hierarchical, compromised and hegemonic constructions of women’s international human rights includes questioning the enterprise of international human rights itself and dominant assumptions about the democratizing nature of global civil society, as I do in this dissertation. Interrogations of the complicity of IHR regimes with statist and capitalist
power to evaluate the power constellations behind human rights claims need to inform future study of global civil society.

As I discussed in Chapter Two, global civil society, commonly conceived as “globalization from below,” (Brecher, Costello and Smith 2000), is assumed to consist of peoples networking across borders, not driven by elites who benefit from state and market power but rather from the marginalized and those working in their name. Global civil society is assumed to be a place of empathy and solidarity where individuals interact with a sense of mutual respect and a desire for the betterment of humanity. As part of global governance, global civil society is seen to consist of a sum of individuals, institutions, and organizations with a diversity of interests that may conflict but can be resolved through cooperative and democratic action. “Global civil society facilitates the efficiency of global governance by requiring greater accountability from states and institutions of the global market (Clark et al. 1998; Smith 1998) through “trust, reciprocity, self-respect, and tolerance” (Omelicheva 2009: 117). However, this vision of global civil society is neutral regarding issues of power, particularly the power of the national security state and/or the neoliberalized state in an era of globalization.

As detailed in Chapters Three and Four, the cases of the US Christian Right and their work countering reproductive rights and sex trafficking exemplify how less than democratic and illiberal forces can occupy and even capture global civil society. Conservative religious groups aligned with neoconservative and neoliberal state actors steer global civil society in illiberal directions under the cover of democratic pluralism and human rights. Chapter Three traced this process through examining the trajectory of battles over international reproductive rights. International reproductive rights have been
and continue to be understood from a variety of frameworks. Transnational feminist networks fought to frame reproductive rights as an issue of women’s health and autonomy. During the last two decades of transnational feminist networking, however, the Religious Right has countered this movement. Using human rights frameworks and international conferences, several groups including Catholic Family and Human Rights Institute (C-FAM), Human Life International (HLI), Population Research Institute (PRI), and the World Congress of Families (WCF) fight to keep abortion off the table at international conferences and implement pro-life legislation around the world, especially in conservative Catholic and Islamic countries. Their alliances with conservative regimes and the former George W. Bush administration facilitated their ascendance. Framing their beliefs in human rights terms and using the space of global civil society to provide legitimacy for these groups and their message, the result has been a legitimization of discourse supportive of a right to life as a human right which is contrary to the transnational feminist construction of reproductive rights as the right of women to make autonomous choices about their bodies under conditions that maximize these choices. This case also challenges the notion that global civil society is inhabited only by progressive and harmonious groups who invariably support the expansion of liberal rights. Instead, the case finds that international human rights legislation promulgated by the Religious Right seeks to severely limit women’s choices by subsuming women’s rights under illiberal religious and cultural rights that are interpreted as natural, fixed, timeless, and authentic rather than the products of political ideologies and statist power.

Chapter Four exposes the racist and gendered underpinnings of nineteenth century anti-sex trafficking legislation in the form of “White Slave Trade” legislation that haunts
current anti-sex trafficking discourse and legislation. The long-time lurid fascination and moralizing approaches to sex trafficking, coupled with a failure to confront capitalism, have pushed action against more general labor trafficking to the margins and justified coercive methods to “save” women from sex trafficking. Past and contemporary RR movements have been instrumental in prioritizing sex-trafficking over other forms of trafficking and facilitated coercive anti-sex trafficking legislation that is consonant with national security state interests. But some feminists, too, historically and currently, have been complicit in this. The fear of emergent white European women’s movements and freedoms at the turn of the twentieth century resulted in laws constraining the movement of all women and fixating upon their sexuality under the pretext of combating the “White Slave Trade”. Feminist groups since have been divided over support or disdain for anti-sex trafficking measures. Those who critique them argue that they really are about punishing sex workers and “traditional” cultures and derail attention from labor trafficking in general that result from predatory capitalism and the “modern” states that enable it. Those feminists who read sex-trafficking as female sexual slavery have taken up with US Christian Rights groups who enjoy considerable state support for their moralizing and coercive approach to anti-sex trafficking. The groups, Shared Hope International and International Justice Mission highlight the sexual aspects of trafficking, use “rescue” and “saving” techniques and frame their missions using human rights discourse. Their closeness with US power elites has, as Chapter Five demonstrates, influenced both domestic and international legislation pertaining to trafficking. In fact, today alongside religious freedom, trafficking is considered one of the most egregious
human rights violations by the US State Department and is a major focus of their foreign policy and human rights work.

THE NEW ILLIBERAL HUMAN RIGHTS REGIME

The US Christian Right uses its own interpretation of human rights to support policies and legislative outcomes that are essentially illiberal. These illiberal policies place limits on women’s individual choices in the name of women’s human rights and under the cover of pluralist democracy. The US Christian Right appropriates and re-reads reproductive rights as rights to life (of the unborn child only), (“traditional”) culture, (patriarchal) religion and state sovereignty (when it protects these particular rights). Its discourse on trafficking, which is the dominant one, focuses on criminalizing prostitution and “deviant” sexuality and coercively saving women from these. These discourses have led to illiberal outcomes wherein both women and men are hindered in their economic choices and their movements across and within borders. They also grant states even greater controls over the bodies of citizens and non-citizens. On one level, these illiberal outcomes are the result of the manipulation of global civil society as a supposedly democratic space to serve illiberal ends.

The “habitus” of the US Christian Right’s reproductive rights movement is understood as pro-woman based on the notion of complementarity where women and men’s roles are equal yet distinct. A woman’s most important position is that of a wife and mother. The family is the basis for a healthy and just society. Since “traditional” families are on the decline, the US Christian Right works to implement and change legislation that will place women and men back into their “traditional” roles. This “habitus” is achieved through the economic power of the US Christian Right movement
derived from elites and state support. Social power is accrued by the large networks created between US Christian Right activists and conservative Catholic states, Islamic states, the Vatican, and until recently the US administration. Cultural power is developed through discourses that play into anti-Western cultural imperialist sentiments in the global South and RR activism in the global South to assist with the imposition of anti-choice laws. These forms of power account for the Religious Right’s success with redirecting the language of women’s reproduction rights from women’s health and autonomy to family, stability, life, and a romanticized past. They also account for the ability of the Religious Right to subsume women’s human rights under cultural and religious rights and the right to state sovereignty. These new hegemonic framings of rights (that now carry considerable symbolic power), in turn, increase the hegemony of the Religious Right within global civil society.

The “habitus” of sex trafficking is understood as a criminal issue which can be solved by focusing on “rescuing” and “protecting” the victim, thereby decreasing the supply to purveyors of the trade while also controlling and regulating the bodies and movements of citizens and non-citizens. This “habitus”, a combination of social, cultural, economic and symbolic power which frames the way society understands an issue, is achieved through the economic power of the abolitionist movement made possible by the US Christian Right and its state allies. Social power is accrued through the large networks of US Christian Right activists that have gained the support of some feminists that are oppositional to the Religious Right in other arenas, thereby giving the appearance that the US Christian Right anti-sex trafficking cause is just, right, and democratically supported rhetoric. The cultural power of the US Christian Right developed with the help
of salacious media coverage and titillating testimonials of sex trafficking victims, that derrails attention from the role of capitalist economic forces and their state sponsors in producing all labor trafficking. The symbolic power of the Religious Right’s take on sex trafficking is so great that anti-sex trafficking approaches that foreground capitalism as the problem are beyond the remit of almost all NGOs that work on anti-sex trafficking and are not even raised in popular media.

**Women’s Human Rights Re-framed**

International women’s rights and transnational feminist networks in various incarnations successfully fought to include women’s rights on the human rights agenda. The women’s rights and human rights movement has been so successful that today women’s rights are synonymous with human rights. The UN and its agencies have established women’s rights as part and parcel of their mission. Women’s rights are incorporated into international law from CEDAW to rape as a war crime. By reframing human rights to include freedom from violence in the private sphere as well as the public sphere, the transnational feminist movement broadened the framework of human rights for women around the world (Bumiller 2008: 133). The feminist-expanded framework of human rights can now hold states responsible for perpetrating violence against women, but importantly for my purposes this framework also has the potential to challenge state violence against women that is done in the name of protecting them. (Bumiller 2008: 135). This latter mechanism, however, is weakened by the proliferation of rights that has resulted in a too flexible and too fragile rights framework that is more and more subject to political manipulation by illiberal forces. This leads to the use of international human
rights as a way of managing (and even deepening) rather than challenging subordination.

As post-modern critics of human rights have pointed out, individuals in need of rights become defined by these needs. They are always already victimized by the need for these rights. Relatedly, feminists critics of international human rights have pointed to the a-historicization of rights, their de-politicization and ultimate ineffectiveness (Brown 1995; Brown 2001; Visweswaran 2004). But they have also acknowledged that rights are “a symbol too deeply enmeshed in the psyche of the oppressed to lose without trauma and much resistance” (Williams 1991: 162). Therefore, even feminist critics of international human rights continue to search for ways to increase the emancipatory potential of international human rights.

The use of human rights is a strategy by the US Christian Right to move beyond their pet issues of anti-gay rights and prayer in school that do not win them majority support and to move into arenas where they can garner not only state but international support for their conservative worldviews that are dressed up the language of unassailable human rights. “The emergence of US Christian Right global activism is partly a response to the developing international political landscape in which social justice issue like human rights and women’s rights are subject to discussion and support from a variety of actors” (Buss and Herman 2003: xvii). This enables the US Christian Right to ally with different faiths using the frame of the “natural” family as the avenue to social justice for women. Thus they partake in a feminist language by claiming that pro-family positions are pro-women positions. US Christian Right groups and their allies devalue individual rights, claiming that cultural and religious rights should take precedence. In this, they
partake in language associated with progressive anti-imperialist thinking, including that found in postcolonial feminist thought, which argues that universal standards for women’s rights disregard power differentials among women and the mediating forces of culture that affect how women frame and pursue their rights. This selective partaking in feminist and anti-colonial discourses allows the US Christian Right to evince compassion for the world’s people, not only as a matter of religious morality, but also as a matter of human rights, which it fuses to propound illiberal remedies under the guise of progressive discourses. Such diversionary framing undercuts progressive supporters and detractors of international human rights and critiques of the Religious Right as a reactionary force.

The human rights frame is also increasingly used as a way to legitimize the use of military force. Incursions in Afghanistan and Iraq were justified based on human rights violations. This use of human rights as a “hard” power strategy in the “war on terror” is interconnected with human rights rhetoric used as “soft” power strategy in the “war on trafficking.” The global criminalization of trafficking and the law enforcement focus supported by both the US and the US Christian Right provides a perfect opportunity for countries to implement national security state-centered foreign policy objectives as part of a human rights agenda, which minimizes resistance to military force.

A law enforcement approach to sex trafficking also reduces women to victims. This leads to women being robbed of agency and constructed as pitiful, naïve, helpless innocents who are incapable of taking care of themselves. Thus infantilized, women in prostitution are not seen as rational economic actors and sex workers, but rather as those
who require “rescue” and “saving” by “crusaders” and “experts.” Human rights legislation against trafficking does not take into account women who may have been attacked, raped, or robbed by their smugglers or women who agree to work in exploitative conditions because even these harmful conditions may be an improvement from past living or working conditions (Davidson and Anderson 2006: 23). Nor does anti-sex trafficking legislation address the root causes of labor migration around the world, specifically:

- global structural inequalities in the distribution of wealth and in access to education, employment, health care, and social security; militarized conflicts and occupations; disposessions from the land and environmental disasters; and gender-based or religious violence and ethnic conflicts, all of which underlie the movement of women into particular labor market sectors, [and] are not eradicated in the global government approach to trafficking (Kempadoo 2005: xvii).

Feminists who critique the hegemonic discourse of anti-trafficking organizations argue that the problem is that anti-sex trafficking has actually been put outside the human rights framework and put within the realm of law and order, even though human rights discourse is employed by proponents of hegemonic anti-sex trafficking approaches. If anti-sex trafficking legislation was truly within the human rights frame then it would focus on empowerment, participation, and human dignity and would recognize how sex trafficking is both a cause and consequence of human rights violations. Reframing trafficking in general as a violation of the right to life of workers would reframe legislation that emphasized just and favorable working conditions to enhance workers’ security. Such reframing gets at the root causes of trafficking, directly challenges the power of capital, and reduces the power of the state to increase border controls, restrict migration, and sanction countries that “disobey” by not engaging in coercive practices to
save prostitutes. The idea that the human rights framework is what is missing in anti-sex trafficking approaches does not take into account that law and order anti-sex trafficking forces actually drape themselves human rights discourses. Thus, it is not such an easy matter to simply turn to the human rights framework as the alternative approach when it is fused with criminalization approaches. Nor is it an easy matter to somehow free the IHR framework from this fusion and thereby redeem it.

**The State in Global Civil Society**

The relationship between women and the state has always been precarious and unstable. While women have used the state for protection and empowerment, the state has also been the perpetrator of violence and inequality for women (Bumiller 2008; Adelman 2009). Women have used the state to demand and receive the right to vote, equal and fair labor laws, and reproductive freedoms. However, feminists are deeply distrustful of the state seeing its ideology of liberty and freedom as a ruse for continued inequality and de-politicizing its extension of power (Brown 1995; Brown 2002). The economic, political, social, reproductive, and sexual powers maintained by men throughout the ages are simply replaced by the powers of the state (Brown 1995). As Charles Tilly (1985) suggests, the state as organized crime requires citizens to surrender autonomy to gain state protection. State power is mediated and multiple but has historically been outmaneuvered by feminists for their own particular purposes. In the case of reproductive rights and anti-sex trafficking work, the state’s relationship with women is nothing less than complicated.
In terms of reproductive rights, abortion has dominated state’s domestic agenda, particularly the US. From a US Christian Right point of view it is often seen as a sign of all that is wrong with the world from the decimation of the “natural” family to the rise in power of the GLBTQ community. Taking a strong position on reproductive rights enables politicians to gain quick and easy support. The implementation and overturning of the global gag rule as well as the funding and de-funding of the UNFPA are examples of this. The global activism of the US Christian Right alongside conservative Catholic and Islamic states also shows how a strong state can manipulate pro-woman, pro-family, and reproductive rights to regulate women’s choices. States have successfully co-opted the language of human rights and women’s rights to limit women’s access to birth control as well as implement sterilization programs reminiscent of earlier decades. For example, during the 1990s under the Fujimori administration in Peru, the state literally hijacked the global feminist language developed at Cairo and used Peruvian women’s rights advocates to push for Neo-Malthusian population control programs that were used to help economic state development rather than women who wanted to control their fertility (Ewig 2008). Citing Beijing and Cairo, Fujimori stated that in such a conservative Catholic country it was time to think about birth control while actually supporting repressive forms of fertility control for women in the country. “According to Betsy Hartmann, Director of Population Development Program at Hampshire College, “[Cairo] left open the way for narrow, technocratic interpretations of reproductive health’” (as quoted in Ewig 2008: 329). US Christian Right organizing techniques and rights frameworks that provide openings for illiberal policies assist states in making decisions affecting the world’s women that support only one interest (their own). These decisions often have illiberal
implications but are seen as emerging from the work of global activism which is supposedly democratic and open.

The panic created by anti-sex trafficking campaigns allows an extension of state power to also impose potentially illiberal policies. The panic regarding sex trafficking includes a panic about the very survival of the nation-state and this results in a strengthening of border controls, tightening immigration numbers, and casting the “other” as a threat to the Western world (Kapur 2005: 26). According to Ratna Kapur,

There is also a moral panic that partly underlies responses to trafficking and also feeds the anti-sex work agenda of feminists, evangelicals, and the religious right, and orthodox voices. And finally, there is a cultural panic that treats the “other” as some form of cultural contaminant who is disrupting a nation’s social and cultural cohesion and destroying the authentic fabrics which constitute cultures (2005: 26).

There are certain assumptions about sex trafficking which argue that a strong state with powerful border surveillance and control will decrease the problem. Immigrants are not protected from sex trafficking rather the state is actually protected from migration (Davidson and Anderson 2006: 18).

The education campaigns and legislation which focuses on the benign elements of law enforcement and border control ignore how law enforcement is often implicated in sex trafficking as well as how closing borders merely pushes sex trafficking further underground thus harder to track and tackle. According to “The Trouble with Trafficking,”

The conflation of anti-migration and anti-trafficking measures obscures the fact that policies designed to control irregular forms of migration are known to encourage, permit or exacerbate violations of migrants’ human rights, and policies that focus on the prevention of illegal movements of people do nothing to address the factors that make it possible for employers and others to engage in exploitative and slavery-like practices at the point of destination (Davidson and Anderson 2006: 23).
The demand driven side of the problem is rarely interrogated. Rather the fear of the “other” in the form of sex traffickers, often understood as foreign men victimizing foreign women, plays into the state as a benevolent force to “save” foreign women from their own “foreign men” (Spivak 1988). Rarely is the xenophobia in sex trafficking discourse questioned and critiqued in terms of how it strengthens the power of the state.

This need for a strong state and for immigration control is descended directly from the ideas and fear about women’s mobility and their ability to labor for capital which emerged in the nineteenth century and was realized in the scare of the “White Slave Trade.” Women portrayed as deceived and coerced, similar to today, ignores the impacts of colonialism, patriarchy, and an increasingly globalized population and economy while focusing on the depravity of immigrants and foreigners (Kempadoo 2005: x). The consequences of this fear in the nineteenth century occurred to Chinese women living in the US and Canada whose lives and movements were subject to restrictions via laws that banned their migration (Kempadoo 2005: x). This also happened to Indian women under British colonial indentureship systems (Kempadoo 2005: x). Drawing on this, today Nepal has criminalized the movement of women outside the country under age 30 without a husband or male guardian’s permission as a means to combat sex trafficking (Soderlund 2005: 82).

The need for a strong state to protect women from possible harms which occur from sex trafficking also connects to the state interest in regulating the family, marriage, reproduction, and sexuality in general (Bumiller 2008: 137). Modern states developing new political apparatuses to monitor the family and women’s reproduction can also come with a cost. For example, Bumiller notes how domestic violence policy developed in
Trinidad to assist women in harmful situations was accompanied by legislation of the criminalization of homosexuality and a more conventional enactment of marriage (Bumiller 2008: 137). While the work of Bumiller focuses on issues of violence in the US, she notes how the domestic violence movement in the US shifted from feminist collectives to state bureaucracies which functioned with help of “experts” and certain policy prescriptions in order to obtain reliable funding. This call for the state to fulfill its obligation to protect citizens equally, which was initiated by feminists, has evolved into the feminist movement allying with the power of the state and not necessarily for the benefit of women (Bumiller 2008: 2). This situation is occurring in anti-sex trafficking campaigns where organizations must follow the regulations imposed by the state in order to garner funding and where feminists and religious groups working for the protection of the vulnerable have unwittingly increased the power of the state and its surveillance mechanisms and controls. The increasing state control in anti-sex trafficking work comes alongside the securitization of human rights rhetoric. Anti-sex trafficking human rights constructs are a nice supplement, in the US case, with human rights constructs related to the state’s “hard power” strategies for the “war on terror.”

With the examples of co-optation by states and religious entities, reproductive rights and sex trafficking seem to be caught between several forces including: rising fundamentalism, the use of liberal rights talk for illiberal purposes, the power of the state, and economic neoliberal globalization. These forces actually reinforce one another and together endanger the power of reproductive health activism and anti-sex trafficking work by advocates who are working against state and religious control of women’s bodies, women’s rights and women’s sexuality through POS’s and framing.
Neoliberalized Global Civil Society

Pippa Norris and Ronald Inglehart in their 2003 work *Rising Tide: Gender Equality and Cultural Change Around the World* write,

‘Modernization brings systematic, predicable changes in gender roles. For those invested in older ways of understanding the world, this process is profoundly disruptive, even terrifying and enraging. Trying to trap women entirely within their wifely, maternal role is one way of fighting against it’ (in Goldberg 2009: 106).

Women’s rights are one of the most obvious signals that modernity is shaping and changing the face of previously “traditional” societies. It is thus an obvious place of protest for groups seeking a return to the past. Using the terms of human rights, the US Christian Right has worked against women’s rights. The shift to the neoliberal state increased fears of losing long held “traditions” including the “traditional” role of women.

The US Christian Right’s work at the international level is both a result of and response to neoliberalism. “What is ironic about this is that in defending “tradition,” the “natural” family, and God, they express and create uncertainties that were previously non-existent. The Christian right movement itself is part of modernity and the reformulated neoliberal state” (Herman 2001: 71).

The US Christian Right even connects the role of women as mothers and a pro-life agenda with a healthy economy. Butler quoting Concerned Women For America’s (CWA) Trudy Chun wrote:

‘The platform for Action fails to understand that a healthy economy is not based on gender but on supply and demand. It is one where the family unit serves as a solid foundation. Men and women alike are rewarded (with the positive side of economic inequity) accordingly. Sustainable development is not the solution to the world’s economic ills; strong families and free markets are’ (2000: 11).
The Reagan administration’s move against the population control establishment was based on its support for neo-liberal free market policies. In fact members of the Reagan administration embraced the ideas of a 1981 best seller, *The Ultimate Resource*, which made the positive conclusion that population growth would actually increase the supply of human inventiveness (Goldberg 2009: 92). Since Reagan, conservatives in the US have increasingly cast “family” issues as economic issues using language that appeals to the US Christian Right. For example the estate tax, a tax dealt with by only the wealthy was recast as a “family” issue and re-labeled the death tax. The US Christian Right was highly supportive of abolishing this tax based less on who it affected and more on its connection with “traditional” family values.

Many critics blame globalization, “the manifestation of neoliberalism, for the processes of production and consumption which lead to the exploitation of labor and conditions ripe for trafficking” (Doezema 2002; Kempadoo 2005; Kapur 2005; Penttinen 2008). Certain bodies are needed in a globalized world economy and state (Penttinen 2008: 25). As stated in *Globalization, Prostitution, and Sex Trafficking*,

Neoliberalism establishes the domain of the subject through the discourse of values and norms characterized as responsibility, initiative, competitiveness, and risk-taking, and industrious effort (Young 1993 quoted in Dean 1999: 162). These values characterize not only how government should operate, but also how individuals should act and behave within the society. It thus creates the domain of the subject as the market economy and, as such, also assumes the subject of that domain into becoming a consumer of government. This subject is no longer the subject of governance but rather the object of governance (Penttinen 2008: 29).

The state’s desire to protect women is interesting because it is a contradiction to neoliberalism’s core message of personal responsibility. This protection by the neoliberal state thus comes at a cost. If the state is to protect women, women must first protect
themselves and this leads to state promotion of the nuclear family, distrust of women’s migration and fears of dependency (Bumiller 2008: 5).

Another outgrowth of neoliberalism has been the expansion of the regulatory functions of the state. This expanded role of the state as manager of personal lives has been described as the growth of governmentality. This concept is drawn from the political theorist, Foucault, whose analysis of power in modern societies demonstrates how coercive forms of authority are manifested through quasi-governmental instruments and other “softer” forms of power. This growing presence of the state is seen within feminist organizations and also emerges as more state and quasi-state actors become part of a network of responders to sexual violence. With the growth of the regulatory apparatus, crisis centers and shelters are now a small segment of a service sector for which intimate violence is one of a long list of social problems to which they respond. Some of these organizations are central to the policing functions of the state, such as sex crimes units in police and prosecutors’ offices. Others are more ancillary to the state and even private in form (Bumiller 2008: 6)

The US Christian Right’s argument that ignoring their version of rights leads to a breakdown of sovereignty, the decline of the “natural” family, the feminization of poverty, increasing crime rates, and the degradation of society which causes catastrophic population declines and a need for immigrants (Butler 2000: 11), instills a need for the neoliberal state to take control of women’s bodies and their person. This privileges gender over race, ethnicity, age, geography and other characteristics of identity and ignores the structural causes of oppression as a result of neoliberalism. This in turn ignores a human right against political manipulation and social control.

It is often argued that neoliberalism leads to market domination but it is not a diminishing of the state which takes place, rather the marketization of the state. Strong states are necessary for neoliberalism to create efficiencies and profit. Law becomes less important as business models come to rule. The connection between neoliberalism and neoconservatism, creates a strong state to set the moral-religious compass for society.
committed to corporate interests and free trade. This is at odds with everything liberalism stands for from “equality, universality, political autonomy, liberty, citizenship, rule of law, to a free press” (Brown 2006: 76). My cases exemplify the connection between neoliberalism and neoconservatism and how they empirically affect liberalism and political autonomy.

**The Future Study of Global Civil Society**

Since the mid-1990s, the US Christian Right has grown more potent in the world of international human rights, long the space of the progressive left. The dominant idea that global civil society is a necessarily harmonious, progressive, pluralist space is put into serious question by my research on the rise of the US Christian Right as a significant element of global civil society. The rise of the US Christian Right as a significant player in global civil society can be read simply as the appropriate workings and outcomes of democratic pluralism. However, the US Christian Right is not one player among many on an equal playing field. Moreover, although they demand to have a voice in global civil society on the basis of the principles of democratic pluralism, their worldview is hostile to democratic pluralism as they propound one dogmatic vision of how people, especially women, should lead their lives as shown in my case studies of their approaches to reproductive rights and sex trafficking. They are also hostile to liberal individualist rights even as they drape themselves in the discourse of international human rights. Moreover, they use IHR frameworks to justify illiberal legislation. Finally, far from being autonomous actors, they extend and protect the undemocratic and coercive power of states and capital.
Utopian versions of global civil society, as a liberal democratic space, posit the decreasing relevance of the state system and the importance of people power across and within borders. Such renditions provide hope, inspiration, and a sense of alternative space through which to organize to expand social justice. While it is important not to take away such a vision, it is equally important not to let it blind us from realities that it obscures that all those who want robust and thoroughgoing social justice ignore at their peril.

As this dissertation evidences, I am particularly concerned about how global civil society is increasingly a tool of the security and neoliberalizing state with the Religious Right serving as the Trojan Horse within global civil society. The openings for this Trojan Horse lie in a non-critical readings of global civil society that can’t imagine it as source of or vehicle for regressive power and non-critical readings of international human rights that can’t imagine them as vehicles for the rescinding of rights and the imposition of coercive, non-democratic practices. Although it is true that global civil society is constituted in part by grassroots groups organizing across borders without assistance of governments to tell the world their stories, improve democratic participation, and demand human rights that are denied by states and capital, it is also the case that global civil society is in part constituted by neoliberal state power that is masked by the rhetoric of liberal human rights and pluralism. The absolutist worldview of the US Christian Right and the illiberal legislative outcomes of this do little to improve the “democratic deficit” in global governance, rather it deepens it. Moreover, given that human rights are the place “where crucial forces affecting women’s lives like religious authority, globalization, patriarchal tradition, American foreign policy, international law,
environmentalism, and feminism intersect” (Goldberg 2009: 11), it is dangerous to assume that they are a panacea or necessarily progressive. Thus, I propose that human rights claims be judged on the bases of their embeddedness in state and market forces, which would reduce the power of such global civil society actors as the Religious Right to set the human rights agenda and move us along to a global civil society that actually challenges those forces. .

But the task before us is even more complicated than this. Wendy Brown addresses the paradox of rights investigated in the case studies.

It would appear that a provisional answer to the question of the value of rights language for women is that it is deeply paradoxical: rights secure our standing as individuals even as they obscure the treacherous ways that standing is achieved and regulated: they must be specific and concrete to reveal and redress women’s subordination, yet potentially entrench our subordination through that specificity; they promise increased individual sovereignty at the price of intensifying the fiction of sovereign subjects; they emancipate us to pursue other political ends while subordinating those political ends with liberal discourse; they move in a trans-historical register while emerging from historical specific conditions; they promise to redress our suffering as women but only by fracturing that suffering—and us—into discrete components, a fracturing that further violates lives already violated by imbrication of racial, class, sexual, and gendered power (2002: 430).

These paradoxes of rights are inescapable, but recognizing these paradoxes is the first step toward renewing the search for the emancipatory potentials of human rights and global civil society.

**FUTURE RESEARCH**

New universalisms are the product of “non-civil society” actors that ghost for the state (both security and neoliberalized variants of it). These actors use rights as instrumental for achieving their political goals and values. They are not interested in
reconciling their values with other human rights that conflict with them. Instead, they seek to universalize their goals at the expense of the rights of others. Most research on global civil society and international human rights takes a “studying down” approach—that is, an approach that studies grassroots movements and how they affect powerful, large scale institutions. My research takes a “studying up approach”—that is, an approach that studies how powerful, large scale institutions support, shape, and manipulate social movements and the IHR norms and legislation they advocate. My focus on the US Christian Right helps us to see how an elite, top-down, state proxy masquerades as a grassroots movement member of global civil society and a human rights advocate. This has implications for the faith progressive movements have put into global civil society and its instrument of international civil society.

So what are progressives, and particularly feminists, to do? I argue that it is healthy to shake the faith in GCS and IHR as they become the illiberal instruments of the faith-based. To keep this shaken faith, I recommend that studies on global civil society and international human rights always combine studying up and studying down features to detect the presence of power and control (particularly state and capitalist power and control) in local/global movements and the measures recommended by them.

Before the fall of the Berlin Wall in 1989, people could not have imagined the existence of an IHR regime. While the IHR regime remains weak, its existence is powerful. As objects of the law, the weak may not be powerful but they make history through their complexity (Sassen 2009). Global civil society is indeed a very complex space in that it contains both regressive and progressive forces and is simultaneously an instrument of the state and capital and an instrument of the weak. Its regressive aspects
are inescapable, but its complexity sustains openings for emancipatory work that can still be carried on through human rights frames as long as we recognize that these are never innocent of interests or above politics. The question is whose interests do they most serve and for what politics?

Continually revealing what constellations of power are behind particular international human rights claims, including feminist ones, as this dissertation has done, is a way to adjudicate whose interests are really being served in international human rights work. This lays the basis for contesting claims most implicated in statist and capitalist forces. This, then, is the future for studying global society. Abandoning notions of global civil society as an autonomous and conflict-free space enables serious evaluation of its elements and their relationships to state and economic power. This requires data, reflection, caution about putting concepts and events on pedestals, and acknowledging that the study of global civil society and international human rights is the study of politics, not settled and unassailable norms and universals. Human rights are not above politics and therefore must always be interrogated. This includes continued interrogations of liberal constructions of rights and liberal pluralist constructions of global civil society that deny significant differences in access to state and economic power that most often determine whose rights and interests prevail. Critical study of global civil society assists in re-thinking democracy’s potential and uncovers how global civil society is clearly not a panacea for the democratic deficit but is a vision still worth cultivating.
Ingram (2008: 401) cites several prominent figures in the human rights movement to express the contradictions in human rights: “As Michael Ignatieff put it (2001, 3–4), “human rights is the language that systematically embodies [the] intuition” that “our species is one, and each of the individuals who compose it is entitled to equal moral consideration.” Human rights are, according to Kofi Annan, “the yardstick by which we measure human progress” (quoted in Ignatieff 2001, 53). On the other hand, some worry that human rights are in danger of falling victim to this very success. David Kennedy (2004, chap. 1) expresses concern that human rights have become “part of the problem.” For skeptics, the more recent use of human rights rhetoric to justify what some regard as imperial aggression—a practice with deep historical roots—finally exposed its emptiness. From this perspective far from being “weapons for the critique of power”, human rights “have now become part of the arsenal of power” (Guilhot 2005, 8).”

Human rights groups who are seeking new framings for their campaigns, or attempting to include groups previously under-represented in the discourse, or even desiring state involvement to support progressive change may unwittingly and unconsciously begin using the rhetoric of their adversaries.

Buss and Manji (2005: 3-4) give a list of celebrated successes in women’s human rights which include the 1994 Cairo Conference on Population and Development (Cairo Conference), with its prioritization of women’s autonomy and health; the drafting of the Convention on the Declaration on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the international recognition of violence against women as a serious human rights issue; the negotiation of a protocol added to CEDAW to allow individual complaints; the recognition of the need for gender mainstreaming throughout the UN system by looking at how any policy decision from nuclear disarmament to ecological disasters may have consequences specifically in the lives of women; the prosecution of rape as a war crime at the ad hoc tribunals in Rwanda and Yugoslavia; the inclusion of gender analyses and women’s human rights frameworks within multiple international agreements; the increased participation of feminist and women’s NGOs at all levels of UN activity; and the increased representation of women in senior positions at the UN.

For example, after natural disasters, women are disproportionately affected by the event, and in nuclear arms negotiations leaders tend to be all male with little to no voice from women, moreover, armed conflict also disproportionately affects women.

Even though the international system is superseded by the autonomy of individual states, reporting measures used under CEDAW can be strongly critical of a state or express the view that the state has not discharged its obligations under the treaty. Further reporting can put pressure on a government, particularly if the proceedings receive international or national publicity (Cook 1994: 23).

For example, Uma Narayan in Dislocating Cultures (1997) discusses Indian sati and dowry practices. She compares these violent practices to domestic violence in order to argue that these are not issues of culture or religion but rather part of a larger violence against women that happen around the globe. As well, she explains the roots of the practices as coming from the emergence of capitalism in India rather than from “traditional” cultural and religious practices, thus disrupting the often-mentioned notion of backward cultural practices against women. This transnational feminist critique is not interested in the older universal versus particular debates but rather sees larger systems at work, for example the international political economy and politics, that result in oppression and violence.

According to Susan Deller-Ross (2008: 118): “The idea of complementarity is that men and women are equal before the deity but have natural and different- rather than unequal- rights and duties under religious law. According to this argument the entire religious fundamentalist social structure justifies women having less rights in certain areas, including a duty to be obedient to her husband. Thus, fundamentalists claim that a wife’s duty of submission and obedience is an equal exchange for the duty of “protection” that her husband owes to her, in the form of an obligation to provide basic material and financial support—food, shelter, and clothing. Wives are assigned the role of having children and caring for them in the private sphere of home, while the public sphere of employment and government belongs to men.”

Many US Christian Right organizations have no interest in issues of electoral politics—particularly not at the international level and many do not situate themselves as either conservative or progressive, choosing to stay outside political categorization.

In “The Gay Agenda Is the Devil’s Agenda: The Christian Right’s Vision and Role of the State” (2001) Didi Herman talks about how: “the UN is trying to establish a long list of universal values to guide nations
These values… will not be Christian values. They will be the values of the politically correct humanists, witches, mystics, goddess worshipers, peaceniks, environmentalists, and a wide assortment of other ungodly activists who deem the blood of Jesus a repulsive thought and bow down before the altars of Satan” (as quoted in Herman 2001: 60).

Hefner’s definition of “civil Islam” is the result of a certain historical process original to Indonesia, as explained in a short historical overview of the “civic seedlings” (2000: 14–20) that come from a particular form of nationalism based on multi-ethnicity rather than assimilation, as is the case in most of the West.

Contrasting frames by situating them against their alternatives adds depth to the analysis because frames can be overlapped and layered, with varying degrees of (in)consistency or (in)coherence.

Prior (2003: 67) comments that documents “do” things by the very nature of their existence, give concrete expression to systems of hierarchy--of super-ordination and subordination--and certainly serve to define social networks and by containing demands and instruction, documents becomes engaged in a system of action-at-a-distance.

In this work, transnational feminist network(s) (TFNs) does not refer to a shift in feminist theorizing but rather a simple descriptive of groups allying across borders and/or organizations that have multiple offices in other countries. TFN’s come from the work of Valentine Moghadam (2005; 2009) who focuses on TFNs that target neoliberal economic policy, fundamentalism, and war and conflict (2009: 65).

According to Hawkesworth (2006: 84), using international law was strategic because it fit into most feminist concerns and held particular strength in democracies and countries with strong court systems. The use of rights has been integral to the success of transnational feminist networking because rights can promote laws included in international treaties, secure obligations by translating rights into policies, prevent violations of these rights and provide remedies to victims should their rights be violated.

In fact, Reagan is the only sitting president to author a book, titled Abortion and the Conscious of a Nation (1985).

For example, they lobbied for the employment of reproductive health used by the WHO equating it with “A state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes” (as quoted in Joachim 2007: 156).

In fact Rev. Rick Warren from the mega-church, Saddleback Church in Lakewood, California hosted an early presidential debate between Barack Obama and John McCain. “Is there such thing as evil?” Rev. Rick Warren, asked both presidential hopefuls in hour long interviews in front of 2,200 enthusiastic members of the church and a television audience. These interviews, gave the public unprecedented access into each candidate’s faith and beliefs, which confirmed that religious voters are increasingly decisive and essential to electoral outcomes.

Den Dulke (2007: 223) takes note of the US Christian Right/Israel connection and states, “In an apparent response to escalating violence in Israel, Gaza and West Bank- 24 other evangelicals leaders sent a letter to President Bush in May 2003 urging him to rethink his roadmap, which they described as “well-intentioned” but likely to cause “disaster”. Written by Gary Bauer of American values and signed by Jerry Falwell, Richard Land, Paul Wehrich (chair of the Free Congress Foundation), and D. James Kennedy (head of Coral Ridge Ministries), the correspondence targeted the language of morally reprehensible for the US to be evenhanded between Democratic Israel, a reliable friend and ally that shares our values, and the terrorist–infested Palestinian infrastructure that refuses to accept the right of Israel to exist.”

Martin (1999: 71) mentions, the wave of evangelical Protestantism that swept over Latin America in the 1980s is often pictured as intentionally engineered by a combination of calculating and entrepreneurial forces, including well-financed US missionary organizations, many of which were seen to be allied with the Reagan administration.

In Lisa Harper’s Evangelical Does Not Equal Republican… or Democrat (2008), the author explains how evangelism has been hijacked by conservative forces and pitted Christians against one another.

Left Behind novels describes the anti-Christ as the character Nicolae Carpathia who eventually becomes the UN Secretary General, an advocate for global disarmament, a single world currency, and a more powerful UN. Two signs of the “end times” in the novel are the return of the Jewish people to Israel and Saddam’s removal which clears the way for the rebuilding of Babylon (Domke 2004: 30).
series sold 35 million copies by 2003 and all twelve novels together sold 55 million copies (Kaplan 2004: 30).

22 The consultative status that these NGOs receive means they can register with ECOSOC which enables them to attend most UN meetings, to monitor negotiations, share information, and advocate their positions with ambassadors and government delegations.

23 In addition to the monitoring, lobbying, research and advocacy, C-FAM makes sure that several of its documents are translated into Spanish.

24 These countries include Belgium, Denmark, France, Germany, Italy, the Netherlands, Norway, Portugal, Russia, Spain, Sweden, Switzerland, and Britain.

25 The lines drawn were more fluid. According to Owen (2008: 14), “Often various people within each group aligned with others when it could result in having parts of their agendas acknowledged politically. The image inadvertently served to disempower female migrants, essentializing their plight to their sexuality. This perception of the “white slave” and her need for protection was carried over in the 1904 agreement. While cases of forced prostitution did occur, some scholars suggest that what became a “white slave” epidemic was drummed up by the European middle and upper class due to the social anxieties of the time, which included fears of sexual deviancy, female independence, the collapse of the family unit, as well as the fear of influxes of undesirable immigrants.”

26 In fact, one of the biggest cases related to trafficking brought by the Department of Justice in 2001 concerned a garment factory in American Samoa, where, according to the department more than 250 Vietnamese and Chinese nationals were forced to work in a guarded compound “through extreme food deprivation, beatings and physical restraint.” (Shapiro 2004: para.17).

27 In order to change the terms and constructions of trafficking, feminists have used statistics too. Unfortunately, these statistics are notoriously unreliable and conceptual confusion exists on who and what counts as trafficked (Lobasz 2009: 324). Activists have used overblown statistics for political purposes and feminists on all sides of the trafficking issue use statistics to serve their own purposes.

28 According to the press release, “The postcards urge the Senator to ask President Obama to support strong anti-trafficking and anti-slavery diplomacy and foreign policies, to provide generous funding for the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (G/TIP), and to support U.S. trade legislation that encourages governments and producers to eliminate forced labor and child labor from exports to the U.S. IJM met with Senator Durbin’s entire foreign policy team to discuss the recommendations, which were well received” (IJM 2009).

29 And CEDAW continues this right with: “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” (Article 12:1 CEDAW) and “States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation” (Article 12: 2 CEDAW).

30 For instance, some of the phrases which could be interpreted to include abortion like “reproductive health services,” “primary health care,” safe motherhood,” and “emergency obstetric care,” caused United Families International to suggest a need for aggressive lobbying for their removal (Chamberlain 2006: 8).

31 “The treaty, ‘is like Equal Rights Amendment on steroids,’ quipped Wendy Wright of Concerned Women For America (CWA) in 2002, describing her opposition” (as quoted in Chamberlain 2006: 11.

32 For example, Libya made reservations to parts of the ICPD that dealt with inheritance and sexual behavior (Friedman 2003: 324).

33 Even with these attempted blockages, there are also several new instruments that explicitly and with more forceful language build on the women’s reproductive rights framework. For example, “the Convention on the Rights of Persons with Disabilities (Disability Rights Convention) is the first comprehensive international human rights instrument to specifically identify the right to reproductive and sexual health as a human right. At the regional level, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Protocol on the Rights of Women in Africa) explicitly guarantees a woman’s right to control her fertility and provides a guarantee of women’s right to reproductive health and family planning services. The protocol affirms women’s right to reproductive
choice and autonomy, and clarifies African states’ duties in relation to women’s sexual and reproductive health. Reproductive rights have also recently been incorporated into the international development agenda. With the adoption of the UN Millennium Development Goals (MDGs) in 2000, governments have agreed that addressing women’s reproductive health is key to promoting development. In the document produced at the 2005 World Summit, leaders from around the world made an explicit commitment to achieving universal access to reproductive health by 2015” (Center for Reproductive Rights 2009).

34 This means that more than 60% of people live in countries with liberal abortion laws (Goldberg 2009: 41).

35 While there were US peonage laws written in the nineteenth century to deal with forced labor and debt bondage, trafficking as a specific crime was not legislated into a distinct offense till the twenty-first century. Offenses that would today be considered trafficking and violations under TVPA were generally prosecuted under an array of criminal laws. This was due to the lack of distinct state or federal statutes dealing specifically with trafficking.

36 Prosecution meaning holding traffickers responsible, Protection meaning various forms of assistance ranging from housing to medical care and special immigration status, and Prevention meaning public education and job creation intended to keep potential victims out of the clutches of traffickers (DeStefano 2007: xix).

37 This task force was initially made up of presidentially appointed members including the Secretary of State, the Administrator of the USAID, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, and as of the Trafficking Victims Protection Re-Authorization Act of 2005 (TVPRA 2005) the Director of National Intelligence, the Secretary of Defense, and the Secretary of Homeland Security.

38 The US Christian Right “lobbies at the UN and provides funding, advice, and friend-of-the-court briefs in abortion, emergency-contraception, and religious-freedom cases from Colombia to Canada, from Australia to Nigeria” (Michels 2006: para. 5).
BIBLIOGRAPHY


Center for Reproductive Rights (n.d.) Retrieved June 18, 2009 from, reproductiverights.org/.


325


Desmond, Joan Frawley. “Abortion Abroad: Western family-planning advocates have global ambitions” National Review Online, April 30, 2009. Retrieved June 1, 2009 from, http://article.nationalreview.com/?q=NTZlMWE3M2FiM2ZhNDBhNTBhNTgyMTBkYjY3MTE2MDc=


Ewig, Christina. “Hijacking Global Feminism: Feminists, the Catholic Church, and the Family Planning Debacle in Peru” in *Global Empowerment of Women: Responses*


McAdam, D., J. McCarthy and M. Zald. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Cambridge: Cambridge University Press, 1996.


Reilly, Adrienne A. “Slavery Legislation vs. Trafficking Legislation in Prosecuting the Crime of Female Sexual Slavery: An International Law Perspective,” in


U.S. Department of State, Victims of Trafficking and Violence Protection Act 2000.


**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATW</td>
<td>The Coalition Against Trafficking in Women</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>C-Fam</td>
<td>Catholic Family and Human Rights Institute</td>
</tr>
<tr>
<td>CFI</td>
<td>Christian Freedom International</td>
</tr>
<tr>
<td>CNP</td>
<td>Council for National Policy</td>
</tr>
<tr>
<td>CSW</td>
<td>Commission on the Status of Women</td>
</tr>
<tr>
<td>CUFI</td>
<td>Christians United for Israel</td>
</tr>
<tr>
<td>CWA</td>
<td>Concerned Women of America</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
</tr>
<tr>
<td>ECPAT</td>
<td>Child Pornography and Trafficking of Children for Sexual Purposes</td>
</tr>
<tr>
<td>EPPC</td>
<td>Ethics and Public Policy Center</td>
</tr>
<tr>
<td>ERA</td>
<td>Equal Rights Amendment</td>
</tr>
<tr>
<td>EWL</td>
<td>European Women’s Lobby</td>
</tr>
<tr>
<td>FBO</td>
<td>Faith-Based Organization</td>
</tr>
<tr>
<td>FGM</td>
<td>female genital mutilation</td>
</tr>
<tr>
<td>FOF</td>
<td>Focus on the Family</td>
</tr>
<tr>
<td>GAATW</td>
<td>Global Alliance Against Trafficking in Women</td>
</tr>
<tr>
<td>GAO</td>
<td>Government Accountability Office</td>
</tr>
<tr>
<td>GCS</td>
<td>global civil society</td>
</tr>
<tr>
<td>GLBTQ</td>
<td>gay, lesbian, bi-sexual, trans-gender, queer</td>
</tr>
<tr>
<td>HRN</td>
<td>Human Rights Network</td>
</tr>
<tr>
<td>IAF</td>
<td>International Abolitionist Federation</td>
</tr>
<tr>
<td>ICC</td>
<td>International Christian Concern</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social, and Cultural Rights</td>
</tr>
<tr>
<td>ICPD</td>
<td>International Conference on Population and Development</td>
</tr>
<tr>
<td>IGO</td>
<td>inter-governmental organization</td>
</tr>
<tr>
<td>IORG</td>
<td>International Organizations Research Group</td>
</tr>
<tr>
<td>IHR</td>
<td>international human rights</td>
</tr>
<tr>
<td>IHRLG</td>
<td>International Human Rights Law Group</td>
</tr>
<tr>
<td>IJM</td>
<td>International Justice Mission</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organization</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>INL</td>
<td>Office of International Law Enforcement</td>
</tr>
<tr>
<td>INRLG</td>
<td>International Human Rights Law Group</td>
</tr>
<tr>
<td>INSTRAW</td>
<td>International Research and Training Institute for the Advancement of Women</td>
</tr>
<tr>
<td>IPPF</td>
<td>International Planned Parenthood Federation</td>
</tr>
<tr>
<td>IRFA</td>
<td>International Religious Freedom Act</td>
</tr>
<tr>
<td>IWHC</td>
<td>International Women’s Health Coalition</td>
</tr>
<tr>
<td>MAI</td>
<td>Multilateral Agreement on Investment</td>
</tr>
</tbody>
</table>
NAE: National Association of Evangelicals
NSC: National Security Council
NGO: non-governmental organization
NOW: National Organization of Women
NSM: new social movement
NSWP: Network of Sex Work Projects
OFBCI: Office of Faith-Based and Community Initiatives
OSCE: The Organization for Security and Cooperation in Europe
PA: Programme of Action
PBS: Public Broadcasting Service
PPF: Persecution Project Foundation
POS: political opportunity structure
PRI: Population Research Institute
RR: Religious Right
SHI: Shared Hope International
TAN: transnational advocacy network
TNC: transnational corporation
TIP: Trafficking In Persons
TSMO: transnational social movement organization
TVPA: Trafficking and Violence Prevention Act
TVPA: Trafficking Victims Protection Act
TVPARA: Trafficking Victims Protection Act Reauthorization
UN: United Nations
UNESCO: United Nations Educational Scientific and Cultural Association
UNESCO: United Nations Educational, Scientific and Cultural Organization
UNFPA: United Nations Population Fund
UNHCR: UN Human Rights Committee
UNIFEM: United Nations Development Fund for Women
UNODC: United Nations Office of Drugs and Crime
USAID: United States Agency for International Development
VOM: Voices of the Martyrs
WATA: War Against Trafficking Alliance
WCF: World Conference of Families
WGNRR: Women’s Global Network for Reproductive Rights
WHO: World Health Organization
WIN: The Women’s Investment Network
WOOMB: World Organization of the Ovulation Method Billings
WTO: World Trade Organization