Emergence

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Inclusion vs. Exclusion

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Editor's Introduction

Each of the articles in this year's edition of *Emergence* are papers which were delivered at the University of Southampton's annual Arts and Humanities Postgraduate Conference. Organized by the university's Graduate School Student Network (affectionately referred to as GradNet), our 2019 conference centred around the theme of 'Inclusion vs. Exclusion.' By opening this topic up to every discipline which falls under the umbrella of the arts and humanities, we asked student researchers across the UK to tell us which topics and whose voices are excluded in their disciplines. With the aim of facilitating a clearer understanding of what is unspoken, ignored, or marginalized in our fields of study, these papers shed new light on a variety of issues which are uniquely important to each scholar.

In this edition of *Emergence,* you can learn about the necessity of intersectional feminism and the long history of excluding transgender and intersex women from the women's rights movement. You can even take a walk on the wild side and learn about how drug culture functions as a form of social bonding and inclusion. Or you can explore other cultures through critical studies on gender politics in Chinese opera, the role of pluralistic justice in Bolivia, or the inclusion of new technology in carving Costa Rican axe-god pendants. In short, this edition and its authors are as diverse as the topics represented by these papers, and as such, it's a celebration of inclusion, research, and a love for learning. You will find joy and intellectual stimulation within these pages and our hope is that the topics discussed here might initiate a new discourse among other scholars in future.

Our contributors were invited to submit their work following the GradNet conference and they have since undergone a lengthy process of peer review, writing, and re-writing to produce our finished product. This process has been a labour of love for our authors and editorial team alike and I can only extend my most heartfelt gratitude to each and every one of you who has dedicated yourselves to the production of the journal you now see before you. Many thanks are also owed to the GradNet committee for their unwavering patience, diligence, and commitment to the pursuit of superior research and intellectual debate.

Alyssa-Caroline Burnette, MA Student,
English, University of Southampton (Editor, *Emergence,* 2020)

Arts and Humanities Graduate School Student Network

The Arts and Humanities Graduate School Student Network (GradNet) is an inclusive, student-led community for all postgraduates in the Faculty of Arts and Humanities. It strives to create an atmosphere in which students are able to connect, both as individuals and as developing professionals.

We aim to:

- Build and maintain a vibrant postgraduate community for the students, by the students.
- Cultivate identities as academic researchers, both individually and collectively.
- Engage in current academic debate.
- Nurture the acquisition and development of transferable skills for future careers.
- Provide opportunities for social interaction.

In order to achieve these aims, our activities include:

- an annual conference.
- an annual journal, *Emergence*.

Gradnet Conference

The annual conference has now become a regular highlight of the academic year in our faculty and we look forward to it every year. The GradNet conference provides an important forum for postgraduate researchers to exchange ideas and engage in scholarly debate, as well as offering an opportunity to make new connections across institutions and disciplinary boundaries. In addition to providing a platform for sharing new research, GradNet also showcases a number of student support initiatives such as panel discussions on successfully passing the viva and research insights from established academics.

Emergence

Emergence is the University of Southampton's Humanities Graduate School peer-reviewed research journal, providing students with the opportunity to disseminate their research to a diverse audience of peers and professionals. Drawing on the papers which

are given at our annual GradNet conference, *Emergence* aims to incorporate the voices of Southampton students as well as scholars across the UK for the purpose of producing a diverse, multidisciplinary platform which allows students to showcase their research. *Emergence* is produced by students, for students and receives support from GradNet, the Graduate Humanities Office, and the University of Southampton Print Center.

Get Involved

If you are interested in participating in any of the GradNet activities, please get in touch! As both GradNet and *Emergence* are student-lead endeavours, we are ardently seeking PGR involvement. There is no minimum obligation involved; participants are welcome to help as much or as little as they are able, and we offer a variety of opportunities which can suit a diverse range of academic abilities. Whether you'd like to submit a paper, serve on the editorial board, or help with organising our next event, we'd love to have you on the team! Please get in touch with us at Gradnet@soton.ac.uk.

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Alyssa-Caroline Burnette

MA Student, English

Editor, *Emergence,* 2020

Inclusion and Exclusion: Gender Politics in the Performance Traditions of the Flower Spirits in *Peony Pavilion*

Huimin Wang (University of Southampton)

Throughout the four-hundred-year performance history of Kunqu *Peony Pavilion* (Mudan ting, 牡丹亭), the Flower Spirits have played an indispensable role in Scene 10 'The Interrupted Dream' (jing meng, 惊梦). This paper analyses the choice of a male Flower Spirit (Flower God) when the play was first performed in the late 16th century, as well as the mix of male and female Flower Spirits (Flower Goddesses) in later productions. I argue that women's subjection to men in China's contemporary gender politics is reflected in the Flower Goddesses' subordination to Flower Gods – whereas the authoritative Flower God rationalizes the lovemaking, Flower Goddesses serve as stage decorations. Further, this paper is an attempt to deconstruct the 'men-women' binary and to create a gender poetics on Kun opera's stage. Current scholarship lacks a feminist reading of *Peony Pavilion*'s performance history, and the fact that few scholars have paid attention to the dark side of this play is a problem worth questioning as well. The modernisation of Kun opera, I will argue throughout, calls for the inclusion of gender diversity.

I will mainly base my argument on the following texts and performances as they are the most popular of each time period: Tang Xianzu's (汤显祖) *Peony Pavilion* (1598) of the late Ming dynasty, the Qing-dynasty edition of miscellany *Shen yin jian gu lu* (1834, 'a collection of plays excerpts', 审音鉴古录), the playscript of Mei Lanfang's *The Interrupted Dream* (you yuan jing meng, 游园惊梦) in the mid-20th century, the two most acclaimed productions respectively starring Zhang Jiqing (张继青) and Hua Wenyi (华文漪) in the 1980s, and Pai Hsien-yung's (白先勇) Youth's Edition of *Peony Pavilion* (2004). Before moving on to detailed textual analyses, a brief introduction of Chinese Kun opera, Tang Xianzu, the playwright, and his magnum opus, *Peony Pavilion*, will follow.

Kun opera (kunqu, 昆曲) is the 'jewel in the crown' of traditional Chinese opera (xiqu, 戏曲), a 600-year-old art form that combines singing, acrobatics, and highly stylised gestures and movements. There are four major role types that represent all walks of life – *sheng* ('male', 生),

dan ('female', 旦), *jing* ('painted face', 净), and *chou* ('clown', 丑), like in the Italian *Commedia dell'arte*. To depict different personalities, the role of *sheng*, for example, is further sub-categorized into *jin sheng* ('scholar', 巾生), *wu sheng* ('warrior', 武生), and *mo* (末), who is an elder male with a certain social status; in Tang Xianzu's original playscript, the Flower Spirit is played by the role of *mo* and this practice has seldom been followed today. Role categorization is central to the 'complex and hierarchically codified' system of conventionalisation as every aspect of the performance has to abide by the role types' preconditioned rules.[1] Actors follow the principle of expressivity and refine everyday gestures and movement into a state-of-the-art performance style.

Tang Xianzu (1550-1616) was Shakespeare's contemporary and a Chinese dramatist of the late Ming dynasty who is most noted for his depiction of *qing* ('emotion', 情) in *Peony Pavilion*. This play centres around the high-born maiden Du Liniang (杜丽娘) and Scholar Liu Mengmei's (柳梦梅) love story, which transcends life and death in 55 scenes. In Scene 10, or the garden scene, Liniang encounters and falls in love with the Scholar Liu in her dream after visiting the garden. The Flower Spirit interrupts their lovemaking and Scholar Liu departs from Liniang's dream while she is reproached by her mother for sleeping in broad daylight.

Usually there are twelve Flower Spirits who are in charge of seasonal flowers (see the appendix for a detailed list of the twelve Flower Spirits). Regardless of the number and gender of Flower Spirits onstage, I argue that the reasons why the Flower Spirit appears in Scene 10 is two-fold. The first reason is contingent upon Kun opera's bare stage. Compared with Western opera, Kun opera's prominent characteristics are its abstractness, expressivity, lyricism and poetics.[2] To compensate for the unadorned scenography and to create a theatre of illusion, actors are moving sceneries who are central to the play and are responsible for apprising the audience of the scene and scene changes. Thus the Flower Spirit is called upon to represent the garden setting as it is not part of the Kun opera culture practice to stage a real garden. Secondly, in Chinese culture, flowers symbolize reproductivity. The garden where 'birds' and 'bees' flirt with flower buds in spring time

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[1] Li Ruru, *Shashibiya: Staging Shakespeare in China* (Hong Kong: Hong Kong University Press, 2003), p.113.
[2] Kenneth Hsien-yung Pai summarised Kun opera's characteristics in the lecture series *The Beauty of Kunqu Opera* by the Chinese University of Hong Kong.

is pregnant with sexual connotations, and thus it provides a liminal space for the portrait of *qing* (emotions), or forbidden love.[3] Since most of the sexual scenes in traditional Chinese operas are not directly displayed on the stage, the Flower Spirit is introduced to explain the off-stage love-making.

In the following sections, I will combine textual analysis with performance analysis to investigate how the Flower Spirits have been staged over the past four hundred years. I question how contemporary gender politics influences the stage presentation of the Flower Spirits, which is embedded in the economic, political, social, and cultural contexts of each period. By discussing the similarities and differences of historical practices, I argue that women performing the Flower Goddesses are continuously constructed as the second sex until the 21st century. Innovations, like the cross-gender performances of the Flower Spirits, should be encouraged for Kun opera's modern development.

Part I: Flower Spirit(s) in the Feudal Society of Late Ming and Qing Dynasties

1.1 The Exclusion of Flower Goddesses in Tang Xianzu's *Peony Pavilion* in the Late Ming Dynasty

In Tang's lifetime, the Flower Spirit was played by *mo*, who was dressed plainly 'in red cloak strewn with petals and ornamental headdress on his piled-up hair'.[4] The Flower God demonstrates that Liniang and the Scholar Liu are betrothed to each other, which rationalizes their premarital sexual relationship. According to the traditional Chinese saying, 'human emotions are part of nature's law' (ren qing ji tian li, 人情即天理), Liniang and Mengmei's sexual impulses are their natural physiological response towards the passionate emotion of love. Though they act against the cultural etiquettes of abstinence before marriage, *li* ('rules', 礼), the playwright endorses their behaviour and constructs a deity to enhance the solemnity of the scene. Du Liniang, who has

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[3] For example, *The Romance of the West Chamber* (西厢记) by Wang Shifu (王实甫) and other literature works all choose the garden for their heroes and heroines' encounter because of garden's sexual connotations.
[4] Tang Xianzu, *Peony Pavilion*, trans. Cyril Birch (Indianapolis: Indiana University Press, 2002), p.48.

always strictly abided by her family's regulations, interprets the enjoyment of sexual intercourse as God's arrangement rather than her own sexual desire.

One reviewer reflects that the Flower God endows the scene with dignity, and I argue that the ceremoniousness is achieved through a male-only performance which excludes females in this religious setting.[5] The 20th-century feminist philosopher Simone de Beauvoir argues that religions invented by men reflect their wish for the domination of women: 'Legislators […] have striven to show that the subordinate position of woman is willed in heaven and advantageous on earth'.[6] The solemnity of this ritual carried out by males would be contaminated by women's presence, as women represent *yin* ('the dark side', 阴) against the muscular side, *yang* ('the sunny side', 阳) in Chinese philosophy, especially in *Yi Ching* (易经). The 'men-women' binary eliminates the possibility of gender equality because women are the opposite of men – men represent the magnificent heaven, while women take the submissive role of base earth, or mud.

1.2 The Assortment of Flower Gods and Goddesses in the Qing Dynasty

Since the early Qing dynasty, the performance tradition of the Flower Spirits has evolved to be more elaborate. Their number increases from one to twelve to satisfy the audience's wish for visual spectacle. As Catherine Swatek observes, 'a full-blown version of an interlude now known as "Heaped Blossoms" (堆花, Duihua) […] can be traced back to early Qing times', according to the miscellany *Zuiyi qing* ('drunken pleasure', 醉怡情).[7] In *Zuiyi qing*'s edition, *sheng* plays the role of the Flower Spirit and enters the stage with his attendants after Scholar Liu and Liniang exit. In addition to textual evidence, the illustration in the late Qing dynasty miscellany (figure 1), *Shenyin jiangu lu*, portrays the performance of thirteen Flower Spirits in 'The Interrupted Dream'.[8]

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[5] Re quote in Li Yang, 'The Evolution of "Heap Blossom" Performance in Kunqu *Peony Pavilion*', *Forum of Arts*, (2011), 50-53 (p. 51).

[6] Simone de Beauvoir, *The Second Sex*, trans. by H. M. Parshley (London: Vintage, 1997), p. 22.

[7] Catherine C. Swatek, *Peony Pavilion Onstage: Four Centuries in the Career of a Chinese Drama* (Ann Arbor: The University of Michigan, 2002), p. 106.

[8] Anonymous, *Shen yin jian gu lu* (Beijing: China Book Publishing, 2012审音鉴古录. 北京：中国书店, 2012), vol. 6, pp. 19-20.

Figure 1: Illustration of thirteen Flower Spirits and one Dream Spirit in *Shenyin jiangu lu*

In this illustration, the Flower Spirits are played by different role types as a way of showing a troupe's rich personal resources. A modern revival of this tradition was staged in a China-Japan co-operated production of *Peony Pavilion* starring Tamasaburo Bando, a Japanese Kabuki actor, in 2008. *Duihuashen mingzi chuanzhuo chuantou* (the Flower Spirits' costumes and props, 堆花神名字穿著串头) is the earliest record of the strict dress-codes of 'Heaped Blossom' during Qianlong Emperor's reign (1736-1795).[9] According to this record, there are six Flower Gods that represent masculine months, and six Flower Goddesses representative of feminine months in addition to a main Flower God, according to the zodiac order. In this record, Flower Gods are addressed as 'Hua shen' ('God of Flower', 花神), while Flower Goddesses are simply called 'Hua nü' ('Flower Girls', 花女).

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[9] Anonymous, *Duihuashen mingzi chuanzhuo chuantou* in Fu Xihua, *Fu Xihua's Collection of Chinese Operas* (Beijing: Art and Culture Publishing House, 2007 傅惜华. 傅惜华戏曲论丛. 北京：文化艺术出版社, 2007), pp. 37-8.

Though 'Flower Girls' are promoted to the status of deities, this change does not necessarily reflect raising of women's social status. While there are women lauded for their exceptionalism in Chinese history and literature, they are considered to have defended the patriarchal order, rather than having challenged it.[10] The Flower Goddesses, like the submissive Imperial concubine Yang Yuhuan (杨玉环), are the ideal image of women that the dominant class wish to impose on ordinary women in order to maintain men's superior position in a patriarchal society. More importantly, though there are Flower Goddesses' names in this record, it is likely that all the female parts were performed by men. This is the early form of cross-gender performance, which will be later compared with recent practice. Since the early Qing dynasty, females had been forbidden from performing on a commercial stage for fear of disturbing the social order, and Chinese rulers preferred to confine women's movement to the boudoir and sever their connection with the outside public world.

Part II: Flower Spirits in Modern Times

2.1 Women as Decorations: Flower Spirits in the 20th Century

In the year 1960, Kun opera maestros Mei Lanfang (梅兰芳) and Yu Zhenfei (俞振飞) starred in the film *The Interrupted Dream*. In this film, there are twenty Flower Goddesses, and dry ice is employed to produce special effects to indicate their identities as deities. The Flower Goddesses sing joyful tunes to celebrate the union of the fair maiden, Du Liniang, and the accomplished scholar, Liu Mengmei. Robbed of their ritual functions as they no longer explain the love-making, however, the Flower Goddesses are degraded to mere stage decorations. The feminine stereotypes are perpetuated in this production: the Flower Goddesses are dressed up in gorgeous costumes, and their corporeal presence is a visual spectacle aimed at the male gaze as 'the female subject is reduced to its corporeal parameters'.[11] Performativity, as proposed by Judith Butler, 'is construed as that power of discourse to produce effects through reiteration'.[12]

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[10] Louise Edwards, Gender, *Politics, and Democracy: Women's Suffrage in China* (California: Stanford University Press, 2008), p. 51.

[11] Stanton B. Garner, *Bodied Spaces: Phenomenology and Performance in Contemporary Drama* (Ithaca and London: Cornell University Press, 1994), p. 187.

[12] Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (London: Routledge, 1993), p. 20.

The repeated phenomena of Flower Goddesses as decoration enhance the gender stereotypes and construct females as the good-for-nothing sex inferior to males. In later productions, directors adjust the number of Flower Goddesses according to the size of the stage and other dramaturgical concerns, while the gender of performers remains stably female. The clinging to the Mei Lanfang and Yu Zhenfei performance tradition (Mei-Yu tradition) can be explained by the theory of the haunted stage as proposed by Marvin Carlson, who describes the physical theatre as 'the repository of cultural memory' because of 'the particular production dynamics of theatre'.[13] The acclaimed precedence of Flower Goddesses in the Mei-Yu production sets the performance tradition for later all-female casting. Mei Lanfang and Yu Zhenfei are such influential and authoritative maestros in traditional Chinese operas that their practice is imitated, rather than challenged.

In the 1983 and 1987 film versions of *Peony Pavilion*, both starring Zhang Jiqing as the female lead, there is one Flower God accompanied by eight to sixteen Goddesses. The central and dominant position of the Flower God is self-evident, as indicated by the staging. Luce Irigaray emphasizes the importance of scenography, which 'makes representation feasible, […] its geometric organization, its props, its actors, their respective positions'.[14] Invariably the Flower God takes up the central position and the Flower Goddesses occupy subordinate roles, standing or kneeling by his sides. The Flower Goddesses are subject to the male God, and this 'subjection' is 'not only a subordination but a securing and maintaining, a putting into place of a subject, a subjectivation'.[15] The Flower God delivers the original lines written by Tang Xianzu for both 1983 and 1987 film versions and acts as an authoritative figure that rationalizes the seemingly outrageous sex scene. He dominates the narrative while the Flower Goddesses, or rather, the Flower God's maids, dress prettily to provide stage spectacle. As Mulvey demonstrates, 'the split between spectacle and narrative supports the man's role as the active one of forwarding the story'.[16] Men take charge of the narrative parts and rob the Flower Goddesses of the right of discourse.

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[13] Marvin Carlson, *The Haunted Stage: Theatre as Memory Machine* (Michigan: University of Michigan Press, 2003), pp. 2-3.
[14] Re quote in Judith Butler, ibid., p. 27.
[15] Butler, ibid., p. 34.
[16] Laura Mulvey, 'Visual Pleasure and Narrative Cinema', *Screen,* 16 (Autumn 1975), 6–18.

After the establishment of the People's Republic of China, gender equality was still not achieved given the two-thousand-year history of female stereotypes. Never questioning hierarchical performance traditions is part of the reason why gender inequality has lasted throughout *Peony Pavilion*'s four-hundred-year history. The internalized self-denial has led women to regard themselves as 'the second sex' and to give up the chance to fight back against the unreasonable gender-binary. The unspeakable consequence of failing to abide by women's behavioural codes within the gender structure intimidates rebellious women and discourages them from taking initiatives. In *The Society of the Spectacle*, Guy Debord argues that the division of labour is representative of hierarchical society, and thus the most modern aspect of the spectacle is also the most archaic.[17] Flower Gods and Goddesses' separate functions reflect a gender-based division of labour. When this traditional stereotype – man is the authoritative backbone while woman plays a secondary and facilitating role – is represented in the staging of the Flower Spirits, man plays the indispensable part of the Flower God, while the number and function of Flower Goddesses are subject to change.

2.2 The Awakening of Women as Independent Subjects

In the 1980s, the production starring Hua Wenyi (华文漪) and Yu Zhenfei by the Shanghai Kun Opera Troupe (1986) features a new all-female cast of Flower Spirits. There is a main Flower Goddess that takes charge of the narrative and replaces the role of a Flower God. This production was ground-breaking because it was the first time that the authoritative role was played by a woman. This practice continues on the modern stage, such as The Northern Kunqu Opera Theatre's production of *Peony Pavilion* starring Wei Chunrong (魏春荣) in 2019.

As we enter the 21ˢᵗ century, Pai Hsien-yung's production is critical. In the Youth's Edition of *Peony Pavilion*, the division of labour based on gender also exists between male and female Flower Spirits, though in a less obvious manner. The staging still accentuates the centrality of three silent Flower Gods, and the Flower Goddesses mainly serve a choreographic function. But, in contrast

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 6-18 (p. 14).
[17] Guy Debord, *The Society of the Spectacle*, trans. by Donald Nicholson-Smith (New York: Zone Books, 1994), pp. 18-19.

to the usual male narrative, the ten Flower Goddesses are the narrators for the love-making scene. At first glance, this new production is similar to the Mei-Yu production of 1960 because both sets of Flower Spirits sing the same joyful song instead of the original lines.

More crucially, however, Pai's production gives women the power of voice. Women are now not merely 'beautiful fools' that are subject to the male gaze as they gain the right of speech in this production. In contrast, the three Flower Gods are silent throughout, and they simultaneously act as stage hands who move the props offstage and onstage. This seemingly insignificant detail is actually the hard-won success of Chinese feminists who have fought unremittingly for gender equality, especially since the turn of the 21st century.[18]

2.3 New Gender Poetics: The All-Male Cast of Flower Spirits

In 2010, the Shanghai Kun Opera Theatre (上海昆剧团) employed an all-male cast of Flower Spirits, which is a reversal of the conventional interpretation of the feminine Flower Spirits and a creative exploration of a new gender poetics on the stage of Kun opera. This new cross-gender performance differed from the Qing-dynasty practice mentioned earlier as the actors voluntarily chose to perform a female role; on the earlier stage when women were forbidden from performing, men played women because 'only man knows how an ideal woman is supposed to behave'.[19] In a patriarchal society, women's behaviour codes are forced upon them by male rulers, legislators, and male family members. The code indicates men's idealization of women in order to maximize male dominators' benefits. It was not until the late Qing dynasty (late 19th century) that actresses reappeared on the stage as a result of rising gender equality. This cross-gender production in 2010 is an echo of the modern promotion of gender diversity, which challenges the traditional stereotypes of both men and women – men can be as feminine and gentle as women, and vice versa. This production also proves that an actor's biological sex does not necessarily need to conform with that of the character.

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[18] Eminent Chinese feminists like Li Yinhe (李银河), author of *The Rising of Female Power* (Beijing: China Social Sciences Publishing House, 1997 《女性权力的崛起》, 中国社会科学出版社, 1997) and *Sex and Marriage – The West and the East* (Xi'an: Shangxi Normal University Press, 1999 《性·婚姻——东方与西方》, 陕西师范大学出版社, 1999)

[19] David Hwang's *M. Butterfly*, 1988. p. 66.

Over the past four hundred years, the performance traditions of the Flower Spirits have undergone significant changes in accord with the development of gender equality and diversity in China. Regarding the performance as a multimedia text, the acting traditions of the Flower Spirits form an interesting intertextuality. The choice of the Flower Spirits' gender mirrors the economic, political, social, and cultural conceptions of gender and sex. In feudal China, men were the unquestionably superior sex, and they treated women as the inferior counterpart. Thus in the late Ming dynasty, Flower Goddesses were excluded from a religious setting, and in the Qing dynasty, females were excluded from the commercial stage. Since the 20th century, with the establishment of the Republic of China (1912-1949) and the People's Republic of China (1949 to present), gender stereotyping has still been rampant as reflected on Kun opera's stage. Women are the second sex and their bodies are the target of men's sexual desire. Moving on to the 21st century, thanks to the relentless efforts of Chinese feminists, gender equality has been put on the state's agenda. On the stage, a new gender discourse is accordingly being formed for the Flower Spirits' performance. More promising efforts are devoted to breaking the man-woman binary and to creating a gender poetics based on artistic demands.

For a more diverse and modern gender poetics on stage, I argue that it is first important to abolish the sexual and social stereotypes of women. 'Central to this theatre, in its diverse manifestations, is the liberation of the female body from its subordination within traditional theatrical spectacle and from the dual form of corporeal subjection that this subordination entails'.[20] Put simply, the female body does not exist simply to satisfy male's voyeuristic desire and should not be treated as if this is its only purpose. Secondly, the male-female binary and its derivative masculine-feminine binary should be challenged. Since gender is formed by performativity, it can be changed, and so too can the gendered social order. The out-dated male-female binary is no longer suitable in a new economic, political, social, and cultural context, thus it is high time that we rebuild a new gender poetics based around inclusion and encourage innovative performances which aim to abolish gender stereotypes.

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[20] Butler, ibid., pp. 186-7.

The Twelve Flower Spirits according to *The Costume of Kun Opera* (昆曲穿戴).

Month	Name	Flower
Main Flower Spirit	Emperor Tang Minghuang 唐明皇	Peony
January	Liu Mengmei 柳梦梅	Plum
February	Yang Yuhuan 杨玉环	Apricot
March	Yang Yanzhao 杨延昭	Peach
April	Zhang Lihua 张丽华	Rose
May	Zhong Kui 钟馗	Pomegranate flower
June	Xi Shi 西施	Lotus
July	Shi Chong 石崇	Impatiens
August	Lv Zhu 绿珠	Osmanthus flowers
Sept.	Tao Yuanming 陶渊明	Chrysanthemums
Oct.	Xie Suqiu 谢素秋	Lotus
Nov.	Bai Juyi 白居易	Camellia
Dec.	She Taijun 佘太君	Plum
Additional month 闰月	Yang Zongbao 杨宗保	Purple osmanthus flower

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Emerging Results of an Empirical Study into Legal Pluralism: Does 'Plurinational' Justice Unite Indigenous and Other Groups in Bolivia?

Paolo Baffero (University of South Wales)

The sixteenth century saw the European invasions of South America. In Bolivia, the Spanish colonisers drew arbitrary state lines and imposed a centralised civil law system of justice which imported European norms and ideals. After centuries of indigenous resistance, in 2009 the Bolivian government altered its constitution to form a 'Plurinational State'. It meant that the country is today administratively subdivided into rural areas and cities, which drawn together form the State of Bolivia.[1] This set its sights on unifying the disparate indigenous communities and more cosmopolitan cities into a modern Bolivia. The change aimed to re-identify and re-include indigenous values and practices of conflict resolution into the wider society and judicial system. As a result, the central state now recognises the legal autonomy of rural areas — the indigenous communities — in responding to, for example, less serious criminal behaviour committed within their legal territories.[2] The clear aim of the Government was to prioritise inclusion and to prevent further indigenous resistance, while improving the overall access to justice in the country and spreading human rights over rural areas.

This article reports part of the findings of fieldwork recently conducted into legal pluralism in Bolivia. It shows that the dynamics of inclusion/exclusion, around which the current edition of *Emergence* focuses, are central to analysis of the country's "plurinational" nature. Field research involved, on the one hand, a focused ethnography of an *aymara* indigenous community and, on the other, thirty-two in-depth semi structured interviews to indigenous authorities, professionals and stakeholders (such as justice practitioners and vice-ministers).[3] This article first gives an overview of the research setting and the historical context that led to the new Constitution of Bolivia in 2009, and a brief outline of the methodology employed. Then, it explores the policy of legal pluralism in the country and concludes with a discussion about its current accomplishments. Results suggest that legal pluralism is, slowly, strengthening the development of the rule of law in

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[1] Constitution of Bolivia. Asamblea Constituyente, Constitución Política del Estado Plurinacional de Bolivia (2009).
[2] Ibid.
[3] Hubert Knoblauch, 'Focused Ethnography', *Forum: Qualitative Social Research,* 6 (2005), 1–14.

Bolivia, although practical achievements are still far from complementing constitutional guarantees, causing serious disregard for human rights and wider unequal access to justice in the country. In addition, this research shows that indigenous people still do not view the Bolivian state justice system as legitimate and, where they can, they self-exclude from central society.

Research Setting and Historical Context

Bolivia is a landlocked country in South America formally recognised as the Plurinational State of Bolivia.[4] The country is internally subdivided into 339 *municipios*, i.e. socio-political-cultural-economic macro entities, which are made up of cities in urban areas and thousands of *pueblos indígenas* (indigenous communities) in more rural areas. The population of Bolivia is strongly multi-ethnic in that 60% recognise themselves as part of an indigenous group. 32.5% of the total population, that is 3.3 million people, live in indigenous communities. These are defined by Article 30(I) of the Constitution of Bolivia as human communities that share a cultural, linguistic, historical, institutional, territorial identity and *cosmovisión* (view of the world) dating from before the Spanish invasions. Across those *municipios*, the Bolivian Constitution recognises thirty-six different cultures.[5] Of these, *quechua* and *aymara* are the largest, representing respectively 49% and 46% of the whole Bolivian indigenous population.[6]

Bolivia has long seen its indigenous people subjugated, marginalised, and excluded. The country was colonised by the Spanish between 1532 and 1825.[7] During that time, the indigenous people of Bolivia were exploited and enslaved,[8] the Spanish established a paternalistic system of power and control, driven by the ideology of *the natural inferiority of the Indians.[9]* Only the "fortunate" indigenous people who were selected as "worthy" of providing their labour and services to the Spaniards, were educated in religious Catholic instruction and Spanish norms.[10]

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[4] Constitution of Bolivia. Asamblea Constituyente, *Constitución Política del Estado Plurinacional de Bolivia* (2009, Art. 1).
[5] Ibid., Art. 5(I).
[6] All data reported were published by the Instituto Nacional de Estadística (National Institute of Statistics) in 2012.
[7] Rex A. Hudson and Dennis M. Hanratty, *Bolivia: a country* study (Washington: Library of Congress, 1991).
[8] Eduardo Galeano, *Open Veins of Latin America* (New York: Monthly Review Press ed., 1997).
[9] Raquel Yrigoyen Fajardo, 'Legal Pluralism, Indigenous Law and the Special Jurisdiction in the Andean Countries', *Beyond Law*, 27 (2004), 32–49.
[10] Galeano, ibid.; Angelica T. Nieves, 'The Indigenous Movement and the Struggle for Political Representation in Bolivia' (Scholar Commons, University of South Florida, 2012).

In 1680, the Spanish imposed a unilateral system of law, the *Recopilación de Leyes de los Reinos de las Indias* (Compilation of Law of the Kingdoms of the Indies), which imposed a state-centred civil law system of justice reflecting European norms and ideals. This was the first example of Castilian-legislated law enforced in a social context which had been mainly regulated by customary law since the Middle Ages.[11] From 1534, Bolivian people started to mobilise against this Spanish oppression[12] and eventually achieved independence in 1825, when the Republic of Bolivar was proclaimed.[13] The inclusion of the indigenous peoples of Bolivia into the State, however, was a slow process. After independence, they continued to be subjected to forced labour and to be largely excluded from civil society.

Following further mobilisation, in 1952 they achieved political power.[14] In 2004, following a constitutional alteration, the Bolivian congress allowed indigenous people to contest elections.[15] In 2006, Juan Evo Morales Ayma was proclaimed as the first Indian indigenous president in the history of Bolivia, with 53.7% of the vote, followed by re-elections in 2009 with 64.2% and in 2014 with 61.3%[16]. Soon afterwards, the new government started a process of inclusion of the indigenous people into civil society — the so-called "proceso de cambio" (process of change) — which culminated in the enactment of the new Constitution of Bolivia in 2009. This contains many provisions that attempt to undo the centuries of oppression, exploitation, marginalisation and discrimination against the indigenous people. Among other things, it granted autonomy to indigenous nations. In recognising indigenous cultures, customs, and languages, it aimed towards 'building a social unitary, plurinational, communal, democratic, intercultural, decentralised State, based on the rule of law, and with autonomies that deepen and strengthen a dignified, democratic, productive and sovereign Bolivia'.[17]

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[11] Loredana Ossio Bustillos, 'Bolivia: Normative Equality between State and Customary Law. Utopia or the Future of Hybrid Normative Systems?' in *Non-State Justice Institutions and the Law: Decision-Making at the Interface of Tradition, Religion and the State*, ed. by Matthias Kötter and others (Basingstoke: Palgrave Macmillan, 2015), pp. 100–20.

[12] Constitution of Bolivia, ibid.

[13] Nieves, ibid.

[14] Herbert S. Klein, *A Concise History of Bolivia* (Cambridge: Cambridge University Press, 2003).

[15] Donna Lee Van Cott, *From Movements to Parties in Latin America: The Evolution of Ethnic Politics* (Cambridge: Cambridge University Press, 2005).

[16] S. Smith, 'Eleven Years of the "Process of Change" in Evo Morales' Bolivia', *Council on Hemispheric Affairs,* 3 (January 2018).

[17] Constitution of Bolivia, ibid., p. 166, my translation.

The new constitution defines the country as a 'Plurinational State'.[18] It means that Bolivia is *de facto* administratively subdivided into rural areas (indigenous communities) and cities, which drawn together form the State of Bolivia. As this article will analyse further, the new constitution recognises the legal autonomy of those indigenous communities when it comes to responding to, for example, less serious criminal behaviour committed within their legal territories. This is not replicated in the cities, where the state justice system takes effect. This phenomenon, however, is not unique to Bolivia. Socio-legal literature, in fact, increasingly reports that many countries, particularly in the developing world, feature legal pluralism in the context of justice and conflict management where the vast majority of conflicts are resolved by justice mechanisms operating outside the state justice system.[19] Normative orders existing outside state institutions are commonly referred to as non-state justice, and this article does likewise.[20] The nature of the co-occurrence of state and non-state justice in the same country, however, is not uniform worldwide. Many countries, Afghanistan for example, feature combative types of legal pluralism, where state justice not only does not recognise non-state institutions as legal mechanisms of conflict resolution, but is hostile to them[21]. As this article will show, this is not the case in Bolivia.

Legal Pluralism in Bolivia

> *In ancient times, mountains, rivers and lakes were formed and we populated the sacred earth with a variety of faces. Ever since then, we have understood the plurality and diversity of beings and cultures as we shape our peoples.*
>
> *[…] We must rise to the historic challenge of building a collective global community that recognizes plurinational legislation, that incorporates and organizes productive, participatory democracy conducive to peace and committed to comprehensive development, and furthers the self-determination of its peoples.*
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> [Constitution of Bolivia, Preface, 2009, translation of UNESCO]

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[18] Ibid., Art. 1.

[19] Peter Albrecht and Helen Maria Kyed, *Justice and Security – when the state isn't the main provider* (Copenhagen: Danish Institute for International Studies, 2010); Matthias Kötter and others, *Non-State Justice Institutions and the Law: Decision-Making at the Interface of Tradition, Religion and the State* (Basingstoke: Palgrave Macmillan, 2015); Ewa Wojkowska, *Doing justice: how informal justice systems can contribute* (Oslo: UNDP-Oslo Governance Centre, 2006).

[20] Miranda Forsyth, *A Bird that Flies with Two Wings: Kastom and state justice systems in Vanuatu* (Canberra: ANU E Press, 2009).

[21] Geoffrey Swenson, 'Legal Pluralism in Theory and Practice', *International Studies Review*, 20, (2018), 438–62.

In 2009, the peoples of Bolivia received the sceptre to end past subjugation, racism, discrimination and exclusion in the country, in favour of the development of an intercultural and plurinational state, founded on the multiplicity of its cultures. Central for the purposes of this article, the Constitution of Bolivia declared the existence of two equally hierarchical jurisdictions in the State: the Court of Ordinary Jurisdiction and the Rural Native Indigenous Jurisdiction.[22] While the former's reach extends to state-institutions in more urban settings, the latter deals with legal facts that only take place or produce effects in or impact upon indigenous communities, and which only involve indigenous members.[23] In this way, the constitution established the country as a 'Plurinational State' founded on 'juridical […] pluralism', based on the right to self-government of indigenous people.[24] This means that indigenous communities are autonomous as regards the definition of their own internal practices of economic, social, political and organisational development, together with the local exercise and administration of justice and conflict resolution.[25]

In addition, by the introduction of the Law of Jurisdictional Delimitation (Law 073) in 2010, the new constitution sets indigenous jurisdiction as compulsory: its decisions must be complied with by every member of the indigenous community.[26] Within the community, indigenous decisions are also irrevocable, and there can be no appeals to state law.[27] However, since under the constitution human rights (to life, freedom, integrity, and other) must be preserved, these principles are superordinate to any local jurisdiction.[28] Therefore, to ensure that these constitutional guarantees and rights are preserved, the constitution set up the *Tribunal Constitucional Plurinacional* (TCP, Constitutional Tribunal).[29] This tribunal can hear appeals against indigenous decision making, with its pronouncements being final.[30]

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[22] Constitution of Bolivia, ibid., Art. 179(II).
[23] Ibid., Art. 191(II.3).
[24] Ibid., Art. 1.
[25] Ibid., Art. 2; Art. 179(I); Art. 179(II); Art. 304.
[26] Law 073, Bolivia. Tribunal Supremo de Justicia (Supreme Tribunal of Justice) (2010) *Ley 073: Ley de Deslinde Jurisdiccional* (Law 073: Law of Jurisdictional Delimitation, Art. 12(I)).
[27] Ibid., Art. 12(II).
[28] Constitution of Bolivia, ibid., Art 190(II).
[29] Ibid., Art. 196(I).
[30] Ibid., Art. 203.

In addition, the Law of Jurisdictional Delimitation (Law 073) reiterates that the scope of indigenous jurisdiction is not extended to *inter alia* serious crimes, namely crimes against children and the crimes of rape, murder or assassination.[31] It can be observed that legal limitations apply to the indigenous jurisdiction. As regards this, the hybrid legal situation in Bolivia may be considered as characterised by a degree of 'medium autonomy' as the two justice systems do not enjoy the same hierarchical status.[32]

Research aims and methodology

In 2018, I conducted empirical qualitative research in Bolivia with two main objectives. First, I focused on the study of an *aymara* indigenous community located in the department of La Paz. There, I aimed to investigate the mechanisms and standards of conflict management in the area of law and order of the local population. Second, I aimed to analyse legal pluralism in the country, to understand whether 'plurinational' justice does unite indigenous and other groups in Bolivia. Given the space limitations of a short article, and the goals of the current edition of *Emergence* around the theme of 'Inclusion and Exclusion', the present discussion will focus on that second objective.

This article can report that legal pluralism is implementing rule-of-law standards in Bolivia but, at the same time, major rule-of-law deficiencies continue to affect indigenous people, especially in the more rural areas. [Understanding this is relevant for different objectives don't understand this! suggested alternative wording:] Understanding the importance of local decision-making in such political contexts is crucial. Building a sustainable legal pluralist state involves enhancing a purposeful coexistence between different cultural and juridical systems that cohabit in the same geopolitical area. Such an objective underpins the development of rule-of-law standards within countries worldwide.[33] As Swenson argues, international research on legal pluralism aims to explore whether states worldwide respond justly and effectively to the needs and rights of the different populations they represent.[34]

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[31] Law 073, ibid., Art. 10(2.a).
[32] Matthias Kötter, 'Non-State Justice Institutions: A Matter of Fact and a Matter of Legislation' in *Non-State Justice Institutions and the Law*, pp. 155–87.
[33] World Justice Project, *Rule of Law Index 2017–2018* (Washington, D.C, 2018).
[34] Swenson.

This, locally, is a matter of life or death for millions of people and, internationally, 'poorly governed societies can generate conflicts that spill across international borders'.[35] Given the central importance of non-state justice systems, which in the developing world handle an estimated 80 to 90 percent of disputes, it is important to understand their forms and to study their implications.[36] With this goal in mind, I secured access to participants and to the *aymara* indigenous community in Bolivia following eighteen months' worth of preparatory work. In January 2017, I contacted the NGO Progetto Mondo.mlal which gave me support in La Paz for a few months, where they also helped me to engage with further gatekeepers.[37]

Once back in the UK, I continued to liaise with them and was finally able to fly back to Bolivia in September 2018, where I collected data for three further months. Fieldwork involved a qualitative multi-method approach. At its core, it entailed a focused ethnography at Lagarate, an *aymara* indigenous community located in the Sud Yungas province in the department of La Paz.[38] Like an ethnographer, I fully immersed myself into the world of the participants; however, I did not aim to get a full and holistic view of the cultural experience of the indigenous people observed. In this regard, my approach to data collection was focused on the dynamics of the justice system of the *aymara* indigenous community and its relationship with state justice, while I was not concerned with other cultural and social dynamics such as their class, religion, economics, political system and other factors.[39] The multi-method approach also included thirty-two in-depth semi-structured interviews with relevant actors. A total of twenty-four professionals (for example, justice practitioners) and stakeholders (such as vice-ministers) were interviewed, alongside eight indigenous authorities of the area where the *aymara* community accessed is located.

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[35] Stephen D. Krasner, *Power, the State, and Sovereignty: Essays on International Relations* (Oxford: Routledge, 2009).

[36] Albrecht and Kyed.; Brian Z. Tamanaha, 'Introduction: A Bifurcated Theory of Law in Hybrid Societies' in *Non-State Justice Institutions and the Law*, pp. 1–21.

[37] Progettomondo.mlal is an Italian non-governmental organisation that supports 1,100 volunteers and operators distributed within 450 projects in 24 Latin American, African, and European countries. Among these, Progettomondo.mlal has been operating in Bolivia since around the 1960s to support local government. It is mainly through the NGO that I had the chance to recruit participants for my study and access the community I observed. My research is independently funded by the DTA Social Policy, thereby guaranteeing independence and integrity of research.

[38] Knoblauch.

[39] David M. Fetterman, 'Ethnography', in *The SAGE Encyclopedia of Qualitative Research Methods*, ed. by Lisa M. Given (Thousand Oaks: SAGE Publications, Inc., 2012), pp. 289–92.

Research findings

Results emerging from this research show that legal pluralism is slowly strengthening the development of the rule of law in Bolivia, although three main issues emerge in relation to its current implementation. The Plurinational State of Bolivia included legal pluralism and, therefore, recognised non-state justice in the new constitution, for three main reasons:

1) To protect cultural rights. The state responded to internal pressure generated by indigenous groups to legitimise their cultural practices.

2) To respond to international obligations. By law 1257 Bolivia ratified in 1991 the ILO (International Labour Organization) Convention 169, which states that 'in applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws'.[40] Furthermore, in 2007 Bolivia ratified as state law the UN Declaration on the Rights of Indigenous People, which stipulates indigenous peoples' right to self-determination.[41]

3) To expand access to justice and to promote fundamental human standards over rural areas. Findings from this research show that before the new constitution entered into force, sanctions within communities were often physical (such as whipping offenders). However, in 2009, when the new constitution legitimised indigenous justice to resolve internal conflicts, it did so only if indigenous justice did not violate international human rights. Results from this study show that today physical punishments are mostly prohibited from standards of indigenous justice. As mentioned above, this shows that legal pluralism is strengthening the development of the rule of law in Bolivia.

Nonetheless, my research shows that there are three main drawbacks to non-state justice in Bolivia. First, sanctions that follow misbehaviour in the indigenous community are not always consistent with human rights standards. The present study shows in fact that members and authorities of indigenous communities are rarely aware of their constitutional rights and obligations as applied within the justice system. Therefore, sanctions still breach human rights standards. This is in

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[40] International Labour Organization, *C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)* (1989, Art. 8.1).

[41] United Nations, *United Nations Declaration on the Rights of Indigenous People* (2007), https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

conflict with state legislation. The present study shows that, for example, this is frequently the case in the right to water, a fundamental right under Art. 16.I of the 2009 Constitution. Indigenous statutes and authorities, however, often mention cutting off water as a possible sanction for misbehaviour: *'Sometimes, they [the indigenous authorities in charge of conflict resolution in the community] cut them [those culpable] off the access to water, for a month, or two.'* (Regina, indigenous authority)

Second, when indigenous law violates human rights, no appeals are being made to the TCP (Constitutional Tribunal). The Bolivian Constitution defines *amparo constitucional* (constitutional redress) as the legal procedure through which indigenous people can appeal to the Constitutional Tribunal when they believe their fundamental rights have been violated by non-state justice.[42] This, however, rarely happens in practice, for two main reasons. First, as mentioned before, indigenous people are often not aware of their constitutional rights as applied in the justice system. Second, it would be complicated for indigenous people to leave the field or any work on which they rely, as it might take days to travel to and back from the closest urban centre where they would go to file a complaint to an attorney.

But research findings also show that attorneys often do not know the constitutional law, and, while they should refer those cases to constitutional lawyers, they usually file penal procedures against the indigenous authorities who have violated human rights. Findings from this research indicate that when indigenous people know their constitutional rights, they are often afraid that state law may sanction their own authorities for such violations, and therefore they tend not to report breaches. Overall, the chances that the three components are met, that is that indigenous people can and want to go to the attorney, that the attorney knows the constitutional law, and that he refers the case to a lawyer to proceed under the constitutional framework, are very slight.

Participants also state that communities closer to the cities are more likely to report breaches of human rights. This might be due to a difference in values determined by globalisation and capitalism which are referred to as having contaminated the collective values of indigenous people:

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[42] Constitution of Bolivia, ibid., Art. 128.

We must talk of different communities. There are communities that have uses that are closer to those of the city. Their views are closer to that of the city, because there they have more access to technology, to transport [...]. There are communities where there are these values, values as respect, that unfortunately in the cities they are fading away, we are losing them. (Lanterna, facilitator in restorative justice practices)

If those values of cohabitation, and respect would be stronger, problems would be avoided. However, in rural areas today has already arrived an economic interest [...]. So, this economic interest makes many values disappear, because people are already migrating from communities to the cities. This causes many problems. (Regina, indigenous authority)

El Alto, for example, is a city based basically only on migration from the field, the high-plateau, and has very chaotic characteristics. Crime is very high, poverty is high. However, it is weird because it is [inhabited by] people who come from the field [rural areas], with values of sharing, of living in community, they go into an aggressive city, which absorbs them... something happens, there is a breakdown, evidently. [...] I also think globalisation is affecting a lot that culture. Because if we see a village ten years ago, now it is very different because traditions have been breaking up, the same languages are being lost, as there are other interests... (Raffaello, facilitator in restorative justice practices)

Thirdly, the Law of Jurisdictional Delimitation (Law 073) is not known overall within communities, and, when it is, indigenous people often do not respect it. According to that law, serious crimes — among others — should be reported to the state justice system for resolution. Although I observed that indigenous authorities have started to participate in meetings organised by state's justice representatives, whose aim is to broaden the law's radius, participants generally agree in saying that rape and violence against children are not reported to state authorities when these crimes are committed within indigenous communities. They say that both such crimes are mostly committed against minors. Young people however do not have decisional power within their local communities, and therefore have to obey the decisions of their parents when it comes to resolving conflicts. Results from this research indicate that those crimes are often hidden, resolved by the family of the victim accepting and receiving from the family of the offender

domestic animals, such as cows — in other words, by the same standards used to deal with less serious crime in the indigenous community.

> *'In many communities, sometimes a sexual aggression of a 25 years old to a young person of 16, 17 years old, often it ends up in a marriage.'* (Abramo, responsible for Progetto Mondo.mlal and member of an aymara indigenous community)

> *'There was once a case (or an attempt of) rape in the community […]. The offender was a juvenile, who run away. The father said: "I am going to assume the responsibility for the crime". After many opinions, at the end the sanction was not a fine, but decorations to be used for schools or something communal. At the end, that father went in front of the victim – or the supposed victim of a rape – and he paid her I don't know how much, but there it was resolved.'* (Medico, indigenous authority)

My research shows that the main reason behind this is that indigenous people see the Law of Jurisdictional Delimitation (Law 073) as the rupture of the equilibrium between the indigenous and the state justice system, the two frameworks being initially recognised by the constitution as enjoying equal hierarchy.[43] Having an indigenous jurisdiction equally authoritative to state law was seen by the indigenous people as part of the historical achievements that led to the new constitution of 2009. As a consequence, the Law of Jurisdictional Delimitation (Law 073), promulgated at the end of 2010, is seen as an affront to those achievements and to indigenous self-determination, and therefore is often not respected. But also, research findings show that indigenous people are often not aware of state law, they often do not trust state law, and the values of reciprocity and respect which form the bedrock of indigenous collective life make indigenous people primarily concerned for the reputation of their own community. Hence serious crimes are not reported to state justice institutions.

Discussion

The present article has reported results emerging from fieldwork recently conducted into legal pluralism in Bolivia, which shed light on the dynamics regarding the current legal plural situation of the country. This article has shown that the dynamics of inclusion/exclusion, around which the

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[43] Constitution of Bolivia, ibid., Art. 179(II).

current edition of *Emergence* focuses, are central to analysis of legal pluralism in Bolivia. Legal pluralism was implemented in 2009 following firstly indigenous resistance against the Spanish oppression and then the following apartheid system effective from the declaration of independence in 1825, which led to the wider exclusion of the indigenous people of Bolivia from civil and political society.[44]

The new constitution of 2009, however, re-included indigenous people and their culture into a new 'Plurinational State'. However, this research reports that indigenous people often choose to self-exclude from central society, by giving up fundamental rights defined by their constitution and by international organisations which they do not recognise. Clearly, the results presented in this article must be acknowledged as limited in terms of generalisability. This is mainly because the 2009 Constitution of Bolivia recognises thirty-six different cultures and thousands of indigenous communities spread across the country. The present focused ethnography was conducted in one *aymara* indigenous community, and the interviews gathered data on indigenous communities that recognise themselves to be part of the *aymara* culture. Things may differ in relation to the culture and the social reality of each and every indigenous community, as this study is aware. However, to date no empirical research has been conducted to discover the situation in other communities. Lagarate, the indigenous community explored, was chosen for reasons of ease of access and because *aymara* is the second largest indigenous culture in Bolivia, comprising 46% of the country's indigenous population.[45] Furthermore, it is recognised that the legal language used is European, and thus involves words and concepts that are culturally biased, as it is the case of the word "indigenous", which locally is much more multifaceted in relation to the communities' geographical position and culture.

Despite those limitations, this research is the first empirical study of Bolivia's legal pluralism. Some of the emerging findings reported in this article show not only the factors that led the Plurinational State of Bolivia to implement a policy of legal pluralism, but also how this is helping the country to strengthen the development of the rule of law. This research also highlights the fact that legal pluralism's practical achievements are still far from complementing constitutional

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[44] Nieves.

[45] Instituto Nacional de Estadística (National Institute of Statistics) *Censo de Población y Vivienda 2012* (Census of Population and Houses 2012) (2012).

guarantees, causing serious disregard for human rights and wider unequal access to justice in the country.

Different scholars observe that one of the main issues of legal pluralism worldwide is that, through the legitimisation of indigenous standards, many states allow for the reiteration of traditional practices that disregard constitutional provisions, especially when practical efforts from local governments to sustain broad constitutional guarantees are still weak.[46] This article shows that this is indeed a central issue of legal pluralism in Bolivia. The question centres on the dividing line between recognising indigenous self-determination as part of a system of legal pluralism and the limits set to that indigenous self-determination — in a context where indigenous people find it hard to recognise the primacy of a western style legal framework in which they are supposed to be working.

According to Pimentel, 'cultural sensitivity and respect for local custom cannot justify wholesale rights violations […]. Legal pluralism cannot be used as an excuse to disregard the rights and dignity of individuals victimized by the traditional regime'.[47] This view appears to be the most valid, if we accept that by 'rights violations' we refer to all those actions that go against the concept of fundamental rights developed in Western society since the Enlightenment. This is to say that legal pluralism, when formally recognised by legislative frameworks, as it is in Bolivia, must not foster a purely equal status between the indigenous and the non-indigenous people, as it presumes that Western fundamental rights and ethics are superordinate to any other provision. If the central goal is to further rule of law standards overall, however, as international developing organisations widely suggest, then the integration of indigenous standards and values within a framework of Western legal ethics is key.[48]

The present article shows that legal pluralism in Bolivia is concerned with the inclusion and acceptance of multiple cultures into the State of Bolivia, where they have always belonged since

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[46] James M. Cooper, 'Legal Pluralism and the Threat to Human Rights in the New Plurinational State of Bolivia', *Washington University Global Studies Law Review*, 17 (2018), 1–78; David Pimentel, 'Legal Pluralism in Post-Colonial Africa: Linking Statutory and Customary Adjudication in Mozambique', *Yale Human Rights and Development Journal*, 14 (2011), 59–104.
[47] Pimentel., p. 70.
[48] Kötter.; Tamanaha.

before the Spanish invasions, and, at the same time, with the expansion of human rights standards. The present research shows that although human rights standards are not yet currently applied, they are slowly reaching indigenous areas where some people are beginning to consider them. However, the persistence of indigenous practices that seriously disregard human rights — especially in the cases of rape and violence against children — is an ongoing issue. This is one that the Bolivian state has attempted to tackle by the superimposition of the Law of Jurisdictional Delimitations (Law 073) over indigenous justice.

This, however, is seen by the indigenous people as an affront to the historical achievements that led them to be fully recognised in the new constitution of 2009. Especially in those communities farther from urban areas, it is often unknown or widely disrespected. The attempt by the state justice system to include indigenous standards in the Plurinational State of Bolivia is therefore frequently countered by the inclination of the indigenous people to self-exclude from the values and practices of justice which were imported by the Spanish. As findings from this research show, in fact indigenous people find it hard to recognise the ethics of the wider State and its conflict resolution mechanisms, and, as a consequence, they tend to self-exclude from central society.

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'Real' Women: The Exclusion of Transgender and Intersex Communities in Feminism

(Rebecca Howarth, University of Birmingham)

My own definition is a feminist is a man or a woman who says, yes, there's a problem with gender as it is today and we must fix it, we must do better. All of us, women and men, must do better.

Chimamanda Ngozi Adichie, 'We Should All Be Feminists'

In July 2018, anti-trans body Get The L Out UK hijacked the London pride event by marching at the front of the parade with banners saying 'trans activism erases lesbians'.[1] The body similarly hijacked the Manchester pride in August 2019 with further anti-trans banners. Despite the body being a part of the LGBTQ+ community, the 'lesbian feminist activist group' promotes anti-trans rhetoric.[2] This demonstrates that, like all social movements, feminism is rife with internal division and despite being a movement which strives to achieve equality certain sects are explicitly excluded from feminist movements, spaces and discussions. In this article, I examine the exclusion of the trans and intersex communities as such. I explore why these communities have been excluded from these spaces and the impact of this exclusion. It is evident that feminism's attempts to include previously excluded women — on grounds of race, class, nationality, etc — through the unifying factor of the female body, has promoted heteronormative values. This means feminism has supported the conceptual binary sex framework and excluded the trans and intersex communities. However, remaining within this framework will not tackle gender discriminations at their core. Instead, I suggest through transgender theorising and parallels between feminist, trans and intersex issues that feminism should include the trans and intersex communities and deconstruct the binary sex framework in order to progress forward and tackle gender discrimination.

In order to address my research questions, I have divided the paper into the following sections. Firstly, I will briefly discuss the historical relationship between feminism and exclusivity through the rise of intersectional feminism. Secondly, I will discuss how this exclusivity extends to, and is

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[1] Hazel Southwell, 'Anti-trans group allowed to lead Pride in London march after hijack, *PinkNews* (July 2018) [accessed November 2019] https://www.pinknews.co.uk/2018/07/07/anti-trans-group-allowed-to-lead-pride-in-london-march-after-hijack/

[2] Get The L Out website - Home. [accessed November 2019] http://www.gettheloutuk.com/

often in its most concentrated form, through the exclusion of the trans and intersex communities with examples from TERF ideology and non-consensual surgeries on minors. Thirdly, I will address the binary and dimorphic framework of 'sex', how feminist ideology has often remained within the binary and how transgender theorising and intersexuality aid us in deconstructing 'sex' as neither natural or dimorphic. Lastly, I argue that feminism needs to deconstruct the binary of sex to fully tackle gender discrimination and inequality, and how there are issues surrounding healthcare, workplace discrimination and non-consensual surgeries which align feminist and intersex priorities. These findings demonstrate that despite its attempts to incorporate 'all women', feminism will only truly address gender inequality efficiently if it focuses on the social construction of 'sex' and the impact this has on gender politics globally.

History of Exclusion in Feminism

Historically, the feminist movement has been riddled with exclusivity. As a movement, it has been criticised for promoting solely the concerns of white, western, upper class women as well as heteronormative values and nuclear family structures. Gloria Jean Watkins, better known by the pseudonym bell hooks, author of *Ain't I a Woman?: Black Women and Feminism* wrote in 1992, that much of the Black community viewed feminism as a supporting 'white women's desire to share equal rights with white men'.[3] Similarly, Chimamanda Ngozi Adichie recalled how a Nigerian female academic had chastised her adoption of the label of 'feminist' stating that 'feminism wasn't African' and that Adichie had been 'corrupted by Western books'.[4]

The reception to feminism is complex in many African countries. Kohrs-Amissah stresses how many African women do not identify with the term because of the racist implications the word brings, instead choosing to use words such as 'black feminism', 'womanism' or 'femalism'.[5] The narrow insight Western feminism promotes means, as Chandra Mohanty stresses, that many Western feminists have homogenized the experience of women globally – which has caused an

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[3] bell hooks, 'FEMINISM--IT'S A BLACK THANG!', *Essence* 23, Issue 3, in Women's Magazine Archive (July 1992) p.124.
[4] Chimamanda Ngozi, We should all be feminists, TED Talk on *Youtube*. Uploaded April 2013 [accessed February 2019] https://www.youtube.com/watch?v=hg3umXU_qWc
[5] Jawad Syed and Faiza Ali, 'The White Woman's Burden: from colonial "civilisation" to Third World "development"', in *Third World Quarterly*, 32, No. 2 (2011), p. 357.

oversight of region and local disparities for women.[6] To illustrate this, Mohanty utilises the excellent example of middle-class Iranian women who adopted the veil during the 1979 revolution to support lower class women, despite the veil being seen as a sign of oppression by many Western feminists.[7] Therefore, feminism has a problematic history of homogenizing and excluding women from numerous races and nationalities.

Feminism has also been criticized for its exclusion of the lesbian community. Julie Greenberg explains how 'the feminist movement was a white, upper-class, heterosexual movement. Lesbians were referred to as the purple menace and leading feminists distanced themselves from lesbians and their issues'.[8] Famously, Betty Freidan, one of the founders of the National Organization of Women (NOW) called the lesbian community 'the Lavender Menace'.[9] The exclusion of the lesbian community included members of NOW itself – for instance, Patricia Ireland, a later president of the NOW, received backlash when she revealed she had a 'woman companion as well as a husband'.[10] In one instance, William Safire called Ireland an 'extremist [… who] gave feminism a bad name'.[11]

Furthermore, one magazine article explains how women had experienced homophobia from women heterosexual women who identified as feminists. One quote states 'how often we have heard heterosexual women describing themselves as 'normal' or 'ordinary' […] which of course makes us freaks'.[12] These experiences show how despite having the goal of minimizing mistreatment of women and gender inequality, feminists and women's movements were exclusionary in whose values and issues they supported and this often excluded women who were not aligned with white, Western, heterosexual, middle-class women. Kimberlé Crenshaw defined intersectionality in her piece '*Demarginalizing the Intersection of Race and Sex*' (1989), in which she examined the overlapping and connectivity between discriminations of categories such as race

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[6] Chandra T. Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' in *boundary* 2, Vols 12.3 - 13.1, On Humanism and the University I: The Discourse of Humanism (Spring - Autumn, 1984), p. 335.
[7] Ibid. p. 347.
[8] Julie Greenburg, 'Beyond the Binary: What Can Feminists Learn from Intersex Transgender Jurisprudence', *Michigan Journal of Gender and Law*, 17 (2010) p. 15.
[9] Jeffry Iovannone, 'Rita Mae Brown: Lavender Menace', *Medium* (June 2018) [accessed February 2019].
[10] Donna Minkowitz, 'What is the mainstream?', *The Advocate*, 599; LGBT Magazine Archive (March 1992) p. 37
[11] Ibid.
[12] 'Anti-lesbianism in the women's liberation movement or when is a sister not a sister?', *Gay News*, 251; LGBT Magazine Archive (October 1982) p. 10.

and gender.[13] Since this theory, intersectional feminism has evolved with goals to tackle how race, class, sexuality and more intersect with gender and what this means for the feminist movement.

Exclusion of the Trans Community in Feminism

Greenberg explains how many feminists have often opposed the inclusion of the trans-community in women's movements *even more* than they opposed the inclusion of the lesbian community.[14] For instance, feminist Robin Morgan, speaking at the West Coast Lesbian Conference in 1973, in reference to trans-folk singer Beth Elliott's performance the prior evening, said 'I will not call a male "she" […] he dares to think he understands our pain? No […] we must not call him sister'.[15] Anti-trans rhetoric in feminist spaces has also continued into the twenty-first century. For instance, in May 2014 an event called Radfems Respond was held. Anya Alag explains how 'the purpose of this conference was to defend radical feminists' viewpoints [...] and the refusal to recognise transgender women as women'.[16]

Events such as these and the works of bodies such as GetTheLOut, as mentioned earlier, show that despite the growth of the trans-rights movement, transphobia is still prevalent. Furthermore, trans-activist, Julia Serano, explains how despite feminism largely becoming more inclusive of the trans community, there are still feminists/feminist organizations who aim to exclude the trans community from women's movements and spaces.[17] This exclusion is evident through the existence of TERF ideology. Alag explains that TERF ideology is ;a branch of [feminist] radicalism that denies the validity of transgender women's identities as women'.[18] Cristan Williams, a trans historian and author at *The Transadvocate,* interviewed one of the founders of the term, Viv Smythe — known as 'tigtog' on radical feminist blogs.

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[13] Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', *University of Chicago Legal Forum*, 1989, Iss. 1, pp. 139-67.

[14] Greenburg, 'Beyond the Binary', p. 15.

[15] Michelle Goldberg, 'What is a woman? The dispute between radical feminism and transgenderism', *The New Yorker* (July 2014) [accessed February 2019].

[16] Anya Alag, 'Feminism 101: What is TERF?', *FEM magazine* (April 2017) [Accessed November 2019]. https://femmagazine.com/feminism-101-what-is-terf/

[17] Julia Serano and Tristan Taormino, 'Julia Serano on Transfeminism, Gender, Biology, and Making Feminist and Queer Movements More Inclusive', Set Out Loud Radio on *Youtube* (July 2017) [accessed February 2019] https://www.youtube.com/watch?v=jTnepBTn2ME

[18] Alag, 'Feminism 101'.

Tigtog explained to Williams how TERF — standing for Trans Exclusionary Radical Feminist — represents a group of radical feminists who exclude 'trans voices and bodies from being considered women/feminists'.[19] There is often a focus on the biological 'woman' in TERF ideology; for instance, Janice Raymond, author of *The Transsexual Empire: The Making of the She-Male*, wrote that 'all transsexuals rape women's bodies by reducing the real female form to an artifact, appropriating their body for themselves'.[20] The negative impact of feminists' focus on the biological female body in enforcing the binary sex framework will be analysed in further detail later. However, here it is crucial to mention as it is a key strategy used in TERF ideology to exclude and justify the exclusion of the trans community from feminist discussions and spaces.

An effect of the rising trans-rights movement has increased criticism of TERF ideology and events are often disrupted. For instance, Michelle Goldberg explains how trans-activists launched a petition to the scheduled venue of the 2014 Radfems Respond which was successful, forcing the event to switch locations.[21] However, Alag explains how 'while TERF is far less prevalent in the 21st century than it was before increased transgender awareness, it is by no means eradicated'.[22] One example of this is the Michigan's Women's Music Festival. MWMF or 'Michfest' was a week-long music festival attended by 3000 to 5000 women and is one of the most explicit and controversial illustrations of feminist exclusion of the trans community. However, despite controversies stemming from the early 1990's, the festival still held yearly events until 2015 — demonstrating the continued existence of anti-trans feminism.

The festival became subject of controversy and debate in the early nineties after their 'womyn born, womyn identified' admissions policy which excluded transgender women from the festival. This controversy initiated after Nancy Burkholder was removed from the festival in 1991. Burkholder recalls how Chris Coyote and Del Kelleher explained that the festival was a woman-only event that was open to 'natural, women-born-women' only and that 'transsexuals' were not allowed into the festival.[23] This policy provoked the creation of Camp Trans, the annual

[19] Cristan Williams, 'TERF: what it means and where it came from', *Transadvocate* (March 2014) [accessed February 2019] https://www.transadvocate.com/terf-what-it-means-and-where-it-came-from_n_13066.htm
[20] Janice Raymond, *The Transsexual Empire: The Making of the She-Male* (New York: Beacon Press, 1994), p. 104.
[21] Goldberg. 'What is a woman'.
[22] Alag, 'Feminism 101'.
[23] Cristan Williams, 'Michigan Womyn's Music Festival', *Transadvocate* (April 2013) [accessed February 2019] https://www.transadvocate.com/michigan-womyns-music-festival_n_8943.htm

event/protest to the MWMF's trans-exclusionary admissions policy in 1993. The work of Camp Trans protesting the anti-trans rhetoric of MWMF ultimately led to the termination of the festival but only in 2015 — demonstrating the prominence of transphobia in feminism in the twenty-first century. The expulsion of trans women from the festival is further problematic as similar to TERF ideology it was heavily focused on the biological 'women'. For example, Serano states there was an acceptance at MWMF for transmale identified persons who had experienced life as a biological women previously.[24] It seems the biological 'woman' utilised as a new unifying factor in these spaces still causes the exclusion of the trans community from feminist spaces.

Exclusion of the Intersex Community in Feminism

As well as 'women only' spaces excluding the trans community, feminism has also excluded the intersex community from its discussions on gender discrimination and gender norms. For instance, Female Genital Cutting (FGC) is a key priority of many feminist and women's movements and is regularly discussed and criticized in feminist literature. There are many parallels between FGC and 'normalizing surgeries' performed on intersex children. However, despite these, and requests by the ISNA to be included in discussion, the intersex community has been excluded from many high-profile discussions on FGC — illustrating further exclusion from feminist spaces. Kishka-Kamari Ford explains how these 'normalising surgeries' are when medical practitioners intervene to 'surgically "correct" the ambiguous genitalia of intersexed infants'.[25]

This practice stems from the 1950's, when John Money and his colleagues developed a standardization of treatment for intersex children which recommended assigning intersex children a single sex as early as possible and before the age of 2 years old.[26] There are numerous parallels visible between FGC and these 'normalising' surgeries including the problematic issue of consent and the consideration of medical necessity. One interagency statement specifically on FGC, between a number of internationally recognized human rights organizations, stated that, as a practice, FGC 'has no known health benefits [… and] trained health professionals who perform

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[24] Serano and Taormino. 'Julia Serano on Transfeminism…'. [accessed February 2019]
[25] Kishka-Kamari Ford, '"First, Do No Harm" — The Fiction of Legal Parental Consent to Genital-Normalizing Surgery on Intersexed Infants', *Yale Law and Policy Review*, 19 (2000), p. 469.
[26] Morgan Holmes, *Intersex: A Perilous Difference* (Pennsylvania: Associated University Press, 2008) p. 22.

genital mutilation are violating girls' and women's right to life'.[27] A key discussion surrounding FGC is that is it medically unnecessary. Regarding 'normalising' surgeries, there is often a focus on the medical necessity of these procedures to justify the involvement of medical practitioners.

However, there are numerous instances which demonstrate the necessity of these procedures are often exaggerated or fabricated to parents of intersex children. For instance, one intersex individual, Howard Devore expresses, in opposition to 'normalising' surgeries, that as a child surgeons performed 16 surgeries on Devore to 'correct' his diagnoses of severe hypospadia.[28] Hypospadia refers to the placement of the urethral meatus on the underneath of the penis rather than at the tip and the INSA states in most cases surgeries performed to correct this sexual differentiation are for cosmetic reasons only.[29] In another similar scenario, journalist Sally Lehrman documents the experience of Helena Harmon-Smith whose child was born with sexual differentiation and whose doctors recommended removing the child's testicle in fear that it could become cancerous. Harmon-Smith was passionate about allowing her child to choose their identity but did agree to tests to confirm the testicle wasn't cancerous. Harmon-Smith recalls how "when the surgeon returned from the operating room, he said the gonad was diseased. He had cut it off".[30] Not only had the surgeon intervened against the mother's wishes but after Harmon-Smith waited a month for the pathology report she recalled how it stated 'normal, healthy testicle' with no mention of life-threatening potentialities that the surgeon had spoken of.[31] These examples show distinct parallels between FGC and 'normalising' surgeries regarding the medical necessity of each and the problematic nature of consent.

The connections between FGM and surgeries on intersex children are not only anatomical; the potential emotional consequences for many intersex people who have had normalizing surgeries and find out later into their adulthood are analogous with studies that have examined emotional

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[27] OHCHR, UNAIDS, UNECA UNDP, and UNFPA UNESCO, 'Eliminating Female genital mutilation', An interagency statement (Geneva: WHO, 2008), pp. 1, 12.
[28] Althaea Yronwode, 'Intersex individuals dispute wisdom of surgery on infants', *TV-TS Tapestry*, 88; LGBT Magazine Archive (Oct 1999), p. 18.
[29] 'Hypospadias: Parent's Guide to Surgery', on Intersex Society of North America website [accessed February 2019] http://www.isna.org/node/81
[30] Sally Lehrman, 'Sex police', *TV-TS Tapestry*, 88; LGBT Magazine Archive (October 1999), p. 9.
[31] Ibid.

trauma for women who have had FGC.[32] This emotional trauma is caused due to numerous factors but particularly as Cheryl Chase explains how these surgeries can not only be incredible complex but also surgeries are often repeated sometimes over a dozen times to fulfil the 'proper' correction of that child's sex.[33] However, despite the explicit parallels between FGC and normalizing surgeries, the intersex community has been excluded by feminist discussions against FGC. For instance, in 1996 Congress passed Pat Schroeder's 'Female Genital Mutilation' bill which prohibited clitoral surgeries on minors — except it excluded cases of ambiguous genitalea.[34] Cheryl Chase expresses how this law was passed despite requests by the ISNA to include cases of intersexuality.[35] This shows an explicit exclusion of the intersex community in feminist discussions.

The Binary Framework of the 'Body'

As discussed, one result of the rise of intersectional feminism is feminists utilising the female body as the unifying factor that bonds all women irrelevant of race, class, nationality, etc. Linda Alcoff explains how several academics have focused heavily on the unifying factor of the female body, including Mary Daly, whose definition of women 'is strongly linked to female biology' and Adrienne Rich, who defines the 'female consciousness' as having 'a great deal to do with the female body'.[36] Despite the progressive intentions of this meaning to include all women, it does mean individuals in the trans and intersex communities are excluded.

Additionally, it also supports the binary sex framework that currently exists in society, rather than tackling it. Although gender is commonly discussed as a fluid social construction within feminist theory, sex is still often depicted as a natural and binary phenomenon. However, the incorporation of trans and intersex issues into gender discussions tackles the preconception that sex is 'natural'. Instead, we can view sex as being socially constructed in the same manner as gender. For example, Riki Ann Wilchins subverts the traditional relationship between sex and gender by stating that

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[32] Alice Behrendt and Steffen Moritz, 'Posttraumatic Stress Disorder and Memory Problems After Female Genital Mutilation', *American Journal of Psychiatry*, 162 (May 2005), 1000–1002.

[33] Cheryl Chase, 'Making Media — An Intersex Perspective', *TV-TS Tapestry*, 84; LGBT Magazine Archive (October 1998), 51.

[34] Ibid.

[35] Ibid.

[36] Linda Alcoff, 'Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory', *Signs*, 13 (Spring, 1988), 409.

'gender is not what culture creates out of my body's sex: rather sex is what culture makes when it genders my body'.[37] Furthermore, Kate Bornstein has argued for the renaming of 'sex' as 'biological gender'.[38] This allows for sex to be analysed as socially constructed, fluid and without the hierarchical image of being natural. Therefore, feminism's focus on the biological female body is problematic not only because it excludes the trans and intersex communities but also because it supports the binary sex framework which undermines efforts at tackling gender discrimination.

This binary sex framework based on two 'natural' sexes has caused the existence of intersexuality to be marginalized and treated as a social emergency. For instance, if we assume the natural is the binary sexed body, we then question why children are born with ambiguous genitalia and then how we 'correct' this. Consequently, 'medical professionals paradoxically change what is (intersexual genitalia) into what culturally should be (distinctly male or female genitalia)'.[39] Suzanne Kezzler theorises that 'genital ambiguity is "corrected" because it threatens not the infant's life but the culture the infant is born into' ie. heteronormative culture.[40] Furthermore, this intervention by medical practitioners in order to allocate an individual's sex via surgical intervention supports the hypothesis that sex is equally social constructed as gender. This is because the medical practitioners are intervening to allocate a single sex, influenced by society's binary sex framework which informs them that there *should* be two, separate sexes. The treatment of sex as the dimorphic natural base for all identities to be built upon leaves no room for the sexual fluidity which intersexuality presents. Fundamentally, the existence of intersexuality challenges the pillars of identity and body politics which exist in the current form of two opposite sexes.

Feminism's focus on the female body, which supports this binary sex framework, also simplifies the diverging identities one can explore through the presentation of their body. Morgan Holmes stresses how '"the body" is not simply an anatomical structure, but a symbolic one that conveys meaning' which is crucial to the construction of each individual's identity.[41] Therefore, there is the potential to homogenize all women's experiences through the unifying factors of female anatomy including the womb, ovaries, clitoris, etc. This further supports the binary sex framework as it

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[37] Megan Davidson, '"Natural facts"? Feminism, transgender, & the denaturalized body', *TV-TS Tapestry*, 100, LGBT Magazine Archive (January 2002), p. 41.
[38] Ibid.
[39] Iain Morland, 'Is intersexuality real?' Textual Practice, 15 (2001), 532.
[40] Chase, 'Making Media', p. 51.
[41] Holmes, 'Intersex: A Perilous Difference', p. 17.

supports the assumption of what Suzanne Kessler and Wendy McKenna have coined 'cultural genitals' which depicts 'the genitals one is assumed to have under one's clothing'.[42] Gender is the fundamental identity, often seen as base/natural identity which other identities such as race or disability are layered upon. Holmes stresses that 'by assuming "sex" to be the natural base for all that is to follow from it, we render unnecessary the examination of cultural demands at work in the instantiation of sex, papering the process over with a general claim to "the natural"'.[43] Therefore, the assumption of natural binary sexed bodies consequently 'forces gender into a fixed binary rather than a more fluid and dynamic model'.[44] This is another disadvantage of feminism's concentration on female anatomy and its support of the binary sex framework.

Greenberg concludes in her article that 'feminists need to address whether gender rights are more effectively advanced by working within the binary or instead trying to dismantle our binary sex and gender system'.[45] However, it is evident through this analysis that feminism will remain exclusionary and not progress if it remains within this binary framework of natural sexes. An alternative method is presented by Megan Davidson who explains how transgender theorizing 'offers a way of thinking beyond the confines of binary sex and gender' as 'transgender embodiments and practices emphasize the incoherence of sex and gender and the cultural construction of each'.[46] As discussed, supporting the binary dimorphic sex framework is visible in the development of intersectional feminism and focus on the biological female body. Transgender theorizing is another example of the benefits of including the trans and intersex communities into feminist discussions; aiding feminists' fight against gender discrimination and tackling gender norms.

Deconstructing the Binary

In order to effectively tackle gender discrimination, feminism must become open to discussions on deconstructing 'sex' as a neither natural nor dimorphic concept. Incorporating discussions on the trans and intersex communities will aid these discussions in examining the construction of the binary sexes within society and the impact this has. Inviting both cis and trans women to share

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[42] Morland, 'Is intersexuality real?', p. 528.
[43] Holmes, 'Intersex: A Perilous Difference', p. 18.
[44] Davidson, '"Natural facts"?', p. 41.
[45] Greenburg, 'Beyond the Binary', p. 18.
[46] Davidson, '"Natural facts"?', p. 41.

experiences of gender discrimination will initiate these discussions. These experiences can be viewed under the term 'transmisogyny' which Serano coined to reference the restriction of freedom *to all* who are not considered men under patriarchy.[47] As Shon Faye discusses, exploring these shared experiences illuminates how many feminist issues are aligned with trans and intersex issues.[48] These include the previously discussed parallels between FGC and 'normalising' surgeries on intersex children. By integrating discussions on shared issues such as this, feminism would not only increase the number of supporters by including the trans and intersex communities; but would also address gender inequalities at their core by tackling the gender binaries currently in place.

In addition to the parallels between FGC and 'normalising' surgeries, there are further gender discriminations present in healthcare which restrict access or marginalise both women and the trans community. Many in the trans community can be marginalized and become victim to mistreatment regarding their healthcare due to society's insistence of a heteronormative and binary sex framework. This was the case for one individual 'Red, who is in their late twenties, identifies as half Thai, half white, "gender non-conforming," "trans," and "genderqueer, sort of" [... and] goes by the pronoun "they" rather than "he" or "she"'.[49] In one experience, Red documents medical personnel recommended an increase in their dosage of testosterone which implied a lack of understanding or more so active ignorance of Red's identity.[50] Shon Faye explains how many in the trans community have similar experiences when trying to access gender related healthcare, being made to feel as if access to gender related healthcare is a lifestyle choice and therefore should be made to pay for it themselves.[51] Shon Faye draws a poignant parallel in comparing the restriction of gender related health care to women's access to free abortions in America.[52] In both instances, even if it is allowed, 'it can only be allowed with the agreement of several doctors and

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[47] Julia Serano, *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity* (New York: Seal Press, 2007)

[48] Shon Faye, 'Trans People Need Feminism and Other Feminisms Need Us', Youtube (June 2016) [accessed February 2019] https://www.youtube.com/watch?v=O2a_ivyBt0M

[49] Vickie Harvey et al, *Health Care Disparities and the LGBT Population* (Maryland: Lexington Books, 2014) pp. 130-31.

[50] Ibid.

[51] Faye, 'Trans People Need Feminism'.

[52] Ibid.

only under certain conditions'.[53] This exemplifies similar restrictions cis women and the trans community can experience in trying to access relevant healthcare.

Another similar parallel can be drawn between experiences of gender discrimination in the workplace. Kyla Bender-Baird explains how trans and cisgender women are both 'subject to the same income discrimination'.[54] Baird excellently illustrates this with the comparison of cisgender woman who are earning 76-81% of men, with Bolin's findings that members of the Berdache Society — which supports transwomen — prepared themselves for a lower income after transition than they earnt while presenting as men.[55] Misogyny, transmisogyny and sexist discrimination in the work place can also be seen through gendered dress codes. In 2016, Nicola Thorp was fired from her job in London for refusing to wear high heels.[56] In the same year, Aimee Stephens was fired from her job for refusing to comply with the gendered dress code.[57] Here are two examples of women facing sexist and gendered discrimination in the workplace. The fact that Thorp is 'cis', and Stephens is 'trans' shows the convergence between misogyny and transmisogyny. Analyzing social constructions of binary sex tackles gender inequality at its core and should be the focus of future of feminism.

Despite the considerable positive transformations intersectional feminism has achieved in the increasing the inclusivity of feminism, its methods have supported further exclusion of the trans and intersex communities through a focus on the biological female body. The concentration on the female biological body also supports the binary sex framework which is currently accepted in society. This solidifies the existence of two dimorphic sexes and acceptance in society of 'sex' as natural rather than a social construction. However, the inclusion of transgender theorizing and discussions on intersex 'normalizing' surgeries into feminist discussions would tackle the social construction of 'sex'. This would encourage more nuanced discussions examining sex beyond

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[53] Ibid.
[54] Kyla Bender-Baird, *Transgender Employment Experiences: Gendered Perceptions and the Law* (New York: SUNY Press, 2011), p. 53.
[55] Ibid p. 55.
[56] Nicola Thorp, 'I was fired for refusing to wear high heels at work — now I'm fighting back', *Today* (January 2017) [accessed February 2019] https://www.today.com/style/nicola-thorp-i-was-fired-refusing-wear-high-heels-work-t107541
[57] 'Case of Transgender Funeral Home Director Fired Over Dress Heads To Federal Court', *CBS Detroit* (August 2016) [accessed February 2019] https://detroit.cbslocal.com/2016/08/10/case-of-transgender-funeral-home-director-fired-over-dress-heads-to-federal-court/

simply a biological phenomenon. Analogous examples from cis and trans women subject to transmisogyny in healthcare, the workplace and more provide the first step towards making feminism more inclusive. It will encourage the inclusion of discussions on issues involving the trans and intersex communities being combined with feminist literature. Ultimately, this inclusion is fundamental to feminist discussions tackling gender discrimination at its core and deconstructing the binary sex framework prevalent in society which is the underlying cause of many forms of gender discrimination.

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Negotiating Drugs & Friendship: The Ambiguous Nature of Inclusive, Exclusive and Exclusionary Practices of Drug-using Friendships Through Life Transitions

Shawnee Harkness (University of Southampton)

Humans have been cultivating, commodifying, and consuming intoxicating and transformative substances for centuries. For example, alcoholic beverages date back to around 7,000-6,600 B.C.,[1] chewing coca leaves (plant-based precursor of cocaine) dates back to around 5,980 B.C., while remnants of nicotine have been found in smoking pipes dating back to around 300 B.C.[2] 'Drugs' are considered to be any mood, behaviour, and/or culturally modifying substance used to provide pleasure or improve life in some way.[3] These consciousness-altering chemicals have been used in almost every culture around the world.[4] From sipping glasses of French wine at dinner, taking 'bumps' of cocaine or MDMA off keys in Scotland, or passing a 'spliff' outside a Belgian club, drug practices occur within socially sanctioned cultural contexts. However, both legal and illegal drugs, 'occupy an ambivalent position' between pleasure and disapproval and inclusion and exclusion in late modern society.[5] This paper considers how highly mobile young-adult drug users negotiate this ambivalence as they progress through life.

The following sections will discuss reflections from my doctoral research, a multi-sited ethnography on transitional young-adult drug use, as it pertains to inclusive, exclusive and exclusionary social practices. By utilizing thirteen months of anthropological fieldwork, intensive participant observation primarily conducted in Scotland and France but also including sites in Belgium, Germany, and England, I was able to observe how multi-national young-adults negotiate personal drug practices as they develop relationships and navigate life's transitions. Focusing on the relationship between drug consumption, friendship, and lifestyle mobility, I will highlight the

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[1] Elisa Guerra-Doce, 'Psychoactive Substances in Prehistoric Times: Examining the Archaeological Evidence', *Time and Mind*, 8 (2015), 91-112 (p. 95) <10.1080/1751696X.2014.993244>.

[2] Guerra-Doce, p. 99–100.

[3] Rodger Henderson, 'Recreational Drugs', Patient Platform Limited, (2017), 1-7 (p. 1) <http://patient.info/health/recreational-drugs> [accessed 20 February 2017].

[4] Robert S. Gable, 'The Toxicity of Recreational Drugs', *American Scientist*, 94 (2006), 206-208 (p.208).

[5] Michael Shiner, Michael and Adam Winstock, 'Drug use and social control: the negotiation of moral ambivalence', Social Science & Medicine, 138 (2015), pp. 248-256 <10.1016/j.socscimed.2015.06.017>

significance of socially mediated sharing practices to explore the ambiguously inclusive and exclusive features of negotiating transitional drug use.

The key informants featured in this article were between the ages of 26-27 at the time of fieldwork which took place in Lille, France from May-November 2017. Direct quotes were taken from recorded conversations with Anouk (26), Ema (26), and Rahsa (27) within one tight-knit friendship group in October 2017. As the drugs discussed below involve both legal and illegal substances (i.e. cannabis, ecstasy/MDMA, and cocaine etc.), pseudonyms have been given to maintain anonymity. The photographs used in this paper (taken by myself and the participants of this study), feature individuals that have provided written consent for published use.

Research Context

This paper focuses on three young women from one tight-knit friend-group made up of around ten-fifteen highly mobile individuals with multiple national and cultural identities (i.e. French, Lebanese, Brazilian, Italian, and German). While the group as a whole originally formed when most of the members moved to Lille, France in their late teens/early twenties, to complete their undergraduate degrees, new members have been introduced over time. At the same time, original members have left for indefinite adventures, destinations, and opportunities, only to return and leave again (as I will outline below). What was particularly interesting about this group was the ease in which they supported the mobile lifestyles of their peers. According to Benson and O'Reilly (2009), the term 'lifestyle migration', a growing but disparate phenomenon, becomes useful when describing the important implications for the individuals within this internationally mobile friend-group.

Ema, Anouk, and Rahsa, were specifically chosen for this piece because their relationships to one another embody the interconnectedness required of close friendships; sharing personal histories, interests, spaces, and commodities. While at the same time, demonstrating individual motivations and trajectories towards personal growth and desired experiences. Below I have provided a brief bit of background to better conceptualize their interconnectedness as well as their personal lifestyle migrations.

Ema grew-up in a small city in north-east of France. She was the first of the three to move to Lille where she completed her undergraduate degree in 'cinema' and where she began her Masters. In 2014, Ema moved to Scotland to teach French at the University of Glasgow while writing up her dissertation. Her older sister had also been living in the United Kingdom for 5 years at that time. After the completion of her dissertation, Ema moved back to Lille to start her PhD in 2016. She would stay here for the next two years until following her German boyfriend to Berlin for his master's in philosophy in 2018. Anouk, my initial gatekeeper into this friend-group, grew up in Beirut, Lebanon with her older sister, French mother, and Lebanese father. She also moved to Lille to complete her undergraduate degree in 'cinema' where she met Ema. Following in her footsteps, Anouk would also move to Scotland in 2014. Her reason for doing so differed in that she hoped to improve her English working as a waitress while on a break between studies. Her stay was funded by the Kurdish Middle Eastern restaurant we both worked at. A couple months after Ema moved back to Lille, Anouk followed to begin applying for film schools in Paris and Brussels. During this time, Anouk would become close to her flatmate Rahsa (Ema's home-town friend). A year and a half later (in 2017), Anouk moved to Brussels to fulfil her dream of working as a 'script supervisor'.

Rahsa grew up in the same northern city as Ema but only considered themselves 'party friends' during their mid-late teen years. Around this time in her life, Rahsa participated in her school's foreign exchange program where she spent several months in Canada. Craving another change of location, Rahsa moved to Lille in 2015 after securing another nursing position. This was when she, Ema, Anouk, and their friend-group would become close. However, just like Anouk, Ema, and other members of their group, Rahsa moved out of Lille in 2018. After waiting a year to secure another nursing job, Rahsa was finally able to move down to Paris where she stayed with her brother until finding a flat with another childhood friend. Paris for Rahsa, just like Berlin for Ema or Brussels for Anouk, suits her transitioning lifestyle well — especially now that the friend-group that originated in Lille has effectively dissipated across Europe and other parts of the world.

The mobile lives of these key individuals illustrate the fluid characteristics of contemporary young adulthood which also explain some of the features of transitional drug practices. Young adults all over the world, are increasingly blurring the lines between legal and illegal substances (see Howard

Parker, Judith Aldridge, Fiona Measham, and Lisa Williams). This has led to a common belief among western young-adults that illegal drug practices are 'victimless crimes'.[6] As the individuals of this friend-group move from one place to another, associating with new people and dabbling in the various styles and preferences of the related drug scenes, these experiences become a valued feature of their young-adult lifestyles.

Young Adulthood and Drug Consumption

Western youth culture is often a product of shifting relationships and locations, the proliferation of global consumerism and opportunities, extended higher education and delayed entry into more adult roles and routines.[7] The flexibility of this life stage sanctions opportunities for personal and social development while generating life experiences. Young-adulthood is frequently represented as

Figure 1: Smoking a 'spliff'. Photo taken by research informant 2017

an ambiguous life-stage. Lisa Williams (2013), describes this transitional period as one of 'shifting phases' that not only allows, but encourages individuals to be more open to new things, ideas and experiences. Similarly, drug use as a recreational activity, is considered to have a significant role in negotiating work and play, the management of friendship and locations, and the transition to adulthood.[8] In 2009, William Haydock noticed a fundamental shift in the role of going-out for young adults, from the role of drug use from being a traditional rite of passage into an ongoing socializing ritual[9].

Rahsa recognizes this move towards non-problematized recreational use as it relates to the arrival of more inclusive dance music and raves scenes from the U.K. and Germany. 'I think drugs are less taboo than they used to be like in the 70's and 80's… Now maybe we've learned how to do drugs and I also think it's about techno' (Rahsa). As noted by Ema, while discussing when and

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[6] David Moore, 'Ethnography and Illicit Drug Use: Dispatches from an Anthropologist in the "Field"', *Addiction Research & Theory*, 1 (1993), 11 – 25 (p.20) <10.3109/16066359309035320>.

[7] Mary Bulcholtz, 'Youth and Cultural Practice', *Annual Review of Anthropology*, 31 (2002), 525–52 (p. 528).

[8] Lisa Williams, *Changing Lives, Changing Drug Journeys: Drug taking decisions from adolescence to adulthood* (New York: Routledge, 2013).

[9] William Haydock, 'Gender, Class and Binge Drinking: An ethnography of drinkers in Bournemouth's night-time economy' (unpublished doctoral thesis, Bournemouth University, 2009).

where drug use occurs, 'young people will find themselves a reason to take drugs'. These motivations for young-adult drug use generally falls under the context of transitioning lifestyles.[10] Anouk emphasised this point below as she passds a 'hashish spliff' back to Rahsa:

> It is a time for young people who want to discover things, want to learn, want to get out of what you know about what people have told you about right and wrong. You can try it and not like it or you can try it and get completely into it and then discover you don't want to do it anymore. (Anouk)

When a substance provides some benefit for a group, it becomes embedded within their personal narrative and lifestyle. However, for most of the mobile individuals within this friend-group, drug use requires a certain level of adaptability as they move between different relationships, cultural locations and stages of use throughout their lives. For example, Ema notes the key differences between her experience of ecstasy and MDMA in Lille vs. Glasgow when she states, 'there's a lot of people taking drugs in France and in Scotland, it's about the same. What is different is the time you take it, how you take it, and how many times you take it' (Ema). In this, Ema highlights how 'acceptable' drug practices may be expressed and stressed by individuals and groups within different cultural and social contexts. These practices must then be examined as a socio-cultural experience, as mobile young-adults negotiate drugs and sociality as a 'rational and informed aspect of their lives'.[11]

Drug use is a relatively inexpensive pastime to share with friends, often 'introducing opportunities for intimacy that are otherwise difficult to attain at the individualistic and marginal levels of neoliberal cities, neighbourhoods, communities, and institutions'.[12] This research demonstrates that the sharing of these drugs and subsequent drug experiences, is considered an acceptable practice within the transitioning lifestyles of many multi-national individuals like Anouk, Emma, Rahsa, and their social networks. However, as with any commodity, drug users attribute their best

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[10] Lisa Williams and Howard Parker, 'Alcohol, cannabis, ecstasy and cocaine: Drugs of reasoned choice amongst young adult recreational drug users in England', *International Journal of Drug Policy*, 12 (2001), 397–413 (pp. 406-407).
[11] Michelle Gourley, 'A subcultural study of recreational ecstasy use', *Journal of Sociology*, 40 (2004), 59-73 (p.60).
[12] Karen Foster and Dale Spencer, 'It's just a social thing': Drug use, friendship, and borderwork among marginalized young people', *International Journal of Drug Policy*, 24 (2013), 223–30 (p. 224).

experiences to a combination of atmosphere, frame of mind, and, most importantly, the presence of close friends.[13] So while it is commonly understood that the substance use of peers greatly influences personal decisions to try new drugs, little empirical research has been devoted to the understanding of that individual's negotiation of drugs and friendship over time. Therefore, the following sections will discuss the interplay between the inclusive and exclusive drug practices within the transitioning phases young-adulthood.

Inclusivity: The Significance of Drug Sharing

The best conceptualization of a strong supportive friendship according to Boman, Stogner, and Miller (2013), is one in which two or more individuals are highly invested, emotionally and physically in the relationship.[14] Engaging in drug-related socializing rituals with another person is one of the most active ways in which I have observed the young participants of this study, form and maintain supportive friendships. These practices have included meeting for drinks at a popular café, creating

Figure 2: Intimacy on ecstasy. Clubbing in Manchester. U.K., 2018

connections through sharing cigarettes in the cool smoking area of a sweaty club, or going to intimate after-parties passing spliffs to manage a 'come-down'.

Despite stigmatization from wider society, this study supports the notion that drug users tend to establish 'stronger interpersonal ties than non-using friendship networks' while negotiating inclusive behavioural ideals and facilitating reciprocal interactions between individuals.[15] However, as I will discuss in the next section, drug using friend-groups also tend to exclude or distance themselves from those whose practices are deemed inappropriate, selfish, or greedy. Sociological and criminological research into 'friendship quality' demonstrates that drug-users who share similar lifestyles and substance preferences, often perceive higher quality relationships among themselves compared to those with less compatible consumption practices (see figure 3).[16]

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[13] Gourley, p. 66.
[14] Boman, John et al., 'Binge Drinking, Marijuana Use, and Friendships: The relationship between similar and dissimilar usage and friendship quality', Journal of Psychoactive Drugs, 45 (2013), 218-26 (p. 219).
[15] Boman et al., p. 219.
[16] Boman et al., p. 222.

Within this Lille based friend-group, the individuals who use cannabis, ecstasy and cocaine, in particular, consider a greater number of people to be 'close friends', than non-users of these drugs. This is because deviant drug practices, especially illegal substances, revolve almost entirely around the notions of 'trust'.

> If I have any advice, it's take drugs if you want to, if you like it. I think it's important to do it with people you trust because there can be accidents and because the experience is so intense and so good that it's really important to share. So the best people you can share with are your friends. (Rahsa)

In-between puffs from her spliff, Rahsa touched on the importance of trust and sharing in the experiences of drug-taking while we sat on her bed. However, in this quote, she was also alluding to the somewhat expected practices of sharing or 'gifting' of the drugs themselves. The significance of inclusive friendships and sharing is a well-documented feature of drug consumption.[17] For centuries the sharing of alcohol has been considered by anthropologists as acts of identification, differentiation and integration, done within culturally normalized social settings. Whilst sociological research has well-documented similar rituals of sharing embedded within the relationships of cannabis users. Similarly, my own research interests originated from the sharing ethos within the night-time economy of Edinburgh's club and bar scene.[18]

These drugs, which I have observed to include ecstasy/MDMA, cocaine, ketamine, etc., are considered by their users to be inherently social, and should be enjoyed as a shared group activity.[19] As such, drug related activities tend to produce a feeling of inclusivity among group members, partly because of the notion that one should not do drugs alone, particularly within a social setting as described to me by Ema below.

Figure 3: Working together to distribute lines of cocaine to the party. Lille, France October 2017

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[17] Vendula Belackova and Christian Alexander Vaccaro, '"A Friend with Weed Is a Friend Indeed": Understanding the relationship between Friendship Identity and Market Relations among Marijuana Users', *Journal of Drug Issues*, 43 (2013), 298-313 (p. 289).

[18] 'Cigarettes, Beer, and Marijuana: Ethnographic Considerations on Contemporary Gift Giving' (unpublished dissertation, University of Edinburgh).

[19] Gourley, pp. 63, 71.

You don't do your line on your own. Generally, you want to share because you want to talk and you want everyone to be in the same state as you. Feeling great, feeling confident to talk with people, having a good conversation and being on the same frequency, you know what I mean? One person on drugs isn't fun but many people on drugs. (Ema)

Sharing or 'gift giving' are universal cultural exchange behaviours that can be used to shape and affirm social interaction and integration (see for examples Marcel Mauss [1954] (2002), Bronislaw Malinowski (1922), David Graeber (2011), and Jonathan Laidlaw (2000)). Decisions to participate in drug-sharing among many young-adults, is most often a symbolic gesture of inclusivity, often understood to be an invitation to partnership between two or more people.[20] The physiological effects of the drugs used in a supportive context are enhanced by a collective feeling of closeness that results from engaging in sharing practices and shared behaviour, especially when that behaviour deviates from the rule of law in a particular society.[21] Due to the inclusive nature of young-adult drug practices, individuals can more easily initiate social interaction and integration or maintain relationships as they transition through life.

By participating in reciprocal social contracts through drug-sharing, friendship groups develop a sort of cultural criteria. For example, I have observed that the normative expectation among drug users, within social settings, is to be inclusive when consuming deviant or illegal substances. This includes participating in reciprocal interactions or exchanges in the near or distant future. When it comes to friendship, reciprocity in some form, is always expected.[22]

I couldn't smoke alone in front of friends. I need to share it. I don't know, it's just sharing drugs and I love that […]. It happens that someone will be like, 'Oh I forgot my tobacco, do you have some?' and you're like, 'yes of course, take it.' Tomorrow if I forget, I know that my friend will say yes. For weed as well. (Rahsa)

However, failing to reciprocate to some extent, can lead to tension or exclusion from social networks. Drug using friend-groups consider those who do not reciprocate drug-sharing in some form, to be acting greedy, selfish, irresponsible, or naive to the ethos of social drug culture. These

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[20] Belackova and Vaccaro, p. 296.
[21] Boman et al., p. 219
[22] Belackova and Vaccaro, p. 298.

inclusive expectations serve as a social control measure to help maximize cohesion and may also protect drug users from consumption-related risks by limiting relatively 'excessive use.[23] However, while the notion of inclusivity remains crucial in the understanding of social drug practices and the development or maintenance of strong young-adult friendships, exclusivity also plays a critical role within the transitional lives of my young informants.

Exclusivity: Navigating Drugs and Friendship Through Life's Transitions

Over the course of my fieldwork, I observed how my informants actively participated in exclusionary drug practices. For some, this was due to legality, stigma, or personal preference (in the moment or indefinitely). It is clear that the level of exclusivity demonstrated by drug using relationships can vary depending on the values attached to individual drugs and as participants' relationships and roles change over time. Throughout one's life, a key feature of the construction and maintenance of drug-using friendships is defining '*who is* and *who is not* a desirable friend'.[24] Part of the underlying symbolism of social drug use is then 'the shared understandings which organize and make sense out of the reality of drugs'.[25] For instance, Anouk would often express her distaste for 'corpses', people so out of their mind on drugs that they look lifeless standing motionless on the dance floors or slumped in corners of the club. For her and her co-using peers, that level of intensive drug use is worrying and would likely cause tension within their own group. This section highlights how this tight-knit friend-group (or young-adult users in general) articulated drug exclusivity by belonging to preferable social networks, demonstrated control over their habits, and drew boundaries between acceptable and unacceptable use.

Balancing roles and responsibilities as they transition through life, young adults often seek out positive and appropriate experiences of drug use while distancing themselves from peers who appear to misuse and abuse drugs.[26] For example, research into young ecstasy users, reveal 'shared ideas, values, and beliefs that govern use' of the drugs by the group.[27] These unspoken rules of

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[23] Belackova and Vaccaro, p. 289.
[24] Foster and Spencer, p. 224.
[25] David Moore, 'Anthropological Reflections on Youth Drug Use Research in Australia: What we don't know and how we should find out', *Drug and Alcohol Review*, 9 (1990), 333-42 (p. 335).
[26] Foster and Spencer, p. 224.
[27] Gourley, p. 68.

group-specific cultural norms, 'exert a powerful influence in regulating individual drug-taking behaviour and conduct'.[28] Therefore, social mechanisms and controls, invented or adapted by drug users, help to minimize related physical or emotional harm and legal ramifications.

Membership within drug-using groups simultaneously sanctions recreational or hedonistic consumption, while at the same time, condemning compulsive or destructive behaviours (i.e. using others for their drugs, offensive or violent behaviour while intoxicated, or relying too often on others to abandon their own enjoyment to "take care of you"). For example, Ema recalled an annoying instance during our conversation of a friend who was 'too fucked' but continued to keep taking the harder drugs available. 'It's like, no, please don't! You're fucked already and I'm already taking care of you!' She continues that, when a good friend needs extra care and attention, that of course her friends will look after one another, however, individuals for whom drug-taking becomes routinely problematic have found themselves excluded from future drug related events.

Additionally, as various drug practices are stressed by individuals within different contexts and relationships over time, young-adult drug users are more likely to have shifting friendship networks as they move between different locations and phases of drug use. This presents the argument that people's initiation, maintenance and discontinuance of drug use is the result of changes in their conception of the drug and membership within a drug using group.[29] Becker and other 'normalization' researchers have emphasized that this membership or engagement with drug practices can vary over time as interaction with others change in the development of new roles and responsibilities (this was especially true for Anouk as I will go into more detail further down).[30]

Party drugs like alcohol, cannabis, ecstasy, or cocaine, are substances typically used by young adults intensely for a relatively short period of time, before there is a move to lighter use or abstinence.[31] For these social drugs, there is an underlining expectation that moderated or eventual

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[28] Ibid p.70.
[29] M.D. Krohn and T.P. Thornberry, 'Network theory: A model for understanding drug abuse for African-American and Hispanic youth: Methodological issues and recent research advances', in *Drug Abuse Among Minority Youth: Advances in Research and Methodology*, ed. by M.R. De La Rosa and J-L.R. Adrados (National Institute on Drug Abuse Research Monograph 130, 1993), pp. 102–28 (p.116).
[30] Gourley, p.70.
[31] Gourley, p.62.

drug-exclusion is inevitable and viewed positively as 'growing up'. At 27 years old (at the time of conversation) and still within the height of her drug using practices at this time, Rahsa ruminates on the notions of moderation and exclusion:

> I hope I continue if my friends continue. I hope it's something we can still share and share experiences. Of course I hope I do it less, because maybe one day I will have a new job or married or have children... I think drugs are now a part of me, a part of my life. I hope naturally that I will still enjoy a joint at the end of the day but maybe ecstasy only a couple times a year. I want to live every part of my life in the best way, so I have to adapt my consumption because of that. Though… I would like to stop cigarettes. You really can die from it. I love it, but it's the only one I want to stop. (Rahsa)

However, due to the normalization of drug consumption, perpetuated by drug inclusivity (reciprocal sharing) among members of the friendship networks like that of Anouk, Ema, and Rahsa, navigating the transition into more ideal or moderate use is easier said than done. Below, Emma describes the difficulty of resisting drug-taking when her friends have some 'on them' and when its contextually appropriate (the right circumstances for cocaine or ecstasy especially). At this time in her life, she was 26 years old and pursuing a Ph.D. in film studies.

> I'm trying, to [moderate] definitely, but it's not that easy because you're around people all the time that have ecstasy or cocaine on them. So even a nice party with some friends can sometimes turn into something big thing where we're doing a lot of drugs. I'm trying not to buy it unless we've planned some event, but generally, I end up taking it when it's in front of me. (Ema)

There are several social aspects to account for when analysing the difficulty these young-adults faced trying to moderate personal drug consumption and transitioning out of habitual use. Primarily, this relates to the value(s) placed on the drugs consumed and shared by the individuals themselves and how integrated the drugs are into social rituals performed by the group. The decision to moderate personal drug use or abstain from particular drug practices, can mean limiting or excluding oneself from the socialising rituals their close friends (which was documented by several members of the tight-knit group during my seven-month stay in Lille).

Drugs, legal or illegal, also have the ability to drive a wedge between friendships.[32] Giordano et al. (1986) argued that while drug using networks may be closer to their peers, they also had more conflicts with them.[33] This tends to happen when an individual's consumption preferences are no longer congruent with the groups. For example, when Anouk moved back to Lille after Edinburgh, she was looking forward to spending more time focusing on her career as well as dealing with personal health and family responsibilities. For her, this meant limiting drug use to a level that she felt was more conducive to her success. However, below we see the frustration that can arise when personally unfavourable drug practices become embedded in the groups socializing rituals.

> Sometimes I was quite disappointed with myself and my friends. We would suggest 'just alcohol this weekend', because we were fucked up the last 3 weekends and everyone's on board because everyone is tired of it too. But then cocaine always shows up, of course, and then someone will be like 'someone gave me this small bit of ecstasy'. Then you end up taking it. It's a problem, I mean not a problem because I'm not judging anyone's drug consumption but it's often like; 'No I don't want to take drugs this weekend…'. 'Do you want a line?' 'Oh yes please…'. (Anouk)

Here we can see that the inclusiveness of drug sharing has the ability to put strain on relationships. We can also see how easily the notion of 'not doing drugs alone because it's fun' mentioned in the section above, can turn into 'doing drugs just because they're there' as Ema implied. This combination of factors has led some members of their group to exclude themselves from the occasional socializing ritual in order to better pursue or maintain personal desires and goals. Over the last three years, many of the participants have already transitioned out of certain phases of particular drug use, attributing their declining use to changes in roles, locations, and personal desires or ideals, as when Ema states:

Figure 4: 'Special Occasion', outside rolling spliff's before DJ set. Brussels, November 2018.

> There is this kind of aspect, when you take drugs and you're quite new with it and you're crazy doing drugs all the time, even in flats and we don't necessarily need to go clubbing or do something… and then you start to get more

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[32] Boman et al., p. 218.
[33] Dishion and Tipsord, p. 219.

responsible about it, and you're thinking 'okay I'll keep [drugs] for special occasions'. (Ema)

The drugs favoured by this friend-group, both legal and illegal, are easily available and almost unanimously accommodated. Throughout the course of fieldwork, I have noticed that these drugs fit well into the 'work hard–play hard cycle' within which young-adults often negotiate their transitioning lifestyles. Within the intimate yet highly mobile social network of Anouk, Emma, and Rahsa, drug users assembled trusting friendships in which they facilitate access to 'a huge, but hidden and disreputable market'.[34] So while drugs of any sort may increase conflict or create tension between individuals and among groups, the ambiguity of negotiating drug use seems to facilitate the formation and strengthening of friendships among transitioning young-adults. Through social strategies of drug sharing, individuals can form, strengthen, or maintain relationships as they progress through life. Drugs, like the 'gifts' discussed by Mauss and Malinowski, are given, received, and rejected purposefully, thereby symbolically predicating cultural identity.

However, these young-adult friendship groups are not static entities. Group membership or engagement, especially in regards to drug practices, will vary overtime as individuals negotiate personal roles, goals, and responsibilities. The overall consensus among my participants in Lille and those living in Scotland, Belgium, Berlin, and England, is that while one should 'seize the day' while one is young, the eventual moderation or total abstinence of certain drugs is viewed as an inevitable and positive affirmation of 'growing-up'.

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[34] Belackova and Vaccaro, p. 308.

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Inclusion and Exclusion of New Ideas and Technologies: Pre-Columbian Costa Rican Axe-god Pendants

Waka Kuboyama (University of Southampton)

Abstract

Axe-god pendants (500B.C.-700A.D.) are carved from polished jade or jade-like axe heads (the cutting portion of an axe, without a handle) and are the most studied artefacts among Costa Rican jade or jade-like artefacts. This paper approaches the carving technologies of axe-gods and human behaviours towards different materials and technologies. Through the developmental phases of axe-gods carvings, craftspeople practiced inclusion-exclusion and *bricolage* techniques.[1] Inclusion-exclusion is a part of the selection process of technologies and ideas; thus it reflects the social background of the craftsmen. *Bricolage* is human behaviours of creating something from diverse things that are available at the time, and find a solution towards daily life problems or social demands.[2] At the time of carving technology transmission, access to the mineral sources and carving skills might be controlled or shared among a limited number of people. The variation of technological acts and different skill levels indicate the existence of varied craftsmen groups. Some higher quality axe-gods might be produced by skilled specialists, carved from rarer minerals, and owned by elites, while other axe-gods were carved by people who could not access the original technologies and raw materials.

Introduction and study background

Costa Rica belongs to southern Central America (Fig.1), and it is recognised as a cultural area, an "Intermediate Area".[3] This area is a part of Central America which does not show Mesoamerican traits.[4] The ancient Costa Rican territory was dominated by people called "Chibchan", and they

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[1] Claude Lévi-Strauss, *The Savage Mind* (『野生の思考』 大橋保夫訳 みすず書房 1976).

[2] Ibid.

[3] Doris Stone, *Pre-Columbian Man Finds Central America: The Archaeological Bridge*, (Peabody Museum, Harvard University 1976).

[4] Alexander Geurds, 'Prehistory of Southern Central America', in *Encyclopaedia of Global Archaeology*, ed. by C. Smith (New York: Springer Nature Switzerland, 2018), pp.1-20.

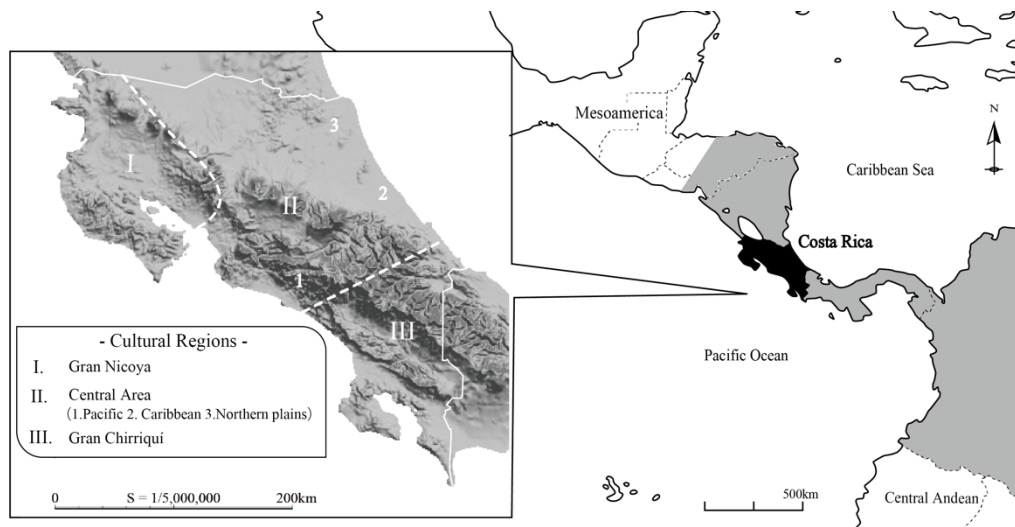were different to those who established the Olmec, Mayan, Teotihuacan, and Aztec civilizations.[5]

Figure 1: Southern Central America and Costa Rica (image: author)

In Costa Rica, there is no archaeological evidence of a state-level society as there is in Mesoamerica and Andean civilizations. Although evidence of social stratification can be seen,[6] there is no archaeological evidence which enables us to ascertain their lifestyle and social system.[7] Chiefdom-level society is considered to have dominated approximately from 300 B.C., until the Spanish colonization in the 16th century, hence there is material evidence of unequally distributed prestige objects.[8] There is also material evidence of social inequality through the discovery of jade artefacts (which will be discussed later). The absence of metal tools is acknowledged, except for the gold (gold-copper alloy) decorative artefacts, until the arrival of the Spanish conquistadors. Therefore, the crafting and daily activities were done with stone tools similar to Neolithic technology or organic instruments, including wood, bamboo, and animal bones.

In the history of Costa Rican archaeology, the fine design of axe-gods has attracted scholars and led to several morphological studies of those pendants.[9] However, these previous studies tend to

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[5] Paul Kirchhoff, 'Mesoamérica, sus limites geográficos, composición étnica y caracteres culturales', *Acta* (Escuela Nacional de Antropologia e Historia, 1943).

[6] Juan Vicente Guerrero M., 'The Archaeological Context of Jade in Costa Rica', in *Jade in Ancient Costa Rica* ed. by Julie Jones (New York: The Metropolitan Museum of Art,1998), pp.23–38.

[7] Doris Stone, 'Jade and Jade Objects in Precolumbian Costa Rica', in *Precolumbian Jade, New Geological and Cultural Interpretations*, ed. by Frederick W. Lange (Salt Lake City: University of Utah Press, 1993), pp. 141–48.

[8] Franscisco Corrales Ulloa, *Los Primeros Costarricenses,* (Museo Nacional de Costa Rica, 2001).

[9] Z. Fonseca, M. Oscar and Richard Scaglion, 'Stylistic Analysis of Stone Pendants from Las Huacas Burial Ground, Northwestern Costa Rica' (*Annals of Carnegie Museum,* 1978); Frederick Lange, 'Formal Classification of

focus only on the symbolic and stylistic aspects of the artefact; thus, further researches about the systematic relationships between style, material, and its crafting technologies are necessary. In completing this study, the author visited the Museum of Jade (Museo del Jade, Instituto National de Seguros) in Costa Rica, in order to carry out direct observation and data collection.

The emergence of the jade carving tradition

Jade artefacts in general were carved in Costa Rica from perhaps as early as 500 B.C. to as late as 700 A.D.[10] The Costa Rican jade crafting culture can be divided into the following three developmental periods.[11] The Initial Period (500B.C.–300 A.D.) is characterized by the existence of Olmec-like motifs among the jade artefacts, which are considered to be imported from the Mayan area. However, Costa Rican local style can be seen as Well.[12] The Florescent Period (300–700A.D.) rarely contains the Olmec-like motifs, but slates and discs with Mayan epigraphs are incised. The Terminal Period (700A.D. onwards) experiences a decrease in the number of jade crafts in general. The size of axe-god pendants is minimized and the motifs are simplified.[13]

Figure 2: An example of anthropomorphic axe-god (photo: author)

During this period, the association of jade products and gold products can be seen in burial goods, which indicates the transition of prestige objects, from jade to gold.[14]

Characteristics of axe-god pendants

Axe-god pendants are characterized by an axe-form and are finely decorated. They are denoted by a superior and inferior region; the superior region is typified by human or animal decoration while

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Prehistoric Costa Rican Jade: A First Approximation', in *Precolumbian jade: New geological and cultural interpretations*, ed. by F. Lange (University of Utah Press, 1993), pp.269–88; Carlos. H Aguilar Piedra, *El Jade y el Chamán* (Cartago: Editorial Tecnológica de Costa Rica, 2003).

[10] Guerrero M., pp.23–38; Julie Jones, 'Introduction', J*ade in Ancient Costa Rica* (The Metropolitan Museum of Art, 1998), pp. 11–22 (p.14).

[11] Silvia Salgado, y Juan V. Guerrero, 'La Distribución de la Jadeíta en Centroamérica y su Significado Social', *Cuadernos de Antropología*, 15 (2005), 53–64; Guerrero M., pp.23–38.

[12] Michael J. Snarskis, 'From Jade to Gold in Costa Rica: How, Why, and When', in *Gold and Power in Ancient Costa Rica, Panama, and Colombia*, ed. by Jeffrey Quilter and John W. Hoopes (Washington, D.C.: Dumbarton Oaks Research Library, 2003), pp. 159–204.

[13] Fonseca, Oscar, and Scaglion; Guerrero M., pp.23–38.

[14] Ibid.

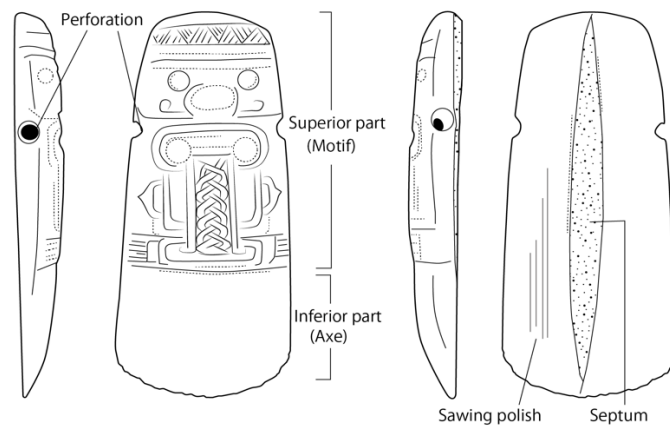the inferior axe portion is not decorated (Fig.3).

Figure 3: The composition of axe-god (image: author)

Axe-gods are perforated by biconical technology, which leads to interpreting them as corporal accessories, but axe-gods show a wide range of size (from 3cm to 38cm),[15] and some of them are too large and heavy to wear as ordinary, everyday corporal accessories. Although the artefacts are named "god", it is still uncertain whether these pendants were actually seen as gods in the ancient Costa Rican world. In the Olmec region, polished axe-heads represent the Maize Gods, not only because axes are important instruments for farming, but also because of the shape, which resemble ears of corn.[16]

The author has classified the carved motifs of axe-gods into 5 types: Anthropomorphic, Avemorphic, Quimera (a conflation of two different species), Feline, and Simple-incised (incised lines or dots).[17] Furthermore, each motif has sub-divisions according to distinct features and decorations of their head. The decoration of axe-gods' heads reflects symbolic aspects of the pendants; hence each headdress or animal may represent different social-ritual meanings or personal identities. The stylistic classification demonstrates that the carving technologies are varied depending on the motifs.

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[15] Waya Kuboyama, 'Clasificación estilística de los "dioses-hacha" y sus aspectos funcionales: un análisis de materiales realizados con la colección del Museo del Jade Costa Rica', *Cuadernos de Antropología*, 29 (1) (University of Costa Rica, 2019), 1–16.

[16] A.K. Taube, 'Olmec Art at Dumbarton Oaks', in *Precolumbian Art at Dumbarton Oaks*, No.2, ed. by J. Quilter (Washington D.C.: Dumbarton Oaks Research Library and Collection, 2004).

[17] Waka Kuboyama, Research on Costa Rican Axe-god Jade Pendants (unpublished Master's Thesis, Graduate School of Letters, Art, and Sciences, University of Waseda, Tokyo, 2017).

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Axe-gods have been found primarily at burial sites, and the burials show social inequality within the area. The discovery of these pendants demonstrates imbalanced quantity and quality.[18] Axe-gods of larger size, rarer stone, and sophisticated carving are biasedly distributed within a burial area, such that larger tombs with varied offerings tend to have better pendants. Consequently, the axe-gods are interpreted as prestigious objects.[19] Furthermore, the limited sources of raw materials and the time-consuming production seem to indicate that early Costa Rican society had some measure of complexity with a hierarchy of elites.

Approaches to ancient technology

Technologies are invented, developed, and applied to people's daily life. The term 'technology' can refer to any kinds of related activities, not only 'visible', but also 'non-visible' aspects. 'Visible' aspects can be crafting marks, style and imagery of the final products, and raw materials. On the other hand, 'non-visible' aspects can include peoples' knowledge, cognitive templates,[20] human interaction, and productive organization of workshops.[21] Consequently, the spatial-time distribution of a particular technology can be an important factor in identifying the mobility of the craftspeople and communication between generations, which leads to understanding of the interaction sphere of different groups of craftsmen.

Although there are some examples that have been discovered through archaeological excavations, most axe-gods are in collections, obtained by looting activities or Spanish conquistadors. Thus, they usually do not have any archaeological contexts. The absence of archaeological context has led to archaeological ignorance and lack of study of jade artefacts in Costa Rica. Axe-gods themselves have ancient traits, such as crafting marks and mineral type. Even though ancient societies no longer exist, axe-gods' technological traits allow us to infer past human activities and

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[18] Guerrero M., pp.23–38; Lange.
[19] Corrales Ulloa; Guerrero, M., pp.23-38; Anayensy Herrera V., 'Espacio y Objetos Funerarios en la Distinción de Rango en Finca Linares', *Vínculos,* 22 Número 1-2, (Museo Nacional de Costa Rica, 1997), 125–56.
[20] K.L. Hollenback. and M.B. Schiffer, 'Technology and Material Life', in *The Oxford Handbook of Material Culture Studies*, ed. by D. Hicks and M. Beaudry (Oxford: Oxford University Press, 2010), pp. 313–32; Marcia-Anne Dobres, 'Archaeology of Technology', *Cambridge Journal of Economics*, 34 (2010), 103–14.
[21] Heather M. L. Miller, *Archaeological Approaches to Technology* (New York: Routledge, 2009).

even to deduce changes in behavior including the processes of production, communication, and ways of selecting and using certain objects.[22]

Raw material selections and technological acts

Until now, no sources of jadeite have been discovered within Costa Rica; therefore, most of the discovered jadeite artefacts in Costa Rica are considered to have been brought from Mesoamerica, the Motagua River in Guatemala, through long-distance trade. But there are some similarities and differences between Mesoamerican and Costa Rican lapidary.

In Mesoamerica, the importance of jadeite comes from its "green colour". Among Mayan people, green symbolizes the centre of the world, and also connects to the symbol of power and life.[23] On the other hand, axe-gods' craftsmen in Costa Rica utilized not only jadeite, but also non-jadeite locally available minerals called *social jades*. *Social jade* is a generic name for jade-like stones, such as serpentine, nephrite, chalcedony, opal, quartz, omphacite, igneous rocks, which present a variety of shininess and properties.[24] Soto (1993) suggests that only about 37% of the 'jade artefacts' in Costa Rica are made of jadeite, and other *social jades* dominated. These *social jades* are not only green, but also black, grey, white, and yellow.

In previous studies, the variety of minerals from which carved axe-gods was ignored. However, the author considers that the raw material selection from the diverse minerals available indicates the ability of craftsmen to reproduce prestige objects according to their circumstances. At the time of selecting their raw material, craftspeople must have been familiar with the elaboration techniques and properties of the chosen minerals.[25] Each mineral has distinct characteristics, such as colour, composition, grain size and durability, which leads to different functional requirements. Although there are appropriate or easy minerals to process for each artefact, there are some cases

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[22] M.B. Schiffer, *Behavioural Archeology: Principles and Practice* (New York: Academic Press, 1976).

[23] M. Miller and K. Taube, *An Illustrated Dictionary of the Gods and Symbols of Ancient Mexico and the Maya* (London: Thames and Hudson, 1993), p. 65; Kazuo Aoyama and Mutsumi Izeki, 'Green and blue stone artefacts as a case study of Mesoamerican environmental use: Social meanings of green obsidian artefacts among the Ancient Maya and the Aztec turquoise objects', *America Antigua,* 15, (Japan Society for Studies of Ancient America, 2012), 33–50.

[24] Zulay Soto, 'Jades in the Jade Museum, Instituto Nacional de Seguros, San Jose, Costa Rica', in *Precolumbian Jade, New Geological and Cultural Interpretations*, ed. by Frederick W. Lange (Salt Lake City: University of Utah Press, 1993), pp.68–72.

[25] Miller.

where craftspeople did not choose the appropriate mineral. This exceptional selection of raw material may happen when a society endows a preference or ritual-cultural meaning to a certain material, or simply because people do not have access to the appropriate raw materials. Axe-gods craftspeople managed different types of minerals, and applied the bricolage technique to deal with the lack of raw material. Therefore, selection of raw material was the first stage of the axe-gods' crafting, when the people decided whether to include or exclude certain minerals as an ingredient.

The uniqueness of axe-gods: carving methods

Costa Rican jade culture may have been developed locally in a different value system to that of Mesoamerican.[26] While Mesoamerican stone figurines are considered to have served as offerings in ritual-funerary situations, many of the Costa Rican jade artefacts are perforated for suspension, and served as corporal ornaments.[27] The motifs of jade products, including axe-gods represent local taste of design, and the general carving style is different to Mesoamerican lapidaries.

The local-development theory can be strengthened by the uniqueness of axe-gods' carving techniques. This section focuses on the unique process of manufacturing. Axe-gods are often
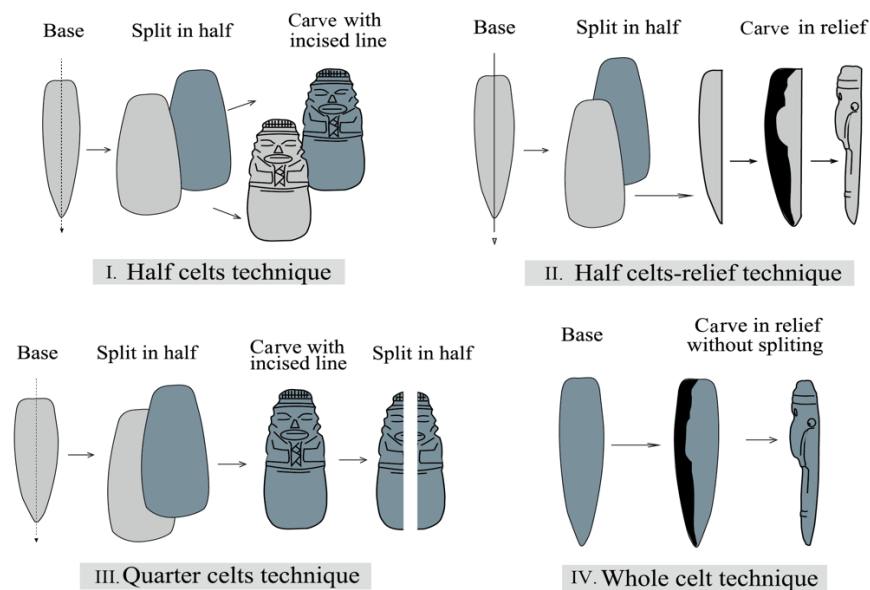

Figure 4: Variation in crafting procedures (image: author)

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[26] Snarskis; John W. Hoopes, 'The Emergence of Social Complexity in the Chibchan World of Southern Central America and Northern Colombia, A.D.300-600', *Journal of Archaeological Research*, 13 (2005), 1–47.

[27] David F. Mora-Marín, 'The "Charlie Chaplin" Silhouette Figural Theme: A Pan-Middle American Ritual Performer Theme', *Cuadernos de Antropología*, (Chapel Hill: University of North Carolina, 2016), 9–45.

carved from an axe-form base, sometimes split in half, while others are carved in relief, using the whole axe form base (Fig. 4).[28]

Each crafting procedure requires a different level of working-cost (time and skills), resulting in different final products' figures. Furthermore, the number of final products created from one base form varied depending on the procedure of creation. Splitting the axe-form base through the process of carving is unique to Costa Rican axe-gods, and the craftspeople chose to either split or not at the time of production. The different carving procedures possibly reflect a variety of crafting groups, thus particular crafting methods must have beeen included or excluded depending on the groups.

Fragmentation and imitation of techno-style

In the process of axe-gods' crafting, the groove-and-snap technique can be recognized as a frequently used technique (Fig.5). Craftspeople sawed a piece of mineral about half way, then turned over the material to make the same groove on another side, and then tapped with a hammer to separate the front and back surface.[29] This technique leaves a characteristic lenticular fracture scar on back of the pendants, called 'septum'.
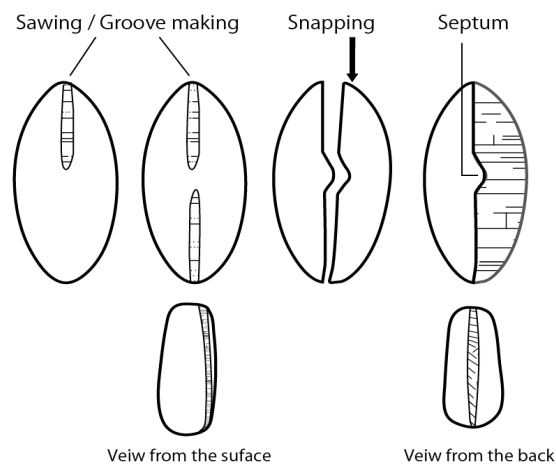

Figure 5: Groove-and-snap (image: author)

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[28] M.L. Chenault, 'Technical analysis of precolumbian Costa Rican jadeite and greenstone artefacts (unpublished master's thesis, University of Colorado, 1986).

[29] A. Digby, *Maya Jades* (London: Trustees of the British Museum, 1964), p.15.

Deliberate fragmentation and redistribution or reuse of artefacts is reported from across the world and at different periods. When the fragmented parts were shared among different individuals, the original owner of the artefact could keep the part of the object, while giving another part of the object to someone else.[30] By sharing the fragmented parts among two or more people, they could visualize the social relationship or transaction agreement.[31] 'Enchainment' was practiced through the fragmentation, and fragmented parts served as a 'token' of their relationship.[32] Interestingly, the ancient craftsmen sometimes tried to imitate the splitting act, without actual fragmenting activities. Two parallel incised lines were carved on some axe-gods, as if the septum was present (Fig. 6).
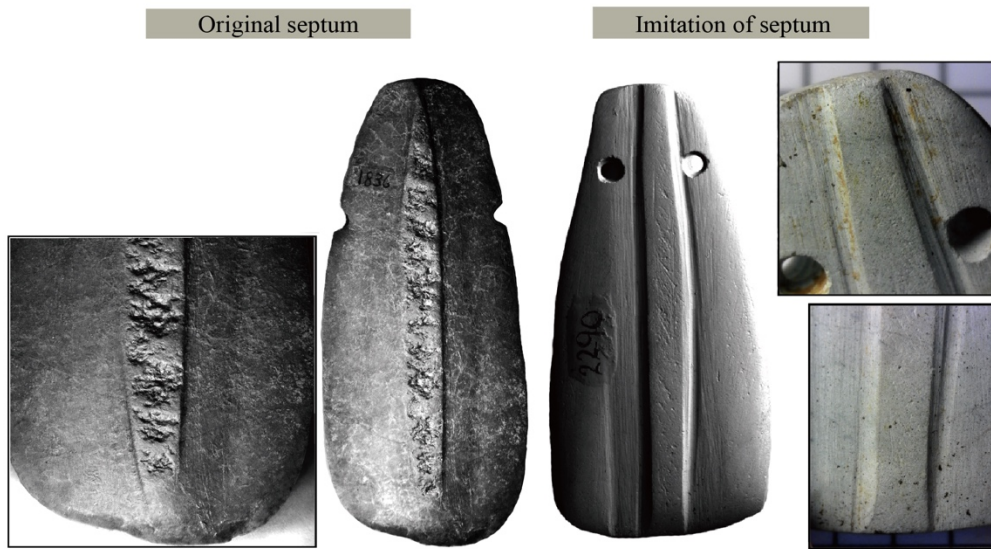

Figure 6: Imitation of septa on the back (image: author)

'Imitation' copied the shape of a particular object, but sometimes it was manufactured in different sizes, or crafted with different raw material, which led to the functional differences of the finished product. This tendency to create imitations may have reflected the producer's sense of values and the economic situation of the community.[33] The imitation may have been formed by an individual who had seen the original style of the finished product with a septum but did not know its formation

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[30] Atsushi Igarashi, 'Crafting and trade of jade products, Crafting: technologies and organizations for crafting, Archaeology of Jomon'*, (Doseisha 2007) [title: translated by the author]（五十嵐睦 2007年「硬玉製品の製作と交易」『ものづくり：道具製作の技術と組織』同成社）

[31] John Chapman, *Fragmentation in Archaeology: People, Places and Broken Objects in the Prehistory of South Eastern Europe*, (London: Routledge 2013).

[32] Ibid.

[33] Miller.

processes. The imitation of the septum infers that the craftsman might have seen the splitting scar as an important element of axe-gods, and the fragmentation could possibly have had some meaning among the ancient people.

Transition of technologies and *bricolage*

At the moment of manufacturing, crafting techniques are chosen, learned, modified, developed and transmitted within communities, and each of these activities are transmitted though different generations or groups across geographical distance and times.[34] The techno-style differences of axe-gods could be a result of varied craftspeople, and reflect the social status and economy of the practitioners.[35] Axe-gods show a clear technical difference among the different types. At the time of technology transmission, access to particular technological knowledge may be controlled, and society might exclude or include particular groups of people according to status.

In the case of axe-gods, the author suggests that the following transitions happened: raw materials changed from imported jadeites to local stones; the crafting process and styles were simplified; the shape of axe-gods became farther away from axe-form; and the splitting process was omitted or expressed with imitation. Artefacts transform over time, experiencing human interaction, development of new ideas, and modification of styles. Through the inheritance of technologies and ideas, the original symbolic meaning of artefacts may be transformed or omitted; therefore, artefacts themselves also will change depending on time-space dimensions.

The inclusion and exclusion practices expressed through the stylistic-technological transition of axe-gods demonstrate the ancient craftsmen's intentions of *bricolage*.[36] Acts of *bricolage* represented the ability of ancient society to make their lives meaningful by reproducing prestige objects. *Bricolage* is the human behaviour of creating an artefact from diverse things that are available at the time, and finding a solution towards the problems of daily life, social demands,

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[34] *Knowledge in motion: constellations of learning across time and place*, ed. by Andrew Roddick, and Ann B. Stahl, (Tucson: The University of Arizona Press, 2016), pp.3–28.

[35] Oliver P. Gosselain, 'The World Is Like a Beanstalk: Historicizing Potting Practice and Social Relations in the Niger River Area', in *Knowledge in motion: constellations of learning across time and place*, ed. by Andrew Roddick, and Ann B. Stahl, (Tucson: The University of Arizona Press, 2016)), pp.36–66.

[36] Lévi-Strauss.

and eagerness for expression.[37] When the axe-gods' craftsmen faced a change of raw material supplies or carving technologies, they could try to find a solution. By accepting local minerals, knowledge, and available technologies, the craftsmen of axe-gods could reproduce prestige objects, which could enrich their life.

Discussion and future work

This article has focused on the process of the making of axe-gods, rather than on them just as finished products. In this way, the author could analyse peoples' behaviours behind axe-gods. The inclusion-exclusion practices in ancient Costa Rica can be seen through the developmental phases and technological transition of axe-god pendants. At the time of production, axe-gods' crafting groups might accept or deny the custom, raw materials, and technologies from neighbouring areas, within and outside of Costa Rica.

Throughout the production and development of axe-gods, the human propensity to accept new ideas and combine them with available materials or technologies is observed. Firstly, axe-gods' craftspeople selected minerals from a wide range of sources and properties, including imported jadeite and local 'social jades'. Secondly, carving technologies of axe-gods were varied; each producer or user might choose the method of production. Thirdly, the fragmentation through the process of carving can be seen in different minerals, not limited to a particular type of stone. Fragmentation was imitated sometimes, but the craftsman applied a simpler method. Finally, the lenticular fracture scar that was created through the fragmentation process were imitated, but applying a simpler technology.

The source of some minerals such as jadeite was limited, and had to be brought through long-distance trade routes, possibly controlled or managed by elites. Furthermore, some axe-gods show more complex decorations and higher quality (polishing level, colour, and hardness), which required longer time and more sophisticated skills than others. Considering the above-mentioned circumstances, the production of some axe-gods was done through specialized work, and axe-gods of higher quality-intensity might have been owned by elites.

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[37] Ibid.

However, in terms of design and worked minerals, freedom of creativity is observed among other axe-gods of 'lower-intensity'. Therefore, although there was a general preferred form of axe-gods (e.g. axe-form, non-decorated axe edge, and carved images), the craftspeople could choose minerals, colours, sizes, and carving techniques and processes. Consequently, production of some axe-gods might not have been controlled nor were the carving styles strictly fixed. It can be assumed that people who did not have access to jadeite or other precious stones and carving skills, practiced *bricolage* as a solution for the reproduction of axe-gods.

At the time of the artefact's distribution, raw material, design, tools, and attached ideology were chosen, either included or excluded. Axe-gods are conventionally interpreted as prestige objects or an indicator of high-ranked individuals. However, considering the variation in style and technology, each axe-god may have had different contexts, social meanings, users, and purpose of existence, which would contradict the interpretation of axe-gods simply as 'prestige objects for elites'. The stylistic variation of axe-gods may indicate the existence of different groups of users (through time, space, and identity), and shared ideas must also have been subject to variation.

Although this article has suggested varied evidence of social differences of axe-gods' craftspeople, the spatial-temporal differences of axe-gods production is still uncertain. In future work, spatial-temporal distribution of technological characteristics and carved imageries must be studied. The distribution of used minerals, technologies, and imageries can elucidate the technology transfer or diffusion within the area. By focusing on the differences and similarities within the area, we can understand interaction spheres of craftspeople or users. As part of this process, it is also necessary to consider the existence of fundamental ideas or pan-regional themes and technologies within Middle America as a whole.

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