Introduction: Gender Violence and Human Rights in the Western Pacific

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In October 2014, Malala Yousafzai, the Pakistani teenager who nearly died from a Taliban gunshot wound sustained two years prior, but who lived to address the UN on 12 July 2013, her 16th birthday, was named co-winner of the Nobel Peace Prize.[1] In her 2013 speech Malala defended every child's right to an education, but her focus more specifically was on the right of girls to an education as well as on women's rights, because, as she said, women 'are the ones who suffer the most'.[2] Even though Malala's cause is girls' education and the rights of females more generally, she is the most potent global symbol of another cause: the cause of ending violence against all females, young and old, in the name of human rights. Violence against females is not restricted to Pakistan, of course. It 'has epidemic proportions, and is present in every single country around the world',[3] occurring in developed, rich countries no less than in poorer developing countries.

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1   'Pakistani activist Malala Yousafzai among winners of 2013 UN Human Rights Prize', 2013, *UN News Centre*, 5 December.
2   'Shot Pakistan schoolgirl Malala Yousafzai addresses UN', 2013, *BBC News Asia*, 12 July.
3   Lydia Alpizar, executive director, the global feminist group Association for Women's Rights in Development, quoted in Somini Sengupta, 2015, 'U.N. reveals "alarmingly high" levels of violence against women', *New York Times*, 9 March.
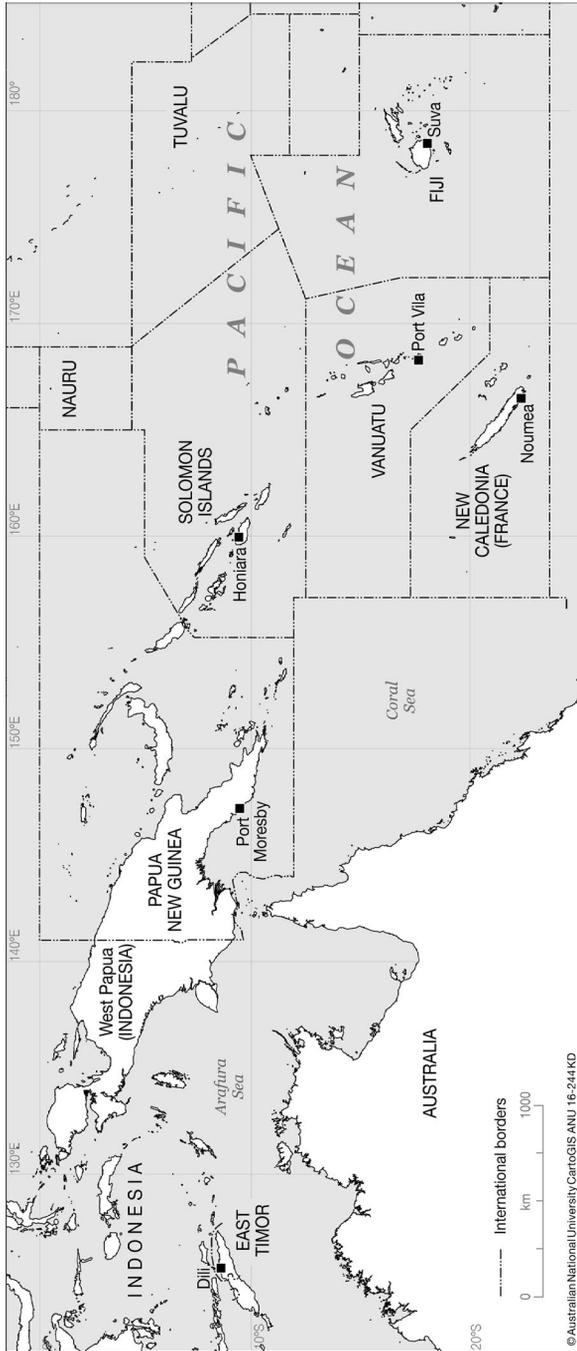
Map 1. Western Pacific showing Fiji, Vanuatu and Papua New Guinea

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The western Pacific is no stranger to violence against females. A recent incident of gender violence there—not of rape but of sorcery accusation-related revenge murder[4]—attracted considerable international attention. Kepari Leniata, a young woman living with her husband, was accused of killing a six-year-old boy by occult means. In retaliation she was stripped, tortured, doused with petrol, and burned alive on a pile of tyres and trash at midday in Mt Hagen, the third largest city in Papua New Guinea. The police looked on, unable to control the murderous mob.[5] A photograph of a crowd arrayed around a fire known to be consuming Ms Leniata circulated on the internet and was printed in newspapers worldwide. The Prime Minister of Papua New Guinea, Peter O'Neill, was quick to denounce the 'despicable act'[6] and vowed to repeal the Sorcery Act of 1971, which criminalised sorcery, thus implying such acts were efficacious, and which recognised sorcery as a defence in murder cases of alleged sorcerers, to the same effect.[7] Within days of Ms Leniata's immolation, both the UN and Amnesty International urged immediate action to prevent further such killings and to bring the killers of Ms Leniata to justice.[8] The immolation of Ms Leniata galvanised public opinion under the banner of a 'Remembering Kepari Leniata Campaign', a campaign that has been pursued in the public spaces of Port Moresby, in global cities, and on Facebook.[9]

Gender Violence and Human Rights enquires into gender violence and the efficacy of human rights advocacy and related reformist strategies in three western Pacific countries: Fiji, Papua New Guinea and Vanuatu. The term 'gender violence' is inspired by Sally Engle Merry's *Human Rights and Gender Violence* and *Gender Violence:*

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4   As many readers will know, sorcery refers to covert activity designed to damage its target by deploying a range of supernatural techniques. Anthropologists of Africa sharply distinguished sorcery from witchcraft in terms of whether the act was conscious and intentional (sorcery) or not (witchcraft). In this writing, we use the term *sorcery* to cover both forms of occult violence.
5   Meredith Bennett-Smith, 2013, 'Accused "witch" Kepari Leniata burned alive by mob in Papua New Guinea', *Huffington Post*, 7 February.
6   Ibid.
7   Matt Siegel, 2013, 'Papua New Guinea acts to repeal sorcery law after strife', *New York Times*, 29 May.
8   'UN urges Papua New Guinea to take action after woman burned alive for witchcraft', 2013, *UN News Centre*, 8 February.
9   See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

A Cultural Perspective.[10] Merry defines gender violence as 'violence whose meaning depends on the gendered identities of the parties. It is an interpretation of violence through gender. For example, when a blow is understood as a man's right to discipline his wife, it is gender violence.'[11] Unlike another term sufficiently widespread that it is recognisable in acronymic form—'Violence Against Women' or 'VAW'—'gender violence', like 'gender-based violence', encompasses violence against children, the girl child in particular, as well as violence against males. As used here, the term is synonymous with 'gender-based violence', 'sexual violence' and 'family and sexual violence', a phrase that enjoys currency in Papua New Guinea. In the western Pacific women and girls are overwhelmingly the victims of gender violence, the perpetrators being overwhelmingly male. In this volume we focus on violence against females, including girls (females under 18 years).

Fiji, Papua New Guinea and Vanuatu are postcolonial nations operating in a global arena in which human rights doctrine is widely accepted and promoted. The three countries constitutionally guarantee gender equality and have ratified the key instrument for promoting women's rights globally: the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). They have also ratified the Convention on the Rights of the Child (CRC), a convention or treaty that is crucial to combatting gender violence in the western Pacific, where rape victims are often underage.

The global context for human rights advocacy is the 'international human rights regime',[12] a regime that articulates with 'transnational human rights networks' or 'transnational advocacy networks'[13] (Amnesty International, Human Rights Watch, etc.). The regime is philosophically undergirded by human rights ideology, which alleges

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10   Sally Engle Merry, 2006, *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago and London: University of Chicago Press; and Sally Engle Merry, 2009, *Gender Violence: A Cultural Perspective*, Chichester: Wiley-Blackwell.

11   Merry, *Gender Violence*, p. 3.

12   This term is adopted from Jack Donnelly, 1986, 'International human rights: A regime analysis', *International Organization* 40(3): 599–642. The contours of this regime are discussed in the next section and also in Jean Zorn, 'Translating and internalising international human rights law: The courts of Melanesia confront gendered violence', this volume.

13   Kathleen Keck and Margaret Sikkink, 1998, *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca: Cornell University Press. See also Mary Kaldor, 2003, *Global Civil Society: An Answer to War*, Malden, MA: Polity Press.

universality and which views any doctrine that deviates from it as merely 'local' and aberrant. Thus, it sets itself against many of the world's cultural orders, which are viewed as obstacles in its path. How, if at all, does such a regime come to have an impact on gender violence in the western Pacific, which, despite protracted contact and a colonial history, remains significantly different culturally from Europe and America? To begin to answer that question requires examining the dynamics of human rights work or practice—efforts to transfer across national and cultural borders human rights ideology and the morality and behaviour it enjoins. Are such transfers contested and blocked, and, if so, by whom and for what reason? What conditions, ideological but also social, economic and political, are conducive to the reduction of gender violence and the promotion of gender equality?

Addressing such questions is timely, because the UN-anchored human rights movement has shifted from the Millennium Development Goals (MDGs) of 2000 as a framework for global rights-based initiatives to a 'post-2015 development agenda' rooted in the Sustainable Development Goals (SDGs) adopted by the UN General Assembly in September 2015 and in effect since 1 January 2016. Drawing on lessons learned from efforts to implement the MDGs,[14] the new framework envisions a 'world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed'.[15] As social scientists who have done considerable place-based research in the western Pacific, it behooves us to take stock of the successes and failures of human rights work in the western Pacific as the new SDGs take hold. What specifically have been Fiji's, Papua New Guinea's and Vanuatu's strategies for fulfilling the third MDG of achieving gender equality and empowering women and have they been effective? Has human rights ideology travelled across national-cum-cultural borders or has such movement been impeded or redirected? Are the alternatives of flow and blockage comprehensive, or does admixture and commingling occur at the various threshold sites that human rights practices in the western Pacific create?

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14   See Naomi M. McPherson (ed.), 2016, *Missing the Mark? Women and the Millennium Development Goals in Africa and Oceania*, Bradford, Ontario: Demeter Press.
15   United Nations, 2015, 'Transforming our world: The 2030 agenda for sustainable development', *Sustainable Development Knowledge Platform*, A/RES/70/1, item 8.

In tackling such questions, the writings of Sally Engle Merry and Mark Goodale, among others, provide invaluable guidance, and we will consult these in a section titled 'The global circulation of human rights ideology'. Several contributors question the adequacy of human rights–based approaches to gender violence, and we note the contradictions and weaknesses of the international human rights regime, including its inattention to the social, political and economic factors that militate against women securing their rights. Studying gender violence and human rights in the western Pacific opens up a fruitful space for ethnographic enquiry, a tool widely utilised in the social sciences to explore situated practices and their complexities in non-teleological ways, and we identify such a research agenda. Finally, we introduce the contributions to this collection, highlighting how they help us understand the dynamics of rights-based initiatives designed to reduce if not eliminate gender violence in the western Pacific.

The international context

The UN-centred international human rights regime

The international human rights regime is UN-centred and relies on 'conventions' or 'treaties' such as CEDAW (1979) and CRC (1989) as well as on 'state party' ratifiers of these to advance human rights causes.[16]

The Convention on the Elimination of All Forms of Discrimination against Women or CEDAW[17] is the key convention when it comes to women's rights. As a response to World War II, the international human rights regime sought to curb state atrocities. With CEDAW the definition of human rights violations was expanded to include violations beyond 'state violations of civil and political liberties'.[18] CEDAW builds upon the UN's 1948 Universal Declaration of Human

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16   Donnelly, 'International human rights', p. 605. See also Zorn, 'Translating and internalising international human rights law'.
17   UN, 1979, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
18   Charlotte Bunch, 1990, 'Women's rights as human rights: Toward a re-vision of human rights', *Human Rights Quarterly* 12(4): 486–98.

Rights: (Article 1) 'All human beings are born free and equal in dignity and rights'; and (Article 2) 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.[19] By the same token, CEDAW opposes 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field' (Article 1). Most states (but notably not the US) have ratified CEDAW. As ratifiers, these states are expected to 'modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women' (Article 5a). Each ratifying state is obliged to report periodically to the CEDAW Committee: a committee of 'experts' convened at the UN in New York City to review such reports, pinpoint human rights violations and deficiencies, and make recommendations for further human rights work, thus placing ratifying states under close surveillance.

Gender violence was not originally considered a form of discrimination against women, but, as Jean Zorn reports in her contribution to this volume, in 1989 the CEDAW Committee declared it would treat gender violence as such. CEDAW is supplemented by the 1993 Declaration on the Elimination of Violence against Women,[20] the preamble of which asserts that 'violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms'.[21] The Declaration enjoins states to 'condemn violence against women' and not to 'invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination' (Article 4). States should proceed 'without delay' in pursuing a policy of this elimination (Article 4).

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19   UN, Declaration on the Elimination of Violence against Women, 1993, A/RES/48/104.

20   Ibid.

21   The Declaration on the Elimination of Violence against Women includes violence against children as an aspect of violence against women (Article 2a).

Like CEDAW, the Declaration 'has no binding force',[22] but it 'does have the moral force of world consensus'.[23] In 1994, the UN Commission on Human Rights created a 'special rapporteur' position devoted to violence against women with the intention of enlarging the scope of the UN's human rights mission to include the eradication of violence—not just 'discrimination'—against women. The Special Rapporteur on Violence against Women travels to gender violence hot spots, collects information on violence against women and makes recommendations to mitigate this violence.[24] Since 2006, this special rapporteur has filed her report with the UN Human Rights Council. In 1999, to promote gender violence awareness and public commitment to its eradication, the UN declared 25 November the International Day for the Elimination of Violence against Women and initiated the '16 Days of Activism against Gender Violence Campaign'. This annual campaign runs from 25 November to 10 December (International Human Rights Day) and is staged around the world to call attention to the unfinished task of eliminating violence against women.

Gender violence in the western Pacific affects girls and not just women, and for this reason the Convention on the Rights of the Child,[25] which was passed in 1989, is a necessary addition to the human rights arsenal for protecting females in the western Pacific. CRC makes 'the best interests of the child [defined as under 18 (Article 1)] a primary consideration' (Article 3.1), and requires state party ratifiers 'to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures' (Article 3.2). Article 34 enjoins state ratifiers of CRC to 'undertake to protect the child from all forms of sexual exploitation and abuse', while other articles focus on the nonsexual abuse of children.

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22   Merry, *Human Rights and Gender Violence*, p. 23.
23   Ibid.
24   Ibid.
25   UN, Convention on the Rights of the Child, 1989.

Transnational forces

The creation of the UN in the wake of World War II constituted a response to 'the tragic failure of the sovereignty-based system of international relations' as exemplified in the atrocities of particular states and the failure of the international system at that time to curb them.[26] The impetus of the founding generation was thus anti-nationalist: to support human beings in their struggle against oppressive states. Indeed, the international human rights system upholds universal '*human,* rather than [parochial] national or political, principles'.[27] As Mark Goodale has pointed out, the international human rights regime is philosophically 'transnationalist or perhaps even "postnationalist"'.[28]

Little wonder that the international human rights regime operates today in league with 'transnational human rights networks' or 'transnational advocacy networks'[29] comprised of non-governmental entities dedicated to the global promotion of a human rights agenda and serving as watchdogs and whistle-blowers where human rights have been violated. Such networks are autonomous from state systems and inter-state systems such as the UN. 'The key distinction between "transnational" and "international" is the fact that "transnational" describes a set of connections, social relations, economic networks, and so on that transcend the boundaries of the nation-state.'[30] The actors within such networks operate without regard for political or cultural borders and independently of nationalist sentiment. In their quest to realise '*trans*national human rights [emphasis added]',[31] they operate according to logics that are 'starkly different'[32] from political and state logics: the logic of human rights per se. Such open-ended, non-state-based networks provide platforms for a variety of sympathetic

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26 Mark Goodale, 2009, 'Introduction: Human rights and anthropology', in *Human Rights: An Anthropological Reader*, ed. M. Goodale, pp. 1–19, Malden, MA and Oxford: Wiley-Blackwell, p. 5. See also Mark Goodale, 2013, 'Human rights *after* the post–cold war', in *Human Rights at the Crossroads*, ed. Mark Goodale, pp. 1–28, New York: Oxford University Press, pp. 12–13.
27 Mark Goodale, 2009, *Surrendering to Utopia: An Anthropology of Human Rights*, Stanford: Stanford University Press, p. 98.
28 Ibid., p. 93.
29 Ibid., p. 92.
30 Ibid., p. 97.
31 Ibid., p. 96 and passim.
32 Ibid., p. 97. Goodale favours the term 'transnational human rights system' or 'regime' to Donnelly's term 'international human rights regime' to de-emphasise the role of states and to emphasise instead transnational network connections among people and groups.

agents, not only civil society organisations and 'transnational elites'[33] but activists of all stripes (including social scientists) to promote human rights.

The global circulation of human rights ideology

'Translation' and 'vernacularisation'

With this as background, we call upon Sally Engle Merry's terms 'translation' and 'vernacularization' to imagine how ideological transfer might happen and the pitfalls of the process.[34] Merry's groundbreaking research on the international human rights regime took her to the UN, where she observed the deliberations of the CEDAW Committee, the committee that reviews the periodic reports submitted to it by countries that have ratified CEDAW. She concluded that UN human rights workers thought of custom or culture as a barrier to change.[35] For them, culture belonged 'to the domain of the primitive and the backward, in contrast to the civilization of the colonizer',[36] who, unlike the colonised, could appreciate the moral force of human rights. Seen through this Orientalising lens,[37] the cultures of the Global South appeared as obstacles to women's human rights.[38]

If culture were indeed an obstacle in the path of the human rights movement, there would be little to no circulation of human rights doctrine beyond its historical heartland, Europe and North America.[39]

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33 Merry, *Human Rights and Gender Violence*, p. 3.
34 Merry, *Human Rights and Gender Violence*. Also, Sally Engle Merry, 2006, 'Transnational human rights and local activism: Mapping the middle', in *Anthropology and Human Rights in a New Key*, ed. Mark Goodale, *American Anthropologist* 108(1): 38–51. See Peggy Levitt and Sally Engle Merry, 2009, 'Vernacularization on the ground: Local uses of global women's rights in Peru, China, India and the United States', *Global Networks* 9(4): 441–61. See also Margaret Jolly, '"When she cries oceans": Navigating gender violence in the western Pacific', this volume.
35 Merry, *Human Rights and Gender Violence*, pp. 4–5 and passim.
36 Sally Engle Merry, 2003, 'Human rights law and the demonization of culture (and anthropology along the way)', *PoLAR* 26(1): 55–76, p. 60.
37 Makau Wa Mutua, 2002, *Human Rights: A Political and Cultural Critique*, Philadelphia: University of Pennsylvania Press, pp. 10–38.
38 Merry, 'Human rights law and the demonization of culture', p. 60.
39 Lynn Hunt, 2007, *Inventing Human Rights: A History*, New York and London: W.W. Norton & Company.

Merry doubly challenges these assumptions. First, Orientalising views of the Global South are a holdover from the colonial era, when the coloniser but never the colonised was considered 'civilized',[40] views that were indefensible in their time and that merit no respect today. Second, culture is now envisioned as a 'fluid, contested, and changing set of values and practices'[41] rather than as ossified tradition. As such, culture is inherently exposed to two kinds of pressure for change: (1) from within, the pressure of dissent—or, at least, efforts to reach a new consensus, and (2) from without, the impacts of intercultural exchanges as these unfold in time. Merry's widely cited terms 'translation' and 'vernacularization' bear on externally inspired efforts at change.

Defining culture as open to, even the product of, hybridising intercultural processes sets the stage for Merry's further argument: human rights ideas and practices can be 'transplanted' by being 'translated into local terms and situated within local contexts of power and meaning', a possibility she poses on the very first page of her landmark book *Human Rights and Gender Violence*. Through translation, human rights are 'remade in the vernacular',[42] rendering them intelligible and palatable to those living outside a Euro-American cultural and historical milieu. In fact, vernacularisation is tantamount to the 'appropriation and local adoption of globally generated ideas and strategies [emphasis removed]',[43] a process in which 'transnational conceptions are made meaningful *within* [emphasis added]'.[44]

Merry acknowledges a spectrum of vernacularisations in this process, from replications to hybridisations.[45] Replications are truer to the source of the ideology and thus more acceptable to human rights workers in the Global North. Hybridisations, on the other hand, resonate more strongly with the mentality and mores of communities in the Global

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40 Merry, 'Human rights law and the demonization of culture', p. 60.

41 Ibid., p. 67. See also Merry, *Human Rights and Gender Violence*, pp. 6–10; Ann-Belinda S. Preis, 2009, 'Human rights as cultural practice: An anthropological critique', in *Human Rights: An Anthropological Reader*, ed. Mark Goodale, pp. 332–55, Oxford: Wiley-Blackwell, p. 344. First published in 1996 in *Human Rights Quarterly* 18(2): 286–315.

42 Merry, *Human Rights and Gender Violence*, p. 219.

43 Levitt and Merry, 'Vernacularization on the ground', p. 441.

44 Daniel M. Goldstein, 2013, 'Whose vernacular? Translating human rights in local contexts', in *Human Rights at the Crossroads*, ed. Mark Goodale, pp. 111–21, New York: Oxford University Press, p. 112.

45 Merry, 'Transnational human rights and local activism', pp. 45–46, 48.

South and, for that reason, may be higher in impact but 'represent less of a challenge to the status quo'.[46] 'As women's human rights ideas connect with a locality, they take on some of the ideological and social attributes of the place, but retain some of their original formulation.'[47] The closer to the indigenous end of the spectrum the ideological outcome, the more problematic it becomes, because, according to Merry and her co-author, Peggy Levitt, to be 'legitimate as human rights',[48] 'rights ideas and practice' must 'reflect universal principles or standards'.[49] Complete indigenisation would belie the 'distinctive vision' of human rights[50] ('that all people have equal rights')[51] as well as its foundational values ('individualism, autonomy, choice, bodily integrity, and equality').[52] It follows that there are 'both legitimate and illegitimate forms of vernaculization'.[53] Human rights ideology is an orthodoxy. Thus, 'to translate human rights into the vernacular is not to change their fundamental meanings',[54] which remain grounded 'in global structures and understandings'.[55]

Agents of change

'Translation' and 'vernacularisation' do not happen in the august chambers of the UN, where committees such as the CEDAW Committee convene as a body of 'experts'. They are accomplished in part through collaborations and negotiations among agents who are at least partially place-based: people who 'have one foot in the transnational community and one foot at home',[56] and who are thus able to 'reach across the gulf'[57] between the two. These translators and vernacularisers do the crucial work of conveying 'ideas from one context to another, adapting and reframing them'[58] in ways that resonate with the receiving

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46   Levitt and Merry, 'Vernacularization on the ground', p. 458.
47   Ibid., p. 446.
48   Ibid., p. 457.
49   Ibid.
50   Merry, 'Transnational human rights and local activism', p. 49.
51   Ibid.
52   Ibid.
53   Goodale, 'Human rights *after* the post–cold war', p. 16.
54   Merry, *Human Rights and Gender Violence*, p. 219.
55   Ibid.
56   Merry, 'Transnational human rights and local activism', p. 42.
57   Richard Eves, 2012, 'Resisting global AIDS knowledges: Born-again Christian narratives of the epidemic from Papua New Guinea', *Medical Anthropology* 31(1): 61–76, p. 72.
58   Levitt and Merry, 'Vernacularization on the ground', p. 449.

community.[59] They are 'people in between, conversant with both sides of the exchange but able to move across borders of ideas and approaches'.[60] Without these norm brokers the authoritarian efforts of the international human rights regime to impose the alien 'values of a secular global modernity'[61] upon others will fail. Legal and political initiatives, international and national, are, of course, important,[62] but 'if an enduring, effective, and legitimate transnational … human rights system is to be established, it will have to somehow be derived from these spaces of vernacularization [emphasis removed]'[63] through the efforts of intermediary translators and vernacularisers.

Who, then, are these intermediary translators and vernacularisers? Merry looks to cosmopolitans in the Global South, people who can bridge 'the gap between a cosmopolitan awareness of human rights and local sociocultural understandings'.[64] Postcolonial elites are more likely than others to be enticed by 'the glamour of the modern'[65] and to ally themselves with national and transnational advocates of gender equality. Such elites may have travelled internationally and been educated in or influenced by the Global North, and they may be fluent in English.[66] Those who are best positioned to effect the 'infiltration' of foreign ideologies include the judges who in their opinions uphold international law, if only to a degree, as Zorn shows in her contribution to this volume. Whoever they are, they are not strangers to human rights discourse and have embraced the ideology at least to a degree. Accordingly, they are drawn to and participate in the 'reformist space'[67] of human rights work.

This is as true of elite women as it is of elite men. As Margaret Jolly reminds us, 'women from the Global South have been centrally involved in talking about and promoting human rights for decades'.[68]

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59   We use the words *translator* and *vernaculariser* interchangeably because Merry so uses them. In 'Transnational human rights and local activism', Merry writes of translators. In 'Vernacularization on the ground', she and her co-author Peggy Levitt use the word *vernaculariser*.

60   Levitt and Merry, 'Vernacularization on the ground', p. 449.

61   Merry, *Human Rights and Gender Violence*, p. 89.

62   See Zorn, 'Translating and internalising international human rights law', this volume.

63   Goodale, *Surrendering to Utopia*, p. 14.

64   Merry, 'Transnational human rights and local activism', p. 38.

65   Merry, *Human Rights and Gender Violence*, p. 102.

66   Ibid., pp. 100–101.

67   Ibid., p. 101.

68   Jolly, '"When She Cries Oceans"', this volume.

They have done so under decidedly transnational influences. The Fiji Women's Crisis Centre (FWCC), for example, which is crucial to human rights work in the western Pacific and beyond,[69] emerged in response to a 1983 report on rape (its frequency, communal attitudes towards rape, and the treatment of rape victims at the hands of Fijian law)[70] as 'a group of expatriate women' encouraged an organisational response to the report from local women.[71] A decade earlier, the Fiji YWCA had promoted family planning, among other transnationally inspired causes,[72] setting the stage for what was to become, through the FWCC and its sister organisation, the Fiji Women's Rights Movement, the most effective platform for women's rights advocacy in the western Pacific.

But the impetus for change could come from other quarters as well. Many Pacific Islanders are themselves troubled by the prevalence and manner of contemporary gender violence and consider it an abomination to be expunged, as the public outcry against the immolation of Kepari Leniata in Papua New Guinea showed.[73] For these Pacific Islanders, gender violence constitutes a *cultural* violation, the remedy for which is the reassertion of cultural principles and values that have lost their salience in the contemporary period. There are indeed Pacific Islanders who argue that gender violence, in its contemporary guise, is not customary. For example, in a study supported in part by the Government of the Republic of Vanuatu, Roselyn Tor and Anthea Teka acknowledge that Vanuatu males sometimes justify domestic violence in terms of the bridewealth payment they made in marrying, a payment seen as rendering wives chattels of their husband.[74] But in the past, according to these two ni-Vanuatu women, bridewealth was not bride*price* and the wife was never the husband's property, to do with as he wished. Bridewealth was instead a *social transaction*, one that was foundational to the

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69   See Nicole George, 2012, *Situating Women: Gender Politics and Circumstance in Fiji*, Canberra: ANU E Press, pp. 80–82 and passim.

70   Ibid., p. 80.

71   Ibid., p. 81.

72   Ibid., pp. 39–74; see also Annelise Riles, 2000, 'The virtual sociality of rights: The case of "women's rights are human rights"', *Northwestern University School of Law, Public Law and Legal Theory Papers*, 40: 1–37, pp. 28–32.

73   For example, see the *Stop Sorcery Violence Papua New Guinea* website.

74   Roselyn Tor and Anthea Teka, 2004, *Gender, Kastom & Domestic Violence: A Research on the Historical Trend, Extent and Impact of Domestic Violence in Vanuatu*. Port Vila: Department of Women's Affairs, Republic of Vanuatu, pp. 29–30.

extension and solidification of relationships through marriage.[75] Yes, culture changes, but not always for the better. Globalisation involves circulations—of styles of sexuality and violence, for example—that may well undermine rather than advance the cause of women's rights and that, in any case, have an exogenous rather than an endogenous source.

Parties offended by contemporary gender violence may well organise to mitigate it in the name of treasured cultural principles. Such actors are intermediary in a sense Merry does not consider: poised between past and present, they judge the present in terms of their perceptions of a less gender-violent past, which, properly utilised, will steer their contemporaries towards reform. In this effort, they may collaborate with metropolitan human rights workers and those among the national elite, and they may serve as their allies, guiding vernacularisation towards a culturally legitimate endpoint.[76] Such a reassertion of dormant cultural standards is less likely among cosmopolitan elites, but village-based actors, especially older ones, may well recoil from contemporary levels and styles of gender violence they consider transgressive and enter a 'reformist space' that is to a degree of their own making and for their own purpose: to limit if not eradicate gender violence in the name of cultural revitalisation. This bottom-up thrust complements the largely 'top-down' thrust ('from the transnational to the local and the powerful to the less powerful')[77] of the international human rights regime.

The emergence of place-based reformers is symptomatic of the fact that villages in the contemporary western Pacific are 'divided and conflictual'[78] spaces. At the very least, one would expect conflict to erupt along gender lines,[79] but generational, ethnic, and emerging

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75   Tor and Teka, *Gender, Kastom & Domestic Violence*, p. 29.

76   Shannon Speed, 2008, *Rights in Rebellion: Indigenous Struggle and Human Rights in Chiapas*, Stanford: Stanford University Press, quoted in Goodale, 'Introduction: Human rights and anthropology', p. 10.

77   Merry, 'Transnational human rights and local activism', pp. 48–49, quoted in Goldstein, 'Whose vernacular?' p. 113.

78   Goldstein, 'Whose vernacular?' p. 113.

79   See John P. Taylor, 2008, 'The social life of rights: "Gender antagonism", modernity and *raet* in Vanuatu', in *Changing Pacific Masculinities: The 'Problem' of Men*, ed. John P. Taylor, special issue of *The Australian Journal of Anthropology* 19(2): 165–78.

class differences might also be factors.[80] To the extent that place-based actors who represent specific local values become important in efforts to reduce gender violence, the dynamics of Merry's 'reformist space' become vastly more complicated: a matter of 'the interplay and mutual determination of "internal" and "external" factors and relationships [emphasis removed]'.[81] Through this interplay, human rights practice becomes 'an ongoing, socially constructed and negotiated process— not simply the execution of an already specified "plan of action" with expected "outcomes"'[82] but a process that is subject to more than one order of determination, global but also local.

Problems with the human rights approach

For the most part, the chapters in this volume make it clear that the footprint of the international human rights regime is weak in the western Pacific. An oft-repeated explanation for the failure of human rights advocacy in the western Pacific when it comes to gender violence is that women are considered inferior to men, to whom they are then subordinated, and some degree of domestic violence for disciplining purposes is widely accepted. But the international human rights regime is globally, not just regionally, weak, owing, in part, to internal contradictions. At best it is 'a relatively strong promotional regime, composed of widely accepted substantive norms', but with 'very limited international implementation … There is no international enforcement.'[83] Here we consider some of the problems with the regime that weaken it, in the western Pacific but also beyond.

Universal or particular?

Considered in its entirety, the international human rights regime is inconsistent. On the one hand, the system aims to defeat any particularity that contravenes human rights principles, which are

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80   See, for example, Deborah Gewertz and Frederick Errington, 1999, *Emerging Class in Papua New Guinea: The Telling of Difference*, Cambridge: Cambridge University Press.

81   Preis, 'Human rights as cultural practice', p. 350.

82   Norman Long, 1992, 'From paradigm lost to paradigm regained? The case for an actor-oriented sociology of development', in *Battlefields of Knowledge: The Interlocking of Theory and Practice in Social Research and Development*, ed. Norman Long and Ann Long, pp. 16–43, London and New York: Routledge, as quoted in Preis, 'Human rights as cultural practice', p. 350.

83   Donnelly, 'International human rights', pp. 613–14.

considered to be universal. On the other hand, cultural pluralism is explicitly defended. The UN Declaration on the Rights of Indigenous Peoples affirms that 'indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different … and to be respected as such'.[84] Other international conventions take a similar stand, affirming the 'right to self-determination [International Covenant on Civil and Political Rights], the right to participate in [the] cultural life of the community [Universal Declaration of Human Rights] or to enjoy one's own culture [International Covenant on Civil and Political Rights]',[85] rights that are inconsistent with the presumption in rights ideology of a universal moral standard. As Merry has observed, there is a 'a fundamental tension within the structure of global reformism and human rights: the contradiction between the desire to maintain cultural diversity and at the same time to achieve progress in terms of equality, rights, and universality'.[86]

This contradiction brings into focus a nagging doubt. Are human rights really universal? According to Merry, human rights doctrine promotes 'ideas of individual autonomy, equality, choice, and secularism'[87] and as such is not only culturally particular but alien to moral philosophies that are equally culturally particular but 'less individualistic and more focused on communities and responsibilities'.[88] Indeed, western concepts of personhood highlight the individual 'at the expense of communities'.[89] This contrast between Western and western Pacific ideas about personhood and morality is a subtext in several chapters and is especially brought to the fore in Katherine Lepani's discussion of Trobriand sociality and notions of personhood in this volume. To the extent that Western and

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84   UN, Declaration on the Rights of Indigenous Peoples, 2008, A/61/L.67 and Add.1.

85   Michael K. Addo, 2010, *The Legal Nature of International Human Rights*, Leiden and Boston: Martinus Nijhoff Publishers, pp. 57–58.

86   Sally Engle Merry, 2004, 'Tensions between global law and local social justice: CEDAW and the problem of rape in Fiji', paper delivered at the Justice Across Cultures Conference, Brandeis, March, p. 14.

87   Merry, *Human Rights and Gender Violence*, p. 4; see also Merry, 2004, 'Tensions between global law and local social justice', p. 101.

88   Merry, *Human Rights and Gender Violence*, p. 4.

89   Merry, 'Transnational human rights and local activism', p. 39.

western Pacific moralities and socialities are diametrically opposed (but see Margaret Jolly's comments in '"When she cries oceans"', this volume), human rights work becomes a form of 'moral imperialism'.[90]

Among those social scientists who have been committed to cultural relativism rather than universalism, the issue of whether human rights are cross-culturally valid and the related issue of cultural relativism continue to be battlefields of 'fierce, heated, and passionate debate',[91] although consensus still favours recognising the universality of human rights doctrine. Certainly, the matter has by no means been put to rest in the postcolonial world, commentators such as Makau Mutua arguing that the human rights movement 'is located within the historical continuum of Eurocentrism as civilizing mission',[92] to be understood, then, as a further chapter in the *longue durée* of western 'cultural dominance'[93] among the 'savages' lying outside its cultural sphere.[94] Why should postcolonial nations accede to the demands of ideologically foreign institutions that are identified with their colonial masters?

There has been at least one very dramatic instance of the reaffirmation of male privilege in the name of customary practices in the context of human rights advocacy in the western Pacific. John Taylor, one of the contributors to this volume, has elsewhere reported on a backlash to 'the insidious promotion of Western-style "women's rights"'[95] by women's organisations and other activists, who are accused of 'being harbingers of neo-colonialism and betrayers'[96] of local culture. The men who banded together under the banner of 'Violence Against Men' or VAM in Luganville, the second largest town in Vanuatu, rejected the promotion of women's rights as discrimination—in fact as violence—against men because this promotion disadvantaged

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90   Goodale, *Surrendering to Utopia*, p. 108. Here Goodale cites Berta Esperanza Hernandez-Truyol (ed.), 2002, *Moral Imperialism: A Critical Anthology*, New York: New York University Press. See also Mary Ann Glendon, 2001, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York: Random House, pp. 221–33; Makau Wa Mutua, 1996, 'The ideology of human rights', *Virginia Journal of International Law* 36: 589–657; and Mutua, *Human Rights*.
91   Preis, 'Human rights as cultural practice', p. 333.
92   Mutua, *Human Rights*, p. 15.
93   Ibid.
94   Ibid., p. 8.
95   Taylor, 'The social life of rights', p. 167.
96   Ibid.

men in divorce and rape cases as well as in custody battles. Over and against the ideological incursions of women's rights as facilitated by 'overseas funding sources and international allies',[97] this group upheld patriarchal practices believed to be not only customary (*kastom* in Bislama) but Christian.

Too authoritarian?

Getting beyond this critique of the human rights movement has proved difficult. Abdullahi Ahmed An-Na'im, a Sudanese scholar who is professor of law in Emory University's School of Law and who is well known for his writings on human rights in cross-cultural perspective, has observed that human rights advocacy has had a checkered history because human rights ideology simply lacks 'cross-cultural legitimacy [emphasis removed]'.[98] 'To dictate to a society is both unacceptable as a matter of principle and unlikely to succeed in practice.'[99] As a tonic, An-Na'im proposes 'cross-cultural dialogue' and the 'mutual influence' achieved through it.[100] In fact, reciprocal and mutual influence across the North–South global divide is 'continuously occurring in practice'.[101]

Merry's 'translation' and 'vernacularization' require 'cross-cultural dialogue', culminating in 'transplantation', but not the kind of cross-fertilisation that would result in modifications to human rights ideology itself. The aim in translation and vernacularisation is to transfer norms across cultural boundaries, not to transform those norms, the outcome of true cross-cultural fertilisation. Thus, from a human rights perspective, some translations and vernacularisations are legitimate while others are not. But norms can in fact change in the very process of diffusion. One could argue, with Mona Lena Krook and Jacqui True, that 'norms diffuse precisely because—rather than despite the fact

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97   Ibid.
98   Abdullahi Ahmed An-Na'im, 2009, 'Toward a cross-cultural approach to defining international standards of human rights: The meaning of cruel, inhuman, or degrading treatment or punishment', in *Human Rights: An Anthropological Reader*, ed. Mark Goodale, pp. 68–85, Malden, MA: Wiley-Blackwell, p. 70. Originally published in Abdullahi Ahmed An-Na'im (ed.), 1992, *Human Rights in Cross-Cultural Perspectives*, Philadelphia: University of Pennsylvania Press, pp. 19–43.
99   An-Na'im, 2009, 'Toward a cross-cultural approach to defining international standards of human rights', p. 81.
100 Ibid.
101 Ibid.

that—they may encompass different meanings, fit in with a variety of contexts, and be subject to framing by diverse actors'.[102] To the extent they do, international norms become '"processes" … works-in-progress, rather than finished products',[103] an 'evolving paradigm'[104] that is fashioned through 'flows between centers and peripheries'.[105] These claims second Charlotte Bunch's observation, made over two decades ago, that the 'concept of human rights, like all vibrant visions, is not static or the property of any one group; rather, its meaning expands as people reconceive of their needs and hopes in relation to it'.[106] Human rights ideology must then be reimagined not as a '"final" answer',[107] an axiomatic, and thus universal, normativity, but, like all culture, whether Northern or Southern, as amenable to change.

If these arguments are correct, then the effectiveness of the human rights movement ultimately depends upon its openness to genuine intercultural exchange. Yet there are no structures or processes within the international human rights system to facilitate the dialogue that could lead to 'significant agreement'[108] on moral standards in an effort to avoid the cultural imperialism to which human rights doctrine is otherwise prone. Without An-Na'im's 'greater consensus on international standards',[109] the international human rights regime remains an authoritarian system dictating a compliance it is unlikely to achieve.

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102 Mona Lena Krook and Jacqui True, 2012, 'Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality', *European Journal of International Relations* 18(1): 103–27, p. 105.
103 Ibid., p. 104.
104 Preis, 'Human rights as cultural practice', p. 347. Preis is here quoting Virginia A. Leary, 1992, 'Postliberal strands in western human rights theory: Personalist-communitarian perspectives', in *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, ed. Abdullahi Ahmed An-Na'im, pp. 105–32, Philadelphia: University of Pennsylvania Press, pp. 105, 128.
105 Preis, 'Human rights as cultural practice', p. 348.
106 Bunch, 'Women's rights as human rights', p. 487.
107 Mutua, 'The ideology of human rights', p. 653; Mutua, *Human Rights*, p. 2. See also Glendon, *A World Made New*, p. 231.
108 An-Na'im, 'Toward a cross-cultural approach to defining international standards of human rights', p. 82.
109 Ibid.

The state as enforcer of international law

State ratifiers of conventions such as CEDAW and CRC are held responsible for 'due diligence' in protecting women and girls and promoting their rights. They do so largely by passing laws that enforce these conventions. Yet the three countries this volume concerns have neither the police force nor the judicial resources to enforce the laws that would protect women and promote their rights. Also, given that some degree of gender violence is widely tolerated in many if not most western Pacific societies, many citizens find these laws unsympathetic. In fact, many of these laws have been passed only after years of heated debate, inside and outside national parliaments, as Aletta Biersack's contribution to this volume indicates. The VAM movement of Luganville, Vanuatu, is but one manifestation of the debates within western Pacific civil societies. There are also incompatibilities in procedures, values and moralities between Northern principles, which emphasise punishment and deterrence, and Southern community-based remedies, which are designed to secure reconciliation and the rehabilitation of relational networks.[110] This in a nutshell is the conflict between, on the one hand, Fijian *bulubulu* practices—involving the tendering of an apology and valuables to the victim's group by the offender and his or her group to restore the relationship or relationships the offence has placed at risk, as Lynda Newland describes in her contribution—and, on the other hand, Western-style resolutions, which punish the offender in the name of justice for the individual victim. Such 'friction'[111] between the core values of Northern and Southern societies means that the postcolonial states of the Global South sometimes lack the political will to enforce vigorously the treaties they have ratified, especially given the resistance of their respective citizenries.

There is also the thorny issue of state sovereignty and its relation to the colonial past. Worldwide, UN efforts to compel ratifying states to comply with the terms of the conventions they have ratified have been met with 'widespread, vociferous, and usually effective claims

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110 Sinclair Dinnen, 2003, 'Restorative justice in the Pacific Islands: An introduction', in *A Kind of Mending: Restorative Justice in the Pacific Islands*, ed. Sinclair Dinnen with Anita Jowitt and Tess Newton Cain, pp. 1–34, Canberra: ANU Press, pp. 12–22.
111 Anna Lowenhaupt Tsing, 2004, *Friction: An Ethnography of Global Connection*, Princeton: Princeton University Press.

of national'[112] and also cultural sovereignty. Great Britain, France and Australia, advocates one and all for human rights, colonised the western Pacific and continued to do so deep into the 20th century. Fiji gained its independence from Great Britain in 1970; Papua New Guinea, at one time colonised by Germany and Great Britain, ultimately received its independence from Australia in 1975; and Vanuatu became independent from Great Britain and France in 1980. The international human rights regime links rich, 'first world' former colonial powers, and now major aid donors, to their poor, postcolonial 'third world' others, the recipients of that aid. Pacific Islanders understand very well the politics of the gift. As relatively new nation-states, Fiji, Papua New Guinea and Vanuatu could easily resent the fact that promoting women's rights is a condition on their receiving aid, in effect making a mockery of independence.

Beyond human rights practice

For all her promotion of cultural solutions (translation, vernacularisation, ideological transplantation), Merry has faulted UN advocates for 'a general tendency to culturalize problems',[113] ignoring causes that often involve armed conflict and displacement as well as poverty; problems that are occasioned by 'the havoc wreaked by expansive capitalism and global conflicts'.[114] Following this lead, we should look beyond male attitudes and the cultures that inculcate them towards the political and economic circumstances under which men become violent towards women and girls. The causes of gender violence would then lie less in the ideological sphere and more in social institutions, political perturbations at all levels, and the dislocations and pathologies engendered by globalisation, including market integration and its local impacts. Adopting the term 'structural violence' that Paul Farmer has made famous,[115] Merry points towards supra-community, even supra-national, large-scale processes and the damage they cause: 'the violence of poverty, hunger, social exclusion,

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112 Donnelly, 'International human rights', p. 609.
113 Merry, 'Human rights law and the demonization of culture', p. 63.
114 Ibid., p. 64.
115 See, for example, Paul Farmer, 2004, 'An anthropology of structural violence', *Current Anthropology* 45(3): 305–25.

and humiliation'[116] and, again, 'injuries and assaults that are produced by collective actions and institutions'.[117] The term 'includes [but is not restricted to] the violence following conquest and dislocation suffered by indigenous peoples … and the violent consequences of poverty and the inability to support oneself'.[118]

Along these lines, it is important to remember that the changes associated with globalisation in the Pacific have been so rapid that most western Pacific societies suffer from a generation gap that has stripped older men of the authority they once had in mentoring and censuring younger men. This loss of social control has coincided with the growing influence of Western media and the ideas about Western gender and sexual relations formed through the consumption of TV, film and magazines and including pornography, as well as with the increasing availability of intoxicants (beer, home brew and marijuana), which are widely recognised as playing a role in gender violence in the region. Moreover, the countries of the western Pacific are now monetised but employment is low, and many men find themselves at the bottom of novel social and economic hierarchies and are humiliated as a result.[119] In the event, the contemporary level and style of gender violence would stem not from ideology and mindset but from trauma occasioned by rapid social, political and economic upheavals, which have handicapped many males in the new arenas of competition for status that have opened up. By the same token, as Nicole George argues in her important contribution to this collection, recent economic and political convulsions in Fiji have made men feel emasculated and impotent, and so (quoting an interview with Shamima Ali, the head of the Fiji Women's Crisis Centre) they 'take it out on the most vulnerable' members of society: women and children.

Richard Eves offers another explanation of violence against women: gender violence is a strategy for preserving male dominance. Quoting the UN Division for the Advancement of Women, Eves notes that violence against women is 'a "policing mechanism"

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116 Merry, *Gender Violence*, p. 2.
117 Ibid., p. 182.
118 Ibid.
119 Frederick Errington and Deborah Gewertz, 2005, 'On humiliation and class in contemporary Papua New Guinea', in *The Making of Global and Local Modernities in Melanesia: Humiliation, Transformation and the Nature of Cultural Change*, ed. Joel Robbins and Holly Wardlow, pp. 163–70, Burlington, VT: Ashgate.

to "keep women … in their place"' and subordinated to their husbands, 'to assert "who makes the decisions" in a relationship or "who holds the power"'.[120] The implication here is that we should examine 'the structural relationships of power, domination and privilege between men and women in society'[121] and dismantle those arrangements and institutions that disadvantage women, simultaneously empowering men.

The obvious target here is bridewealth. Whatever its role in social exchange in the past, it has always also been a means for indebting, and thus subordinating, wives to husbands.[122] Many contemporary males take this a step further, interpreting bridewealth as bride*price*: the warrant for exercising proprietary rights over their wives. Absent national bans on bridewealth, changes in marriage practices will only be effected through community-level deliberations as to whether bridewealth should persist and, if so, under what understanding of it. Does it connect groups in amicable exchanges, elevating women as indispensable links in community-centred networks, or does it strip wives of their rights, further empowering their husband-creditors? Important related questions, ones that are inspired by the chapter by George, are: What are the circumstances, if any, under which a woman can avoid bridewealth-based marriage without damaging her reputation?[123] Can a woman shun marriage and still be economically viable, and, if so, at what cost to her reputation? Do economically independent women risk being attacked by envious husbands?

For all the promise of this approach, remedying social, political and economic inequalities is probably insufficient to combat the ingrained male sexism—and its corollary: a sense of female inferiority—

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120 UN Division for the Advancement of Women, 2004, *The Role of Men and Boys in Achieving Gender Equality*, [Final] Report of the Expert Group Meeting, Brasilia, Brazil, 21–24 October 2003, EGM/MEN-BOYS-GE/2003/REPORT, 12 January, p. 31, item 82, as quoted in Richard Eves, 2010, 'Masculinity matters: Men, gender-based violence and the AIDS epidemic in Papua New Guinea', in *Civic Insecurity: Law, Order and HIV in Papua New Guinea*, ed. Vicki Luker and Sinclair Dinnen, pp. 47–79, Studies in State and Society in the Pacific, no. 6, State, Society and Governance in Melanesia Program, p. 49.

121 Bunch, 'Women's rights as human rights', p. 491.

122 See Holly Wardlow, 2006, *Wayward Women: Sexuality and Agency in a New Guinea Society*, Berkeley: University of California Press.

123 See Martha Macintyre, 2011, 'Money changes everything: Papua New Guinean women in a modern economy', in *Managing Modernity in the Western Pacific*, ed. Mary Patterson and Martha Macintyre, pp. 90–120, St Lucia: University of Queensland Press.

encountered in the western Pacific.[124] In addition to giving females the education, skills and opportunities they need to compete in the monetised economies of the contemporary western Pacific and achieve leadership positions—'capacitating' them, as George describes—human rights advocacy is also needed to counter male sexism and embolden female agents.

Towards an ethnography of human rights work in the western Pacific

Merry's notion of vernacularisation paves the way for what promises to be a fruitful area of ethnographic enquiry: the ethnography of 'the practice of human rights', as Goodale has dubbed it,[125] an ethnography, if you will, of vernacularisation and transplantation, but with all of the groping, wobbliness, and transformative potential of the process duly noted and from the critical perspectives on the human rights regime itself presented here.[126] Ethnography is a methodology that is widely utilised in the social sciences. Its strength lies in its focus on actual practices (rather than ideals), the semantics and politics of communications and interactions, and open-ended processes. Building on the materials in this collection, an ethnography of human rights practice or human rights work would have a range of targets. Let us suggest several fertile avenues of enquiry.

Philip Gibbs's contribution to this collection reminds us that Christian churches have become core civil society institutions that advocate for a reduction in gender violence in the western Pacific, and, in the course of doing so, play 'a role in interpreting human rights discourse in a vernacular idiom'. His contribution follows closely the thinking of men enrolled in a 'Men's Matters' rights-based program (albeit from

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124 Ashlee Betteridge and Kamalini Lokuge, 2014, 'Combatting the family and sexual violence epidemic in Papua New Guinea: A submission to the inquiry of the Human Rights Subcommittee of the Foreign Affairs, Defence and Trade Joint Standing Committee into the human rights issues confronting women and girls in the Indian Ocean–Asia Pacific region', Development Policy Centre, The Australian National University, May, pp. 8–9.
125 Mark Goodale, 2007, 'Introduction: Locating rights, envisioning law between the global and the local', in *The Practice of Human Rights: Tracking Law Between the Global and the Local*, ed. Mark Goodale and Sally Engle Merry, pp. 1–38, Cambridge: Cambridge University Press, pp. 24–27.
126 Mark Goodale, 2006, 'Toward a critical anthropology of human rights', *Current Anthropology* 47(3): 485–511.

a Christian perspective) who as participants confront and critique their own gender violence and affirm the ideals of manhood of the past. What lasting impact do such faith-based programs have? Do they provide a foundation for human rights discourse that is alternative to the 'modern' and secular foundations scholars such as Merry emphasise? How are Christianity- and human rights–based moralities the same and/or different?

Secular institutions dedicated to the amelioration of women's and children's situations arguably have had an even higher impact. In addition to women's associations, many institutions—local, provincial, national and regional—that are designed to protect women and their rights have emerged in recent decades, and their successes and/or failures, and the support and/or pushback they provoke, would be worthy targets for an ethnography of human rights work. Of particular interest are male advocates, now trained in all three countries this volume concerns to defend women's and children's rights and to oppose gender violence. The contexts in which they operate, the strategies and arguments they use, and the reactions they draw would provide crucial information on efforts to translate and vernacularise human rights discourse as well as on any oppositional politics these efforts might incite. Women's associations are often the vanguard in promoting women's rights in the western Pacific, and their histories, strategies and campaigns, and strengths and limitations, given the climate of opinion in which they operate and the resources they have at their disposal, would provide invaluable insight into the dynamics of human rights practice in the region. In this regard, George's study of women's associations in Fiji, *Situating Women: Gender Politics and Circumstance in Fiji*,[127] serves as an exemplary model.

George's contribution to this volume makes a strong case for the need to investigate the social, political and economic conditions of men's and women's lives, as these impinge upon gender violence. In 'Sorcery talk, gender violence, and the law in Vanuatu', John Taylor and Natalie Araújo feature such conditions in the 'modernity as rupture' backstory they provide in their examination of contemporary Vanuatu sorcery narratives and the violence against females they portray. Sorcery accusation-related violence is rapidly gaining recognition as a virulent

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127 George, *Situating Women.*

form of violence against women in some parts of the western Pacific, and any rights-based attempt to defeat it will merit close ethnographic attention in the future.

Several contributions touch on the gender violence–mitigating laws passed by the parliaments of the western Pacific and the judicial and police institutions that strive to implement them. Much of this legislation was passed only after a protracted period of resistance and debate, and implementing these laws is more often than not extremely difficult. How does a female and/or her kin decide whether to take matters of rape or domestic violence to the police, a move that would activate the state justice system, with its laws and penal institutions, or, alternatively, to the village courts, which operate largely independently of that system and which promote reconciliation between an offender and the victim's family rather than the punishment of perpetrators in the name of justice for the victim? Or does a victim maintain her silence and, if so, why? Does the victim even have a say in the matter? Who decides and why? Some of these questions are addressed in Lynda Newland's informative discussion of village-based justice in Fiji. Jean Zorn's contribution to this volume shows us how to take such questions further in the event the victim reports an offence to the police and a state court rather than to a village court. Does the state court judge make a rights-based decision, and if so, on what grounds? Do villagers, the victim and the perpetrator accept this decision? What are the repercussions of the decision?

For reasons already given, in human rights work the state is assumed to be 'not only the central actor, but also the indispensable and pivotal actor around which all other entities revolve'.[128] A state may dodge its obligations to international treaties by dragging its feet in reporting to watchdog committees such as the CEDAW Committee and the CRC Committee or by failing to pass rights-based legislation. But western Pacific states cannot resist indefinitely without jeopardising their claim to foreign aid and risking embarrassment on a global stage. In parallel with the kind of ethnographic research Merry conducted at the UN, researchers might sit in on relevant parliamentary debates, interview ministers, prime ministers and other governmental leaders,

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128 Philip Alston, 2005, 'The not-a-cat syndrome: Can the international human rights regime accommodate non-state actors?' in *Non-state Actors and Human Rights*, pp. 3–36, New York: Oxford University Press, p. 3.

and supplement these observations and interviews with a review of national newspapers and policy papers for indications of debates about rights-based agendas and government officials' (as well as citizens') attitudes towards them. By the same token, state-led campaigns and initiatives designed to reduce gender violence and/or promote women's rights—as described, for example, in Lepani's and Biersack's contributions to this volume—should be studied for their impacts. Do they modify behaviour, elicit support, or spur antagonism?

This research agenda implicitly addresses the dynamics of local–global interfaces, with a view towards observing how ordinary citizens and representatives of the international human rights regime and the state interact. What is the fit or lack of fit between international ('universal') human rights norms and local, national and regional norms? What are the cultural investments and intolerances of the international human rights system? Is it open to genuine cross-cultural engagement, one that modifies rights talk? If yes, what are the modifications and how do they occur? If no, is 'translation' open to more than one interpretation and what are the differences among interpretations and interpreters?

As we have suggested, to focus on ideological transfer (Merry's 'translation') is merely a partial approach to gender violence and human rights. One must enquire as well into the social, political and economic conditions of the lives of western Pacific men and women, asking how these exacerbate or alleviate gender violence and hamper or aid translation. Ethnographic work will expose relevant social, political and economic factors that can be explored further for a more complete picture of women's situation, its possible futures, and the conditions under which these might be achieved.

Additionally, this ethnographic work must be historically informed. As already indicated, the western Pacific has undergone rapid change since colonialism, and the causes and modalities of contemporary gender violence must be understood in terms of that change. Taylor and Araújo's discussion of sorcery in Vanuatu makes the point. Pre-colonial sorcery was a power Vanuatu chiefs monopolised to assure law and order in the face of violations of *kastom* or customary practices. They write that, with the 'breakdown of *kastom* structures of governance during the colonial period', sorcery became 'unbound … from chiefly structures' and in the present-day may be used by 'young and sometimes disempowered men' to assert their masculine

power over females in acts of sexual assault. There is little in this volume that does not at least implicitly acknowledge the importance of the history of the region in understanding gender violence: its historical arc and its contemporary manifestations. That the topics of gender violence and human rights can now be productively linked is itself a consequence of the history of a globalising western Pacific.

Chapter summaries

In this section, we look more closely at individual contributions with an eye towards elucidating their specific contributions to the study of gender violence and human rights in the western Pacific.

The translatability of concepts of human rights into culturally acceptable terms, making them consonant with Melanesian ideologies of justice—a central tenet of Merry's argument—is challenged by both Lynda Newland and Nicole George, social scientists who study Fiji. Whereas George locates the failure in translation within the broad framework of 'law and order' state policies, Newland's article focuses on the ways that traditional systems of conflict resolution, atonement and reparation perpetuate discrimination against women. Her article draws on ethnographic research in *iTaukei* (indigenous Fijian) villages and engages with arguments Merry makes against the CEDAW Committee's suggestion that a particular ritual, *bulubulu*, be abandoned as a means of compensating and atoning for violence against women.[129] In particular, Newland examines the views of men who perceive the maintenance of relationships between communities as a higher priority than justice for women. She demonstrates that the principles that inform *bulubulu* rest on strong beliefs about gender hierarchy, which privilege male authority over women and children, based on values and principles derived from Christianity and tradition. Newland, like George, observes that gender violence appears to be escalating in Fiji and that the current gap between rhetorical commitments to the crisis made by government and NGOs has not resulted in a decline in incidence. The provision of refuge and counselling services is confined to towns. Responses in the village setting are aimed at reconciliation of the couple and the promotion

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129 Merry, *Human Rights and Gender Violence*, pp. 113–33.

of communal harmony rather than justice for victims. Like many others who have undertaken research on the subject, she maintains that campaigns against violence must incorporate and challenge men if they are to effect change.[130]

If Newland concentrates on the values that flourish and the various ways that gender-based violence is justified and normalised, George emphasises the structural factors that marginalise women, reinforcing male dominance and providing a context for violence to occur. She argues there that the emphasis on translation in the writings of Merry and others occludes 'the factors that obstruct women's economic and political participation'[131] and thus the exercise of their rights. In this argument, she is guided by the 'capabilities' approach first enunciated by Amartya Sen and subsequently taken up in Martha Nussbaum's *Women and Human Development*.[132] For Sen, human rights, though granted, cannot be realised unless a person can 'achieve valuable combinations of human functionings: what a person is able to do or be'.[133] For example, a person may be granted the right to vote but will only be able to exercise that right if s/he can, by virtue of the functions s/he is able to perform, actually vote. A 'capabilities' approach emphasises the pragmatics of human rights practice rather than the morality of human rights precepts. Embracing the 'capabilities' framework for understanding female vulnerability and exclusion, George stresses 'structural factors, political and economic, that diminish women's ability to realise'[134] or secure their rights, however intelligible or perfectly translated the rights talk may be. Specifically, Fiji's successive coups, the imposition of authoritarian, militarist rule, and national economic and political interests and policies have adversely affected Fijian women's capacities to participate equally in political and economic arenas.

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130 See especially Richard Eves, 2006, *Exploring the Role of Men and Masculinities in Papua New Guinea in the 21st Century*, Caritas Australia.

131 George, '"Lost in translation"', this volume.

132 See, for example, Amartya Sen, 1999, *Development as Freedom*, Oxford: Oxford University Press; see also Martha Nussbaum, 2000, *Women and Human Development: The Capabilities Approach*, Cambridge: Cambridge University Press.

133 Amartya Sen, 2004, 'Elements of a theory of human rights', *Philosophy and Public Affairs* 32(4): 315–56, p. 332.

134 George, '"Lost in translation"'.

Philip Gibbs, like Newland, provides invaluable information about male perceptions. Men not only believe themselves to have an obligation and perhaps a right to punish women who are thought to be delinquent in some way, but view state laws and secular notions of human rights as alien impositions. In particular, against the precepts of corporeal integrity and female autonomy implicit in human rights discourse, males reject the view that rape is necessarily a criminal act. In the workshop described by Gibbs, husbands indicated that a wife's refusal to have sex was the most common reason for violence and held fast to the idea that a man's right to sexual access was paramount (especially if bridewealth had been paid). In Papua New Guinea, the passing of the 2002 Criminal Code Act criminalising rape within marriage in PNG[135] has apparently had little effect on men's attitudes or behaviour. Similarly, in rural Fiji, as Newland reports, male village leaders regard a woman's marriage to her rapist as an appropriate alternative to criminal proceedings insofar as it mends the breach in social relations that might otherwise have ensued because the woman's parents receive the bridewealth prestation they consider necessary if the man is to have sexual access to their daughter. There is an emerging regional and international consensus that significant reductions in the violence against females will only occur if the males of a society embrace the cause, and Gibbs provides an ethnography of a faith-based initiative ('Men's Matters') to confront men with their transgressions against women and encourage them to accept past notions of what a 'real' and thus non-violent man is.[136]

In the course of doing so, Gibbs reminds us of the importance of the work of PNG churches in promoting women's rights and ending gender violence, albeit from a Biblical rather than a secular humanist perspective. 'Men's Matters' was established by the Catholic Diocese in Papua New Guinea's Western Province in response to men's requests and as part of the Caritas International project, which is aimed at promoting human rights and Christian understandings of tolerance, social justice and gender equity and which commissioned Eves's

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135 See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

136 On the importance of male advocacy in promoting women's rights, see Gary Barker, Christine Ricardo and Marcos Nascimento, 2007, *Engaging Men and Boys in Changing Gender-Based Inequity in Health: Evidence from Programme Interventions*, WHO: Geneva; Eves, *Exploring the Role of Men and Masculinities in Papua New Guinea in the 21st Century*; Eves, 'Masculinity matters'; and Eves, 'Resisting global AIDS knowledges'. See also Caroline Sweetman (ed.), 2001, *Men's Involvement in Gender and Development Policy and Practice: Beyond Rhetoric*, London: Oxfam.

2006 report, *Exploring the Role of Men and Masculinities in Papua New Guinea in the 21st Century*. This raises the question of cultural mutability in two ways. First, it implicitly reveals the historical changes that have occurred across Papua New Guinea, as Christianity has been embraced in successive waves of missionary endeavour, to the point where the nation itself is defined as Christian. Second, it suggests that the contradictions between traditional or customary sanctions and introduced legal systems might best be resolved by appealing to (already indigenised) Christian precepts that are consonant with human rights ideology and gender equity. The workshops initially explored men's ideas about masculinity and appropriate social conduct, but in discussing the problems the men faced, marital conflict and violence against women emerged as critical topics. The workshops encouraged men to express and scrutinise their use of violence in a range of situations, especially those where they hit a wife for being disobedient or for in some way affronting male self-esteem or status.[137] Thus confronted with their own gender violence in a religious context that affirmed Christian morality, the men committed to reforming their behaviour.

The variations in incidence and acceptance of violence against women across the region tend to be obscured in national statistical studies and estimates. Katherine Lepani's chapter draws attention to the culturally specific responses to violence in Trobriand society, where gender-based violence is comparatively rare. Her case study also reveals some of the problems inherent in notions of cultural translation that depend on points of similarity or analogy (as does much of the appeal to Christian doctrine of equality in God's sight). For Trobrianders, the identification with place as the basis of rights and protection incorporates ideas of personhood that do not fit easily into liberal discourses emphasising individual integrity and abstract conceptions of personal legal status.[138] While we have emphasised the ways that human rights discourses have been introduced through engagement with CEDAW and related initiatives, Lepani reminds us that in Papua New Guinea, international and national campaigns related to HIV and

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137 See also Laura Zimmer-Tamakoshi, 2001, '"Wild pigs and dog men": Rape and domestic violence as women's issues in Papua New Guinea', in *Gender in Cross-Cultural Perspective*, third edition, ed. Caroline B. Brettell and Carolyn F. Sargent, pp. 565–80, Upper Saddle, New Jersey: Prentice-Hall.

138 Cf. Marilyn Strathern, 1999, *Property, Substance, and Effect: Anthropological Essays on Persons and Things*, London: Athlone Press.

AIDS were a major vehicle through which the public first encountered arguments for human rights. Moreover, the human rights discourse surrounding the HIV and AIDS campaigns, with their emphasis on female vulnerability, especially given sexual violence, ensured that human rights arguments were regularly perceived as foreign ideologies about the status of women.

The privileging of male authority and male agency in determining which offences should be punished or deemed criminal emerges as a theme throughout this volume. John Taylor and Natalie Araújo take up this topic with respect to Vanuatu, exploring male rights to inflict violence on women and the complicated relationship between hierarchical, customary authority invested in Vanuatu chiefs and the authority of the state. They observe that sorcery narratives in Vanuatu are often structured in such a way that by turns challenges and upholds hegemonic relations of power. In particular, in this context, sorcery (in Bislama, *nakaemas*) is understood to be typically controlled by men (although not exclusively so), and while both men and women are potential victims of health- or fortune-related sorcery attacks, women also live in fear of sex-related sorcery attacks. In this respect, and in contrast to the idealised past in which sorcery represented a legitimate mechanism of juridical authority tied to chiefly power, examination of sorcery-related narratives shows contemporary *nakaemas* to represent a largely negative social force, one that works to uphold patriarchy and contributes to the generalised subjugation and surveillance of women, including by naturalising sexual violence as a form of social justice.

Jean Zorn explores the fraught relationship between customary practices, cultural norms and state law across the region through an examination of the ways that CEDAW has been embraced in legal codes, endorsed by Melanesian governments, and used as a reference point in court cases and judgements. She challenges Merry's faith in processes of vernacularisation of CEDAW within Melanesian communities, but mainly on the grounds that, as the state adopts the convention as part of its laws, parliaments and courts are the primary translators of international norms. Merry acknowledges this as she presents the success of CEDAW in the Pacific in terms of the numerous national governments that have introduced laws relating to gender discrimination and violence against women. Zorn's article is broadly comparative, examining the ways that CEDAW has been invoked in courts in Fiji, Papua New Guinea, the Solomon Islands

and Vanuatu in a variety of contexts where gender discrimination was a factor. She reveals that the decisions taken in these cases show how international law can be incorporated into domestic law and argues that the changes in law thus constituted inevitably have social consequences. The process she envisages will not in itself prevent wife beating, but as a gradual form of 'infiltration' will effect changes in the ways that women and men make decisions and resort to law.

Like Zorn, Aletta Biersack is interested in the role the state and state actors play in transferring human rights ideology across national and cultural boundaries. The development of legislation, policies, law enforcement capacity, and facilities such as safe houses and family support centres and networks of such facilities are the key strategies state ratifiers of CEDAW and CRC employ to honour their obligation to promote women's and children's rights and to regulate gender violence. Biersack traces the historical trajectory of governmental and civil society initiatives in Papua New Guinea, Fiji and Vanuatu, observing for each country the strides made but also the impediments to actualisation. In each country, legislation has been passed and governmental responsibility for implementing policies has been assumed. Foreign aid donors such as Australia and various NGOs support strategies aimed at eliminating gender discrimination. Yet laws work only if they are enforced, and policies require implementation to have an effect. In all three cases, enforcement and implementation thus far have been disappointing, with Papua New Guinea trailing Fiji and arguably Vanuatu in the strength and effectiveness of its response to gender violence. Since UN conventions are enforced through the 'due diligence' of states, this speaks to the relative ineffectualness of advocacy, prevention and law enforcement at all levels and both reflects and helps constitute the congenital weaknesses of the international human rights regime per se.

Conclusion

In the western Pacific, the international human rights regime—self-contradictory and reliant upon the actions and initiatives of postcolonial states that were liberated from various Euro-American colonial yokes mere decades ago—has had an unmistakable but regrettably still modest impact. Gender ideology there continues to

support gender inequality, violence against women and girls being the most egregious manifestation of it. Also disturbing is the way in which modalities of gender violence now proliferate. Taylor and Araújo's chapter provides concrete evidence of this for Vanuatu. In Papua New Guinea, revenge for alleged sorcery attacks inspires diabolically innovative forms of gender violence, as the public immolation of Kepari Leniata graphically showed. Yet there have been victories for human rights in the last several decades, and the capacity for rights-based activism and transformation in the western Pacific has steadily increased, which several chapters concretely illustrate.

As a group, the contributors to this book are committed to understanding better the causes of, and remedies for, gender violence in the western Pacific. We proudly offer this volume as an exercise in engaged social science. But the volume also affords much to think about for the theoretically inclined. Two decades ago Arjun Appadurai wrote that 'the central problem of today's global interactions is the tension between cultural homogenization and cultural heterogenization'.[139] In the area of human rights, this is clearly still the case. Since the 1980s, the international human rights system, operating in tandem with national, regional and international entities, has waged a campaign to mitigate gender violence in the western Pacific. This campaign joins ex-colonial Northern and postcolonial Southern nations within a world of marked political and economic inequality, the history of which is rooted in colonialism and market penetration. As 'first world' meets 'third world' within the various sites of human rights advocacy and in the context of a history of uneven development, the dynamics of these global connections are the dynamics of globalisation per se. About these dynamics the chapters in this volume have a great deal to say.

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139   Arjun Appadurai, 1996, *Modernity at Large: Cultural Dimensions of Globalization*, Minneapolis: University of Minnesota Press, p. 32.

Figure 1. Human rights activists request that Paiyam (or Porgera) Hospital be transferred to the state to lower the cost of health care for women and children in Porgera, Enga Province, PNG[140]

Source. Photographed by Aletta Biersack, Porgera, 12 June 2015

Figure 2. Porgera women throughout the valley convene by village to participate in this demonstration

Source. Photographed by Aletta Biersack, Porgera, 12 June 2015

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140 Human rights activists requested the transfer to the state of Porgera (or Paiyam or Paiam) Hospital, which had been closed for a month due to insolvency. It was hoped that such a transfer would reopen the hospital and render it solvent and affordable to local clientele. The context for this sign was an event that took place on the old Porgera airstrip on 12 June 2015. The event was attended by throngs of women from the Porgera and Paiela valleys (Enga Province, PNG) and was unique in its attention to women's and children's medical care issues, which, as the sign indicates, were promoted in the name of human rights. In the postcolonial era, the old Porgera airstrip is the ultimate venue for discussing public affairs, and the keynote speaker at the event was the Member for Parliament Nixon Mangape. This and the venue itself signified the elevation in importance of women's issues and rights.

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