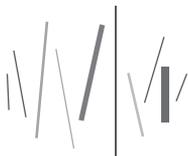


YOUNG WOMEN IN POST-YUGOSLAV SOCIETIES: RESEARCH, PRACTICE AND POLICY

EDITORS | *Mirjana Adamović, Branka Galić, Anja Gvozdanović,
Ana Maskalan, Dunja Potočnik, Lejla Somun Krupalija*



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Institut za društvena istraživanja u Zagrebu
Institute for Social Research in Zagreb



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Foreword

The publication of the proceedings “Young Women in Post-Yugoslav Societies: Research, Practice and Policy” is a result of the project “Young Women and Gender Equality in Post-Yugoslav Societies: Research, Practice and Policy”, supported by UNESCO within the framework of the Participation Programme for 2012-2013. The project is based on the synergy of scientific interests of two research teams at the Institute for Social Research in Zagreb: the team for cultural and gender research and the team for research of youth. They were joined by researchers from the Department of Sociology, Faculty of Humanities and Social Sciences at the University of Zagreb and the Human Rights Centre at the University of Sarajevo, the partner institutions and co-organizers of this project.

The realization of this very unique project had two objectives and two goals. The first objective was to organize an international conference (held on 26 and 27 November 2013 in Zagreb), and the second was to publish selected papers of the authors who presented their paper at the conference. Both objectives have been fulfilled. We would like to take this opportunity to thank UNESCO for supporting the publication of this book and all our associates who made their contribution and participated in its realization.

The first goal was to connect and network the scientists, experts, and activists engaged with the issue of gender equality of young women in the region. The second goal was to provide a scientific contribution to unravelling social processes and problems related to the issue.

These proceedings have a regional character and the term *region* denotes societies that were, up until recently in historical terms, bound by the borders of a common state. These different societies are connected by more than just neighbourly relations. Not only do they share the common inheritance, history, and destiny, they share the problems which the process of becoming independent did not manage to erase. Old difficulties were accompanied by new dilemmas regarding social, economic and political processes that these societies had to go through, processes that largely determine the social position of women. However, the proceedings were created with the knowledge that the societies in question are different and have given different

answers to similar issues throughout the past twenty years. This difference is reflected in the example of contact and interaction of different patriarchal cultures in the region. Therefore, the main focus of this work, apart from the generational belongingness, is to present different discourses to explain the methods and the context of achieving gender equality through the prism of research, activist and policy oriented activity.

By observing this issue through the age perspective, unfavourable conditions are prevalent in most societies, conditions which make the transition to adulthood by taking on public, family, and professional roles much more difficult. This reflects the slow dynamics of social integration of a young population. From gender perspective, one can note the persistence of patriarchal patterns, the influence of which is reflected not only in the existence of many gender-discriminatory practices, which represent a direct obstacle to both human rights of women and gender equality, but also in achieving democratization in those societies in general.

The proceedings also try to bring the contributions from the feminist perspective closer to the scientific and the interested audience, as this perspective has had a rich tradition in this region in the past several decades. Feminist ideas were the ones supporting the fight for peace, human rights, interethnic and interreligious tolerance. We tried to make our work a continuation of this tradition by networking scientists, activists and policy makers from Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Slovenia.

The scientific approach to the gender aspects of the current situation and the perspective of young women has certain limitations. It does not allow the insights to stem from anything but the theoretical and empirical research foundations. The proceedings should be read from the “objective standpoint” – the papers state, but they also direct; they criticize, but also present good and bad beginnings, as well as good and bad practices. They show that comprehending the character of patriarchal cultures that intertwine in the space of former Yugoslav societies can be helpful even to those that seem to be far ahead in developing values and mechanisms of gender equality. The progress of the idea of gender equality, as many papers state, should be observed from the critical point of view. We are witnessing the fact that even the democratic societies obstruct the human rights of women

in various ways, so these proceedings may be used as a warning and to define the course in which a country should not be heading.

The readers of this publication have 5 chapters before them which cover various anthropological, psychological, sociological, political, and legal foundations and perspectives of gender equality of young women. The proceedings discussed gender relations and the ways in which they are formed within the ideal-type sections: education, labour market, family, violence against women, and culture.

The first chapter on education, which contains the papers of three authors, starts with the paper by **Biljana Kašić**, “**Towards a Critical Knowledge: Gender-Sensitive Education in the Abyss or an Illusion?**” Kašić questions the discursive self-explanatory nature of the gender mainstreaming ideology. She warns that gender sensitive education is not untouched by the models and aims of the neoliberal production of knowledge that in itself promotes the “pragmatic, functional and expert knowledge on sex/gender issues”. At the same time, she warns about the influence of patriarchal ideology on various levels (religion, worldview, media, education), despite visible progress in the domain of “normative discourse on gender issues in the Croatian context”. Within this framework, Kašić poses several questions about the possibility of integrating gender perspective and knowledge, about the position of the gender’s agency, and about the potential of education as a social power for change.

In her paper “**The View from Semi-Periphery – About Feminism and Gender Education in Bosnia and Herzegovina**”, **Milena Karapetrović** uses the elements of feminist epistemology, the significance of context and the role of the subject to examine the results accomplished in the field of institutionalized gender education. She observes the implementation of gender education into the academic environment in the regional context in relation to the present patriarchal model of marginalization of women. Karapetrović believes that the problems of developing gender sensitive education can be tied with the stages of development of feminism and states that the enthusiasm is the closest to the first, the activism to the second, and the dilemmas surrounding the theoretical placement are characteristic for the third, postmodern phase of the development of feminism.

Isidora Jarić and Valentina Sokolovska show the results of an empirical qualitative study on the idea of introducing gender equality into the system of secondary education. Their work, paper **“Problems with Implementation of the Project of Gender Equality in Secondary Vocational Schools: A Case Study of High Schools for Economic Vocations in Serbia”**, displays the attitudes of high school teachers through a method of serial interviews, conducted in focus groups. This sociological study shows the importance of questioning the attitudes of high school teachers as the intermediaries between the politics of gender mainstreaming and the students. The main results of this study can serve as a guideline for forming the policies aimed at promoting and implementing gender equality into high school education, bearing in mind the differentiation of social actors involved in the process of above mentioned implementation.

The chapter on the possibilities of young women in the labour market starts with the results of the study on the position of pregnant women in the labour market by **Višnja Ljubičić**, titled **“Discrimination of Young Women in the Croatian Labour Market”**. This paper problematizes the idea according to which all social actors should be able to work in “a safe, friendly environment free of violence, coercion or fear”. Family planning is one such right. Ljubičić states that discrimination based on pregnancy and motherhood is present in Croatia, and she also presents data on sexual harassment. The author concludes that the institutional framework is not a sufficient protection against discrimination as the victims often do not use the system to solve the problem of discrimination. The system for protection of the victims should primarily be prompt and good practices should serve as an example or as an encouragement for other victims of discriminatory practice.

In the same chapter, **Valerija Barada and Jaka Primorac** present the results of a sociological study **“Unpaid, Under-paid and Self-exploiting Labour as a Choice and a Necessity: Example of Women in Creative Industries”** conducted in Croatia. This specific cultural field of employment of women is covered through the scope of importance of creative industries for the development of the society. This field is marked by an atypical form of employment and creative work, which is often unpaid even though it

implies a whole spectre of temporal and financial investments in order to acquire additional professional competences. From the initial excitement over the choice of a creative career, the development of such careers leads to decreased enthusiasm and after several years of intensive work, this type of employment is perceived as a necessity which results in dissatisfaction.

The chapter on family contains the paper by **Suzana Simonovska and Vesna Dimitrievska**, titled **“Reproductive Health and Rights in the Republic of Macedonia”**. The reproductive rights and the possibility of individual choice regarding one’s own body are promoted as a necessity for achieving social and economic equality. In the context of public policies in the Republic of Macedonia, these rights are shown to be among the top priorities. The authors discuss the possibilities of developing policies and programmes that could contribute to the development of anti-discriminatory practice by respecting the individual choice of women and considering the importance of education.

In their paper **“Partner Equality as a Process – the Case Study of Partnership from Slovenia”**, **Živa Humer and Metka Kuhar** explore gender equality within the private sphere. Their study examines the social and the political context relevant for family life and gender relations in Slovenia and presents the results of a qualitative study on equal distribution of work in a typical Slovenian family. The authors analyse the main factors that contribute to equality concluding that equality is related to multiple external factors, such as type of employment, politics, and general social climate. Personal ideology and the wishes and intentions of the partner were also shown to be important. The authors conclude by stating that equality is a process in which values and communication between partners are of the utmost importance.

The paper by **Branka Galić**, **“Socio-cultural Influences of Reproductive Technologies and Family Concepts in Contemporary Society”** discusses new family forms. The first part of this work observes the influence of technology on planning and controlling one’s own reproductive life, but it also emphasizes social control by various actors (the government, corporate interests, medical professionals, church etc.) which limit the autonomy of women in establishing reproductive self-determination. The author states

that reproductive technologies influence the cultural ideas of femininity, motherhood, and family and that reproduction is still an engendered phenomenon in the 21st century. The development of reproductive technologies provides a possibility of reproduction outside the normative heterosexual framework and encourages a discussion on new family forms.

The chapter dedicated to the issue of violence against young women starts with a paper by **Ivana Radačić** – **“Human Rights of Women and the Mechanisms of Their Implementation in Croatia with the Focus on Regulation of Violence Against Women”**. The author uses the example of Croatian legislature for elimination of gender based violence in order to show the flaws of the legal and institutional framework within which these laws are formed. She claims these flaws stem from the approach to gender equality based on the liberal idea of equality as an equal treatment, which ignores the hierarchical relation of power between men and women and the patriarchal norms of gender and sexuality. The consequences of this are not just half-hearted results in terms of securing basic human rights of women, but also the weakening of the women’s movement.

In her paper **“Young Lesbians and Transgender Girls in Serbia”**, **Zorica Mršević** reports on the position of young lesbian and transgender girls in the Republic of Serbia as a group discriminated against in several ways. Based on the examples of numerous interviews and other sources of information, the author depicts all forms of discrimination lesbian/transgender girls are exposed to: from family violence and peer pressure, to violence in public spaces, which leads to their early abandonment of education, difficulties in finding employment, and finally, the decision to end their own life. Author emphasizes the crucial negative aspects of the public perception, highlighting the importance of education through adoption of the basic recommendations for eliminating discrimination, violence, and intolerance towards the other and the different.

The chapter covering culture starts with **Keith Doubt**, who deals with the cultural phenomenon characteristic for Bosnia and Herzegovina: marriage without the approval of parents through elopement, in his paper **“Elopement and Ego – Identity in the Narratives of Bosnian women”**. By relying on a series of 15 interviews with Bosnian women and the psychological theoretical concepts of Erik Erikson, the author concludes that

the decision to elope has a positive influence on the development of female identity. He interprets elopement as a resistance against the patriarchal identity, which has a significant influence on the maturation of young women.

Svetlana Slapšak’s paper uses the discourse of equality to discuss the topic of a girl which carries the inscription of anthropological archetypes, Balkan cults and rituals that often go beyond the attempts of her rehabilitation, as she places the girl into the context of old narratives of fear, taboo, violence and death. In her paper **“A “Girl” in the Yugoslav Film and Independent National Cinematographies: Historico-anthropological Investigation of Cultural Imageries”**, Slapšak shows both the new and the old “inventions of a girl” using the example of films by France Štiglic, Puriša Đorđević, Veljko Bulatović, Aleksandar Petrović, Dušan Makavejev, and Maja Miloš.

The paper by **Jelena Tešija, Viktorija Car and Josip Šipić**, titled **“Analysis of Female Characters in Pula Film Festival’s Winning Films from 1992-2011”**, analyses the award winning films at the Pula Film Festival from 1992 to 2011 using the Bechdel test to examine the presence, activity, and interaction of female characters in mentioned films. Using this analysis of female film portraits, the authors have shown the persistence of gender stereotypes and the support of traditional gender roles, thus determining the dominant perspective of the male protagonists.

The paper by **Zlatiborka Popov Momčinović**, titled **“Young Women in Contemporary Bosnian Women’s Movement: The Contradictions within the Changes”**, analyses the position and activity of women within the women’s movement in Bosnia and Herzegovina. In her paper, she uses the results of a recent study that aimed to determine the presence of ideal-type traits of a civil society – autonomy, anti-hierarchy, enlightenment, and solidarity and the ways in which the presence (or lack thereof) of these elements affects the young female activists.

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CHAPTER 1: EDUCATION

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TOWARDS A CRITICAL KNOWLEDGE: GENDER-SENSITIVE EDUCATION IN THE ABYSS OR AN ILLUSION?**Introductory note**

Let me start this paper with two claims for education concerning women's issues, namely the gender issues that have marked its position at the beginning of the 21st century. One is actually embodied in the subtitle of my work and refers to gender-sensitive education that seems to be the general aim for the regulation and affirmation of gender equality within and through educational processes, especially at the higher levels; the other was articulated by Gayatri Ch. Spivak as an aesthetic education by which the author implies "(...) training the imagination for epistemological performance"¹ (Spivak, 2012: 122).

While the first demand concerns a goal that has since the mid-1990s (Abrahams and Sommerkorn, 1995) emerged as a normative intention, identifying and performing the main aspects of normative ideas about gender equality in education, the second one undoes this kind of performance by insisting on making visible and transparent precisely the 'abstract structures' that stand behind gender-sensitive education. More specifically, this appeal for the new education arose from the critique of (multicultural) democracy and the state as the structures that promote gender-sensitive education even if they themselves are in the function of managing, ironically enough, the 'gender insensitive' global capital. It is obvious that Spivak alludes to the complex network of contextualisations that constitute a frame-

¹ Of course, that what this distinguished author considered as an aesthetic of education involves a particular approach to aesthetics and ethics that strikes various layers of education beyond its conventional meanings or use.

work for discussion on concerns surrounding the gender-oriented education of today. Even its comprehensive strategy, in which gender-sensitive education implies the integration of a gender dimension into all education programs, that is, every kind of training that includes a gender perspective (Eurydice, 2009) and the removal of all stereotypical representations of gender roles, which is often emphasised when talking about implementing gender-sensitive education measures, still contains a set of not entirely clear and discursively-determined rules that cannot contribute to its realisation.

Before I go further with this kind of analysis, primarily having in mind the Croatian context as my own research field, I would like to briefly touch upon the concept of gender-sensitive education itself and the issues surrounding it that are to be debated in contemporary feminism(s).

Gender-sensitive education: catching up on its meaning

Gender-sensitive education is a term that has been used quite deliberately during the last decade to support state policy measures and programmes, namely their strategy “concerned with increasing people’s sensitivity to the implications of gender inequality and gender discrimination” (Gender 101, 2002). More precisely, education is identified as a place of importance for ‘gender impact assessment’ which is one of the policy tools for establishing a gender-sensitive policy², and is a discursive technicist replacement (in other words, a new ‘business’ term) for notions or terms that were more in use during the 1980s and early 1990s such as ‘gender analysis’, or ‘gender equality analysis’.

It is obvious at the very start that we have a problem with the ways of constructing new terms that would mirror the administrative-oriented production of discourse which was created to be utilized primarily as a basis for government analysis on gender issues, and that education is to follow this purpose too. In addition, we are also witnessing the fact that the politics of

² Here is one of the explanatory phrases for positioning a gender-sensitive agenda within a vicious circle of meanings: “The gender-sensitive policy will reflect the characteristics and differences of the gender so that the effect of the policy will be shown as gender equality in society” (Gender-sensitive policy, 2010).

production of gender inclusiveness through an educational gender-sensitive policy acts as a mimicry for other gender-specific problems and issues.

Two questions immediately come to mind when we endeavour to explore the idea of gender-sensitive education. The first is with regard to the meaning, or rather the sense of gender-sensitive education, and the second with the implication of the realization of the concept itself. In her text “Is ‘gender-sensitive’ education a useful concept for educational policy?” Christine Forde (2012) attempts to give an interpretation of three broad approaches to education based on the analysis by Sinnes and Løken (2012) and these are ‘gender neutral’, ‘female-friendly’ and ‘gender-sensitive’ (Forde, 2012). A ‘gender neutral’ approach actually implies education in which gender as a category is insignificant for education and thus all theoretical assumptions that arise from gender difference and perpetrate gender hierarchies are irrelevant since the theoretical universality that affirms the masculine stance is presented as an objective rationality. On the other hand, the ‘female-friendly’ approach, which starts from the assumption that female behaviour is inevitably undervalued and that female activity is discounted both within science and education, insists particularly on women-defined perspectives, values and needs. The implications of this kind of approach, following the author’s arguments, lead to the reductiveness of gender policy by emphasizing only “one set of needs” (ibid., p. 3). ‘Gender-sensitive’ education seems to be a counterpoint to both positions since it rests on the interrogation of the concept of gender within the educational-pedagogical framework that doesn’t privilege any gender in particular but insists on sensitivity to gender issues and differences between sexes. What does it really mean to “be sensitive” to gender issues, how can it be made operational in the academic classroom, and by which approaches and methodological tools? This is far from a clear stand in scrupulous academic terms. Apart from its unclarity, we can agree that “(t)he idea of gender-sensitive education is messy, complex and sometimes contradictory” (ibid., p. 7), bearing in mind the reasons that stood behind the introduction of this term in the theoretical discussion dating back to the eighties. When Jane Roland Martin, while uncovering the ideal of “the educated person” within the philosophical liberal tradition (proposed by R.S. Peters) introduced the term “gender-sensitive”

in her text *The Ideal of the Educated Person* (Martin, 1981), she precisely argued in favour of acknowledging gender and gender differences but from a woman-oriented knowledge angle. Starting out from the perspective that the ideal of the educated person embodies “a male cognitive perspective” as “(...) the intellectual disciplines into which a person must be initiated to become an educated person *exclude* women and their works, *construct* the female to the male image of *her* and *deny* the truly feminine qualities she does possess” (ibid., p. 101), she pledges for education that would also include virtues considered as female or those that belong to the reproductive processes of society such as caring, sympathy, compassion, nurturance etc. (ibid., p. 106). If we overlook the theoretical disputes concerning Martin’s proposal of gender-sensitive education, especially those that were provoked by her mentioning of the insistence on “truly feminine qualities” and which were framed within the “constructivist vs. essentialist” positions (Desforges, 2011), the crucial question that remains is how to inscribe gender difference within the educational framework bearing in mind the variety of differences, their causes, and the layers of their contextualisations, while at the same time undoing one gender difference (male/female binary dichotomy) as the norm and affirming a more inclusive gender-strategy? Or furthermore, how to create a possibility for a *gender-sensitive ideal* as “(...) one which takes sex or gender into account when it makes a difference and ignores it when it does not” (ibid., p. 109), for which Jane Roland Martin pledges in a situation when gendered behaviours and gender practices strategized within gender equality programmes mask the patterns of gender discrimination, while the concerns of policy makers in education reduce gender issues on measuring impacts or evaluation methodologies, verifiable results, or so-called gender-sensitive indicators³ brought about by an educational stream?

There are many questions around gender-sensitive education nowadays which show both the cognitive paradoxes and often the pointlessness of the exploration of sensitivity regarding gender issues, along with technocratically instrumental multi-tasking demands followed by the decontextualisation of the problem and neoliberal rationalities. On the one hand, the neoliberal

³ For gender-sensitive indicators see: GEM (Gender Evaluation Methodology for Internet and ICTs. A Learning Tool for Change and Empowerment, Integrating Gender Analysis).

rationalities rely on power working to normalize hegemonic masculinities and femininities (Amsler, 2012) embedded in androcentric presuppositions in the academic structures and verified by the traditionally established gendered patterns rather than to enable deliberative strategies to deconstruct them or to create more subversive educational mechanisms in favour of their change. On the other hand, they empower every type of canonization of the field of Women’s/Gender Studies in terms of policy measures invented either through ‘harmonizing’ of the European higher education system via the Bologna process⁴ or the EU bureaucratic institutions. While Clare Hemmings (2008: 123) emphasized the risk of disciplination of Women’s/Gender Studies through European benchmarking that leads to a canonization of the curricula and control of knowledge-production with immeasurable consequences, Mary Evans (2006: 312) questioned the standardisation and homogenisation present throughout the European technocratically designed educational framework and quality assurance policies.

But let us return to the already posed question that sharpens the argument here, and which refers to the discursive strategy currently being articulated within the politics of gender mainstreaming and for which the gender-sensitive education is one of the most important policy tools. Over the last three decades we have witnessed a kind of shift from women’s studies to gender studies, from women’s oppression to gender equality, from gender equality to equal opportunities, and consequently to the gender mainstreaming. In examining the situation in the Nordic countries that happened in the field of research with introducing equal opportunity research already at the end of the 1970s, feminist theorist Ulla Holm highlights a few arguments that feminists use against this research, for instance that it explicitly applies to equality between women and men and in a quite normative manner, that conceptually the traditional sex role research is accepted, and that the women’s and liberationist perspectives are lost in the research (Holm, 2004).

Although the ideological confrontations between research on equal opportunities and women’s studies have been from that time transformed into

⁴ ‘Harmonisation’ in this regard means a unified higher education degree structures across the EU, quality assurance policy, a universal system of accreditation, university subject benchmarks, the development of a European curriculum (Alvanoudi, 2009: 40).

new, more pragmatic constraints concerning the promotion of equality between women and men as envisaged in the politics of gender mainstreaming (Squires, 2005) as a strategy⁵ since the nineties, the same question is still of key relevance. Ulla Holm pregnantly expressed this problem by questioning: “(...) whether problems and results are different if one starts from *sex roles* and *equal opportunities* instead of notions such as *women’s oppression* and *women’s liberation*” (Holm, 2004).

If we take into consideration that the politics of gender mainstreaming is primarily a component of a wider political hegemonic discourse articulated and led by various political experts while the framework for its implementations constituted a part of the transnational liberal economy, it is clear what kind of complexity of the problem is at issue here when we talk about gender education and gender research. Slovenian theorist Vlasta Jalušič significantly termed the implications of the politics of gender mainstreaming as a process that, despite its initial intention, directly produced “de-gendering” (Jalušič, 2009: 60), referring to the various aspects of gender inequality, but also the de-politicization of “feminist issues”. A recent study by feminist theorists Emanuela Lombardo, Petra Meier and Mieke Verloo published in the text *Discursive Dynamics Gender Equality in Politics: What about Feminist Taboos?* (Lombardo et al., 2010: 105-124) clearly shows that the use of the political concept of gender equality in the last decade has affected the process of de-politicization of the discourse on sex/gender issues and the achievements of feminist engagement, and has thus had a direct impact on the production of feminist knowledge. One of the reasons is the concern and the tendency that research on sex/gender topics is being performed in such a manner so as to confirm a presumed or already established normative discourse, and by which feminist articulation itself in its adaptation is being increasingly evaluated and expressed through normative lenses. Issues such as patriarchy and multiple layers of imbalance in power by sex/gender or complex issues of identity and intersectionality, discrimination and oppression are for these reasons being excluded from the cognitive-interpretive spectrum.

⁵ “Gender mainstreaming is “(a)n organisational strategy to bring a gender perspective to all aspects of an institution’s policy and activities, through building gender capacity and accountability” (Reeves and Baden, 2000: 2).

Intentional shifts or intentional ignorance: how to understand the paths of gender-sensitive education within Croatia?

The situation in Croatia as far as gender-sensitive education is concerned provokes in me a kind of deep anxiety, even anger, and for two main reasons: the first is related to the key question that arises from the already mentioned problems in the first section of this text and can be summed up in the following questions: How to produce epistemic change through gender-sensitive education? Is this possible at all, or is this a venture of a very limited scope in order to fulfil the technocratic agenda of the gender mainstreaming politics? Also, is it even possible to imagine a gender-sensitive inquiry within education without feminist critical consciousness that challenges both the content of epistemology and the conditions of education that includes methodologies, pedagogies and educational ethics? And furthermore, would this be possible at all within the context in which women’s/gender studies were never established at the academic level, either as a department, division, or even a centre for women’s/gender studies research, or more precisely, as a programme at the undergraduate, graduate, or post-graduate level? It is because of this that our domestic situation in Croatia is quite interesting and in many ways a unique example for “examining” this kind of absurdity in addition to the implications of the above-mentioned politics of gender mainstreaming and the neoliberal effectiveness in the area of education.

There are many paradoxes around our specific contexts in this regard and much has been written about this during the past few decades (Kašić, 2001; Barada et al., 2003; Kašić, 2006) but here I will address only a few apparent and the most important ones relating to this issue. The first paradox is that the only comprehensive and systematic place for women’s studies education is still outside the academic system, even though there is an exceptionally increasing interest among the students both for alternative women’s studies education as well as for courses at the university which affirm feminist topics/issues. To be precise, the Centre for Women’s Studies in Zagreb as an independent centre run by feminist scholars, activists, and

artists has continuously offered an interdisciplinary study of women's and gender issues in Croatia since 1995. The second paradox is that Gender Studies entered the scientific categorization of disciplinary areas recognized by the National Council for Science in 2009, and were classified as an interdisciplinary field of science⁶ even though neither Gender nor Women's Studies as an integral cognitive field are a part of the academic curricula in Croatia and there is no academic or political will to resolve this problem. The third paradox is that parallel to the affirmation of gender-sensitive education and changes in regulations related to gender topics (adopting the *Gender Equality Law* (Zakon o ravnopravnosti spolova), in particular), the guideline⁷ on the necessity of integration of women's/gender studies at the university as part of the politics of gender mainstreaming has disappeared. If this situation is analysed by taking some unfavourable academic paths into consideration, such as the trend of stagnation in the introduction of courses with feminist content at the university level, or those that will at least mirror a women's/gender's studies orientation or gender perspective especially compared with the situation from 2000 to 2005⁸, the political discourse toward gender-sensitive education seems to be even more absurd, without any

⁶ Source: *Pravilnik o znanstvenim i umjetničkim područjima, poljima i granama* (Ordinance on scientific and artistic areas, fields and branches) (2009). It is worth noting that this initiative for verifying Gender Studies as an academic field came from the joint collaboration between the Centre for Women's Studies and the Department of Ethnology and Cultural Anthropology, Faculty of Humanities and Social Sciences in Zagreb.

⁷ One of the explanations or reasons given in the National Policy regarding the omission of measures related to the institutionalization of gender studies in the higher education system is precisely the introduction of the field of gender studies in the scientific classification system, and by which, as it stands in this document, "conditions for the implementation of the mentioned have been created (...) *The National Policy for Gender Equality for the period 2011 to 2015* (Nacionalna politika za ravnopravnost spolova za razdoblje od 2011.-2015. godine, 2011), *Achievements and challenges in implementation of policy for gender equality*, chapter II. In other words, instead of this being the key argument for further insistence on creating conditions and policy measures for integrating gender/women's studies within the university system, the main gender mainstreaming body with the Croatian government decided quite the opposite!

⁸ Back then, the courses with a feminist title and content were introduced at several universities mainly within the social sciences and humanities, and later within the art-related ones, with a primary role played by the departments of literature (Croatian and foreign literature), and then departments for ethnology, sociology, anthropology, philosophy at the philosophy faculties throughout Croatia, while certain feminist content also began to be taught within the departments for social work, law, history, political science, art departments and interdisciplinary studies, such as cultural and media studies.

substantial meaning, and in a cognitive sense, almost pointless. The fourth paradox concerns the research opportunities on gender and/or feminist issues within the national gender equality agenda. This can be interpreted in that the financialization of the politics of gender mainstreaming strengthens the idea of governmentality in the Foucauldian sense to such an extent that the gender equality bodies function more as subjects to impose rules, regulations and even prioritizing and dictating research goals⁹ in this respective field than to enhance conditions for gender or feminist research according to independent criteria and in a more inclusive manner.

Apart from the production of conceptual and substantial tensions between gender equality research and feminist-oriented research, the direct consequence of this interference is both the narrowing of the research contents and goals on pragmatic, policy-oriented ones that serve, verify, or legitimate governance policies, as well as a diminishing sense of basic theoretical, or epistemological foundations of gender or feminist scientific research including a wide-range of its issues. This reminds me of an interesting discussion that took place almost ten years ago within a group of European female researchers gathered around the project *Travelling Concepts* that was carried out within ATHENA (...) (Advanced Thematic Network Project in activities in Women's Studies in Europe).

When asked by a Romanian scholar Enikő Demény: "What difference does a feminist perspective make in using the concept gender?", Veronika Varsteling, a scholar from the Netherlands, responded that "(...) the difference between feminist and mainstream gender studies consists in the deliberate and reflective attempt to be critical and politically engaged whereas that is not the case in the latter case" (Varsteling, 2004). This trend is even more problematic when we take into account the enormous efforts of feminist scholars in research institutions and faculties, independent centres, and women's groups during the last two decades to carry out different research activities in quite a different spirit and in quite different modes from those

⁹ The *National Policy* directly states that it will support "targeted gender research and analyses." See: *National Policy*, *Achievements and challenges in promotion of gender equality and empowering of women 1. Legislative - institutionalized development and means of implementation* (chapter III) (Nacionalna politika za ravnopravnost spolova za razdoblje od 2011.-2015., 2011).

that are only policy-oriented on one hand, and the absence of women's/gender studies within the academia on the other hand.

But, let us turn to gender-sensitive education or its legal assumptions. While the *Gender Equality Law* (Zakon o ravnopravnosti spolova) (2008) does not explicitly mention gender-sensitive education, even though it addresses the respect towards the gender aspect in all areas of education and the need for non-discriminatory knowledge on women and men, the National *Policy for Gender Equality* for the period 2011 to 2015 (Nacionalna politika za ravnopravnost spolova za razdoblje od 2011.-2015., 2011) dedicates one part to education in this regard, namely in the section "Strategic framework for the implementation of gender equality policy and action plan, subchapter three". Even though the guidelines relating to gender-sensitive education should relate to all aspects of education within the system, both cognitive and pedagogical, by carefully examining, or by a closely reading its content, it is evident that this is not the case here. If we leave out the part that relates to the elimination of gender stereotypes in textbooks and the instruction that education for gender equality should be an integral part of the curricula for civic education, this respective part of the *National Policy* only contains measures related to the implementation of education on gender equality for their carriers and for a so-called gender balance when choosing a field of education at the secondary and higher education level. They are only technical guidelines at best or related to statistical data, and what is significant is the influence of the language of neo-liberal economics in the regulation of gender equality and gender-sensitive education, visible in the coupling of gender-sensitive education and the labour market economy.¹⁰ This is completely apparent considering the guidelines and recommendations that Croatian politics should follow *Recommendations by CMI Rec (2007) 13*, and which are presented in the published document *Gender-*

¹⁰ This tendency is evident particularly in this measure: "A gender-sensitive program will be created to professionally inform the student population in the final grades of primary schools on the attractiveness of jobs on the labour market with the goal of developing interest with female students to enrol in secondary schools that have been traditionally and statistically dominated by a male student population and with male students for enrolling in secondary schools that have been traditionally dominated statistically by a female student population." (Nacionalna politika za ravnopravnost spolova za razdoblje od 2011.-2015., 2011), Subchapter *Gender-sensitive education*).

sensitive policy in education (Štimac-Radin, 2010), without any critical discussion on this matter.

This moment faces us with an additional issue that more generally appeals for critical conversation concerning education and the commodification of knowledge in order to rearticulate the role of gender/women's studies education once more. My thesis here is that the limitability of implementing gender-sensitive education in addition to its semantic and normative constraints is directly associated with the factors, modes and goals of neoliberal knowledge production that affirms narrowly pragmatic, functional and "expert" knowledge on sex/gender issues, and in this regard the situation in Croatia is not any exception. Yet the circumstances within which the "war against gender ideology"¹¹ during the last few years has become a veiled sign of negating the idea of sex/gender equality while reinforcing patriarchal and misogynist tendencies makes its intention clear, creating a certain specificity in our case. Just as there is no in-depth insight into what gender-sensitive education brings and what has been reached with this type of education within Croatia, even though several relevant analyses have been made of educational textbooks (Baranović et al., 2008; 2010), what is also not entirely clear are the effects of various mutating modes of acts/actions against "gender ideology"¹² impregnated within different intertwined areas such as education, media, research, religion, politics. What is quite evident – and is indicated by normative, political, ideological, neoliberal trends – is that the space for critical understanding and feminist teaching is completely narrowed down, which is another reason for my concern. But just as it is not

¹¹ The "war against gender ideology", present in both open and hidden ways in the discourse of various actors in Croatia, particularly those directly connected with the Church, demands an entirely separate research.

¹² In a more general sense "gender ideology" is the term that is used to describe the attitudes regarding genders and their roles in society primarily referring to attitudes towards men's and women's expected roles and responsibilities (Kroska, 2006). Regardless of the fact that "gender ideology" as a concept is theoretically ambiguous and its applicability varies regardless of the various interpretations within specific scientific, political, and religious circles, its ideological use nowadays is indisputable in order to denounce the role of gender theories in the understanding of sex identities, roles and social relations among sexes/genders. Thus the targets of criticism are the postulates on the distinction between sex and gender, the social construction of gender and possible different gender identities beyond the female/male dichotomy, and thus the struggle against "gender ideology" emerges as a "moral strategy" to protect the biological approach to sexes, traditional family, and assumed female and male social roles.

possible from a feminist perspective to accept any political or ideological subordination that is imposed as an inquiry before contemporary education on the concepts of gender and feminist theory, nor on retrograde premises we are facing at present, it most certainly is not possible to forcefully adapt women's/gender studies to the needs of neoliberal economics.

The question that is put before feminist theorists today is not whether critical knowledge, if packaged as a 'brand', is marketable, but rather whether the marketability as such is not contrary to feminist knowledge? But on the other hand, in the context in which universities structured by neoliberal economics gain the attribute of "enterprise-university", and knowledge becomes a commodity, as Angeliki Alvanoudi writes in her text "Teaching Gender in the Neoliberal University" (Alvanoudi, 2009), what are the possibilities for women's studies or feminist knowledge? What does it mean when epistemological questions such as: "Who produces knowledge, who controls knowledge and whose interests does it serve?", which were always fundamental to feminism, appear as a commodity in the neoliberal era? Or what about the emancipatory power of education?¹³ There are numerous similar questions for which multiple critical strategies need to be developed. Or is there some truth in the notion of feminist teachers as "travellers with no destinations?" (ibid., p. 46).

Autonomous vs. academic (mainstream) education

When considering gender-sensitive education from the perspective of our context in addition to the abovementioned objections, the first thing I notice is that any attempt of its application is faced with its inappropriateness in a potential educational reality, and also the impossibility of implementation. This, in my opinion, is more about a self-floating political appeal without the real obligation to act, which, first of all, has a problem with its educational 'agenda' as it functions more like a regulation of a (norma-

¹³ Here I refer to the standpoint given by Daniel B. Saunders based on Apple's and Giroux's thoughts that "What were once educators, who in theory had the potential to realize the emancipatory power of education, now should be neutral disseminators of ideological content." (Saunders, 2010: 61)

tive) gender equality design than as a platform of substantial epistemological textuality. Something like the contemporary practice of "teaching tolerance" that Wendy Brown argued in her brilliant critique of various discourses of tolerance that "(...) reinforces rather than attenuates the effects of stratification and inequality (...)" (Brown, 2006a: 45). If, by following her argumentation that "(...) contemporary tolerance discourse covers over the workings of power and importance of history in *producing* the differences *called* sexuality, race and ethnicity (...)" (ibid., p. 47), the discourse of gender sensitivity ignores the fact that it is about the equality struggle for emancipation run by women, which marks the "sex difference" through very determined power relations. And there is another aspect that is important here; since it is by intention a politicizable issue that crosses over the liberal political frame, how, then, would the discourse of gender sensitivity be able to respond to a variety of serious concerns such as the subjugation of women, feminisation of poverty, multilayered oppression of women, subjugation of the woman's body etc.? In other words, "(...) articulating power more in terms of domination, subjugation, subjectification, and subject formation, than in terms of inegalitarianism, maldistribution (...)" (Brown, 2006b: 25) that Wendy Brown put as an epistemological concern means to pose a question from two different "ranks". While the first question opens up the question of "political freedom" that challenges various matrices of powers including the economic and the social ones, but also the academic ones, the second is concerned with what she calls "libertarian freedom". Additionally, how to make women aware of being subjects of their subjugation, their voicelessness, or the increasing precarious conditions of their existence through gender-sensitive lenses that offers this type of gender equality requirement?

However, neither the feminist alternative education nor the university classroom are the places within which the gender-sensitive education has been embodied¹⁴ in the last decade, even though there were attempts at introducing several syllabi in this regard, especially those that gender equality issues endeavoured to connect with legal matters or democratic citizen-

¹⁴ Here I consciously exclude an entire range of educational activities that were organized in that direction for various political bodies connected to the implementation of the politics of gender mainstreaming, or for political parties.

ship. Yet the main concern is present, and the question concerning freedom, domination, and subjectification in complex multilayered global/domestic configurations (neoliberalism, neoconservatism, gender mainstreaming, sexualisation of public discourses etc.) and its effects makes the role of feminist education an urgent and pressing issue, almost an imperative.

On the basis of comparative insights into education practices in the alternative (non-institutional) classroom and university classroom, I will endeavour only to highlight some points and dilemmas in this regard. Being simultaneously in two places, in two classrooms and using feminist epistemology as a critical map for dialoguing and re/reading different disciplines, iconography, discourses, the media, activism, politics (Barada et al., 2003: 125), I feel like an 'unusual' mediator of these two often incommensurable and contradictory positions and practice, continuously exposed to a variety of tensions and uncertainties, discomfort, and as often as not, vulnerability.

Apart from my personal ambiguity and even anxiety which has increased over time all the more relating to how to cope with one's own role, the reason for this is being conscious, on the one hand, of the impossibility of an "alternative women's studies classroom" being completely radical in its political imaginary, and on the other hand, that the "academic (institutionalized) classroom" can in its epistemological horizon be counter-disciplinized and counter-disciplinary. Both classrooms have in a way become the places of effect of the neoliberal 'rationalities', and the gap between them has become even greater given the fact that Women's Studies in the meantime was not integrated into the university system. The Centre for Women's Studies as an alternative educational centre has in the last several years been reproached for its lack of 'radical' critics of liberalism and 'managed' democracy which is an integral part of the politics of gender mainstreaming that has gone parallel with the critique against its insistence on women-oriented knowledge only, as well as insufficient courage to use its (non-institutional) politics of location on the trail of idea by bell hooks (hooks, 1996), more expansively and directly in the struggle for the "political freedom" of women, if we continue to follow Brown's precisely detected terms (Brown, 2006b, 25-26).

The situation at the faculties that are literally caught in the various networks of neoliberal production is characterized by a series of dislocated and

fragmented courses concerning certain women's/gender studies issues or feminist issues¹⁵. This tendency is not tied any more to the epistemological questions concerning the advocacy for integrational vs. autonomous approach to the university regarding the content of women's studies (Bowles and Klein, 1989: 2) as it used to be two decades ago, but above all to the hegemonic dictates of the neoliberal and profit-oriented university that disciplines scientific disciplines. As such, the faculty departments have been forced to strengthen their professional and market-verifiable competitiveness in a technicized and almost biopolitical manner in relation to other departments, trying to offer knowledge which responds to the phantasmagorical construction of the (global) labour market economy. One of the implications of such a trend is the new centring of the disciplines along with affirmation of the monodisciplinary regime, that is, consolidating and solidifying the disciplinary membranes and methodological tools. This has direct effects on the status of feminist courses¹⁶ and the importance of their curricula¹⁷ within the respective disciplines and departments. Generally speaking, apart from the process of enforcing scientific disciplines, the most threatening tendency for Women's/Gender Studies is the treatment of interdisciplinarity within neoliberal educational policies. Instead of being a theoretical practice of cognitive transgressing and creative openness within research, pedagogical work, or epistemological position, and in that sense, the liberating forms

¹⁵ Why there is no systematic opposition or resistance to this acknowledged "situated problem" from feminist scholars within Croatian academia is of key importance, although this is not the subject of this paper.

¹⁶ For example "Feminist Theories", not only is the course that I teach with the Department of Sociology, "Feminist Theories", unable to obtain the status of a compulsory course because of its interdisciplinary orientation that goes beyond the disciplinary canons and approaches (even though the same argumentation does not apply to "Cultural Theories" or "Media Studies"), but in part due to the cognitive reasons of the discipline itself (tensions between feminist sociology and feminist theories), and for which unquestionable privilege argues in favour of the discipline. Sociology is neither a particular case, nor an exception in this regard.

¹⁷ In teaching "Feminist Theories", I do not have in mind a process of just accommodating some feminist insights or interventions within disciplines or feminism as an oppositional stand to the dominant stream of disciplines. Also, feminism cannot be seen only as a critical tool within cross-disciplinary fields. Certainly, it is a much more complex procedure in terms of epistemological shifts, dimensions and approaches, contextual demands and the politics of knowledge. This is also probably the reason for great interest in this course, which is in accordance with my knowledge regarding the interest for courses with feminist content across the various departments of social sciences, humanities, or art.

of knowledge themselves (Alvanoudi, 2009: 45), interdisciplinarity tends to be either a symbolic emblem for performative gestures among disciplines or departments, or an instrumental or utilitarian ‘ingredient’ useful for collaborative projects or exploring certain theoretical concepts such as, for example, intersectionality by connecting gender, sexuality, ethnicity, race etc., without any critical reflections of socio-cultural hierarchies and power relations, including the ones between the capital and labour.

Turning back to autonomous women’s studies that has survived almost two decades being outside the academia, the question that arises is not whether the margin is really the only location for radical openness and possibility, as bell hooks would pose (hooks, 1996: 55), but rather what epistemological ‘privilege’ of the subject is it to operate on the margins, or outside the mainstream in the contemporary world? While for the feminist teachers this is both a critical epistemological position and a political decision and in that sense the Women’s Studies functions as a very act of self-location, for female students this is, in various ways, an exciting space for learning feminist issues from different perspectives, freely and deliberately, or for dialoguing various epistemological controversies referring to feminisms as well as for creating their own critical positioning and community. On the personal level within the framework of this education, the moment of critical shifting is often recognized as an act of self-awareness, as self-perception, or new insights¹⁸. On the epistemological level, it is an experimental attempt of the

¹⁸ I would like to substantiate the thoughts of female students at Women’s Studies about their role, knowledge and sense of this type of non-institutional education here with several findings based on the research published in the book *Privileging the Margins. Interventions and contributions to feminist epistemology* (Privilegiranje rubova. Intervencije i prilozi feminističkoj epistemologiji) (Kašić, 2010: 141-169). In many ways they show an awareness of the need to reconstruct the entire baggage of ingrained knowledge, and which can be seen from their following statements: “(...) you need to make a retrospection of your entire knowledge and ‘re-chew’ it thoroughly in another different, critical way and that then becomes your position”, or “(...) at the beginning it flashed in such a way that I felt enormous anger and revolt (...) and I made a kind of revision of my previous pedagogic, educational, general social norms and standards”, or “At the university we are taught men’s history, male science.” On the other hand, the distinctive value of Women’s Studies education at the university level, is in addition to “activating one’s own creativity”, “awareness”, “desire for political action”, “importance of a woman’s perspective” and “resistance to patriarchal knowledge”, expressed in terms such as “openness”, “criticality”, and “freedom”, and the prevalent stance is that there is “less mystification between someone who passes on knowledge and the one who receives it” at the Centre for Women’s Studies.

bonding the decolonialized knowledge with the “pedagogy of discomfort” (Boler and Zembylas, 2002) by opening and even extending the possibility for challenging our “so-called comfort zones”, the “habits of the mind” in Dewey’s sense, or the normative guidelines in order to demask epistemic prejudices, to shape inquiry, to act, and to oppose.

However, the critical epistemology I am addressing here is a kind of project that deals both with a positional perspective as well as with the complexity of creative work in favour of social change as a feminist intentional political platform; thus so many expectations, demands, and utopian impulses as well as conflictual points, dilemmas and misunderstandings have also been impregnated within this type of alternative education that continually puts feminist epistemology at risk¹⁹.

In my opinion this ‘weird’ combination of tremendous imaginative possibilities and stubborn obstacles (neoliberal demands, gender mainstreaming, academic ignorance, financial insecurity, among others) highlights the potential of autonomous women’s studies as a radical/critical space in an unforeseeable scale.

Instead of a conclusion

In this text, I attempted to reconsider and analyse both the contextual reasons for the non-implementation of gender-sensitive education, or more precisely, the impossibility of its implementation within the Croatian context by focusing primarily on higher education, as well as the cognitive problematics of the concept itself. On the one hand, it covers the sets of various theoretical disputes on genders including the lack of clarity of a sensitive approach to gender (what kind of sensitivity and whose/which genders?), and on the other, it relies on its reductiveness and normative frame.

¹⁹ Even though the key question for women’s studies has always been how to produce transformative knowledge that both challenges the epistemological area and leads to transgressive social action, we have not been tempted by more specific inquiries that come out of neoliberal social realm(s). “How to confront the commodity feminism?”; “Do we have the feminist explanatory models and “affective resistance” towards women’s job precarity?”; “How to articulate new type of feminist activism?” – these are just some of the issues that need to be addressed further.

We have seen how the discourse of gender-sensitive education emerges from the politics of gender mainstreaming appearing to encompass those aspects by which gender is conceived and presented principally as a normative sign for “regulating” gender equality within educational policies. In this regard the idea of “balancing” and “harmonizing” the position of genders within the educational program agenda, which in the proposal of this political demand and bonding with political correctness, in terms of implications may lead to neutralising the substantial causes of gender inequality, discrimination and subjugation, and consequently to incorrect explanations or theoretical deceptions.

The role of the gender-sensitive education within the Croatian framework is even more transparent in its normative performance if we take into account the non-existence of women’s/gender studies at the university as, ironically enough, an intention of the same politico-educational strategy. Furthermore, it is even more problematic if we try to articulate the various negative effects of the neoliberal regime upon education, including the desirable products of neoliberal knowledge, but also the explicit link between the directives of gender-sensitive educational policies and the neoliberal market economy.

In order to clear the space for rethinking the idea of education that matters, in my opinion, we can articulate two inseparable paths: one that explores the possibilities of alternative production of knowledge, not as a supplement to the institutional forms, but a critical laboratory that constantly challenges them on the basis of epistemological dissent, pedagogical creativity, and politicality of freedom, and the other one that would endeavour to answer: “How can we radically change the circumstances from the inside?” (Sternfeld, 2012: 5); or: “How to be critical scholar within this framework?” Gayatri Ch. Spivak’s proposal of aesthetic education as another kind of performance, the epistemological one, that sees emancipatory education as an ultimate response to various matrices of global inequalities and oppressions, assumes: “(...) the persistent establishment and re-establishment, the repeated consolidating in undoing, of a strategy of education and classroom pedagogy...” (Spivak, 1989: 200). Is this critical horizon inescapable or...?

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**THE VIEW FROM SEMI-PERIPHERY - ABOUT
FEMINISM AND GENDER EDUCATION IN BOSNIA
AND HERZEGOVINA****Introduction**

Gender equality, gender (sensitive) education, feminism – these are the determinants that have appeared at the universities and in the public discourse in Bosnia and Herzegovina in the last two decades. One should take into consideration the lack of feminist/gender education and the lack of continuity in feminist/gender studies in order to get a valid overview of the contemporary activities initiated by the civil sector, formal legal changes in the institutions and introduction of university courses with feminist/gender content. In the period of transitional changes and intensive democratization of the society, the demands for breaking off with the patriarchal framework are increasing but it still has a firm grip on the society of Bosnia and Herzegovina. The internationalization and the global trends open up the access to literature from the areas of feminist/gender theory thus enabling us to understand the multiple approaches and attitudes and at the same time leaving us confused with all the conflicts and contrasted positions. In everyday domain, we are still faced with basic prejudice regarding the situation of women in the society and the growing neoconservative discourse in every part of life. Thus, the gender sensitive education and the feminist discourse in Bosnia and Herzegovina are shown as a unique mosaic intertwined with the basic feminist/gender courses in non-government sector and education of public servants organized by the government institutions on one hand, and the only master's programme of gender studies and individual university courses at the studies of social sciences and the humanities, on the other hand.

If we want to follow the already classic feminist/gender theory (theories), we remain stuck between three waves of feminism. Women have a right to

vote and the right to education, but we still cannot help but wonder just how equal men and women are in the society, especially in the workplace. “The jobs that the technological change has fundamentally distributed between men and women, even after the long struggle of women to have their qualifications acknowledged, will be wilfully redistributed so that they completely arbitrarily impoverish the female work thus maintaining the higher value of male work” (Bourdieu, 2001: 85). The female body is uncovered and covered according to the needs of the politics, religion, media, and the market through which it becomes a space detached from the female identity. “As women have freed themselves from the female mystique of domestic life, the myth of the beauty has recovered the lost territory, spreading to continue its task of social control” (Wolf, 2008: 20). This way, the blame was redirected back to women and with it, the pseudo-arguments of the antifeminists – that the emancipation only got women a bigger burden. Even though progress and technology resulted in lesser encumbrance in terms of domestic obligations, in the times of the new economic crisis this decreased burden has proved to be insignificant in the countries with lower standard of living. The regional particularities reveal to which extent this female experience is the same and different, but this particularity is often (mis)used and tied to the nation, class, race, and the needs of local political discourses.

Women today have access to education, but the main question remains to which extent this education involves the female view of reality. In its history so far, feminism has shown the ways in which the feminine and gender-related is hidden, repressed, and marginalized. The feminist theory created so far is not sufficient on its own, so it always requires personal awareness on how the women really live in countries and regions that the theorists come from. “All particular female initiatives, female stories, acts of solidarity and support deserve to be observed from a new perspective and in our society” (Moranjak-Bamburać, 2003: 7). If we look back on what is related to the gender education, numerous questions open up. What is the form and substance of the various modes of feminist/gender education that occur simultaneously and have different target groups? In what ways are the feminist/gender theories presented and how is gender equality promoted? Are we closer to Mary Wollstonecraft, Simone de Beauvoir, or Judith Butler?

What are the results of these different approaches and in what way are they perceived by the media of Bosnia and Herzegovina? To what extent are we mere observers, putting aside the true gendering of theories and the production of knowledge worth facing with acknowledged authorities? These questions are inevitable in the attempt to determine the position and the role of those asking them. In order to answer these questions, at least to some extent, it is necessary to demarcate the theoretical framework, encompass the regional context and then show one part of the image of feminism and education in Bosnia and Herzegovina. The traces that lead towards this path are marked by feminist epistemology that includes: the awareness of the different – *standpoint epistemology*, the knowledge of context – *situated knower*, and the reflexion on one’s own subjectivity (Milojević, 2011: 44) that changes due to new knowledge and experience. In other words: “At the same time, I do not imply choosing a theoretical model and then applying it to the primary material. I imply that the production of theory is a practice on its own and that matter observed takes part in its production” (Spivak, 2003: 10).

Theoretical framework

The third wave of feminism opened up the space for pluralistic self-examination within the feminist domain and this enabled feminism to deal with itself and the newly created theory and to deepen the dilemmas regarding identity, representation, division, and diversity of the female experience. In the four decades since the women’s/gender studies appeared, the progress was made from mere addition of historical data, through developing creative female stories, to creating the categorical apparatus and establishing academically recognized interdisciplinary field that enabled numerous studies on completely new foundations. From establishing the importance of difference between the categories of *sex* and *gender* to emphasizing the importance of gender as the construct that defines *sex* itself. “I noted that trouble sometimes euphemized some fundamentally mysterious problem usually related to the alleged mystery of all things feminine” (Butler, 1999: xxvii). *The trouble* that marked all things feminine has now become *the*

trouble within the feminine in the attempt to clearly define sex and gender. A dilemma that also appeared comes down to the relation between essentialism and constructivism where we ask ourselves whether the essential exists or it needs to be constructed. The latter opinion prevails in the majority of contemporary theories, and it opened up the problem of the identity/identities, not only in the feminist theory. “The pluralism of feminist theory is its living, pulsating core. At the same time, the feminist conflicts, taken out of context become the anchorage for those with completely opposed attitudes. An important question is how this is reflected in the social reality” (Karapetrović, 2012: 34).

The feminist theoretical and activist operation often manifests itself in the imagery of a network, a weave, or a patchwork¹, one big colourful fabric in which women take part regardless of where they come from and how they participate. Each woman is faced with her own image and the representation of women in general. “The inner conflicts and divisions which make up so much of this experience are just the ways in which each of us, in the uniqueness of her own situation and personality, lives these contradictions” (Bartky, 1990: 21). The reality reflects that on this huge joint picture the stronger colours usually take up more space and are closer to the centre. In other words, despite the aspiration for non-hierarchical relations within female circles, a new hierarchy is created anew. This was especially noted by the feminist theorists (e.g. Gayatri Chakravorty Spivak, Chandra Talpade Mohanty) who have shown this by trying to find their own way through postcolonial and cultural theories and studies. This once again reaffirmed the fact that theory does not originate only in the West but that mutual solidarity and respect are important for its recognisability. “Feminism and post-colonial theory are in a certain way interested in social injustice. I would like to believe this applies to all social studies and humanities, perhaps all studies in general” (Spivak, 2003: 10).

Somewhere in the gap between that what is defined as the First and the Third World lies the space that is not easily defined and is called by dif-

¹ *Patchwork* is the name of the first feminist journal in Bosnia and Herzegovina that was enthusiastically launched by a small group of theorists and activists in Sarajevo in 2003, one of which was Nirman Moranjak-Bamburać (1954 - 2007).

ferent names but is connected by common memories and historic events. This is the area belonging to South Eastern and Eastern Europe, the Balkans – an area that is a part of Europe (and thus, a part of the West) and is at the same time perceived, analysed, and ultimately represented by itself as something completely open, incomplete, and burdened by stereotypes. “Despite the large number of studies and research works about the Balkans in the last two decades, the Balkans remain a mosaic – both for its observers and inhabitants – that includes everything stated above: both the wilderness and the place of many historic events and the space considered remarkable, equally close and distant” (Karapetrović, 2010: 150). The overlap between the symbolic and the reality burdened by the huge historic and political changes largely shapes the features of gender/feminist theory when it is observed and discussed in this area or from this area. The way in which the Balkans can be taken as the basis for gender studies was shown during the last decade by Svetlana Slapšak through her academic programme “Balkan Women”. As she notes: “The deconstruction of Balkanology and postcolonial critique of modern feminist theory and gender studies enables a new approach to regional gender history with trans-regional importance” (Slapšak, 2009: 57).

One should also take into consideration the reason why Europe was divided into West and East just two decades ago. To examine these specific problems of gender equality and relations towards feminist theory in Bosnia and Herzegovina, instead of examining the main strands of feminism in the world today, it would be much more productive to start from the concepts of the theorists from the region. One should take special attention to the term *semi-periphery* used in economic, geostrategic, and political analyses and this analytical category is taken as the basis of feminist/gender contemplations by Marina Blagojević. In order to provide a more detailed image of specific gender reflexions from Eastern European (former socialist countries’) perspective, this theorist connects the determinants *intersectionality*, *locality* and *coreness* (Blagojević, 2009a: 23). As is the case with the countries outside the Western circle, this area has also shown to include the mechanism of partial exclusion, insufficient recognisability and subtle marginalisation that can be noted in the feminist domain to some extent.

Based on her long-term research and personal academic and activist experience, Blagojević analyses, contemplates, and offers a possible way out of this enchanted circle of divisions that is bound to appear when searching for the feminine identity/identities. The biggest problem of the existence of semi-periphery is the lack of definition of the space that is neither close to the centre nor is completely on the margins. It involves closeness and distance but it is all an optical illusion regardless of the direction. The following conclusion is shown to be the end result: “The social change at the semi-periphery is either too fast or too ambivalent, or both at the same time, to enable creation of the stable structures. Often it is not even the real social change, as much as it is ‘eventfulness’, an illusion of the change created on the very surface of the social life, while in deeper layers things remain the same, unchanged” (Blagojević, 2009b: 35). To live in an illusion that a change has happened hides the danger of a real change not happening, which is visible in numerous examples of gender inequality in all transitional countries².

In the past decade, feminism has shown that discussion should be initiated and this is what enables all the different voices to be heard and respected a lot more than in the case of institutional coping with the problem of gender inequality that is more susceptible to accepting formal solutions. The earlier well-known determinants are *feminism*, *femocrats*, and *professionalization of feminism* (Van der Ros, 2005). One of the main goals of the women’s movement was to establish the recognition of women in the society that would be institutionalized and confirmed by the legislature. Firstly, there are preconditions that involve decision making in a transparent process in which every obscurity or irregularity would be subjected to scrutiny by the feminist/women’s organisations and individual intellectual(s). The danger that may stem from this is that the process may be bureaucratized to the extent that the measures prescribed by the documents are used only in the short-term policies. Those that still have not started solving the matter of gender issues in a decisive manner but were only chosen to perform these

² The section “Gender and education in Bosnia and Herzegovina” in this work provides an overview of the situation in Bosnia and Herzegovina and illustrates that in one aspect these changes are more formal than fundamental when it comes to gender equality.

assigned tasks will sooner or later find their own place within the system rather the fight for equality. “The working situation of the femocrats is marked by a political, administrative, and gender marginality. This triple marginality leads to what I call the ‘femocrat dilemma’ or the conflict of loyalty – whether to be loyal to the ‘centre’ or the ‘periphery’” (Van der Ros, 2005: 146). An alternative scenario is also possible and that is the “feminization of the bureaucracy”, that is, to evolve beyond the purely bureaucratic professionalism that also only happens to a minor extent (ibid., p. 152). The openness of the feminist theorists towards what has been created so far and what has been institutionalized is a basis for true criticism, as this is the only way the issue of gender will not remain one of the countless parts of the agenda of various governing bodies.

The domain of women’s/gender studies is also the object of its own feminist critic and constant re-examination. The still ongoing discussions are related to the following dilemmas: should the studies be conceived as a special programme or should there be more initiative for *gendering* of the existing scientific studies and disciplines; whether these are women’s or gender studies, to what extent should that what is concerned with activism be closer or further away from the theory; to which extent can objectivity in science be examined? One of the main remarks the researchers/theorists that take part in the foundation and creation of the programmes for these studies have is whether this dulls the critical blade that feminism itself stems from. The result of enthusiasm, enormous efforts, and the battle against gender prejudice and stereotypes within the walls of academia can actually turn into a mere implementation of education policies. Biljana Kašić talks about a certain “concern” regarding the critical subject and she believes there are clear causes for that: “production of hegemonic discourse, global commodification of knowledge and cognition and new centralisation of scientific disciplines” (Kašić, 2011: 169). The production of knowledge, creation of education programmes and policies in a society or country are once again in an ancient philosophical pitfall: what is (the right) knowledge, who presents the knowledge and who governs it? Feminism at the start of the 21st century is no exception.

The culture of (female) memories and regional cooperation

Considering the ease of communication despite the borders and common experience in recent history, observing feminism and gender education in Bosnia and Herzegovina is possible only by looking at the immediate environment. Here we see several main connections:

- a) Life in a country with a socialist polity. It is important to mention the activity of Yugoslav Women's Antifascist Front that held its founding conference in 1942 in Bosanski Petrovac, and the following four congresses were held in 1945, 1948, 1950, and 1953. Several decades later, the importance of such an organization was almost forgotten until the end of 20th century when the new feminist tendencies result in its reinvestigation and re-evaluation (Božinović, 1996; Sklevicky, 1996). New generations of feminists and theorists show to which extent this topic is still unexplored (Pantelić, 2011).
- b) The second connection is the beginning of examination of the extents of socialist vision of the "female issue" that was encouraged by social turmoil in the 1960s and the 1970s in the Western countries that is best reflected through the organization of the conference in 1978. Memories of this conference represented a chance to confront the feminist experiences from various generations of theorists/activists. "As a part of the first PitchWise festival of female art in Bosnia and Herzegovina held from 14 to 17 September 2006 in the Historical Museum of Bosnia and Herzegovina and organized by the CURE Foundation, a unique conference named *78 Revisited* was also held. The conference aimed to gather the activists of the women's movements from former Yugoslavia whose memories of the first feminist conference *Drug-ca*, held in the Student Cultural Centre in Belgrade in 1978, we wanted to relive and record and talk about their role in the female movement in the region thirty years later" (Dugandžić Živanović, 2011: 125).
- c) The experience of living in and surviving a war that has shown: to which extent the female victims of war crimes are invisible; how sharp divisions of the society happen in which *the keepers of the tradition* take the main role, compared with the activity of pacifistically oriented feminist

organizations, such as *Women in black*. "Regardless of several verdicts from the International Court in Hague which admitted sexual abuse as a part of the ethnic cleansing strategy, the raped women in Bosnia and Herzegovina were introduced in the legislature as civil war casualties only in 2006, that is, twelve years after the Dayton agreement which ended the war in Bosnia was signed, and only after men, former camp inmates, demobilised fighters, killed or perished civilians (a woman had the status of a war casualty only if she was in a camp, but *not* as a victim of systematic rape)" (Bećirbašić, 2009: 147-148). This remains a stumbling block for the politically divided but patriarchally united society of Bosnia and Herzegovina and something that is either left aside or used from time to time to serve the nationalist policies. Women are left to face the imposed guilt and the feeling of shame for being (raped) women³.

- d) Post-war and transitional experience marked primarily by the political projects of enforcing national identities, influence from religious institutions in all areas of the society and neoliberal tendencies in the economy that enabled the traditional and the patriarchal to return to power in a slightly altered form. The period of great turmoil in all of these societies has again put forward the questions that the feminists believed to have been at least partially solved: the calls from religious communities against the right to abortion got increasingly loud; the role of women in the society was re-examined and they are once again reduced to the role of mothers and wives while at the same time, taking part in the neoliberal market means that these women, some of whom are mothers as well, need to work more to be able to survive. On the other hand, as the number of unemployed people increased, it turned out that women were more endangered and women's participation in the politics remained limited.

³ See Mlinarević, G.; Čaušević, J. and Čaušević, J. (2012). *Prosecution of Wartime Sexualized Violence at the Court of Bosnia and Herzegovina: What Happened to the Interest of Justice? An analysis and recommendations of Gender Sensitive Trial Monitoring for Wartime Sexualized Violence Cases in Bosnia and Herzegovina for the period 23/05/2011 - 25/05/2012*. Sarajevo: Association Alumni of the Centre for Interdisciplinary Postgraduate Studies (ACIPS).

All of this enabled creation of female networks in civil society, government institutions and universities. Earlier common experience and facing the specific life problems in the newly created states have become a basis for further joint action and spreading the cooperation in terms of formal and informal gender education⁴. The critical reflection on recent history is a part of the answer from the margins aimed at the governing political elites that usually only misuse and manipulate the historical facts and reject facing the events from the period of Yugoslavia as well as the war crimes within their own ranks. The feminist organizations were among the first to put forward these questions and problems when the resistance was the least desirable and when it represented an act of bravery as dealing with feminism implies making a step forward. Newer generations take over this model thinking that it is the only way to make our own picture clearer. “In this coalescence, an active feminism appeared and it survived until today through post-/trans-/neo-Yugoslav feminist connections and practices that bind us to put this voices on paper and actualise them through the experience of persecution and displacement of the struggle...” (Arsenijević and Petrović, 2011: 7-8).

The differences in action and dedication to certain theoretical topics and problems can be noticed now, but we will primarily focus on the particularities related to gender education in Slovenia, Croatia, and Serbia. The introduction of feminist and gender university courses has been going on in Slovenia since the mid ‘80s and their survival and development are not in question even today, even though the interest of newer generations of students is notably smaller (Potkonjak et al., 2008: 87, 89). As this country became a member of the European Union before other former Yugoslav countries, it is now facing the problems characteristic for European countries – an increased effect of the market on higher education and research institutions and universities losing their true autonomy. In their search for donors, the researchers and university professors are faced with a battle for

⁴ For example, paper cited here – S. Potkonjak et al. (2008). Between the politics of movement and the politics of knowledge: Feminism and women/gender studies in Croatia, Bosnia and Herzegovina, and Slovenia. *Studia ethnologica Croatica*, 20: 57-96. – is a result of a project on gender/women’s studies conducted in Macedonia, while the authors are from Slovenia, Croatia and Bosnia and Herzegovina.

survival and the creation of projects and courses is often done at the expense of really necessary studies (ibid., p. 90).

The Center for Women’s Studies in Zagreb has been gathering numerous theorists, researchers and activists since 1995, and its projects, annual courses, organization of international conferences, and publications make the backbone of the feminist scene in Croatia. Despite everything, the public universities still do not have women’s/gender studies, but there are numerous courses mainly due to the Center’s lecturers who are also university teachers. Even though there is a tendency for gender studies to become a part of the academic circle, it is clear that the Center as an extra-institutional organization enables a safe female space, freedom in creating programmes and developing critical opinion (Kašić, 2011: 176).

Much like in Croatia, the war years in a strictly controlled society in Serbia produced resistance that resulted in the creation of female organizations, including those which base their work on criticizing the existing policies from the feminist perspective. The Center for Women’s Studies in Belgrade was founded in 1991 and started its activity in 1992 and soon became the space in which the feminist/gender education and research work intertwine and a place where the feminists from the region meet. The first women’s studies courses were introduced in the early 1990s (Milić, 2011: 59-60). In 1997, the Women’s Studies and Research Organization “Milena Marić Ajnštajn” was founded in Novi Sad and its initiative resulted in forming of the master’s programme of Gender Studies at the University of Novi Sad in 2003, and the postgraduate studies in the following year. Shortly after, the members of the Belgrade Center prompted the foundation of the Center for Gender and Political Studies at the Faculty of Political Sciences and a one-year and two-year master’s programmes as a part of it.

Gender and education in Bosnia and Herzegovina

Adopting the legislature and institutional mechanisms

A decade has passed since the first Law on Gender Equality in Bosnia and Herzegovina was passed, while its amendment followed in 2010. The main reasons for that were: clearer definition of basic provisions, harmonization

with international standards and a more efficient application (Agency for Gender Equality of Bosnia and Herzegovina, 2011: 1). The Law ensured the creation and action of institutional mechanisms from local to state level, which means a part of the activities related to establishing gender equality was transferred from the civil domain onto the institutions. The government bodies for implementing gender equality policies were founded and they enabled the creation of a new framework for approaching gender research and education.

The Article 20 of the Law stipulates that the underrepresented gender should have a forty percent representation and this applies to all “levels of organizations of authorities, and local self-government bodies, including the legislative, executive and judicial authorities, political parties, legal persons with public authorities, legal persons that are in the state’s property or under the state’s control, entities, cantons, cities or municipalities whose work is under control of a public body” (*Official Gazette of the Federation of Bosnia and Herzegovina*, 2010: 5).

The article 11 of this Law emphasizes the role of relevant authorities, educational institutions and other juristic persons in the domain of education which includes: 1) “elimination of elements of the curriculum that contain stereotypical social roles for men and women and that result in gender discrimination and gender inequality”; 2) “promoting gender equality as a part of the curriculum at all levels of education”; and 3) providing effective mechanisms for protection against discrimination” (ibid., p. 3).

In terms of employment, labour, and access to all resources, the Article 13 clearly defines the types of gender discrimination at work and work relations. This means that the following actions, among others, can be sanctioned: failure to pay equal wages for the same work or work of equal value; failure to ensure promotion at work on equal terms; different treatment on the grounds of pregnancy, childbirth or exercising the right to maternity leave; taking action against those who report the discrimination (ibid., p. 4). The creation of the legal framework was an important step in the fight against gender inequality, but insisting on its consistent application is even more important.

Expecting more precise statistics

Important part in defining women’s position in society are statistical data presented in accordance with the gender policies. This was enabled by the Law on Gender Equality as one of the obligations was introducing statistical records based on gender and it has been applied for the past several years by the Bureau of statistics at the level of state and entities. Since Bosnia and Herzegovina has not published the population census from 1991 and next one will take place during 2013, we will be able to use statistics that are more precise after it has been published. For now, the Agency of Statistics of Bosnia and Herzegovina regularly publishes estimated data in publication “Women and Men in Bosnia and Herzegovina”. If we look at the data for earlier years and for 2011 (when its last issue was published), one can see that there are no major changes in terms of education and employment⁵. According to the number of women and men in the society, we could say that gender equality is upheld in terms of enrolment and participation in the education system. This can largely be attributed to the educational policy inherited from the socialist period. It can be noted that there are slightly more female graduates than male. However, the unwritten rule about choosing the studies in terms of “female” and “male” occupations still applies.

If we take a look at the other part of the education system – employment – one can clearly see that the most women work in preschool education and the least at the universities. Just to illustrate, we shall provide a ratio of persons employed at the preschool and university levels. In 2010/2011, out of 1208 persons employed, there were 1188 women and 20 men. Out of 8643⁶

⁵ The author has made several presentations based on the existing statistical data: the presentation “Education and work of women in Bosnia and Herzegovina” at the conference “Gender issues and academic community: the exchange of experience between Spain and Bosnia and Herzegovina”, University of Banja Luka (2011), and the presentation “Gender inequality in higher education” at the public panel organized by the “Helsinki Citizens’ Assembly” in Banja Luka (2013).

⁶ According to the Agency for Statistics of Bosnia and Herzegovina: “The total number of lecturers and associates in higher education does not correspond to the real number of people since teachers and associates can be employed by two or more institutions for higher education” (Agency for Statistics of Bosnia and Herzegovina, 2011: 29).

persons employed at the universities (teachers and associates), there were 3440 women and 5203 men (Agency for Statistics of Bosnia and Herzegovina, 2011: 29). In public institutions, the wages are the same for men and women, bearing in mind that women mostly occupy the lower-paid positions, for instance, kindergarten or elementary school teachers. The usual explanation for this is that women prefer those jobs as their natural role is closer to the younger population and it also gives them more flexible working hours and ensured maternity leave in order to fulfil their roles as mothers. At the university level, there are still more men than women. The data on a higher number of female assistants show that a change might occur soon, but considering the conditions for university employees, it remains to be seen whether the *glass ceiling* can be overcome. At the same time one should consider the processes that take part in the educational institutions in transitional countries in the region which show that the universities are losing their reputation as the centres of social power and we will be faced with the *feminisation* of science and higher education. “The feminisation of science, especially some of its disciplines, is directly connected with their lower status, smaller influence and unfavourable financial conditions” (Blagojević, 2009a: 24).

Female reality

In order to be able to discuss the development of gender education in Bosnia and Herzegovina, it is necessary to present the part of the image of female reality in Bosnia. This image is not radically different from the one we can see in the neighbouring countries, but one should bear in mind a far more complex context of the society and the state. One of the main conclusions of the recently published study on violence against women is: “As much as 47% of women have been exposed to some form of violence during their adult life (physical, psychological, sexual, or economical violence), while 11% of women have been exposed to those situations 12 months prior to the study” (Babović et al., 2013: 104). Even though the laws on protection from domestic violence have been adopted at the level of entities, this is one of the main issues. Women’s non-government organizations attempted

to solve the problem by making the foundation of safe houses for women and children victims of violence possible. However, ensuring the continuous work of these safe houses is financially highly unstable.

In the domain of politics, the participation of women has not changed in the past ten years, regardless of the Law on Gender Equality. In addition, the women who become recognizable in the political scene of Bosnia and Herzegovina would rather ignore the talk of gender equality and emphasize their membership of a certain political party. The party leaders are still men who use the talk of gender equality only by emphasizing that their parties and electoral lists include women formally showing that they follow the general trends that are advocated by the European Union policies.

The marginalized position of women cannot be reduced to a single general pattern, as there are groups within this population that experience double discrimination. When it comes to minorities – the Roma women in particular among whom the inclusion in the educational system at the elementary school level is very low and among whom arranged marriages with minors are still customary as well as giving labour at a young age – the inclusion into public and political life is minimal. Disabled women also undergo an additional form of discrimination while women from rural areas are almost entirely marginalized. The women from the LBT population are practically invisible although their rights have been somewhat discussed recently. Everything above is stated as an amendment to the Third alternative CEDAW (*Convention on the Elimination of all Forms of Discrimination against Women*) report for Bosnia and Herzegovina that was presented to the CEDAW committee in Geneva in July 2013.

During the past decade, the nongovernment women’s organisations have presented three reports “from the shadows”/alternative reports, but despite the progress achieved, their conclusions remain almost unchanged until today: “The current trend of promotion and support to achieving women’s rights yields only short-term results as, apart from changes at the level of legislature, there are no changes in attitudes or the understanding of gender roles in the society of Bosnia and Herzegovina” (*Alternative report*, 2010: 8).

Nongovernment women's organizations

The development of civil society in post-war Bosnia and Herzegovina, primarily initiated by the international organizations and foundations for the development of democracy has enabled the foundation of nongovernment organizations that have focused most of their activities on changing the position of women. In the past fifteen years, some of these organizations have stopped working or have decreased their activity, while the remaining organizations have profiled their field of action more clearly and have focused on more specific actions such as: fighting against trafficking of women, improving the participation of women in politics, fighting against violence against women, the analysis of patriarchal discourse in the media, advocating the adoption of Gender Equality Law and changing other laws and sublegal acts that have not recognized gender equality. This had an important effect on informal education on gender issues within the nongovernment sector.

The problems that these organizations have dealt with determined the target group, which had a significant influence of the content of informal courses. Initially, it was important to have as big impact on the public opinion as possible in order for gender issues to become relevant in the public sphere. This meant that the first groups that acquired basic knowledge on feminism and gender most often included people employed in nongovernment organizations, their volunteers and smaller groups of interested individuals – mostly women. The education was aimed at expanding the basic knowledge and acquiring practical skills and strategies in order to expose the stereotypes and prejudice about the position of women and their role in the society and point out the implicit misogynous and sexist attitudes. The topics and lectures were designed based on the existing models of different European and American women's organizations, which place an emphasis on exchanging experience, psychological empowerment and acquiring basic knowledge for recognizing gender inequality.

According to the assessments and recommendations from the foundations that finance the activities of local organisations, the latter stages have the same form and the target groups are mostly female politicians and journalists. On one hand, numerous analysis of the content of the media show

that the media are still very much gender insensitive and the number of female politicians is still much smaller than expected. On the other hand, considering the effect in creating the public opinion, it was assumed that these changes would lead to true changes⁷. Minor changes can be seen but there seems to be no significant results. Thus, the editorial boards – regardless of increased number of female editors – in almost all publishing houses are still against the use of gender sensitive language, and the topics on gender equality are a part of the programme only if the date is convenient (8th March), or when dealing with women's nongovernment organizations financed by the donors.

Informal gender education in institutions and nongovernment organizations

General insight into the programmes shows that the education courses that are primarily conducted by the institutions such as the Agency for Gender Equality of Bosnia and Herzegovina (that is, the gender equality centres of each entity) are aimed at larger parts of the population, both male and female. The courses can be custom-made for certain groups, such as the police, the army, the judiciary system, and the local authorities (from local to state level). In this case, all contents are aimed at certain areas: security, law, (gender) sensitive budgets. The most common participants are usually those people whose obligation is to take part in courses such as these as a part of their regular working activities, which means that the effects of this type of education cannot be evaluated easily. One of the main indicators is definitely the level of improvement achieved in the domains that the participants come from. One can note a weaker focus on target groups in which women are predominantly employed, such as preschool and elementary education and social welfare. In addition, the target groups include less women who are marginalized, such as unemployed women, women from smaller places of residence (not only rural areas), women from socially endangered fami-

⁷ One of the example is a programme "Women Can Do It" created by the representatives of the Norwegian Labour Party and conducted in 25 countries that has been held in Bosnia and Herzegovina by organizations "Lara" from Bijeljina and "Women to Women" from Sarajevo.

lies. The strictness of institutions and the system is still stronger than the individual enthusiasm and compulsory education that for the most part only express formal intention of progressing towards European integration.

In 1998 organisation “Žene Ženama” (Sarajevo) founded first informal Women Studies „Žarana Papić“ in Bosnia and Herzegovina. “The “Žarana Papić” program has included four to five curricula each year – the courses changing and enriching with each generation of the program. (...) It explores the themes of feminism through a variety of disciplines, with courses that have included ‘Criticism of Patriarchal Models of Monotheist Tradition’, ‘Women, Democracy, Citizenship and Women’s Human Rights’, ‘Women and Philosophy’ and ‘Women and Literature’” (Kleiman, 2007: 6-7).

In the framework of women’s nongovernment organization, the donor funds are less aimed at educational programmes, even though most organizations have this type of activity listed in their programmes regardless of their own capacities. For the past few years, the educational activities have remained within the organizations aimed at the youth population or those dealing with a wide array of issues regarding democracy and human rights. For instance, the foundation “Girls” from Sarajevo, which frames its area of operations through feminist actions and art forms, organizes “travelling feminist workshops” for young women who are worked with in small groups. The youth centre “Perpetuum mobile“ from Banja Luka, which main activity used to be educating youth leaders through political academies, has now focussed on gender sensitive education of young men with the aim of preventive action in order to reduce violence against women. In the domain of nongovernment organizations, education is mostly related to smaller groups of interested participants, as participation is voluntary. This can mean that the participants will mostly be interested to continue propagating gender equality on their own or will dedicate themselves to further education either through informal education or through university programmes in the region, or with nongovernment organizations⁸.

⁸ One can only talk about the real effects of these aspects of the education in terms of personal assessment, as there are no real analyses. There are usually evaluations at the end of each course, but they can only be used for a potential assessment of quality of a certain lecturer and the interest of the participants during the course.

Gender studies and university courses

The first master’s programme of Gender Studies in Bosnia and Herzegovina was started in 2006 as a part of the Center for Interdisciplinary Postgraduate Studies at the University of Sarajevo. Until today, three generations of students have finished this programme and most of them have defended their theses⁹ while the theses from the first and the second generation have been published in joint proceedings. Since the Center represents a special part of the University, it was possible to get a space in which it would be possible to approach the creation of courses differently than with the standard studies. With all the additional research works, public forums and international conferences, this programme has shown the importance of gender studies in the past seven years, not only in terms of expanding the knowledge on feminism and gender but also in terms of modernizing the university lectures. All the work and the efforts invested do not get too much recognition from the rest of the academic community and the public.

The (public)¹⁰ universities of Bosnia and Herzegovina – stuck in the reforms regarding the Bologna process, weakened by the lack of financing, and poor criteria in the selection of the teaching staff – are characterised by an ambivalent attitude towards gender/feminist education and research. On one hand, the Law on Gender Equality cannot be ignored, much like the fact that women’s/feminist/gender studies achieved academic status in the rest of the world some time ago; but on the other hand, there are no direct stimulations or tendencies to promote these studies unless it is tied to a possibility of getting financial assets for regional and international projects.¹¹

⁹ It should be emphasized that the students have not just dealt with theoretical research in their master’s theses, but have decided to conduct empirical studies and observations of gender issues in a local context which is very important in the academic circles in Bosnia and Herzegovina as this kind of work is needed to support the further production of knowledge.

¹⁰ We will not take into account the private universities and faculties that are increasing in numbers and are attracting more students considering their direct neoliberal market orientation.

¹¹ The Gender Studies programme was supported by the resources from international foundations. Maintaining the School of Gender Equality at the Universities of Banja Luka (2011 and 2012) and Eastern Sarajevo (2013), organized by the RS Gender Center and the universities was only possible through financing outside the budget of higher education institutions.

The result is a more chaotic than systematic introduction of courses on gender and feminism and these are mostly elective rather than required courses¹². These working conditions at the university result in syllabus content depending on the orientation of the lecturers and their main field of interest, while the emphasis is more on introducing the knowledge of female experience and gender rather than on “gendering” of knowledge. In a roughly formal traditional approach to research and education, this can lead to a conclusion that this is a big disadvantage of these courses. If we observe this situation at the universities in Bosnia and Herzegovina from the feminist perspective, we may see the main power and the foundation that spreading and development of feminist and gender courses can be based on. Since working on these courses is primarily based on enthusiasm and dedication of several lecturers and is mostly ignored or rejected without any valid arguments as not scientific enough by other professors and students, its existence in the academic circles gives a possibility of creating minor free zones. This actually implies:

- a) A direct clash with complex and still traditionally oriented system of higher education in Bosnia and Herzegovina. This provides an option for expressing creativity when introducing different teaching methods in order not to step over the given boundaries and at the same time showing the main topics and problems of feminism and gender theory and practice.
- b) The second problem, which represents an opportunity for lecturers, is the constant re-examination of one’s own knowledge on feminism and gender, as they must present in a very short period of time the basic knowledge and numerous new and often conflicted concepts that have marked the third wave of feminism.
- c) Presenting the interdisciplinary knowledge from the position of clearly defined scientific areas and fields. Observing from sociological and psychological perspective: all of this makes the main actors (both the professors and the students) to voluntarily place themselves in this frame

¹² A more detailed research was published by Safija Zahirović, the third generation student of Gender Studies as a part of her master’s thesis titled: “Universities in Bosnia and Herzegovina: Reproduction or overcoming patriarchal patterns?” (2013, unpublished).

that goes against the main current facing the difficulty of promoting and publicly supporting the Other and the Different in the domain of reality.

In contrast, since the decisions and procedures of introducing courses and determining the lecturers are in the power of universities, there are some tendencies that can reverse the point of dealing with gender issues and will actually turn out to be antifeminist. This refers to “trendy” introduction of courses without a clear picture on their meaning or the choice of lecturers that do not even have the minimal knowledge from this interdisciplinary field or are clearly voicing their antifeminist beliefs.

Conclusion

When looking at what has been accomplished in the past two decades through the attempts to reduce gender inequality of women in Bosnia and Herzegovina – the existence of numerous women’s nongovernment institutions, passing the first *Gender Equality Law*, existence of safe houses for victims of domestic violence, establishing institutional mechanisms, holding numerous courses in the scope of informal education, introducing first courses with gender topics in the faculties, establishing the first *Gender Studies* programme – we might say we are close to achieving our goals. However, it is quite clear – if we compare the accomplishment of the Western countries with what has been achieved in the earlier socialist period and what is discussed now in women’s/gender studies across the world – that we are only at the beginning of a long road, especially in terms of gender education. Lack of regular funding and the lack of true support from the public universities for developing programmes that include courses from the field of gender studies will constantly result in feminist theorists and activists investing enormous efforts to achieve the conditions for gender education. At the same time, this should not be an obstacle for additional research and theoretical work. “Being social scientist at the semi-periphery during the transitional period offers the opportunity to be in a unique social laboratory. [...] Social change itself is creating the possibilities for the change of paradigms” (Blagojević, 2009b: 76).

Gender education in Bosnia and Herzegovina will continue as a part of informal education within nongovernment organizations in the agenda of various institutions and through academic curriculum; sometimes, these courses will overlap and sometimes they will be a part of parallel currents. What is certainly clear is that the discussion is more focussed on education and not the production of knowledge and this should change soon. Regional and international women's networks, mentor work, projects, activity within already profiled women's group and within groups with different attitudes, public panels, critical essays – all of these methods have been tested in the region and they should be used in Bosnia and Herzegovina more than they have been used so far.

In that what is lacking lies an option that can be used: in deepening the already started research of local (female) history not only to fill the void but to critically re-asses it; in the studies that are a recapitulation of what has been done (not only for the sake of promotion but for the sake of analysis and critical examination on achieved results); in the studies that will find a better way to use the statistical data; in the studies on gender anthropology (should it be mentioned that no university in Bosnia and Herzegovina has an anthropology studies programme?). All of these are the modes that have already been shown in various phases of development of gender education, but it is necessary to focus in this direction, not just at the level of individual separate studies. Regardless of the instability and insufficient funds, the feminist researchers cannot allow themselves to be closed within the margins of the local, even though the local should also be studied.

There are no demarcations between women's/gender/feminist education, and there are no questions regarding clear-cut definitions of terms from feminist and gender theory or a discussion on the newest feminist concepts; this is another patchwork created somewhere at the semi-periphery.

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THE PROBLEMS OF IMPLEMENTATION OF GENDER EQUALITY PROJECT IN VOCATIONAL HIGH SCHOOL EDUCATION: CASE STUDY OF HIGH SCHOOLS FOR ECONOMIC VOCATIONS IN SERBIA**Introduction**

The equality of women and men has become an integral part of the legislature in the Republic of Serbia through the new *Constitution of the Republic of Serbia (Ustav Republike Srbije)* in which it is stated under article 15: “The State shall guarantee the equality of women and men and develop equal opportunities policy”. A further elaboration of legal guarantees for equal possibilities for men and women is introduced through the *Gender Equality Law (Zakon o ravnopravnosti polova)*, accepted on 11th December 2009 in the *National Assembly of Serbia*. This law falls into the domain of the anti-discriminatory legislature, in which the main legislature is considered to be the *Anti-Discrimination Law (Zakon o zabrani diskriminacije)* adopted in April 2009. This law defines the questions not defined through other laws, such as creating the pre-conditions for maintaining the equality policy, actualizing the rights and obligations, and taking special measures for preventing and eliminating sex or gender discrimination, as well as protecting the persons subjected to discrimination. The law covers and regulates the following several jurisdictions: employment, social and health protection, family relations, education, culture and sports, political and cultural life, legal protection.

In addition to the mentioned legal framework, the mechanisms for achieving gender equality include the bodies for gender equality on all levels of government, strategies, and action plans for the protection of citizens. There are bodies for gender equality on all levels of government in Serbia – central¹, regional², and local³.

In February 2009, the *National Strategy for the Advancement of the Status of Women and the Promotion of Gender Equality in the Republic of Serbia* (*Nacionalna strategija za poboljšanje položaja žena i unapređivanje rodne ravnopravnosti u Republici Srbiji*) was adopted. It defines priorities, goals, measures, and activities that the Government of Serbia shall undertake in the period from 2009 to 2015 in order to promote the position of women in all spheres of public and private life, which are based on the modern international and European standards on equality of men and women. In this respect, the Strategy represents a step towards coordination of national legislature with the international normative framework regarding the fulfilment of national obligations as a part of the European integrations. The Strategy identifies six crucial aspects (public and private life, economic empowerment, education, health, violence against women, removing the gender stereotypes from the media) which clearly define unequal attitude and (under) representation of genders and aspects in which action needs to be taken. One such aspect is education⁴.

Gender equality is one of the fundamental values of the modern democratic societies, which is attested in the efforts of the international and local legislative authorities to codify and regulate it in legal terms. It is based on the equality of all human beings as members of the human community. The

¹ The Council for Gender Equality, the advisory body for the Government of the Republic of Serbia, Parliamentary Committee on Gender Equality, the legislative body, the Gender Equality Administration in the Ministry of Labour, Employment and Social Policy, the executive mechanism at the state level, the Representative for equality protection.

² The Provincial Secretariat for Economy, Employment, and Gender Equality, the Gender Equality Council, the Deputy Ombudsman for Gender Equality Issues, the Gender Equality Committee, the Gender Equality Bureau for AP of Vojvodina.

³ There are over 90 bodies regulating gender equality on the level of local government.

⁴ In order to achieve equality in education, it is important to introduce gender-sensitive content and language into all educational levels and incorporate the gender equality principle as one of the values of a democratic and pro-European society.

concept of equality stems from the idea that all human beings have a right to develop their skills, improve and achieve their personal capacities, and that no one has the right to stop them in these efforts by putting them into pre-defined gender roles.

Gender equality implies the right to equality and the right to difference. In other terms, one has to take into consideration, accept, and support various attitudes, desires and needs of men and women.

The road towards gender equality implies accepting content, actions, and models of social organization that lead towards achieving it. This means that men and women need to have equal opportunities to participate and control the goods and the resources of the community they belong to. This opens up the possibility for solving numerous historically inherited types of unfair distributions of power, domination, submission, and underlying or implied discrimination in social, political, economic, cultural, and educational terms, as well as those in the life of each individual. It is clear that incorporating this system of values into the educational system and its public and hidden curricula is of fundamental importance for successful implementation of the project for achieving gender equality.

For many reasons, the educational system and its institutions represent an important agent. From the individual perspective, the admission into schools represents an extension of the processes of intellectual, emotional, and most notably, social development that starts in the family, and which is intensively and systematically upgraded in school (first in elementary school, and then later in high school), with new conditions and much higher and stricter requirements than those within a family. Different relations with different persons take place in schools. From social perspective, it is through schools that the society is trying to establish certain values that are considered desirable and important and also to prevent those negative ones from developing, as this represents easiest path of action. Thus, the school acts as a type of guard and the distributor of the cultural capital in a certain society, that is, the controller of meanings which classifies human knowledge and determines that which is regarded as socially legitimate. In this sense, its attempts to influence the forming of personality among children is organized and systematic and is achieved through pre-set educational goals and tasks,

that is, through pre-defined school curricula. Because of this feature, many speak of schools as the controlled agent of socialization since the content of their curricula can be influenced.

The effects of socialization in school depend on a multitude of factors that can be divided into individual, related to students and their teachers, their personal traits, mutual relationships and the school as an general environment; and social, most notably determined by the general school curriculum which is defined by the state and its agencies. The topic of gender equality within different aspects (public and secret) of the school curricula is extensively covered in the international literature. Let us just briefly mention the topics that range from those dealing with “hard” data regarding structural indicators, such as gender imbalance in the professional structure of teachers (Lahelma, 2000; Skelton, 2002; Addi-Raccach, 2002; UNESCO, 2005), changes in the academic level caused by the increased number of women in the university education (Turner, Lomperis, 1990; Cleve, 1959), gender-determined chances for career advancement in teaching profession (Thornton and Bricheno, 2000), to those dealing with “soft” data which rely on various types of qualitative research techniques in gathering empirical data that is used in analysing various phenomena that reflect the attitude towards gender equality, such as the analysis of various approaches in teaching used by male and female teachers (Turnbull and William, 1974), or various evaluations the students apply to their teachers with regard to their gender (Basow and Silberg, 1987), the analysis of gender roles in interactions in teaching situations (Canada and Pringle, 1995; Arnesen, 2000) and so on. Unfortunately, this issue has been researched only fragmentarily in our context, on one hand at the level of topics (in terms of their dispersion), and on the other hand within particular disciplines (history⁵, psychology⁶, sociology etc.). However, even these fragmentary insights allow us to reconstruct with certainty the basic features of (both public and hidden) curricula with regard to promoting gender equality. We say fragmentary

⁵ For instance, the proceedings (Perović, 2006).

⁶ For instance, the treatment of highly educated women (Blagojević, 1991), the issues of presence of male and female characters in elementary school books (Jarić, 1994, Jarić 2000, Jarić 2000a), gender structures in various levels of education (Blagojević 2012), gender structures of the student population at the university level and so on.

because there has been no systematic study⁷ of the entire curriculum for the primary, secondary, or tertiary level of education with regard to gender representations of various genders and/or sexes and promotion of gender equality, and without such a systematic approach it is impossible to produce the desired changes.

What is a curriculum?

“The birth of each new generation of children is a recurrent barbarian invasion” said Talcott Parsons to describe the function of education in maintaining the existing and setting the future society. Thus, if we exclude the undisputed role and function of parents in the educational process and the socialization of an individual, as well as other non-institutional agents of socialization (peer group, media, etc.), the future of a society is most directly dependant on the educational system and the content of the curriculum used to educate the students. Therefore, each project of creating a new school curriculum relies on a certain vision of a “new time” that the new members of society are socializing for through the educational system.

From the 1950s on, the institutional education and the curriculum as its integral part have become the focus of social reality studies through the expansion and intensification of the “scholarisation of the masses” and massification of education (Bolli, Ramirez and Meyer, 1989). The researches observe and approach the problems of a curriculum from various perspectives – economic, cultural, scientific, political etc., in order to understand

⁷ Even though a few years ago United Nations Development Programme (UNDP) conducted a project in the region in cooperation with the UNDP: *Strengthening the Capacity of Civil Society in Shaping Poverty Related Policies and Practices*, which aimed to perform this type of systematic analysis, the project itself was never finalized. After the first concourse round which tried to find projects that would systematically explore the topic gender equality in university level books, the project was shut down. It is important to note, that even though the implementation of this project began in 2009 in Serbia in cooperation with the Gender Equality Administration in the Ministry of Labour, Employment and Social Policy and that a study was conducted in the scope of this project – “Analysis of gender dimension in tertiary education materials”, written by Jana Bačević, PhD; Jelisaveta Blagojević, PhD; Daša Duhaček (project coordinator) PhD; Tamara Džamonja-Ignjatović, PhD; Martina Vukasović, PhD; Dragana Popović, PhD; and Adriana Zaharijević, PhD, the scope of this 27-page report is really modest and not representative of the topic it aimed to cover in any way. The other projects that would deal with the gender dimension within the curricula in Serbia were not supported by this project.

the expectations of the society, the political elites, the ruling groups, various interest groups, or in other words, those responsible for its content, final formulation and social implementation, but also to understand the social implications of following the educational plan on the social system as a whole and its subsystems, various social groups, and individual parts of the society.

Although the conventional use of the term “curriculum” refers to formal content of the course/programme for learning/studying (Gamoran, 2002: 125), different authors have expanded it in different and sometimes unexpected ways throughout its history. The definition of the term has been changing as its research went on, starting from John Dewey and Franklin Bobbitt (Jackson, 1992: 26). Both of these theorists were born in the second part of the 19th century in the USA where they lived until the 1950s. Dewey, a philosopher, psychologist and a reformer of education, is considered to be one of the most influential scholars whose ideas inspired numerous educational reforms in various countries. His major contribution is reflected in the conceptualization of the idea of education as a social and interactive process the goal of which is not only to acquire certain knowledge/educational content, but to learn certain skills necessary in life. In this sense, he perceives the processes in education and schooling as the most efficient instruments for creating social changes, and schools as social institutions within which a certain reform can be most effectively conducted. For him, education represents a regulatory process which has the potential to balance the social tensions which stem from separation of social consciousness (materialized through difference between the current state and the demands of the reform) through adaptation of individual activities (educating individuals) with the demands of the new social sensibility, which, according to him, represents the only safe method for social reconstructions. Of course, maintaining the connection with previous experiences and individual learning through experience (Haralambos and Holborn, 2002: 780) strengthens the link with the newly-acquired knowledge.

Dewey was the first author to notice and emphasize the differences between the content of the curriculum and the experience of those that this curriculum refers to. He was the first scholar to introduce the notion of ‘experience’ into the definition of the curriculum, which is one of the most

significant concepts used by the curricular theorists. The second important intervention in the theoretical conceptualization of the term was introduced by Franklin Bobbitt. An episode from his family life is vital for his notion of the term curriculum. In 1903, his father James Bobbitt travelled with his mother Martha Bobbitt to the Philippines as a member of the committee which aimed to establish the elementary school curriculum for the Philippine archipelago. The committee had complete freedom to construct the curriculum that would, in their opinion, be the best answer to the needs of the local population. The committee initially aimed to use the books used in the American elementary schools in the Philippine schools. However, when they realized that the original idea does not fit the reality of the Philippine society they soon gave up the idea. The new plan included a lot of new practical things that aimed to help people preserve their health, make a living and help them reach self-realization. Simply put, when faced with the reality of the Philippine society, the members of the committee gave up on using American school books and turned to the topics and activities that stem from the practice of the Philippine culture and everyday life. The direct contact with this experience that his parents went through helped young Bobbitt understand the importance of the creating the curriculum adapted to the needs of those it refers to, which is the topic of his two most famous books: *The Curriculum*, written in 1918, and *How to Make a Curriculum*, written in 1924 (*Education Encyclopaedia*, 1987). In these books, Bobbitt expands his definition of the curriculum by including the out-of-school experiences, introducing the differentiation between the directed and undirected experiences, with the latter referring to the experience outside of school. Twenty years after Bobbitt published his *Curriculum*, “the definitions of the curriculum routinely started to include all planned/directed and unplanned/undirected experiences that take place under the patronage of schools” (Jackson, 1992: 8).

Perhaps the most concise overview of everything what is implied by the theoretical concept of the curriculum today is offered by Philip Jackson (1992) in his *Handbook of Research on Curriculum*. He states five most common ways in which the curriculum is theoretically conceptualized. Thus, the curriculum is:

- “A course, regular course of learning or training in a school or a university.
- A course, in particular, a specialized fixed course of study in a school or in college, necessary for achieving certain educational level or knowledge. The aggregate of courses of study given in a certain educational institution or department (Webster’s New Dictionary, 2nd edition)
- A curriculum consists of experiences of all children under the guidance of a teacher (Caswell and Campbell, 1935)
- A curriculum encompasses all possibilities for learning offered by schools (Saylor & Alexander, 1974)
- A curriculum is a plan or a program for all experiences that a student encounters within a school and under its guidance (Oliva, 1982)⁸ (Jackson, 1992: 4-5).

As can be seen from Jackson’s historical overview of definitions of the curriculum, the meaning and the content of curriculum has been expanded to include everything the children experience under the supervision of a teacher or school as an institution. In accordance with that, the pedagogical dictionaries define curriculum as a pathway for education that refers to *learning experiences* as a whole that an individual is exposed to during a certain period he/she spends in the course of a formal educational institutions (Georgievski, 2007: 549). This definition, however, covers only its formal/public aspect, which is always socially arbitrary to a certain degree, that is, it is “forced upon” the rest of society by the dominant social groups. In reality, the situation in schools and the learning processes that take place within them are never completely defined through this. In order to understand other aspects of the school situations that the definition does not cover, the sociologists have coined the term “hidden curriculum” in order to make an analytical difference between the formal/intended curriculum and what is really learned.

The sociological studies of the curriculum were traditionally focused on the latent, that is, the “hidden” aspects of the curriculum that were communicated to students beneath the apparent aspects of the curriculum. The

⁸ All definitions taken from Jackson (1992).

term hidden curriculum stems from the old idea that the educational system does not only transfer the knowledge prescribed through the official plan, but it also forms, communicates, affirms, or blocks certain social values, political orientations and cultural choices. In other words, the educational system “hides” an additional “implied” or “silent” system of knowledge and beliefs regarding social relations, cultural values that are not explicitly verbalized through the politics of the educational norms, nor through concrete or visible teaching content.

Although we may see the inceptions or certain elements of this idea in authors such as Dewey⁹, as well as other authors from the USA in the first half of 20th century who dealt with the anti-democratic character of the classical education and its democratic potentials, the systematic critical rethinking of the hidden curriculum starts in the 1960s in the framework of critical sociology and pedagogy among the authors that focus on the questions such as racism, sexism, racial discrimination, nationalism etc., connecting the problems of the social theory with the standard topics in pedagogy.

The real founder of the systematically articulated critical rethinking of social and cultural implications of education through the issue of the “hidden curriculum” is considered to be the sociologist Philip Jackson with his 1968 work *Life in Classrooms*. Two years later, in 1970, Benson R. Snyder published the book *The Hidden Curriculum* (Snyder, 1970). In 1976, the American economists and sociologists Samuel Bowles and Herbert Gintis publish the book *Schooling in Capitalist America* in which they show that the main role of education/educational system in a capitalist society is to ensure the reproduction of the work force, which the system achieves through hidden curriculum¹⁰. The publishing of these studies has started what has been a forty-year long systematic observation of education as a process of socialization burdened by numerous racial (Hooks, 2003), class (Jackson, 1968; Bowles and Gintis, 1976; Bourdieu and Passeron, 1970), gender, sexual or other preferences of identity which allow/prevent the students of particular

⁹ In a certain way, Dewey anticipated the term “hidden curriculum” in his work *Democracy and Education*.

¹⁰ “The schooling process contributes to the reproduction of social relationships mostly through mutual correspondence of schools and class structures” (Bowles and Gintis, 1976: 130).

race, class, gender, sexual or political orientation to develop independently, think creatively, participate in the educational process without limitations set by the particular worldview of the creators of the formal curriculum, to achieve results identical to those achieved by the students from the privileged social groups.

Hidden curriculum is a very broad term – it aims to unify all those publicly unrecognized, unacknowledged, and even unforeseen values, knowledge, and beliefs that the students attain in the course of education, either through messages embedded into the structures of the formal curriculum, or through interaction with the teachers of certain sexual or political orientation, racial, class, ethnic, or religious background, etc. The term refers to the “unwritten rules” and “implied knowledge” – everything that the students are tacitly expected of in informal and non-explicit terms. The studies of this type normally combine discourse analysis, ethnography, and critical analysis of educational politics with the classical sociological methodology.

As can be seen from this short overview, the very notion of curriculum consists of many different layers, each of which has to be the subject of an individual analysis that are then to be integrated into one complete image in order to understand the real school situation in the everyday reality. For example, a change of formal/public curriculum (the content of the curriculum and school books) can be envisioned very extensively and conducted successfully but it still does not mean much from the perspective of its implementation if the reform does not include work with different social actors within the school context (teachers, principals, parents, students etc.). Even the best books and gender sensible curricula become worthless and gender insensible if they are taught by the teachers who do not know what to do with them. Only by synergizing these two different types of curriculum improvements can the desired school experience be ensured for all students educated through this curriculum, which would in term induce a desired social change – achieving gender equality.

Methodology and sample

The study was conducted on the sample of high school teachers and associates in high schools for economic vocations included in the GIZ VET

project (*Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Vocational Education Training (VET)*), which aimed to develop the gender dimension in the reform of the vocational high school education in the period 2010–2012. In 2010, a series of seminars was held in the scope of this project which aimed to sensitize the principals of schools that joined this project. The work with principals was regarded as the first introductory phase in the scope of this project which intended to enable the involvement of other social participants (teachers, students, parents, etc.) involved in the educational processes that take place within the institutionalized contexts of these schools, in order for the mentioned processes to be reconstructed in concordance with the ideas and basic postulates of gender equality. A total of 32 principals from Serbia, who are also the members of the Association of economic high schools of Serbia¹¹, took part in the first phase of this project.

The focus of the second phase of promoting gender equality was shifted from the principals to teachers and associates from schools in the GIZ VET project. This phase occurred during 2011 and its goal was training teachers and associates that were named by their principals as the persons in charge of launching activities related to the idea of gender equality in their respective schools for the upcoming calendar year. A total of 29 teachers and associates took part in this training.

The third phase, which started in June 2012, kept the focus on teachers and associates. The basic premise of this phase was that the content of gender equality ideas can be implemented into the curricula only through direct work with teachers and associates and their sensibilisation for gender equality ideas, even if it refers to only hidden curriculum. In this sense, the study involved teachers and associates from various high schools which dealt with the following areas: economy, law, and administration. The largest number of teachers and associates that took part in this study was contacted through principals of their respective schools that took part in the GIZ VET education program on gender equality in the previous project cycle. All principals, teachers, associates and colleagues they recommended

¹¹ Association of high schools for vocations in economy, law and administration, trade, hospitality and tourism.

were contacted by the employees of GIZ. Our study involved a total of 33 teachers and associates.

Even though the original concept for this phase of the GIZ VET project planned to include 29 teachers and who had taken part in the educational training on gender equality in 2011 (3 focus groups), and 24 teachers and associates that had not had any previous education on this topic (2 focus groups), a certain number of called-up participants from the first group did not respond to the invitation from GIZ. Consequently, we decided to divide the 22 teachers and associates that had taken part in the educational training and had responded to the invitation into two instead of three focus groups. Therefore, all participants of the third phase were divided into four groups (two groups of participants that had gone through the basic training, and two groups of participants who have not had any experience with this topic) and the focus group interviews were organized with them. The Table 1 shows the number of participants that took part in each focus group and the number of them who took part.

Table 1: Planned and achieved numerical distribution of the participants for each focus group

Focus groups	Planned number of participants	Number of participants in the focus group interview
First focus group	10	6
Second focus group	12	9
Third focus group	12	10
Fourth focus group	12	8
Total	46	33

Women make up the largest part of our group of participants (30). Our whole sample included only 3 male high school teachers. This uneven distribution in favour of women is not surprising at all for us as researchers, because women are predominantly employed in high schools for economic vocations. However, the fact that many of the participants told us that

the topic of our seminar – gender equality – was a decisive factor in their schools for women to be elected as school representatives speaks volumes of the deeply rooted cultural stereotypes regarding everything denoted as gender, which is still considered a “female” topic.

The objects of our qualitative analysis were transcripts from focus group interviews and various narratives within them that were analysed through discourse analysis.

Like any other discourse analysis, ours was also focused on language and meanings that are produced through speech/testimony/narratives of the teachers. This is because language is not a neutral medium used “only” for communication and exchange of information. Language is a social field in the scope of which the knowledge of the world around is actively shaped. In this sense the discourse analysis used in this work tried to treat the language used by the participants in the interviews not just as a mere reflection of the reality, but as a medium that constructs and organizes this reality (Tonkiss, 1996: 246). In this respect, this analysis treats the language and the narrative as a place in which social meanings are articulated and reproduced, and certain social (personal and social) identities are formed.

The discourse analysis of the empirical matter was focused on two central topics, on one hand on:

- a) interpretative context (Tonkiss, 1996: 249) (in our particular case, the context of high schools for economic vocations) in which narrative takes place; and on the other hand on:
- b) rhetorical organization of the text (Tonkiss, 1996: 250).

The interpretative context refers to social circumstances in which a certain narrative occurs, as every narrative is constructed in a specific social context that its authors always adapt to in a certain way (consciously or subconsciously). In this sense, the study of the interpretative context implies a search for meanings that can be found and understood only by going “beyond the text” (Tonkiss, 1996: 249) and searching for interpretation that arises from the particular social and cultural context in which the narrative occurs, in our case the high school teacher narrative. On the other hand, the analysis of the rhetorical organization of the narrative implies searching for

specific scheme/matrix of arguments that stems from the chosen interpretative strategy on one hand, and the particular system of values, or theoretical and/or ideological features of the discourse within which the participant lives, acts, and thinks.

The first step in this analysis is the constructing the prevailing social, cultural, and political matrix of the society in which the observed narratives occur. The assumption of this study is that one can understand the characteristics of the teachers' narrative and their personal (intentional or unintentional) hidden curricula practiced in their work only by being aware of the broader social and political context. As social actors, we are continually focussed on the interpretative context in which we find ourselves and construct our discourse which we always adapt to the broader social or any other referential context, to a certain degree. We unconsciously ascribe certain meanings to certain phenomena that are not characteristic for them, outside that pre-set predominant system of values through which, in a certain way, we participate in the collective life of the society we are a part of. As Alfred Šic said: "The meaning [...] is not an inherent property of events that take place in our consciousness, but is a result of all past events that are reflexively perceived from the present" (Šic, 1998: 89). One could also add – in accordance with the particular predominant concept of reality which shapes our opinions and perceptions, forming a personal coordinate system of "meanings" that make us more sensitive to certain topics and practice in everyday life, or less sensitive, even unaware of some other topics. In this sense, gathering and analyzing the data from the focus group interviews with high school teachers represents an extremely important part of this study.

What underlies this approach to the implementation of the idea of gender equality in high school curricula (public and hidden) is the belief that it implies a type of relation between different social actors according to the prevailing concept of reality/dominant cultural model and the curriculum that stems from it. Within this complex field of relations between public and hidden curriculum, different social actors interact, enter various complex and often conflicting social cooperations and/or conflicts, which can take on various and even conflicting social logics of thought and action. For this reason, the assumption for this study was that a simple instrument con-

structed in the logic of linear causality would not allow gathering empirical data which would enable us to gain insight into the complex and diverse nature of this phenomenon. Because, each structural change within a social system, including the system of education, brings forth a chain reaction and a multitude of changes within other social structures with which it has a certain parallel dialogue. Of course, these structures can, but do not necessarily have to, follow various social trajectories (Connell, 1987). They can have various overlapping or mutually exclusive correlations with each other or other social structures outside the scope of the educational process and its institutional framework. The awareness of the complexity of educational process has to be incorporated into its social or any other kind of analysis. In other words, the only way to understand why a certain social and institutional context produced a certain reaction within the school context is to continuously study its relations with other social structures through the analysis of its place and role within them.

Because of everything above, we decided to collect the empirical data for the analysis using qualitative focus group interviews with high school teachers which allows more flexibility and adaptability in research, bearing in mind that the study is dealing with an issue that has not been researched and conceptualized sufficiently yet – implementation of the project of gender equality in the context of high schools for economic vocations in Serbia.

Research aims and results

The study presented here is a pilot project which aims to show the possible ways for improving the gender sensibilisation of teachers in high schools. Teachers employed in high schools for economic vocations were the focus of this stage of our project. As was mentioned earlier, *Gender Equality Law* was adopted in Serbia recently, but the road to its full implementation is still ahead of us. One of the tasks of this pilot project is to try to comprehend, reconstruct, and map some crucial points within this system that additional effort should be put into, in terms of adopting additional legislature and developing certain mechanisms that would help the better implementation of the *Gender Equality Law*. In the scope of this research aim, we wanted

to find out how the high school teachers, who are supposed to implement this law, understand the term of gender equality and if they have clear understanding of what promotion of gender equality within the high school educational context implies. The second research aim was to try to collect empirical data on the existence of certain practices in the implementation of this law in high schools¹² (in this particular case high schools for economic vocations), so that we could use the following phase of our projects to encourage teachers in joined workshops to share their positive and practical experiences with their colleagues from other schools and cities, as, in our opinion, there are no people that are more competent to do so than the people who work in those very schools. If the system expects high school teachers to become responsible for implementation of the gender equality project at some point in the future, it is crucial that they are asked about their vision of this project at one point. It is one of the reasons we have decided to take on this adventure in research and education.

Qualitative analysis of the focus group interviews

As was said earlier, the qualitative part of the analysis was done on the empirical data gathered through focus group interviews¹³ with high school teachers from high schools for economic vocations in Serbia. This research method was chosen for several reasons. The most important reason refers to the quality of empirical data that this method allows you to gather, which, if used appropriately, allows the researchers to see the whole range of various sub-issues within the issue itself. Bearing in mind that the *Gender Equality Law* was adopted relatively recently, and its *de facto* implementation has not yet begun¹⁴, and that it was not written exclusively for high school social

¹² The Law itself was not written exclusively for high schools, which is why additional efforts need to be put in in order to adapt the various ideas and regulations to the needs and conditions of the social context of high schools.

¹³ A focus group interview represents a combined qualitative method for gathering empirical data from the field. It is an improved type of group interview with the observation of the participants in which the verbal utterances and the non-verbal reactions of the participants are analysed (Đurić, 2005).

¹⁴ As it is taking place fragmentarily and voluntarily and not consistently, mandatorily and systematically.

context, we believe that the potential implementation within the high school context should be given more deliberation and conceptualization. In practice, this means that it is necessary to perform an additional study which would map potential problems and expected aggravating circumstances that the future implementation of this law should run into, and based on these research insights, try to formulate an additional bylaw framework in advance, which would enable it to regulate the areas of prospective tensions beforehand and make the whole Law functional within the social context of the high schools for economic vocations that were the focus of our pilot project. Bearing all of this in mind, we decided to collect the empirical data from the field using the focus group interview method which is considered extremely useful in explorative studies (Đurić, 2005: 7) in which the researchers aim to examine a field that has not been given enough theoretical and practical conceptualization, which was the case with our first research issue. The second reason we chose this method was the fact that the focus group interviews allow us to get the empirical data we want in a much shorter amount of time¹⁵ than other qualitative methods would. The third reason is related to the fact that the research situation in which the focus group interviews take place allows the researcher to get a partial insight into the fragments of the high school social context, because the participants not only interact with the researcher/focus group interview moderator whose question they answer, but they also achieve mutual interaction which allows the researchers to get a better insight into the quality and the particularities of the communication within schools and consequently, various aspects of this issue.

Focus group interviews: Study framework determined by the research instrument

We have divided the research instrument¹⁶ into three segments. The aim for the first part of the conversation was for all participants to start thinking

¹⁵ Because it is a group interview, which means that a larger number of participants can be interviewed in two hours that an interview of this kind usually takes. For example, using semi-structured individual interviews, we would need the same amount of time for each participant.

¹⁶ See the instrument in the Appendix.

about the gender (in)equality in Serbia in general. In this part of conversation, our aim was to examine whether the participants:

- a) understand what the concept of gender equality means,
- b) notice the manifestations of the gender (in)equality in the modern Serbian society, and
- c) have certain theoretical and practical knowledge which enable them to place these phenomena into a wider social and political context.

In the second part of the interview, we planned to shift the focus from the general social context to the particular high school context. In this respect, we paid special attention to:

- (a) the observations of the participants about the ways the gender (in)equality is manifested within the social context of high schools in:
 - the institutional plan
 - school interaction (student peer groups, among colleagues, among teachers and board members, between teachers and students)
- (b) the thoughts of the participants regarding certain professional competencies that each teacher should have to be able to take part in the implementation of the gender equality project within the social context of a high school.

In the third part of the interview it was our aim to map the practices that the participants recognize as positive in their respective school environments, and are related to the project of promoting gender equality, hoping that perhaps some of these positive practices might be implemented as good solutions at the level of the system which had not recognized them as such.

Analysis of gathered empirical data: General perceptions of high school teachers on the state of gender (in)equality

In the past twenty years, the society of Serbia has been going through an intense and turbulent process of social transformation. This process affected various aspects of the society, such as: economy, political sphere, culture, and social structures. Of course, the educational subsystem was not devoid

of these changes. All these dramatic changes left a mark on the relationships between men and women. Our participants also speak about their perception of the features and the intensity of these changes.

It is interesting to note that all our participants notice certain changes that had occurred in the relations between men and women under direct or indirect influence of the transformational processes, but they are contextualized and connected to the notion of gender equality in different ways in particular focus groups. While the participants from the first and the second group had relatively fewer problems in interpreting their observations in the context of gender (in)equality, the participants from the third and the fourth group had from the start insisted on additional theoretical explanations of the central notion of our research. For example, one of the participants said:

“I am missing the framework. Can you tell us what you imply by ‘gender equality’... I am not at all familiar regarding everything about the topics for today’s conversation. I do not know how to start the conversation, I wish we had been given some materials to get some insight into the problem. You caught me off guard”.

The explanation for this expected complication can be found in the structure of the sample for this study. As was already mentioned, the participants from the first and the second group had already gone through the basic training on sensibilisation for gender equality ideas. In this research cycle, it can be said that these participants showed a higher level of understanding and interpretation of various social circumstances, processes, and phenomena in the context of gender (in)equality than the participants from the third and fourth focus group¹⁷. One can draw the conclusion that the term of gender equality had not been clearly elaborated within the public discourse, at least judging by our experience with the high school teachers. However, the fact that the teachers from the first and second focus group had begun using this term with ease after one intensive training and that they

¹⁷ Who served as a sort of control study group in various parts of the interpretation of our results.

interpret their experiences through the scope of gender (in)equality seems rather encouraging. This finding confirms our assumption as researchers and activists that the systems of values and ideological standpoints of the citizens can be altered, at least to a certain extent, if certain concepts are theoretically and practically clarified and if they are given the analytic tools which they can use to understand and reconceptualise their own and other people's personal and social experiences. The gathered empirical data show that our assumption functions on the example of gender equality within the social context of high schools.

The largest number of our participants noticed the examples of gender inequality in the economic sphere (which they recognize as problems with employment, financial status, professional advancements etc.), which is probably directly related to professional and educational profile of our participants. A majority of our participants are teachers of various professional/economic subjects, that is, people who got their degrees in economy. It is interesting to note that a temporal dichotomy can be read from the narrative of the participants through which they interpret and contextualize the topic of gender equality. This temporal dichotomy refers to comparing the period in which the governing system of the socio-economic relations was the self-governing socialism to the system which came after the breakup of the former Yugoslav state in which Serbia found itself in the 1990s. When analysing these mental socio-economic coordinates, many of our participants constructed their own narratives on gender equality within the social context of Serbia. For instance:

"[...] women are, in terms of economic status, financial status, more present now than they were twenty years ago. But I think it's the trend of the times. Is it because of the possibilities for getting a loan? The traditional thinking, unfortunately, is still dominant. So I don't see any essential differences in our society in terms of gender equality. We were lucky women got certain rights after World War II due participation in combats and revolutions. The equality of women in employment and education grew after World War II. Essentially, there are no bigger changes today except the few indicators that can only blur the situation. But, it cannot be said that women now are aware of their rights".

"What happened to us happened in most post-communist countries, and that is that we got from one state of perhaps formal equality into a neo-conservatism of sorts. It seems to me that women in Serbia are being forced into a new patriarchal mode. Through the stories of women's health and birth rates, we are being cared for as women who are endangered as the 'reproductive body of the nation'¹⁸'. In any other sense, women are repressed".

It seems that what women got from the "new" times, at least according to our participants, is the old patriarchal burden and the uncertainty of a system that is not functional enough. Unlike the previous systems, this new system has much less safety mechanisms that can protect the more vulnerable citizen. In this respect, a large number of women are left completely unprotected by the system in certain points in life, which puts them in an unfavourable position on the job market when compared to the other social actors. The situation is even more complicated if a woman belongs to one of the socially marginalized groups, which means her identity clashes (Crenshaw, 1991) with other marginal identity which puts her in the social space of the double marginality which reduces her already small chances.

"I feel there is no equality in terms of gender equality, especially if you are a young woman. You definitely notice that when trying to get a job. A woman is immediately asked if she plans to start a family, to have children. Many women return from their sick leave to find that their position has been discontinued. Even though many people have problems, women have far more problems".

However, all problems responsible for social marginalization of women are not economically-defined and our participants are aware of that. One of the main problems that the participants mention refers to the matrix of culture and values within our society that is perceived as the dominant one, and it implies a strict distribution between the public sphere in which

¹⁸ Emphasis by author.

women have a certain position, owing to the socialist heritage among other things, and the private sphere, which is dominated by the traditional relations between the sexes. As a result of this structural conflict which defines the social position of women, many women are marked by the systematic pressure felt by those who try to bridge the gap between the family life and the professional life in their private sphere.

“Women are torn apart between their obligations towards the family and their professional life. Our material situation does not allow us to take the load off our family burden, to take our family out to lunch, to pay for some services. Women have been given huge obligations, but despite everything, the women are still holding on”.

“Privately speaking, the thinking is very traditional even at the educational level. I have faced this many times. Some of my friends have PhDs but they still think being a mother is their primary role. They are having doubts on whether they should go on a study tour. They are questioning themselves as mothers if they spend only ten days abroad on a study tour. And this is an excuse for their husbands who spend their whole days away from home”.

“When I look around, most women are unhappy. They all think that their work is what’s keeping the family together. As long as women do all the house chores or organize them to be done as soon as possible (washing, cleaning, ironing, cooking...), the family functions, and when they go abroad it all goes downhill. Being forced to leave a prepared lunch for each day when you are away from home is an indicator of your position, especially in smaller communities”.

However, even with this grim image of gender inequality within society of Serbia, one should not forget that the question of equality is entirely a “female” issue. Although one could say that women, at least historically speaking, have some sort of “epistemological privilege” (Bat-Ami, 1994) to talk and discuss gender inequality, the men in modern society are start-

ing to have more say in this issue. This is reflected in a large number of studies¹⁹ and scholars who deal with critical theories of masculinity, which show what kind of tensions (internal and external) the modern constructs of masculinity are subjected to. In this sense, the few male participants in our study realize that the question of gender equality directly concerns them as well.

“I see gender equality as a thing that has something to do with both sexes. Of course, women have been the disempowered gender here, and anywhere else in the world, for centuries now. The gender issues exist even where men are a minority or an endangered category [...], I fear that even men have their own gender story. The modern men also have problems with the roles that are expected of them. One of my female colleagues said: “What? Marry him? He can’t fix anything around the house”. Why should a man know how to fix things around the house? Not all women know how to cook”.

“It turns out that the term ‘gender equality’ only exists because of women’s position in relation to men. Historically and traditionally, men do not even think that their position is threatened by women. Men traditionally had the more dominant role. Now is the time to question this as well”.

In any case, an important finding is that when the participants are faced with a possibility of understanding certain theoretical concepts, such as gender equality, on the example of their personal and social lives, just like in the case of the two male participants above, this brings forth interesting theoretical and practical insights regarding the content, quality and the interpretative boundaries of this theoretical concept. For example, we would like to mention the statement by one of our female participants who very intelligently pointed out one of the problems tied to understanding the concept of gender equality which is very much present within the public discourse.

¹⁹ From mid 1990s to today.

“[...] in my community, gender equality is interpreted as giving up some roles that were traditionally female. I wouldn't want gender equality to be interpreted as rejecting the role of mothers, the family and partner relationships. I think finding a balance between these roles the women would like to find themselves in would be acceptable”.

This way, gender equality is often represented as a concept that should limit and sanction the unwanted modes of behaviour which support gender inequality. The essential thing here would be the reconceptualization of this concept in the public discourse and shifting the meaning of the concept from that of limitation to the one which would open up the possibility for constructing different life stories and styles, constructs of identity and gender performances, in accordance with one's own feelings, desires, and fantasies.

School gender regime and the idea of gender equality

Each society represents a complicated system of various social structures and social relationships that are in different overlapping, conflicting, and mutually dependant relations. One of these social structures is gender, which is also denoted as the *gender regime*. Gender regime defines the social position and obligations of an individual that are a result of his/her gender role. It represents “a relatively structured relations between men and women, masculinity and femininity, within institutional environments and outside them, at the level of discourse and practice. This structure is reflected in various gender roles, gender identities and representations (including different gender performance)” (Blagojević, 2002: 17). Gender regime is a fundamental structural part of every society which imbues all its aspects, including the organization of the social life in each, even the tiniest piece of the puzzle. This is why studying discourse and practice of various gender regimes provides an insight into a wide array of structural social processes and discourses which, from the perspective of social theory, are not as comprehensive, and the understanding of which can help us to decode various discourses (social/cultural/political/virtual etc.) of the reality and the society we analyse and its individual members.

The social regime of a certain society is different in various points in history as the content of culturally and socially desirable traits and roles changes. In various points in history, different forms of gender roles within a society and culture get the status of culturally and socially most desirable. These ideal models of (male or female) gender roles that most members of the observed society/culture perceive as the most desirable, and through which they perceive their own gender experience are called *hegemonic* (male or female) gender roles. Hegemonic roles represent a specific configuration of various gender performances and practices that are considered as the most socially acceptable answers to the specific circumstances (economic, political, social) within a certain society in a certain moment in time.

The concept of hegemonic masculinity (that is, hegemonic male gender roles) was introduced in the theoretical discourse by R. W. Connell (1995) by his book *Masculinities*, although many other gender theorists have also perceived the same or similar phenomenon but in some other theoretical terms. For the purpose of this study, we expanded Connell's concept into a general and more complex context of hegemonic gender roles which also includes female gender roles, in order to interrogate its place and purpose within the pyramidal structure of a still patriarchal order of the distribution of power within the modern Serbian society and within the milieu of high schools.

The theoretical concept of hegemonic gender roles does not always represent a fixed type, identical in all times and places, but a type of gender role (male or female) which takes the predominant role within a certain pattern/model of male or female relations that are always questioned within the referential gender order of the society/culture/subculture/social group or some other social context (e.g. school context) in which the gender relations are structured.

Historically speaking, researchers of social reality and gender theorists have approached the construct of hegemonic gender roles in various and sometimes conflicting ways. While some highlight its importance for the process of socialization, especially gender socialization, and maintaining social stability (e.g. Lipsitz Bem, 1993; Connell, 1987), others see them as means of reduction which limits the freedom of individuals to design their

life in accordance to their personal, social, and emotional desires, passions, and needs (Butler, 1993). This heterogeneity in the approaches to the same phenomenon best describes the internal ambivalence that this theoretical construct has within itself. On one hand, hegemonic gender roles are recognized as imaginary social standards of socially accepted gender behaviour and practice, and on the other hand, as the 'negative standard' which reflects various other subversive practices.

Due to its rootedness in other social structures and the constant interactions with their different aspects with which it is in a constant process of negotiation and adaptation to new demands of the social mosaic that is always structured anew through different relations between their interfusion and mutual exclusion, the construct of hegemonic (male or female) gender roles represent an important analytical tool that can be used to get an insight into the kaleidoscope of the most intimate everyday moments of each individual. The everyday moments that are intertwined with all important and less important aspects of social life of the society and culture in which we live. Because, each gender identity construct is created through arduous process of "negotiation" and creation of one's own gender identity. There is also no doubt that in the society in which this "imaginary standard" is still defined by the coordinates of the patriarchal system of values, the position of individuals who have different ideas and feelings about their own gender makes these individuals very sensitive to the deeply rooted social injustice that ignores their right for diversity and equality of that diversity.

In this sense, special attention is given in this study to the reconstructions of the coordinates of school gender regime as they can be interpreted from the narratives of our participants. As every gender construct, the gender regime is characterized by the fact that it is situated within various social structures at that same time, and these structures can follow various social trajectories, or can be overlapping or mutually exclusive with each other or other social structures outside the perceived gender regime, in this case the school regime. The awareness of this type of complexity of gender regimes can be incorporated into their social analysis, or any other type of analysis. In other words, the only way to understand gender regime(s) and various social phenomena linked to them, including the ideas of gender equality, is

to constantly explore its relations with other social structures through the analysis of their place and role within these structures.

By analysing the gathered data and constant interaction between their various aspects, we tried to understand the hidden regularities and unspoken motives that have motivated our participants to take part in this project. As various social actors, they are often unaware of these regularities and motives and act latently and shape their thoughts, experiences and understanding of positions and motives of other social actors.

School reality gender reality

The reality of the patriarchal school regime in the modern Serbian society is manifested in the reality of school gender regimes in various ways, and these regimes shape various situations in life, work, and education in which the communication between actors of different genders take place (students, teachers, parents, principals, etc.) which coincide with each other within the social space of high schools. In this respect, our participants are the witnesses of various manifestations of systematically supported institutional and extra-institutional practices on one hand, and uncontrolled, culturally-determined modes of behaviour on the other hand, which perpetuate the existing gender inequality. These problems can be divided into four groups.

The first group of problems that our participants refer to is connected to the global regularities in gender distribution of the existing economic resources that are reflected in the reality of Serbian high schools for economic vocations. It is known that the feminization of certain economic branches results in a gradual decrease in average earnings. This is the case with the educational sector that the women have conquered in numerical terms, to a certain degree, especially at the university level. Our participants also notice the social and economic consequences of this.

"We have some male colleagues as they didn't find a better paid job. There never were too many men in education. Of course, the principal is a man and his two assistants are women. It is clear how the roles are distributed".

The second group of problems that our participants refer to is connected to the current employment practice that often contain elements of gender discrimination.

“Due to various circumstances, I have been looking for a job for a long time. Each principal asked me if I’m married and if I intend to have children. This discrimination is omnipresent”.

The third group of problems that our participants reported deals with the internal organization of the school life, which is often structured in a gender insensitive manner.

“Physical Education is traditionally organized. There are girls who play football outside of school, but the school does not allow them to play. For instance, the toilets are communal and they are in a bad shape, that is, the needs of the girls to remove their pad when they change them are not met. I mean the school does not take the needs of their female students into consideration”.

The fourth group of problems refers to the experiences of our participants regarding the family situations from which the students come, as the teachers directly or indirectly come into contact with this. Our participants speak of family practices in which the parents treat their children of different genders unequally.

“You mean the situations when the sister cannot go on a field trip because her older brother had just returned from the trip and there is no money for her. Or when there is money for the brother and not for the sister for something else, especially in the rural communities. And if the brother is older, he is even more favoured then”.

“[...] I have noticed the different attitudes in education of boys and girls. For instance, when it comes to expressing their emotions. This

is typical for the part where I live. Girls are allowed to express their emotions, no matter what they are, while they boys are not allowed to do so. If he wants to build his macho image, he should not express the emotions he feels. Others don’t need to see that. [...] In Niš, and the environment where I live, things still go by the traditional, dual criteria”.

The general impression shared by most of our participants is that the families that most of their students come from are “falling apart or do not exist”.

“According to the stats we have, every third child comes from a divorced family. The basis is really bad. I’ve been to a seminar in Belgrade recently. My colleagues from other high schools tell the same story. We have no support from parents. [...] Students lack models, models of values that they have no one to take from”.

“As the homeroom teacher, I work more as a social worker than a teacher. [...] I think schools desperately need social workers because we cannot handle the multitude of problems the children bring from their families as the situation is chaotic”.

Teachers blame this situation mostly on the complex social situation that Serbia has been in for the past few decades which is, quite expectedly, reflected on the internal dynamics and the quality of the high school life.

“Disorganization of the society is reflected on schools and then schools have a tough job of putting things in order where they didn’t cause the disorder in the first place”.

And the consequences of this social, institutional, and family disorganization leaves the deepest marks on the lives of children.

“The traces of this Pink Grand culture²⁰/lack of culture are felt everywhere. [...] Mostly within families. Parents need to be more active in forming the system of values in their children. If they don’t do it, someone like Pink probably will”.

“Last week I talked to a female student that had problems in her family and the conversation went in the other direction. She also had problems with her boyfriend who is a son of an entrepreneur, that is, he comes from a wealthy family. She commented: ‘I don’t know why he’s going to school when he has so many companies and restaurants, he doesn’t need school. I would leave school if he asked be to marry him’. I asked her if this is what her goals in life were. She said he can give her everything she needs, and this boy is known in school as very aggressive, not just towards boys, but girls as well. I got the impression that the material side is the most important to her and that she is not disturbed by his aggression. I got the impression a lot of girls think the same way”.

In such a disturbingly anomic environment, it seems that the expectations various social actors (even teachers themselves) have of schools rapidly grow each day, hoping that it will manage to bridge all the gaps created within other social subsystems. The opinion of our participants seems to be that a similar situation is being repeated with the promotion of ideas of gender equality.

“It is hard to change the attitudes. I see my role is to start teens thinking about gender issues, to encourage them to recognize situations that we speak of in the papers and their own environment. [...] I am often

²⁰ Right from its inception in 1994 TV Pink was recognized within the public discourse of Serbian society as a generator of the production of new “cultural” sensibility. Since its beginnings this private TV Company was strongly oriented towards entertainment programmes: different talk/variety shows, variety programmes like *City Club* (following the general format of BBC’s *Top of the Pops*) and much maligned *Grand Show* (mostly featuring turbofolk performers). *Grand Show* was the most popular show in the beginning with the latter still going strong almost 20 years later. Because of its long term influence many researchers of the societal reality of society of Serbia talking of specific (sub)cultural identity associated with *Pink television* and its most popular product *Grand Show*.

met with practical jokes on account of that in the teachers’ lounge, and I realize that even though I’m trying to start this gender story, there are also teachers who do their part so that the situation remains the same, that the gender roles are cemented”.

“I would like [...] to say that the whole education in Serbia rests on the principle of good will: the students come to school on their good will, teachers teach on their good will; in other words, nobody is forced to do anything. We all expect results with no effort. Realistically speaking, I don’t know where this motivation should come from to really motivate us”.

The interviewed teachers recognized several **sources of resistance** that impede the implementation of promoting gender equality within high schools. Among them is the resistance that this project is faced from the school institutions themselves.

“[...] a teacher should act within one system of values which keeps undermining this story of gender equality”.

They see the other obstacle in content and contradictions within the general high school curriculum:

“I have worked in an elementary school teaching “Humanization of relations between genders” for 22 years. And I was troubled by the same problem then as I am now. I say one thing, and the students hear another thing from my colleagues, they get something else from their families, and then there is the “street”... Of course they have a dilemma. You have students who listen to Religious Education and you have students who take Civic Education. Don’t get me wrong, I have nothing against the religious people, but that stuff that the students hear about in Religions Education, that is completely opposite to gender equality. What can the state do here? [...] There is really a lot to do and this task will take years. Stimulations have to come from the higher levels and they have

to be mandatory for all teachers. Some teachers, like religious teachers, cannot be exempt of this and tell the kids some other, different story with women in the background, always coming second and always being obedient”.

The curricula for particular subjects are also conceived so that they do not force teachers to find new gender sensitive interpretations of certain teaching units, but leave them with the option of interpreting certain units in the traditional, gender insensitive way. This way, the education system lets the whole project fall onto each teacher’s consciousness.

“We have a situation with literature. In a large number of works that are part of the compulsory reading list, both Serbian and international literature, many of which are quite renowned, the main protagonists are often aggressive, and there are also some complaints from the perspective of gender equality. Take, for instance, ‘Prvi put s ocem na jutrenje’ (Serbian novel) in which the father gambles everything away and the mother tell her son how good his father is. What to do? The teachers have already had their mind set on these works at the universities. And then they carry them onto the students. And the circle continues. [...] These inherent stories then come from the teachers. Besides the methodological skills, what is necessary to get out of this inherent situation? If just one teacher works on gender equality and all the rest undermine his work with their attitudes from families and education, what will the effect be? Even today the teachers allow themselves the freedom to say to the female students ‘why are you so dressed up today, are you looking for a good husband?’ Women still have to listen to these ‘remarks’.

Even the teachers who recognize this problem and feel that additional knowledge of gender awareness would help them in their work still report not to have gotten this support from the institutions they work for and from the education system their institutions belong to.

Participant: *As I am the only economist here, as far as I see, the notion of equality is pretty much shifted among the economists. Economists have a rule: you earn how much you work. Bearing in mind that the term of equality is dealt with in economical subjects during the first and second year through the topics of female and child labour.*

Moderator: *Is there any mention of the unpaid work from home?*

Participant: *I have never heard of something like that during my university education. I wouldn’t mind teaching that to the children once I learn something more about that. I am open for gathering new knowledge, adopting new terms, but I have to be given an opportunity to get to this knowledge. [...] It would, perhaps, be good if the sociologists, student counsellors, psychologists showed us what we’re looking at. It would be like someone showed me the image of my lungs and I don’t know what I’m supposed to see on this image. Those who have the knowledge should pass it on to the rest of us”.*

Participants see the current organization of the working obligations of the teachers as their obstacle, as their administrative obligations have been significantly increased in comparison to those related to education and teaching.

“[...] so much paperwork is asked from us that we need time to work with children”.

“We are burdened by various obligations and we don’t even think about this gender equality. Among other material problems and other forms of discrimination (national, racial) I haven’t had the time to think about gender discrimination”.

Instead of a conclusion, we shall mention some of the most interesting deliberations and suggestions by our participants regarding the implementation of the project of implementing the ideas of gender equality within the social context of high school.

“This is a new outlook on schools and a new type of activity in school. It seems it would be the best to have a team of people responsible for the implementation of gender equality in a school – sociologists, psychologists, student counsellors, so that everything does not fall onto the home-room teachers. In my opinion, these should be younger people. [...] I think older people are usually uninterested in the topic of gender equality, credit to those who aren’t, and deep down, some of them probably still don’t accept gender equality as their own choice”.

“All what my colleague said and also legal obligation – “in order to keep your license, you have to do this and that, among other things, actively advocate gender equality”. In my school, certain people are so burdened with inclusive education, and who knows what else, while the older colleagues are protected like an endangered species, they just say the same line over and over again “we used to do that when we were young” and that’s the end of discussion. On the other hand, it is necessary to (legally) bind the teachers to implement certain principles. [...] It is not just about competencies. The whole system of teaching should be imbued with these principles”.

“This will only succeed if it’s mandated by law. And, of course, it has to influence the salary”.

“I think developing team work is crucial”.

Good practice?

The answers given in the part of conversation dedicated to the current activities related to the promotion of ideas of gender equality in high schools for economic vocations that are perceived as good practice were put into two groups.

The first group contains the answers which more or less informatively describe the activities organized and conducted in schools the teachers come from, and are not the activities planned by the current high school cur-

riculum prescribed by the Ministry of Education. From these answers, we find out that some activities do occur in certain high schools, but they are unsystematic and fragmentary, conducted in various geographic locations and are the results of work, dedication, and good will of individuals who organize them. Our participants were involved in, organized, or observed their colleagues conduct the following activities that, in their opinion, help break the existing gender stereotypes and support the project of promotion of gender equality in high schools. *“debates with different topics”, “trips to the theatre”, professional theatres, organizing students’ amateur “tolerance-themed plays”.* In addition to these activities, a certain number of schools also have a cooperation with the local community, various state institutions (like the police, for instance) and non-government organizations.

Albeit somewhat less often, the schools take part in the international projects that deal with the promotion of gender equality ideas and reconstructing the existing cultural matrixes and the gender matrixes that arise from them. As an illustration, we shall mention the experience of one of our female participants.

Participant: *“I have had only one experience on this topic, and that was when we visited the children’s village in Trogen with our students. Our stay was organized so that three professors shared a house with 23 students and we had to organize the life in the house. The Swiss let us take care of that, but they observed us as we later noticed. There was an equal number of boys and girls. For some children, this was the first time they had to do certain chores. We divided up the chores equally, without distributing them into male and female chores. This functioned well, although there were some complaints like “Did I come here to wash the dishes” and things like that.*

Moderator: *How did this experience affect the children?*

Participant: *This was the first time for many of them as well. But, everyone did their task. There was a chance that some would not want to do things they do not do at home, but that didn’t happen. They only complained. After a week, we figured out that this was a test for the teachers most of all – to see if the teachers will resort to gender division of labour.*

Moderator: *Do you think this decentralized the ideas on gender stereotypes?*

Participant: *Certainly”.*

The second group included the answers which speak of: (a) interventions that certain teacher did on their own or within their respective curricula, (b) needs for reconceptualization of the existing high school curriculum which, according to most of our participants, is not gender sensitive. In particular, the most commonly mentioned subjects were Civic Education, Serbian Language, and the “homeroom classes”.

“I teach Civic Education. Children accept the system of values offered by this subject. They know how to recognize discrimination, prejudice, stereotypes; they know how to show them on the examples from their own environment. They are quite well-informed”.

However, most teachers are aware that this topic must be “introduced through the legislature as well.

“I don’t see anything better than the content of gender equality topics to be realized in the framework of certain subjects. They go best with Civic Education, Serbian Language, and some tasks from economy and other subjects. From my own experience, I can see that the initiative based solely on good will usually fail. These actions are doomed even before they start. In order for gender equality to become a topic in school, it has to be introduced in the legislature to become a part of the mandatory curriculum and to become binding in every way”.

“It would be good to imbue other subjects with gender equality, to introduce it into the homeroom classes, but all through the mandatory curriculum and the teachers have to be paid additionally. That is the simplest way”.

“I believe in school and its mission. I believe gender equality should be introduced into all subjects; it wouldn’t be good to introduce an ad-

ditional subject as that would only result in additional resistance. I believe students are affected by the fact that when they enter the school, they have a group of some 60 women who have finished a university and who are in the position to transfer some knowledge onto them. I believe this has an effect on the students. We work with them for four years. No story on gender equality is more convincing than that. What we should work on is how to inform them. This is what this group of teachers is missing as well. We should tell them what this society has to offer in terms of institutions which protect gender equality. The changes do happen even though they are not visible”.

The teachers recognize the need for defining obligations regarding the introduction of topics on gender equality through bylaws which would reward their efforts in promotion of gender equality in the school environment, and which would motivate the teacher for further engagements. As one of our participants says:

“[...] you cannot expect the education to be maintained and developed only by the enthusiasm of the people working in this field”.

Conclusion

From the results of this pilot study one can reconstruct the state, problems and dilemmas regarding the project of implementing gender equality in one part of the high school education system in Serbia, and we had the chance to talk with the teachers and associates from this field. We shall just recapitulate some of the key findings that can be used as guidelines regarding the rational directions of future supporting activities of the ideas of gender equality in the high school environment.

As this analysis shows, a large number of teachers report certain doubts regarding the notion of gender equality. The results we got show that the interviewed teachers usually connect this term with the issues: rooting out the prejudice towards women, unequal representation of men and women in various political and/or economic spheres, equating the earnings, and root-

ing out violence. Even a glance at the most frequent responses of our participants reveals the fact that these answers are on this list due to (a) socialist heritage that has not yet faded from the memory of the Serbian citizens (equal earnings for equal work value); (b) several media campaigns led in Serbia in the past several years on this topic (as a part of election campaigns when there was a lot of talk about the necessity of the introduction of quotas, or the first national campaign on violence against women, as well as the media campaigns by the TV houses B92 and RTS for collecting financial assets for building a network of safe houses for women and children victims of violence in Serbia). The participants also understand just how wide the field for policies for improving gender equality is, and also the space for personal and professional interests for attaining new knowledge and information in this domain. By comparing the data from this study and the data from the evaluation after the GIZ training was conducted, we noticed that the most interesting topics among the participants are those related to gender-based discriminations, and topics such as: situation of pregnant women in Serbia from the perspective of social and health protection, gender equality in work and employment, family violence, analysis of school programs and books etc. In addition, a demand for a better understanding of the national institutional framework for gender equality in Serbia was also recorded (e.g. legal framework for gender equality, gender aware policies, and institutional mechanisms). Since this segment of national and institutional framework is relatively new in government practice, it is understandable that the teachers and associates want better understanding of this framework in order to be able to apply it in their professional practice more adequately. With regard to international institutions for improving gender equality, we have noticed a dual attitude amongst the participants. On one hand, they recognize the importance of international institutions in formulating the obligations of the state to improve and broaden the extant of gender equality policies, while on the other hand, they showed a relatively low level of desire for better understanding of the international framework of gender equality. However, when the knowledge of international institutions is put into practical knowledge (projects, activities, programmes etc.), their interest rapidly grows, which was observed through the evaluation during the GIZ training.

It is particularly interesting to note that slightly more than one third of our participants got their information on gender equality at work (13%), at school (12%) or at professional development seminars (11%). This information shows that more attention to the promotion of the gender equality idea in the school environment should produce the desired effect, i.e. establish gender equality in educational and social context of high schools. This goal can only be reached through thorough and continuous work and through (a) educational and practical work with various social actors who achieve various interactions within this social context (teachers, associates, members of the board, parents, and students); (b) work on reconceptualization of the school curricula; and (c) work on operationalization of the Gender Equality Law and its adjustment to the high school social environment through a series of bylaws which would regulate specific social situations.

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CHAPTER 2: LABOUR MARKET

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DISCRIMINATION OF YOUNG WOMEN IN THE CROATIAN LABOUR MARKET

Introduction

It would be great if we lived in a society in which the phrase “human rights of women”¹ became unnecessary, because it would imply that all people, including women, have equal rights. It would be great if we did not have to use this phrase to emphasize that women are people too and that it means they also have human rights. It should go without saying that both women and men have unquestionably guaranteed rights which are based on basic human rights, such as the right to live, to work, to have health protection, to start a family, etc.

The main question of this work is: Are the young women in Croatia equally present and do they have the same status, the same opportunities and the same benefits from achieved results as men? We have to ask this question if we take into consideration how the *Act on Gender Equality* defines gender equality². Unfortunately, the answer is negative. Today, women are often denied the right to live and work free of violence, coercion or fear. In the area of labour and employment, they are denied the right to work in a safe place, in a friendly and encouraging environment, to advance, to exercise the right to secure employment. Apart from all of this, young women are also denied the right to plan their family and the birth of their children without the negative effects on their existence and the existence of their families.

¹ New terminology - *human rights of women* - was accepted on the World Conference on Human Rights, held in Vienna in 1993.

² *Act on Gender Equality* (Zakon o ravnopravnosti spolova), Official Gazette (Narodne novine) 82/08, Article 5: „Gender equality means that women and men are equally present in all areas of public and private life, that they have the same status, the same opportunities to exercise all rights and equal benefits from the achieved results“.

Despite a well-placed national legislative framework, which has been largely aligned with EU *acquis communautaire*, and despite the established mechanisms for the protection against discrimination, young women are exposed to a specific form of discrimination in Croatia which is discrimination on grounds of sex, pregnancy and maternity. In addition, they are also exposed to sexual harassment at their workplace.

The area of employment and work is of great importance for any society, for the stability of citizens in regards to the equal wages for the same work, equal access to goods and services, access to education, promotion at work, guaranteed rights on the basis of pregnancy, birth, maternity rights and parenthood.

This work includes the experience of the institution of the Ombudsperson for Gender Equality (hereinafter: Ombudsperson)³, the proceedings concerning individual citizens' complaints in cases of discrimination based on sex, pregnancy and maternity⁴, including sexual harassment in the area of labour and employment, as well as some of the studies on discrimination of women, especially discrimination of pregnant women and women with small children in the labour market⁵.

Statistical data from mentioned studies show further deterioration of the already disadvantaged status of women in the labour market. Creating the conditions for harmonization of work and family life has proved to be an important factor for active involvement of young women in the labour

³ "Independent body for combating discrimination in the area of gender equality, Article 19: The Ombudsperson for Gender Equality carries out the tasks of the independent body for combating discrimination in the area of gender equality" (*Act on Gender Equality* (Zakon o ravnopravnosti spolova), Official Gazette (Narodne novine) 82/08).

⁴ „Discrimination on the grounds of marital and family status is forbidden. Less favorable treatment of women for reasons of pregnancy and maternity shall be deemed as discrimination“ (*Act on Gender Equality* (Zakon o ravnopravnosti spolova), Official Gazette (Narodne novine) 82/08. Article 6, parag. 2).

⁵ Study on the position of pregnant women and women with little children in the labour market, see in: Annual Report of the Ombudsperson for Gender Equality for 2012 (Izvešće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova); Study „Representation of Women and Men in Leadership and Managerial Positions in Business Entities in Croatia“, see in: Annual Report of the Ombudsperson for Gender Equality for 2011 (Izvešće o radu za 2011. godinu Pravobranitelja/ice za ravnopravnost spolova); Study on causes of pay gap, see in: Annual Report of the Ombudsperson for Gender Equality for 2010 (Izvešće o radu za 2010. godinu Pravobranitelja/ice za ravnopravnost spolova). Retrieved from: www.prs.hr

market. Frequent discriminatory practices of employers towards women – especially the pregnant women and the women who use their maternity rights – need to be changed. It is necessary to establish a mechanism for systematic control of treatment by the employers (regardless of whether it is a private or a public sector), and training of judges and lawyers concerning protection from discrimination.

Ombudsperson and other national mechanisms for protection of women against discrimination

The Republic of Croatia incorporated various mechanisms for protection of women (as well as men) from discrimination into its legal system. Women are protected from discrimination by various institutions: courts (civil and criminal), Ombudsperson (an independent, anti-discriminatory body for combating discrimination based on sex/gender, marital and family status and maternity, sexual orientation and gender identity), legal clinics and lawyers who provide free legal aid⁶, employers themselves applying the *Labour Law* and internal sub-legal documents with the help of civil society organizations.

Women who think that they are discriminated against on the basis of pregnancy and/or maternity or who think they are victims of sexual harassment⁷ can file a complaint to the Ombudsperson, who can then conduct

⁶ *Act on Free Legal Aid* (Zakon o besplatnoj pravnoj pomoći) ensures that the victims of discrimination who do not have the sufficient financial means (i.e. the poor) have the possibility of using free legal counselling and representation in civil litigations and in enforcement procedures.

⁷ According to the *Labour Law* (Zakon o radu), women who are the victims of sexual harassment at workplace can primarily ask for the protection from their employers within the frame of protection of dignity of the worker. Furthermore, sexual harassment as discrimination at workplace can be prevented or terminated by starting a litigation procedure (prescribed by the *Civil Procedure Act* (Zakon o parničnom postupku), due to the discrimination in regards to the *Anti-discrimination Act* (Zakon o suzbijanju diskriminacije), *Gender Equality Act* (Zakon o ravnopravnosti spolova) and *Labour Law* (Zakon o radu), as well as case law of the European Court for Human Rights. During the procedure, the existence of discrimination is established, the same or similar further conduct is prohibited, and compensations are determined. In case the claim is adopted, according to the *Distrainment Law* (Ovršni zakon), the victim/distrainor can ensure and settle claims towards the defendant/distrainee.

a procedure for establishing whether the person in question was, or still is, discriminated against on the basis of one or more of the aforementioned grounds. Unfortunately, we cannot claim that the mentioned mechanisms and institutions provide effective protection and that the victims solved their problems once they contacted their employers regarding protection of dignity of workers, the Ombudsperson for investigative proceedings, the courts for processing claims, or the authorized bodies for prosecution of suspects.

Why is it so? First of all, the Ombudsperson for Gender Equality does not have a legal authority to force the person, legal or natural, for whom the warning was issued; or in case of gender based discrimination, the recommendation to act upon. The Ombudsperson can only ask for the supervision from the authorized body⁸.

On the other hand, the practice has shown that proceedings regarding protection of dignity of workers are deficient in many aspects. Courts rarely or never apply the rule of burden of proof, proceedings which should be urgent are very lengthy, and the execution of the final decision is painstaking, while the lawyers are not sufficiently familiar with the specifics of the court proceedings in regards to discrimination.

General indication pointing to the discrimination of young women in the labour market

According to the last census in Croatia from 2011, women make 51,78% of the population. However, if we compare the representation of women in various age groups, we see that women are not the majority until they reach 50 years of age.

⁸ „Bodies [...] are obliged to inform the Ombudsperson in writing about the measures and actions taken in line with the warnings [...] no later than 30 days from the day of the receipt.” Art. 23, par.3: „The Ombudsperson is authorized [...] in case of a failure to submit a report or to provide the information within the stipulated period of time, to request that the inspection be carried out by the appropriate inspection authority controlling their activities“ (*Gender Equality Act (Zakon o ravnopravnosti spolova)*, Art. 23, par. 2).

Table 1: Representation of women in Croatia based on age groups (in percentage)

Age group	Representation of women
0-14	39%
15-39	49%
40-49	50%
50-59	51%
60-69	54%
70>	63%

Source: Census of the Republic of Croatia in 2011⁹

As we can see, young women are not the majority. But, regardless of whether they are the minority or majority, an important question is whether they are discriminated against on the basis of their sex.

Interesting data have been found in regards to the degree of education of women and men. The results of the *Analysis of the representation of women and men in the area of education*¹⁰ show that in pre-school and primary school education, male children and male pupils are more represented than female children and female pupils (51,9% – M and 48,1% – F in pre-school; 48,7% – F and 51,3% – M in primary school), while in secondary school education, the representation of both sexes is almost the same (50,3% – F; 49,7% – M). There is a considerable difference at higher education levels: women make the majority of those enrolling universities (56,8%) and the majority of those who graduate (58,6%). After the graduation, however, the percentage of women drops and women make up 55,6% of master's degrees, and 51,1% of doctorate degrees¹¹.

Although the results of the education have become gender-equal, in terms of opportunities to participate in decision-making positions, women do not have equal opportunities for promotion at work as men. In regards

⁹ Census of the Republic of Croatia in 2011, Croatian Bureau of Statistics (Popis stanovništva Republike Hrvatske 2011., Državni zavod za statistiku). Retrieved from: www.dzs.hr

¹⁰ Annual Report of the Ombudsperson for Gender Equality for 2012 (Izveštaj o radu Pravobranitelja/ice za 2012. godinu), (2013).

¹¹ Until 1960, there were only 5% of women with master's and doctorate degrees.

to the above, the collected data on the underrepresentation of women in the labour market suggest that women's progress towards the top positions (which are generally socially prestigious and best-paid) is hampered because they are women.

The study which the Ombudsperson conducted on the representation of women and men in leadership and managerial positions in Croatian companies¹² has shown that men are the majority in 83% of steering committees, 9% companies had gender balanced committees, and women were the majority in only 8%. Data on women in managerial positions are devastating – the head of 91% of steering committees is a man, while it is a woman in only 9% of the companies. Furthermore, the *Study on the Status of Women in Croatia*¹³ states that 47% of women claim they have lower wages than men who are in the same position, while 54% have experienced the “glass-ceiling phenomenon”, i.e. the impossibility to advance further up than the middle managerial position.

One of the reasons lies in the fact that women in Croatian society are most frequently the ones who bear the most of the responsibilities concerning the family and household. In other words, there is still an unequal distribution of childcare between men and women. It is confirmed by the study of the Croatian Employment Service (Hazl, V. et al., 2011)¹⁴ which has shown that 35% of women are included in the care for children and their education on a daily basis, compared to 22% of men. As much as 80,7% of women perform household chores every day, compared to only 32,8% of men. Furthermore, the data regarding perception of gender equality in Croatian society (Kamenov and Galić, 2012) has shown that 87% of the citizens participating in the study agree that women are the ones who perform household chores more often than men, even when they are employed;

¹² Annual Report of the Ombudsperson for Gender Equality for 2011 (Izveštaj Pravobanitelj/ice za 2011.) (2012), item.1.8.

¹³ The journal *Direktor*, in cooperation with the consulting company *Proago*, conducted an online survey *Successful women of Croatian business* (Uspješne žene hrvatskog biznisa) (Jurković, 2012) in the period from April 10th until April 22nd, 2012 on a sample of 494 participants, out of whom three thirds were women. Retrieved from: www.proago.hr/main/wp-content/uploads/06-75-12.pdf

¹⁴ Study: Status of Women in Croatian Labour Market (Hazl, V. et al., 2011), item. 3.4.

75% agree that the mothers are those who are responsible for childcare, children's responsibilities and activities; and two thirds agree that the job and the career of a man in most of the families has the priority over the job and career of a woman. The share of women in Croatia who do housework every day is fairly high, but similar to other European countries.

At the same time, according to the *Report on Births in Health Institutions of Croatia* (Rodin, 2012), published by the Croatian Institute for Public Health, the age group of women from 25 to 29 has been the group in which women give the most births for years. If we take into consideration that the university is enrolled at the age of 18 and that according to the Croatian Employment Service¹⁵, the average period of studying at the university in Croatia is nearly 7,5 years, it seems that women graduate precisely when they fall in the age group from 25 to 29 and then they make a choice whether to continue with post-graduate studies or not. It seems that women must make a choice between continuing their education and/or career, and starting a family. Men are not obliged to make the same choice. If a woman with a family studies or works, she bears a double burden due to the unequal distribution of responsibilities in terms of childcare and household chores and because of this, a huge percentage of highly educated young women “disappears” from the labour market.

The pattern in which women, in this case mostly young women, are forced to choose between the family and continuing education is the reflection of the patriarchal role pattern according to which women are expected to be primarily mothers and those who care about the household and family. Any other role of a woman is secondary and perceived by the society as less valuable. The biological fact that only a woman can bear a child is perceived as social priority and a decisive factor in defining her social role, her individual priorities and her place in a society.

Nowadays, a higher education of women and economic independence are emphasized as main factors of postponement of starting a family and giving birth, especially of the first child. If a woman postpones having the first child as the result of prolonged education, she has a better chance of

¹⁵ Croatian Employment Service web: *Average duration of studying at universities* (Prosječna duljina studiranja na fakultetima). Retrieved from: www.hzz.hr/docslike/Prosjeci.doc

getting a better paid job and acquiring business skills and experiences. But personal expectations of young women regarding their education or job are not in accordance with the social environment and institutions which are not supportive. Faced with a double or a triple role of an employed woman and a mother (Tomić–Koludrović and Kunac, 1999)¹⁶, in unsuitable and discouraging conditions, a woman often has to sacrifice one of her roles. Most frequently she postpones giving birth or she gives up on parenthood (Čipin, 2011: 26)¹⁷.

On the other hand, men are neither faced with such demands, nor expected to choose between a family and other social activities or personal interests regardless of whether they are the fathers or not, that is, whether they fulfilled their biological possibility to become parents. Therefore, it is necessary to emphasize that one of the factors of active inclusion of women into the labour market is to ensure the conditions for harmonization of family and professional life. Unfortunately, only 2,63% of the fathers used legal opportunity to take parental leave in 2012, and this percentage is almost the same for 2011 – 2,57%. We must not ignore the economic aspect, i.e. the amount of salary, which is certainly a decisive factor in whether a mother or a father will take a parental leave. If a man earns more than a woman, it is almost certain that the mother will be the one to take maternity and parental leave.

Double standards are a constant companion of women in the labour market, starting with job search, job interviews, signing fixed-term contracts, harassment at workplace (which is often sexual harassment), prevention of promotion at work, transfer to jobs with lower pay, or even cancellation of the employment contract. Previous studies and analyses have shown that young women are the most often the victims of discrimination in the

¹⁶ Tomić–Koludrović and Kunac (1999) consider that a woman in contemporary Croatia bears a triple burden - working for a salary, working for a family and “social and political work”. In comparison to the socialist period, the women in the transitional period withdraw from the public engagements so that now, more so than in socialism, they contribute to the family budget through part-time work and “moonlighting”. See note 43.

¹⁷ The study was conducted in 2007 on a sample of 1,309 employed women in the age group 20-39. The results of the study have shown the differences in fertility among women of different levels of education and how educational status has an important role in determination of the fertility time.

labour market and that the discrimination in 60% of cases is due to family commitments¹⁸.

During job interviews, young women are asked questions which are not posed to men or women of older age – questions about marital status or the number of children, whether they plan to have children or start a family, etc. The practice of employing young women on fixed-term contracts is widespread, which is discouraging for starting a family or having children. It is confirmed by the Esping–Andersen study (2009) which showed that employment with fixed-term contracts and insecurity of workplace has dissuasive effect on fertility.

According to the Eurostat (Europe in figures – Eurostat yearbook 2010) data from 2010, the unemployment rate of young women (younger than 25) in Croatia was the highest rate in Europe, and this is a result of an unequal distribution of household chores and childcare between women and men, and of an insufficient infrastructure, i.e. insufficient number of kindergartens and nurseries.

All of the above mentioned factors represent big obstacles for employment of women. Concerning institutional childcare (or care about the elderly in common households), the institutions which cover various forms of childcare do not follow the needs of the employed women in a way they could harmonize their work obligations and their family responsibilities (Akrap, 2011: 5). The lack of available care makes the access to the labour market more difficult and leads to gender discriminatory practice of the employers. Namely, Heinen and Wator (2006) claimed that policies which put childcare on the margins and prefer long parental leaves may cause discrimination of women, because they become absent from the labour market due to the childcare, which then brings about the marginalization of their work

¹⁸ Study *Discrimination of women in workplace in South-Eastern European countries and new independent states* (Diskriminacija žena na radnom mjestu u zemljama jugoistočne Europe i novim neovisnim državama), conducted under the sponsorship of the International Confederation of Trade Unions within the Regional trade union campaign to fight discrimination in the workplace in 28 countries. It involved 143 female workers employed in textile industry in Croatia, 15 trade union representatives, out of which one third male and 9 managers. Questions concerned satisfaction at workplace, balance between work and family responsibilities, sexual harassment, discrimination. Retrieved from: http://webcache.googleusercontent.com/search?q=cache:3AAVXRmgGy4J:www.nhs.hr/onama/odbor_zena/diskriminacija/ICFTU-FGTB_GENDER_PROJEKT.ppt+&cd=1&hl=hr&ct=clnk&gl=hr

or limited access to more responsible job positions (Dobrotić, Markotić and Baran, 2010: 368).

(Un)protection of women, especially pregnant women and women with small children in the labour market

Despite the fact that *Labour Law* (Zakon o radu) foresees the fixed-term contracts only as an exemption¹⁹, it is obvious that we have an increasing trend of employing women on fixed-term contracts (in 2008 – 81%, in 2012 – 92,6%) (Mjesečni statistički bilten, 2012). Out of all newly employed women in 2011, only 8,4% of them signed contracts for indefinite period of time, compared to 19,5% of men (Izvešće o radu za 2012. godinu Pravobranitelj/ice za ravnopravnost spolova, 2013). This fact and the treatment of employers lead to the insecurity of women and the lack of protection for a highly vulnerable group in the labour market – pregnant women and women with small children.

Labour Law (Zakon o radu) stipulates that during pregnancy, maternity, parental or adoption leave, half-time or part-time work due to the increased child care, maternity leave or leave of mothers who are breastfeeding, and during leaves or part-time work due to the care for a child with severe disabilities, or within 15 days before the termination of pregnancy or termination of the use of the rights based on pregnancy, the employer cannot terminate the employment contract of a pregnant woman or a person who uses some of these rights²⁰. In practice, the mentioned rights are used with indefinite-term contracts.

Despite the widely placed legal protection of women²¹, the situation is totally different and pretty uncertain in cases of fixed-term employment,

¹⁹ *Labor Law* (Zakon o radu), article 10.: „Employment contract may by exception be concluded for a fixed-term period, which is specified by a set date, execution of a specific type of work or beginning of a certain event“.

²⁰ *Labor Law* (Zakon o radu), Article 71. par. 1.

²¹ National legal framework regarding the protection of the rights of pregnant women and mothers with small children in the labour market is regulated by the *Labour Law* (Zakon o radu), *Gender Equality Act* (Zakon o ravnopravnosti spolova) (as an organic law in the field of gender equality), *Anti-discrimination Act* (Zakon o suzbijanju diskriminacije) and *Act on Maternity and Parental Benefits* (Zakon o roditeljskim i roditeljskim potporama).

when employment of a pregnant woman or a mother with a small child who returned from maternal or parental leave is almost regularly terminated with the expiry of the time defined by the fixed-term contract.

For the last 20 years the European case law has shown a remarkable sensibility towards employment rights of a specially vulnerable social group of pregnant women and women who recently gave birth, especially in the area of the prohibition of discrimination on the bases of sex and pregnancy, and this case law has had a great influence on promotion of gender equality in the area of labour and employment²². This is obvious from the position taken by the European Parliament which opposes labour market flexibility and fixed-term contracts. Specifically, in 2010, the European Parliament adopted a Pascal Grunny report²³, which expressly states that employment contracts for an indefinite period should be the rule and that the replacement of such contracts by atypical fixed-term agreements is an unacceptable misuse. By accepting this report, a strong message was sent to the EU Member States that the security of a professional career is a necessary condition for the welfare state.

For the protection of the pregnant women employed under fixed-term contracts, the court ruling of the European Court of Justice in the case C-438/99 Melgar²⁴ is of extreme importance, because the prohibition of termination of employment in cases of contracts with indefinite time applies to the employment per fixed-term contracts as well. However, if fixed-term contracts are not prolonged due to worker's pregnancy, the view of the Court of Justice is that such treatment is also a case of direct sex-based discrimination.

Indeed, in cases when a woman signs a fixed-term employment contract and when she informs her employer about her pregnancy while the contract

²² One of the first cases the European Court of Justice ruled upon discrimination in regards to the principle of equal pay for equal work of men and women was Gabrielle Defrenne's case, a case of a stewardess employed in a national Belgian airline company, who earned less than her male colleagues. Case C-43/75, G. Defrenne v. Societe Sabena, 1976.

²³ French parliamentarian of the European People's Party. Report accepted on July 8th, 2010.

²⁴ Case C – 438/99, Maria Luisa Jimenez Melgar v. Ayuntamiento de Los Barrios, Judgment of the Court of 4 October 2001.

is in force, the example of the case C-109/00 Nielsen²⁵ shows that the view of the Court of Justice is that the pregnant woman is not obliged to inform her employer about her pregnancy during employment procedure. It has been confirmed that termination of employment due to “financial loss or inability to fulfil tasks” represents direct discrimination on the bases of sex and has no effect on the period for which the contract has been signed (fixed-term or indefinite-term).

On the other hand, it seems that Croatian case law does not apply or implement the European case law and that it supports discriminatory practice of the employers who terminate fixed-term contracts to pregnant women. For example, the Supreme Court states in its ruling that “a complainant may not rely on sick leave following the expiration of the fixed-term employment contract because her employment was terminated after the expiry of the term for which the contract was concluded”²⁶. This kind of case law is unsustainable and requires legislative and institutional changes.

Institutional discrimination of pregnant women

From the perspective of discrimination of pregnant women and women using maternity rights, we face: (1) institutional discrimination of pregnant women by the Croatian Institute for Health Insurance, (2) trend of frequent termination of contracts or termination of employment of women in the labour market in regards to their physical state of pregnancy and (3) gender discrimination in regards to distribution of childcare within a family based on sex/gender.

Acting upon the complaint received from the citizens – pregnant women and mothers with small children, the Ombudsperson revealed the years long discriminatory practice conducted by the Croatian Institute for Health Insurance (hereinafter: CIHI) which disputed the status of pregnant women with health insurance who signed employment contracts during their pregnancy, i.e. during the period of obligatory maternity leave according to the

article 12, paragraph 2 of the *Act on Maternity and Parental Benefits (Zakon o roditeljnim i roditeljskim potporama)*²⁷.

The CIHI disputed the health insurance status of the pregnant women who signed employment contracts during pregnancy, especially in cases when the physician recommended inactivity, that is, if the employment started in a period of so-called mandatory maternity leave or in the period of pregnancy (*in vitro*).

In these cases the CIHI argued that those were *de facto* “fictitious” employment contracts for the purpose of misusing the system of maternity benefits. The reason which the CIHI frequently used was “previous experience” which showed that women rarely get employment during pregnancy, as well as the experience concerning the widespread (although illegal) practice of employers who are prone to avoiding employment of pregnant women and women who are most likely to get pregnant soon. In those cases, the CIHI considered the employment contracts signed during pregnancy (regardless whether they were fixed-term or indefinite-term contracts) as some sort of manipulation of the health insurance system and considered those contracts invalid, regardless of the fact that both parties who signed the contract fulfilled the formal conditions of employment defined by the *Labour Law (Zakon o radu)*.

Case A: The Ombudsperson received a complaint from A.S. from V. claiming that the CIHI discriminated against her during her employment on the basis of her sex, because they terminated her health insurance without any legal bases, mentioning that pregnancy was the reason for the termination of rights of health insurance and that pregnancy is the same as incapability to work. Therefore, the CIHI refused to pay her salary compensation during sick leave.

After conducting an investigative procedure, the Ombudsperson established that the CIHI arrived to a decision about the retroactive cancellation

²⁵ Case C – 109/00, Brandt Nielsen v. Tele Danmark, Judgment of the Court of 2001.

²⁶ Ruling of the Supreme Court of Croatia, Rev 930/00-2.

²⁷ *Act on Maternity and Parental Benefits (Zakon o roditeljnim i roditeljskim potporama)*, Official Gazette (Narodne novine) 68/08, 110/08, 34/11, 54/13. The law came into force on January 1st 2009, with the purpose of protecting maternity and harmonizing family and professional life. The last changes were made in 2013, due to the compliance with EU *acquis*.

of complainant's status of an insured person resulting from employment rights, primarily due to the fact that the complainant, who suffers from diabetes, signed the employment contract at the moment when she was pregnant, despite physician's recommendation for inactivity and prescribed control of her health for a month. This was taken by the CIHI as the main evidence that this person concluded a "fictitious" employment without any further examination and it means that the CIHI brought the complainant into an unfavourable position, denying her right to the salary compensation, mainly because she got employed while she was pregnant and had a physician's recommendation of inactivity. This kind of practice puts only women in an unfavourable position and has harmful effects on their status in the labour market and their financial security while they are pregnant, when they find themselves, among other things, in a very challenging economic situation.

The Ombudsperson issued a warning to the CIHI that they violated the stipulation about the prohibition of unfavourable treatment based on pregnancy with their decision to retroactively terminate the status of the insured person to the complainant on the bases of which she was entitled to receive salary compensation due to complication in pregnancy and maternity leave, which is one form of gender discrimination.

Case B: Complainant K.J. from R. was recommended inactivity by her physician, after procedure of medically assisted fertilization. The CIHI put the complainant into an unfavourable position with their decision to deny her the right to salary compensation mainly because she got employed *despite* the physician's recommendation for inactivity during *in vitro* fertilization. In the procedure, the formal validity of the employment contract had never been disputed and there was no evidence that formal conditions of the employment contract had not been fulfilled. On the contrary, the CIHI never disputed that the employment contract did not include all the necessary elements prescribed by the law, or that the employer did not regularly fulfil his legal obligations on the bases of concrete employment contract, or that the complainant did not fulfil her work tasks in a way she personally agreed upon with the employer, and which was in compliance with labour legislature.

Case C: In a similar case of G.P.A. from D., the CIHI stated that "the stipulations of the *Gender Equality Act* cannot be used for protection of a certain category of persons insured by the CIHI only because they are women, and in such a way that everything they do in connection with gaining the status and rights from obligatory health insurance is *a priori* accepted, despite the fact that such actions represent conscious violation or misuse of positive regulations of the Republic of Croatia and bring damage to the CIHI and other persons insured by the CIHI"²⁸.

The Ombudsperson warned that the decision on the validity of the employment contract and employment as such can be made only by the Croatian courts²⁹ in due process. This kind of practice is based on prejudice and stereotypical presumptions in regards to women, their ability and interests, and the "desirability" of their role in society, and as such was a direct discrimination based on sex. Opposite to that, not one legal document belonging to the national legal system limits or forbids pregnant women to get employment during any period of their pregnancy or period defined by the law as maternity leave. On the contrary, *Gender Equality Act* expressly prohibits any unfavourable treatment of pregnant women by their employers or bodies which decide on the benefits and rights concerning the status of the employee.

The *Labour Law* prescribes special guarantees by which the status of pregnant women is regulated in order to improve their traditionally unfavourable status in the labour market.

This practice shows that the CIHI solved the cases with a presumption that during pregnancy, especially a risky one, or immediately after the childbirth, women consider their role of a mother as an exclusive priority and that in this sense they are ready to sacrifice their professional interests and status in the labour market and that it is why they should not work and

²⁸ Letter of Croatian Institute for Health Insurance addressed to the Ombudsperson for Gender Equality, Zagreb, class: 503-01/10-01/15, ev.no.: 338-01-11-11-7, 21. February 2011.

²⁹ From the stipulations of the article 104. of the Labor Law (*Zakon o radu*), articles 15 and 327 of the Civil Obligations Act (*Zakon o obveznim odnosima*), articles 3 and 16 of the Law on Courts (*Zakon o sudovima*) and article 34 of the Civil procedure Act (*Zakon o parničnom postupku*), it is clear that all the questions concerning employment, including the validity of the employment, falls into the jurisdiction of the courts.

why the employment contracts they signed during pregnancy or maternity leave were fictitious. Such conduct by the CIHI represents an attempt of an authorized institution to impose a traditional choice of social priorities on women and thus limit their individual freedom of choice and protection of personal interests and priorities. Such view by the CIHI sends a clear message that those women who insist on total autonomy over their bodies and who decide to evaluate their physical abilities during pregnancy for themselves will be socially sanctioned.

This attitude, which is in its foundations a disputable practice, unfortunately reflects the still widespread patriarchal stereotypical view that child-care is primarily women's job and that women, unlike men, are not equally capable of deciding about their personal interests, priorities and abilities. Decisions and acts which are deliberately or unintentionally, consciously or unconsciously, based on prejudices and stereotypical views about certain gender are conditioned by the sex of those persons and represent classical example of direct discrimination which is forbidden by Article 7 of *Gender Equality Act* (Zakon o ravnopravnosti spolova).

Above all, by denying access to financial means, which the legislator intended for pregnant women in that economically very challenging period of life, the CIHI additionally complicated an already difficult position of women in the labour market by diminishing their economic independence. In that sense, the disputable practice of the CIHI represented the violation of the Article 13³⁰ of the *Gender Equality Act* (Zakon o ravnopravnosti spolova).

Disputable practice by the CIHI was in a direct opposition to the fundamental principles of EU *acquis* in the area of gender equality which Croatia undertook to respect as the candidate country for the EU membership, because it was completely ignoring the decisions of the EU Court of Justice which prohibits such treatment of pregnant women. Namely, the Court of Justice has a clear position that any unfavourable conduct of women caused by their pregnancy represents gender based discrimination and that in such cases the existence of the intention is not decisive for establishing whether

³⁰ *Gender Equality Act* (Zakon o ravnopravnosti spolova), article 13. Discrimination in the area of labour and employment.

discrimination exists, but is the key factor of the disputed treatment. This court's view was clearly expressed in case decisions C-177/88 Dekker³¹, C-421/92 Habermann-Beltermann³², C-32/93 Webb³³, C-394/96 Brown³⁴ etc.

In the case C-506/06 Mayr³⁵, the Court of Justice decided that every conduct in which a woman suffers negative consequences regarding the employment rights because she underwent a procedure of *in vitro* fertilization represents a direct gender discrimination. Also, in cases C-179/88 Handels- og Kontorfunktionærernes Forbund³⁶ and C-191/93 McKenna³⁷, the Court of Justice clearly established that every unfavourable conduct of women regarding their employment rights because of medical complications concerning pregnancy or giving birth represents a direct gender discrimination of women.

Furthermore, the Court of Justice has taken a position that women have the rights to use the benefits in form of maternity protection in a way which best suits their interests, regardless of motives behind their decision, that is, regardless of the fact that third party might consider their motives morally questionable. The Court expressed this view in the case C-320/01 Busch³⁸ and confirmed it in the case C-116/06 Kiiski³⁹. The fact that the pregnant

³¹ Case C – 177/88, Elisabeth Johanna Dekker v. Stichting Vormingscentrum voor Jong Volwassenen (VJV Centrum) Plus, Judgment of the Court of 8th November 1990.

³² Case C – 421/92, Gabriele Habermann-Beltermann v. Arbeiterwohlfahrt, Bezirksverband Ndb/Opf. eV, Judgment of the Court of 5th May 1994.

³³ Case C – 32/93, Carole Louise Webb v. EMO Air Cargo UK Ltd., Judgment of the Court of 14th July 1994.

³⁴ Case C – 394/96, Mary Brown v. Rentokil Initial UK Limited, European Court Reports of 30th June 1998.

³⁵ Case C – 506/06, Sabine Mayr v. Backerei und Konditorei Gerhard Flockner OHG, European Court Reports of 26th February 2008.

³⁶ Case C – 179/88, Handels – og Kontorfunktionærernes Forbund i Danmark v. Dansk Arbejdsgiverforening, European Court Reports of 8th November 1990.

³⁷ Case C – 191/03, North Western Health Bord v. Margaret McKenna, Judgment of the Court of 8th September 2005.

³⁸ Case C – 320/01, Wiebke Busch v. Klinikum Neustadt GmbH & Co. Betriebs – KG, Judgment of Court of 27th February 2003.

³⁹ Case C – 116/06, Sari Kiiski v. Tampereen kaupunki, Judgment of the Court of 20th September 2007.

women signed the employment contract primarily to get the social benefits linked with the employment must be totally irrelevant to the CIHI as long as the employment procedure was conducted in compliance with the formal demands prescribed by the *Labour Law*.

Finally, the Ombudsperson proactively⁴⁰ succeeded in ensuring a consensus with the CIHI to stop the discriminatory practice against pregnant women, after which the Ombudsperson did not receive any new complaints on these grounds in 2013⁴¹.

Study: „Status of pregnant women and mothers with small children in the labour market“

The Ombudsperson conducted a study *Status of pregnant women and mothers with small children in the labour market*⁴² (hereinafter: Study) which goal was to gain insight into the experience of women who were trying to secure access to the labour market, or to actively participate in the labour market during their pregnancy or in the immediate postpartum period in which they took care of small children (maternity period). This was the first study of this kind in Croatia. The study questionnaire was completed by

⁴⁰ On October 9th 2012, the Ombudsperson for Gender Equality organized a meeting with the representatives of the Ministry of Health, Ministry of Social Politics and Youth and Croatian Institute for Health Insurance. At the meeting she presented her legal opinion regarding the CIHI procedures towards pregnant women who decided to get an employment during their pregnancy or during the period which is defined as mandatory maternity leave by the *Act on Maternal and Parental Benefits* (Zakon o roditeljnim i roditeljskim potporama).

⁴¹ Access of the pregnant women and women who have recently given birth to social benefits concerning their participation in the labor market (Izvešće o radu za 2012. godinu Pravobranitelj/ice za ravnopravnost spolova, 2013: 46).

⁴² The study was conducted with a questionnaire in cooperation with the Croatian Employment Service and civil society organization *Roda*. Electronic version of the questionnaire was uploaded to the official web sites of the Ombudsperson and *Roda* and it could be filled out by all pregnant women or mothers with small children. The questionnaire included 57 questions concerning the knowledge of legal guarantees regarding the protection of interests of pregnant women and women with small children, experiences regarding unfavourable conduct by the employers based on pregnancy, experience regarding unfavourable conduct of employers based on childcare, support of partners in harmonization of professional and family responsibilities and readiness to use legal guarantees in life etc. In full in: *Annual Report of the Ombudsperson for Gender Equality for 2012* (Izvešće o radu za 2012. godinu Pravobranitelj/ice za ravnopravnost spolova) (2013). Retrieved from: www.prs.hr.

937 participants from 20 to 45 years of age. The highest number of participants belonged to the age group of 26-34 years.

The study showed that the status of pregnant women and mothers with small children in Croatian labour market is extremely difficult, that a large number of employers do not respect the rights which are guaranteed to these women by the *Gender Equality Act* and *Labour Law*. The women who used their right to maternity leave and decided to return to their workplace are particularly endangered. The employers frequently do not respect the obligations from the *Labour Law*⁴³ and thus in a large number of cases, the women who return from maternity/parental leave are transferred to workplaces with lower wages and soon after their return the employment, their contract is terminated out of some fictitious, economic reason.

Critical points in regard to discrimination of pregnant women and women with small children are:

(a) job interviews; (b) decisions linked with promotion at work; and (c) reducing the achieved rights after pregnancy and maternity leave.

The data show that 40% of women who were pregnant in a specific time of their employment or job search were exposed to an unfavourable treatment by their employers due to their pregnancy or usage of maternity benefits.

Table 2: Pregnancy and fixed-term employment contract (in percentage)

	Yes	No, never	Inapplicable	Total
Employer did not prolong my fixed-term employment contract because I was pregnant or I was using my maternity rights.	46%	27%	27%	100%

Source: Study on the status of pregnant women and mothers with small children in the labour market (Istraživanje: položaj trudnica i majki s malom djecom na tržištu rada), Ombudsperson for Gender Equality of the Republic of Croatia (2012).

⁴³ Employers are obliged to reinstate these women to their previous workplace and in case their workplace was terminated, to a workplace which corresponds by type, scope and expertise to the terminated workplace, that is, to the women's qualifications.

The highest number of participants (out of 414) faced the termination of fixed-time contracts – 34,1%, while 21,2% of them were fired (from various reasons) which makes up a worrisome total of 55,3% of *employment cancellations* which were directly influenced by gender discrimination based on pregnancy and responsibilities towards children. It is worrying that the employer did not prolong the fixed-term contract due to women's pregnancy or care for small children. Out of 176 participants who found themselves in such a situation, 63% answered that they thought the employer denied them contract prolongation due to the fact that they got pregnant or used the maternity rights.

Out of 414 participants who thought they were victims of discrimination due to their pregnancy or responsibility for small children, 51,3% mentioned that during job interviews the employers asked them *questions concerning their marital status or plans for the future*.

Out of 230 participants who were employed during pregnancy or the period while they took care of small children, 52,8% thought that *the employer prevented them from getting a promotion* because they thought that, due to their parental responsibilities, they will not be able to fulfil the needs of the new workplace.

Around 40% of participants mentioned that *the employer diminished their achieved rights after pregnancy and maternity leave* (the ones they had already achieved) because they took advantage of their life situation in terms of birth of the child and increased economic challenges their families were faced with. Out of the mentioned percentage of participants who faced such a discriminatory practice, 40% of them faced a decrease in salary, 45,6% had shortened summer vacations, 27,8% had their employment contract changed from indefinite-term to fixed-term, 24,6% had a decrease in salary allowances, and 20,8% mentioned that the employer took away from them valuable projects, clients, or concrete tasks they worked on until then from them. Almost identical data have been presented in Proago's study, which has shown that 42% participants had no opportunity to get a promotion at work after they returned from maternity leave⁴⁴.

Fear from negative consequences for the workplace or the position is obvious if we look at the data collected about the readiness of women to

⁴⁴ See the study of the journal *Direktor* and company *Proago* (footnote 11).

use available mechanisms of institutional protection during their pregnancy or maternity leave in order to protect their rights and interests with regard to their employers. 48,9% participants did not know whether they would report their employer to the Ombudsperson because of the discrimination, while 32,2% stated they would, and 19% that they would not.

Table 3: Report on discrimination (in percentage)

An employer who would discriminate me on the basis of pregnancy I would report to:	Yes	No	I'm not sure	Total
State Labour Inspectorate	40%	16%	44%	100%
Ombudswoman for Gender Equality	32%	19%	49%	100%
I would charge him for discrimination on the court of law	13%	35%	52%	100%

Source: Study on the status of pregnant women and mothers with small children in the labour market (Istraživanje: položaj trudnica i majki s malom djecom na tržištu rada), Ombudsperson for Gender Equality of the Republic of Croatia (2012).

Out of 937 participants, 63% think that Croatia does not have good legal documents for the protection of pregnant women and mothers with small children from the employers⁴⁵.

Table 4: Pregnant women and legal mechanisms (in percentage)

	Yes	No	I'm not sure	Total
The Republic of Croatia has good legal mechanisms for protection of status of pregnant women and women with small children in relation to the employers	6%	63%	31%	100%

Source: Study on the status of pregnant women and mothers with small children in the labour market (Istraživanje: položaj trudnica i majki s malom djecom na tržištu rada), Ombudsperson for Gender Equality of the Republic of Croatia (2012).

⁴⁵ 31% of the participants were not sure if the existing legislative is good enough, only 6% thinks it is.

In regard to the efficiency of the existing legal documents, 46,5% participants think that such a situation is due to the inefficient work of the state labour inspectorate⁴⁶.

The least participants (13,4%) were ready to fight the employer through the legal system, which suggests that women do not have faith in the efficiency of the available *mechanisms for legal protection*⁴⁷.

Since, according to their economic and family situation, it is not realistic to expect that the usage of the available institutional mechanisms for protection against discrimination (such as court proceedings) would considerably increase within this group of women, the more effective measures are necessary, the ones which will influence the causes of the discriminatory status of pregnant women and mothers with small children in the labour market.

The study has also shown that women are largely aware that the burden of childcare is mostly theirs to bear and that they can expect only a limited assistance in harmonization with professional ambitions and responsibilities, which confirms that unequal, gender-based distribution of family and childcare is still deeply rooted in Croatian society. Precisely 45% of the participants think that *their partners would considerably participate in childcare* so that they could find and keep a job, 32,3% answered that their partners would participate only partially, and 20,2% could not count on such participation by their partners or were not sure if they would get any help. The study also researched whether the *participants ever asked their partners to participate more in childcare* so that they could satisfy the requirements of their workplace and 39% of participants answered that they had asked their partners for such support and that their partners had accepted and fulfilled the agreement, 10% of the participants answered that their partners had promised support but had not kept the promise, while 3,6% participants said that their partners would have immediately refused such a possibility. As much as 40,3% participants answered that they had never asked their partners for such a participation in childcare. In order to gain an insight

⁴⁶ 31,3% participants think that the inefficiency is due to the poor work of courts, 29,7% participants think the problem lies in inadequate work of ombudsperson's offices.

⁴⁷ 51,5% of the participants mentioned they were not sure if they would file charges against their employers because of the discrimination, 35,2% were sure they would not.

into the reasons why these participants never asked for such a support from their partners, we asked this group of participants whether they thought their partners would have given such support if they had asked them. Only 34,1% participants answered that their partners would have taken over the childcare completely, had they asked them, while 41,2% of participants answered that they thought their partners would take over such responsibilities only partially⁴⁸.

These results are also confirmed by other studies which were conducted on the topic of family responsibilities of women in labour market (Galić and Nikodem, 2007) or household chores (Tomić–Koludrović and Kunac, 2000; Leinert Novosel, 2003). According to the views expressed by Topolčić, the majority of Croatian families are far from the “egalitarian distribution of household chores”. Even more so, it is a fact that women are aware of it, which suggests that unequal, gender based distribution of childcare, represents a component in their decisions concerning their participation in the labour market and development of their professional career. From that aspect, it is impossible to talk about the equal opportunities for women and men in Croatian labour market.

The study has shown: (1) the discrimination of women on the Croatian labour market based on their pregnancy or gender-based imbalance in activities of caring for children within a family is devastating; (2) there is a clear need for raising awareness of women regarding legal guarantees which would protect their interests in labour market during pregnancy; (3) the employers mostly disobey legal obligations towards pregnant women and mothers with small children; and (4) pregnant women and mothers with small children distrust the effectiveness of the existing system of protection against this form of discrimination, there is a need to improve legal framework for protection of pregnant women and mothers with small children in the labour market.

Study results have clearly shown the need to improve the protection system through: (1) the establishment of mechanisms of systematic control of the employers' treatment of pregnant women and women who use their

⁴⁸ 14,6% of these participants think that their partners would not take over bigger responsibilities for childcare while 10% didn't know what would be the answer if they asked their partners.

maternity rights; and (2) stronger legal guarantees which would prevent employers from reducing in any way the position and the labour rights of these women within a period of one year after returning from maternity leave.

Sexual harassment at workplace

A cause for concern lies in the continuous increase of complaints addressed to the Ombudsperson on the bases of sexual harassment. Out of all complaints from the area of employment⁴⁹, 42,5% complaints concern sexual harassment and were filed exclusively by women, mostly young women. The mentioned percentage would have been higher if the victims had not withdrawn their complaints or postponed their decision about the Ombudsperson's procedure⁵⁰.

Complaints have mostly been about the sexual harassment from the persons who have been their superiors, in a way that they were coerced to accept sexual relationship with the harasser, which they declined; because they were friendly towards the harasser which was interpreted by him as an invitation to sexual contact; or because at one point they were in a relationship with the harasser and they wanted to terminate that relationship (small number of complaints).

The victims were abused in various ways – with persistent demands for a sexual relationship with arguments like “woman of her age should have a neat sex life which is essential for her health”, every woman needs a “protector” who will help her at work and in private life and take care of her career, by texting her during working hours and afterwards (messages which were combination of pleadings and threats), by sending MMSs (for example, containing the pictures of the abuser's penis), by throwing them out of the business car during business trip, by writing vulgar poems about the victim,

⁴⁹ 58,5% complaints refer to the area of labour and employment (social security, social care, retirement and health insurance and unemployment insurance).

⁵⁰ Although, more than previous years, the victims of sexual harassment stick with their filed complaints and demands that the Ombudsperson conducts the proceedings within her jurisdiction, and although the Ombudsperson contacted the lawyers of the victims of the sexual harassment several times in order to provide them with assistance with the charges and possible intervention in a court proceedings - the victims in the end hesitated to continue or postponed the decision.

her friends and family on blogs, by touching their intimate parts even in public places in front of witnesses (for example, on school playground in front of the second-grade students of a secondary school), through physical advances which are on the verge of rape (usually in closed spaces, intrusions into the victims' cars, attempt to take of their clothes), or through physical assaults and blows with various objects if they did not agree to sexual intercourse. In some of the gender based harassment cases, the women were exposed to various forms of pressure at workplace - demeaning and degrading statements about their knowledge of work, various acts and prohibitions which were used only against the victim of the harassment, denial of promotion with various out-of-institution pressures motivated by personal interests, even physical attacks.

The victims of harassment rarely choose legal system according to which gender harassment at workplace can be primarily *processed as civil litigation*⁵¹ and during which the court will decide if the harassment took place, forbid any further similar behaviour, make a decision about the compensation due to violation of personal dignity, and make a *criminal proceeding*⁵² through which the offender can be sanctioned. It is presumed that there are more reasons for that – the notorious fact is that the discrimination-based litigation lasts for a discouragingly long period of time (similarly to the situation in criminal proceeding), regardless of the fact it must be conducted urgently, and this is very unpleasant for the victim – she has to testify several times in front of a larger number of people about the manner and the circumstances of sexual harassment, she has to be exposed to the questions and provocations from the opposite side, she is usually in a position inferior to her offender which influences the stability and the safety of her workplace and the working atmosphere, she is also considered to be co-responsible for

⁵¹ Based on the *Gender Equality Act* (Zakon o ravnopravnosti spolova) and *Anti-discrimination Act* (Zakon o suzbijanju diskriminacije).

⁵² *Criminal Code* (Kazneni zakon), Official Gazette (Narodne novine) 125/11, 144/12, head XVI, Criminal offenses against sexual freedom, *Sexual Harassment*, article 156. :

1) Whoever sexually harasses another person who is in inferior position, or who is dependent on him, or who is especially vulnerable due to age, illness, handicap, addiction, pregnancy, severe physical or mental difficulty, will be sentenced to one year in prison. 2) Sexual harassment is every verbal, non-verbal or physical unwanted behaviour of sexual nature whose purpose or effect is violation of dignity of a person, which causes fear, hostile, degrading or offensive environment. 3) Criminal offence[...]persecuted upon proposal.

the situation or her colleagues and friends are afraid to show support afraid that they also might be harassed. Even the lawyers do not have enough practical experience in conducting anti-discriminatory proceedings.

If a woman starts the *proceeding for the protection of dignity*, she will most likely be exposed to the victimization consisting of the offenders' threats to cancel her employment or threats that he has connections within the police or judiciary system, physical attacks, isolation from others, disrespect towards her expertise or working skills, diminishing of her authority in front of persons under her management, sanctioning the persons who testified in her favour etc. – in short, she is harassed on the bases of her sex. Taking everything above into consideration, the Ombudsperson concluded that the employers mostly do not conduct proceedings for dignity protection of workers in a way prescribed by the *Labour Law*⁵³.

Economic situation, recession, and turbulence in the labour market additionally worsens the economic possibilities because all the workers, men and women, are faced with an imperative of keeping the workplace in order to ensure their own existence and that of their families. Very often, the women are faced with a tough choice – to lose a job or to accept their superiors' offer. They consider this threat as very realistic, frightened by the offenders treatment (although he might not have the power to cancel her employment). We could conclude that in our society there is still some sort of a taboo, something neither women victims (trying to save their privacy), nor the witnesses, are ready to talk about, although sexual harassment and harassment based on sex is very much present⁵⁴.

⁵³ For example, some employers have not appointed a commissioner for the protection of dignity of workers and they neither have an act which would regulate the procedure in detail; parties and witnesses are not properly investigated, there are no minutes of the investigation, all the necessary evidence is not attached, there are no clear and unquestionable decisions whether a harassment occurred or not etc.

⁵⁴ In cooperation with women's sections of three independent trade unions, the Ombudsperson drafted and published a *Guide for trade union commissioners* (Ljubičić et al., 2012). The purpose of the *Guide* was to familiarize the trade union commissioners with all forms of discrimination at workplace, including direct and indirect discrimination, and especially sexual harassment and harassment on the basis of sex, so that they could recognize those kinds of discrimination, advise victims about their legal rights and provide assistance accordingly. The *Guide* points out the relevant laws and includes the examples of application for protection of dignity, complaints addressed to the Ombudsperson, and the examples of anti-discrimination charges.

Instead of conclusion

Although legal and institutional framework for the protection of (young) women from discrimination exists, women - victims of gender-based discrimination, discrimination based on pregnancy and maternity status, and women who are sexually harassed, do not sufficiently use the mechanisms of institutional protection.

The reasons are various; the victims often do not have enough confidence in the regulations or the people who carry them out, they do not have sufficient financial means or the proceedings are too slow, while they live in uncertainty, frequently exposed to stigmatization of the others or of the employer. On the other hand, it is questionable how much the institutions authorized for implementing regulations are really capable of doing so, based on their own prejudices, incompetence, or lack of resources.

Therefore, it is necessary to approach this problem very seriously and on many levels – by raising awareness of the society about women who are among us and who are harassed at their workplace on a daily basis, especially young women, who are discriminated against not only on the bases of sex, but also on the bases of pregnancy and motherhood. I believe it is very important to emphasize that discrimination of young women is damaging to a society in several ways – it diminishes the working capabilities of women (in such cases, sick leaves of victims due to various physical or psychological illnesses caused by harassment become a rule), it directly affects the number of children born (because a woman must choose whether she will have a child or get an employment), and it is devastating for the families which suffer the consequences – psychological and financial ones. Furthermore, appropriate and sustainable education of all actors who work on elimination of discrimination on institutional level, especially judges, is necessary.

It is also necessary to educate employers about uniform implementation of stipulations of the *Labour Law* and internal documents in order to protect women workers from discrimination, because with the improvement of the positive case law in anti-discrimination procedures, they will be forced to pay indemnities and will gain reputation as “bad” employers.

Finally, it is necessary to educate all actors of the working process to recognize discrimination, especially in treatment of suspects and victims (without the gender-based sexual stereotypes “she provoked him” and without fear from revenge, because everybody must be aware that harassment which happens to somebody today can happen to them tomorrow as well).

This represents a serious problem in the implementation of anti-discrimination policies. Combating discrimination in a society is possible only if the victim of the discrimination and discriminatory practice seeks protection, and if and when a person does seek protection, the protection must be, before everything else, urgent and applicable to the situation in order to become the inhibiting factor to the potential discriminators and an encouragement for the other victims.

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NON-PAID, UNDER-PAID AND SELF-EXPLOITING LABOUR AS A CHOICE AND A NECESSITY: EXAMPLE OF WOMEN IN CREATIVE INDUSTRIES

Introduction

In the last couple of years, there has been an increased number of studies on the work and employment in creative industries. Unlike the previous period when even the classic authors of cultural studies such as Raymond Williams were not interested in what (and how) those that work in the culture actually live from (Ross, 2008: 21), the recent proliferation of research on this topic and the subsequent research results focus more on the intricacies of the labour processes in cultural and creative industries. In the last decade we can highlight the work of a number of researchers such as McRobbie (2002), Pratt (2004, 2008), Ross (2004, 2007, 2008), Banks (2007), Banks and Hesmondhalgh (2009), Hesmondhalgh and Baker (2011), to name a few, who substantially devoted their research to the issues of cultural and creative labour. The increased interest in researching this topic can be partly credited to the de-masking of the euphoria connected with the positive examples resulting from the policy decisions related to the cultural and creative industries¹. On the other hand it has been evident that after the first wave of positive acclamations, the negative sides of the work and labour in

¹ For example, the Cool Britannia project in UK, Creativ Wirtschaft in Austria, etc.

cultural and creative industries started to come about, with the special stress on the (ever more precarious) position of cultural workers (Gill and Pratt, 2008; Neilson and Rossiter, 2008; Ross, 2004, 2007, 2008). Subsequently, this opened up the discussion on the delineations of what labour in contemporary societies today is and consequently, what the inequalities produced in such labour conditions in particular socio-cultural settings are.

In this paper, these issues will be viewed in the context of post-industrialism and the transition of post-Yugoslav Croatian society. Following the now classical work of Bell (1973), post-industrialism is understood as a change in types of social organization and stratification model related to transformation of the economic, technological and social sector. The prevalence of service economy, embeddedness of technology in knowledge and science, and the rise of expert elites are the basic elements that define the state of post-industrialism (Bell, 1973: 487). Additionally, the complexities of the post-industrialism have brought about the changes towards the non-standard types of work and flexible, decentralized employment (Beck, 1992: 149). Post-Yugoslav transition of Croatian society is a period of some continuities with the previous socialist time, combined with the discontinuities mostly in societal and economic sectors, accompanied by global risks of capitalist economy and the war of the first half of the 1990s (Tomić-Koludrović and Petrić, 2007: 868). All this is a context of establishing professional creative industries in Croatia both in organizational and occupational manner (Witz, 1992; Barada, 2012).

Research on labour and employment in creative industries presents a challenge in itself as their specificities are based on the communication of experiences through symbolic production (Hesmondhalgh and Baker, 2011). This dynamic contradiction between artistic autonomy and creativity on the one hand, and the market and necessity for an income on the other is inscribed in the type of productivity and in the organizational contexts of the creative industries. As a result of this, the creative workers find themselves in a constant conflict both with external and with internal control mechanisms that limit their autonomy, which also contribute to their self-exploitation (Hesmondhalgh and Baker, 2011). As Hesmondhalgh and Baker's research has shown, together with seminal works on this topic

by e.g. McRobbie (2002), Buckley (1989) or Bruce and Lewis (1990), this situation is even more complex when female creative cultural workers are being discussed. Therefore, in this paper we will try to outline these negative labour practices that result in under-paid labour and that consequently can lead to the above-mentioned self-exploitation (Ross, 2008: 34)².

Together with providing framework of these practices, we will juxtapose with the change of the discourse that young women use to define their working life situation during the trajectory of their careers labouring in the creative industries' sector. In order to do this we will use the data from our previous conducted research³, introducing new desk research insights collected for this article. Therefore, our approach in this paper is manifold: theoretically it is based in the literature on the creative industries, which is read from the perspective of professional and labour transformations on both structural and individual level. This is nested in a more general transitional SEE⁴ context, followed by empirical data on post-Yugoslav restructuring of creative professions in Croatia with the exemplar emphasis on how women enter the profession of visual communication design. This approach aims at showing how women, and especially young women, face double professional risks in the field of creative industries; on the one hand their careers

² To quote Ross extensively (2008: 34): "Yet the ethnographic evidence on knowledge and creative industry workplaces shows that job gratification, for creatives, still comes at a heavy sacrificial cost – longer hours in pursuit of the satisfying finish, price discounts in return for aesthetic recognition, self-exploitation in response for the gift of autonomy, and dispensability in exchange for flexibility (Ehrenstein, 2006; Gill, 2002, 2007; Huws, 2003; Perrons, 2003; Reidl et al., 2006; Ross, 2002)".

³ This refers to research results of two studies done by the authors of this article; on the position of cultural workers in Southeastern Europe done in 2008 and 2010 by Primorac (2008, 2010), and on the women designers in visual communications in Croatia in 2010-2011 executed by Barada (2012). In the case of research by Barada (2012) there has been a second wave (field research follow-up) conducted in 2013, but it has not been published yet. Primorac's research is used as a wider context or argumentation setting, while the research results of Barada (2012, 2013) are being used as the interpretive context and are theoretically corroborated. When mentioning the SEE region we draw on research by Primorac, while discussion on the Croatian context is based on research by Barada. All of the cited research projects were done by employing qualitative methodology, namely semi-structured and in-depth interviews - with professionals in creative industries in SEE (Primorac, 2008, 2010), and female visual communication designers in Croatia (Barada, 2012).

⁴ In this paper the region of Southeastern Europe (SEE) comprises of the following countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia (FYROM), Kosovo, Moldova, Montenegro, Romania, Slovenia, and Serbia.

are more subject to the overall global professional characteristics, and on the other they are also faced with the local particularities of working in Croatian context that reproduces rather traditional social and labour gender roles.

Re/creating the creative sector: concurrent emergence and dissolution of labour in creative professions⁵

The type of labour and employment in creative industries is to a large extent, to use Edgell's (2006) categorization, atypical and non-standard, with the elements of unpaid work and under-employment. Maintaining a successful career demands complying with and combining these different types of employment, where in the beginning of career the elements of unpaid work and under-employment are strong, and even more so, they are expected. It has to be noted that the nature of creative work demands long-term investments of time and financial assets for developing various skills and expertise. As McRobbie notes "Independent creative work is thus transitional in terms of lifecycle, with high levels of investment in the early years following the completion of education and training" (McRobbie, 2002: 101). 'Forced youthfulness' also results in the expectation for creative labour to remain voluntary and unpaid. This results in the fact that described labour types and the nature of the work reflect the reproduction of the already present class and gender inequalities in the contemporary capitalist societies (Hesmondhalgh, 2002: 5-6), and are hindering the sustainability and durability of the creative careers. Further research results show that women in this sector are in a worse position than their male counterparts (McRobbie, 2002)⁶ and that gender inequalities arise (Hesmondhalgh and Baker, 2011). This comes as a result since the female career intersects both present 'traditional' and some new gender inequalities in the (creative) labour context. To put it more bluntly, careers in creative labour are more

⁵ By definition, professions are organized occupations that have developed sets of knowledge, theories and techniques for professional work; that have the monopoly on specific expertise; that are publicly discernible and organizationally structured; and that have a developed professional ethics (Šporer, 1990).

⁶ E.g. McRobbie (2002) also shows the postponing of motherhood in her study, and in British Film Institute (BFI) study as well.

oriented towards young male (white) workers of high and/or middle class background as Eichmann, Schiffbänker, and Reidl show (2006: 12).

The blurring of the border between work-time and leisure time is ever-more present in the lives of the creative workers, and this shifting of boundaries needs to be further researched in order to better explain the new forms of work that are created and the new value patterns that emerge. This work-leisure dynamic in the context of creative industries has been described by selected authors such as Florida (2002, 2007) but only looking at the positive aspects. However, the negative aspects of the shifting of these borders and the processes that were inset by them were quickly highlighted by a number of authors (e.g. Banks and Hesmondhalgh, 2009; Gill and Pratt, 2008; Ross, 2008). These authors also highlight the implosion of the public part of the day to the private part of the day, and thus contribute to the augmentation of exploiting and self-exploiting practices (Ross, 2008). The work has consumed the whole waking day and has even prolonged itself into the night. These continuous everyday/evernight activities (Smith, 1987) result in the changes of the structure of work, and the experience of work as well. The structure of work entails the type of work that requires constant upskilling and knowledge building, but in flexible types of employment status (Erikson, Goldthorpe, 1992) where the permanent employment has given way to temporary, part-time, and self-employment.

These developments have also changed the experience of labour, which shows to be feminized in its very essence. Working from home or in multiple work-stations, in the continuum of constant labour, consumes not only all of the living time, but also influences the self-perception and identity (Sennett, 1998) of the always available creative workers. Such never-ending stream of activities is a characteristic of female everyday life (Smith, 1992), and as such, it is amplified in the life of female creative workers. In the context of the organization of the feminized everyday life, the caveat created by this division between private and public is where the theoretical importance of researching professional position of women in creative industries lies. It is on this caveat that we shall take a further look in the context of the research in creative cultural labour in SEE and with the particular in-view to Croatia. However, in order to fully understand specificities of creative labour in SEE,

they have to be interpretatively accompanied by the development dynamics of creative professions.

The concept of *professional projects* gives a gendered view of this process. In her seminal book for discussing gendered work *Professions and Patriarchy* Anne Witz (1992) offers a conceptual link between gender and establishing of a profession. When entering the labour market through an organized profession, both women and men partake in a defining process of professional delineation which mirrors the patriarchal social contexts (Witz, 1992: 10). This means that even when women get the chance to participate in structuring of a certain profession, they tend to reproduce patriarchal and traditional labour and gender relations that tend to backfire on them, hindering their further professional success. The process of professional project consists of four strategies. The first is the *exclusionary strategy* used by a dominant group that usually means male against female groups, which proscribes the ways of entering the profession generally by knowledge and skill requirements (Witz, 1992: 44). The second is the *demarcationary strategy* which is a continuation of the first one, since it describes the boundary between different but neighbouring professions. This professional delineation creates gendered hierarchy which keeps women in lower labour positions (Witz, 1992: 46). However, when excluded, female groups can take on the third, *inclusionary strategy* by trying to enter and usurp the closed profession. The final fourth, *dual closure strategy* is concentrated on consolidating the achieved professional position, meaning that the previously excluded, female group starts to exclude other groups that were left behind once it manages to include itself into the favourable professional position (Witz, 1992: 47).

The notion of the professional project helps completely unravel the condition of creative labour. Namely, when understanding the creative industries through the concept of professional project, it can be argued that these occupations undergo the simultaneous emergence and dissolution. Just as these professions are producing more economic gain and getting more social influence, at the same time they are reproducing the conditions of exploitation in which new and constantly incoming members of the profession are being quickly used and even discarded. In the continuation of this paper we will show how the labouring position of SEE and Croatian *creatives*,

especially young female ones, corroborates this statement. In particular, we would argue that the female professional counterparts are the epitome of this process.

“Burning the midnight oil” from the SEE perspective

When looking at the Southeast Europe (SEE), the important general characteristic of the creative industries in the local regional context is that they are still relatively poorly developed. They are mostly small-scale, artisan and craft-related, which is especially evident at the local level (Švob-Đokić, 2002: 126), and they are mainly concentrated within the capital cities of their countries. When discussing the possible development of the creative industries in the SEE region, there is still a number of obstacles that are present. Among these obstacles in the context of this research, one should highlight the human capacities, where the ‘brain drain’ and ‘brain waste’ are still present (Tomić-Koludrović and Petrić, 2005: 136-138), while the mobility of creative workers in the region is rather minimal due to various obstacles as described by Vujadinović (2008: 104).

The local actors in creative industries struggle between the state subsidies on the one side, and the market on the other. Here we have to differentiate between those who receive the support from the state (such as film, book and – to some extent – music industry) and those creative industries which are on the market (such as design, advertising, architecture and multimedia and electronic publishing) (Primorac, 2008: 20-28). It has to be highlighted that in the region of Southeast Europe, foreign cultural and creative industries have established themselves as the dominant players⁷. Local markets are mainly unorganized and not connected, and the networking of

⁷ On the content level of the film industry, for example, the American production is dominant in the whole European Union and beyond its borders, according to data from European Audiovisual Observatory (2012). On the infrastructural level, the number of multiplex and digital cinemas (European Audiovisual Observatory, 2012) is on the rise, while the ‘classical’ cinema theatres have been in decline in the last decade (Primorac, 2004: 65-66). When it comes to other global media enterprises, the agencies of creative marketing, design and PR agencies have entered the region and have taken over a large portion of the market (e.g. the companies such as McCann Erickson, BBDO, Ogilvy and Mather, or Grey Group Worldwide have to be mentioned as the dominant companies in the advertising sector).

cultural and creative programs across the SEE region, and to a certain extent inside the countries themselves, is minimal (Vujadinović, 2008). Although the changes have been present in the several SEE countries recently, it can be noted that creative industries are still not recognized as tools for local and regional development – the policies for the sustainable development of these sectors are rarely present on national or local levels⁸.

When we speak about the labour in these industries in the SEE region, we also speak about the atypical non-standard employment as noted above, but it can be said that here is a higher input of non-paid work and under-employment. On the one hand, this can be attributed to the somewhat volatile state of the economies in the region (Primorac, 2008: 39). On the other hand, the difficult position of creative workers is marked by the highly insecure conditions of protection and the sale of authors' work in the region. This is partly due to inadequate legislative framework (or its inadequate implementation), which forced creative workers to create modes of alternative protection of their creative work (Primorac, 2008: 26). Such cases demonstrate the lack of understanding of the concept of author's work and a general disregard for the existing legal frameworks in creative industries. In addition, they also point out the marginalization of the creative labour as such and furthermore, the unsatisfactory situation of the cultural and creative market in the respective countries of Southeast Europe.

Fashioning the visual communication design profession in Croatia

Previously depicted SEE context of the position of creative industries and creative labourers is a valid framework of research in this field in Croatia as well. The institutional, structural and economic insecurity results in a blurred social status of these professions. These elements are even more vivid when the focus sharpens at the visual communication design in Croatia. This profession is an excellent example of the processes problematized

⁸ However, during the last fifteen years or so, most of the countries have received international help for projects in this field, from funders such as OSI, USAID, MATRA, British Council, Chartamede Foundation, PRO Helvetia and similar.

here since it entails both the global characteristics of the creative labour and the special elements of the inherent local development. Although design can speak in universal production and representation codes (Dormer, 2003), it is overly sensitive to social, economic and industrial conditions as it is a direct result of the broader societal realm. What kind of products are needed, for what kind of markets and which types of clients and consumers, what are the possibilities and the quality level of technological production (Vukić, 2003; Barada, 2012) – these are the preconditions in which design operates. For example, design has participated in creating the new socialist society with its own aesthetics, products, and symbolic messages in the Croatian context since 1945 (Barada, 2012). Contrary to the participation in these processes of material and symbolic production of the society, the design profession has started its planned professional project only in the 1980s with the flourishing of youth, pop, and punk culture (Tomić-Koludrović, 1993; Petrić, 2006). Taking into account the above-mentioned Witz's process of professional project development, at that historical moment only the fragments of exclusionary and demarcationary strategies could be noticed.

However, the real professional project of design with the ramifications for women was started in Croatia as late as in the early 1990s. Information and communication technologies (ICT) have brought about a radical change; on one hand, they have enriched the production possibilities and on the other, they have also opened the professional field to women. In particular for visual communication design, the ICT have had a real democratization effect (Barada, 2012). Globalization processes have opened new markets for design and have redefined it as a creative industry but have also introduced foreign advertising agencies to Croatian markets (Kršić, 2009) and they employed many women. Proliferation of domestic design studios and small agencies was the most important development for this profession. Another important point was establishing the first higher education institution in the field of design (School of Design) in 1989, which ensured the entrance of large number of women into this profession (Barada, 2012: 100)⁹.

⁹ The School for Design was opened in the auspices of the Faculty of Architecture at the University of Zagreb.

Many of these newly-arrived female visual communication designers found their professional niche in less lucrative and publicly less visible sectors. Market and commercial sectors have shown to be male design settings, while the cultural sector set out to be female design setting (Barada, 2012: 91). Finally, in the period from early 1990s, professional association – Croatian Designers Society (HDD)¹⁰ was institutionally empowered that resulted in the organization of various exhibitions and fairs. The gender composition of members in the professional associations is slightly prevailing in favour of female members (Barada, 2012: 96). But the structure of this membership shows that men are over-represented in the positions of power, although the president of HDD has been a female person in several terms (Barada, 2012: 243-244). This gender-ratio in managerial position of HDD is a continuation of the argument how more lucrative and powerful positions are male-dominated, while the organizational and partly voluntary activities are a female “ghetto”.

The nascent professional project of design in the 1980s has flourished with the beginning of the 1990s with several strategies simultaneously at play. The exclusionary strategy was diluted by the emergence of the institutional entrance to the profession for women, since the establishment of School of Design in Zagreb opened up design to women without further delay. However, some areas of the profession have remained closed to female members, who have unknowingly used the inclusionary strategy of the professional project. Since the gendered strategy of inclusion was not defined, women were not able to enter all the professional sectors of design. Industrial design or the more economically lucrative projects are custom-fashioned for male designers, while cultural projects are marked as female (Barada, 2012: 91; Mrduljaš and Vidović, 2010)¹¹. Demarcationary strategy has been deployed through the activity of the professional association of

¹⁰ Croatian Designers Society (Hrvatsko dizajnersko društvo, [HDD]), was founded in 1983, but has intensified and diversified its activities from the middle of 1990ies (Barada, 2012: 95). HDD’s mission was to professionally establish visual communication design and industrial design, followed by interaction design. It also tries to act as the chamber for professional designers (Barada, 2012: 96).

¹¹ It should also be noted that design sometimes stands as a substitute profession for some women who wanted to study and work in more socially defined male creative industries such as film or sculpture (Barada, 2012).

HDD with high involvement of women (Barada, 2012). The agenda of these activities consists of constant setting up of profession’s boundaries, defining it and publicly promoting its relevance, and even instigation of public policies regarding the importance of design both in education and in economy¹². It can be argued that this is an endeavour for both genders in design profession, but the gender composition of the institutionally highest positions favours men, while women do the auxiliary work (Barada, 2012). Finally, it should be noted that the instruments and the policies used in the dual closure strategy are not as clear cut as the previous three. As a particularly female strategy, it is blurred by the gendered professional position. It will be shown that the career paths of female visual communication designers follow all the elements of professional project in design in Croatia.

A room of one’s own and/vs. three corners of the house¹³: trajectory of going from choice to necessity

Female participation in the labour market and their entry into the previously closed professions is a contested process. The emergence of this process in itself does mean that gendered social and labour relations are transforming from traditional to more modern ones¹⁴, but this change does not

¹² Here in particular, we would like to mention the work on the National Strategy of Design that gathered relevant actors in design profession in a collaborative process of defining the strategic priorities for the development of the sector of design (Kršić, 2009). Once it reached the state officials, the Strategy was not institutionally discussed, adopted nor implemented. In the mid-2000s, the Strategy for Wood Industry and Paper Development was written, alongside the Design Program for Design Implementation in Wood Industry and Design Program for Economy and Production (Kršić, 2009). However, no further actions were taken in this field.

¹³ This Croatian saying is difficult to translate, and even according to the Vrgoč and Fink-Arsovski’s phraseological dictionary (Hrvatsko-engleski frazeološki rječnik) from 2008, the English equivalent does not exist. It basically means that women are responsible for three corners of the home, i.e. the majority of the household. This translates that a woman’s (or more precisely, a wife’s) responsibilities exceed those of a man (that is, a husband), who is taken as the main financial provider while the wife is responsible for everything else – household, childcare, etc.

¹⁴ Transformation or transition from more traditional societies, or societies of the first modernity to the societies of the second modernity has been argued at length by Beck (1992, 2001). This second process is trying to modernize all the social relations that were left untouched by the first modernization, namely gender and family relations. For the Croatian context, this has been elaborated by Tomić-Koludrović and Petrić (2007). The authors see the Croatian society as a *mixed* one, comprising elements of the first, traditional, and the second, modernized phases.

have linear or progressive trajectory. Traditional patriarchal patterns tend to mutate, mask and hide themselves, opposing and resisting the modernizing process (Beck, 2001). For Croatia this means that women do enter the labour market, where they are then faced with discriminating practices (Galić, Nikodem, 2009). Furthermore, women continue to be burdened with household chores as the sole care provider in the family, but also with additional part-time jobs needed for the feasible household budgets (Tomić-Koludrović, 2000). However, when analysing the post-Yugoslav transition of Croatian society, some generational changes can be noticed since young people tend to express some attitudes towards gender equality (Galić, 2012). Consequently, the social position of (younger) highly educated and skilled women is *mixed*¹⁵. They can occupy certain managerial position albeit in the cultural sector (Adamović, 2011), start a scientific career (Brajdić-Vuković, 2012), or enter the creative profession previously closed to them (Barada, 2012), but they are still expected to fulfil the traditional family and maternal roles (Tomić-Koludrović and Lončarić, 2007).

The creative industries and design in Croatia in particular are especially revealing of this double, mixed process for two reasons. As it was shown in the previous chapter, design is a rather young profession in Croatia, since its professional project has started in the early 1990s. That is the period when many young women started entering the profession predominantly via higher education to the extent that design sector is deemed as feminized (Barada, 2012: 91). Apart from this institutional gendered reason, the other one lies in the fact that design was simultaneously influenced by the global emergent importance of creative industries on the one hand, and local socio-cultural conditions of economic uncertainty on the other. Design has become a popular and visible profession, but it operates in the socio-cultural market setting that is strongly embedded in the values of first modernity (Beck, 2001). To put it more bluntly, the mode of entry and the early career paths of young women clearly reflect the type of ongoing gendered professional project, which is coloured by the presence of both traditional, patriarchal and more modernized gender relations and labour types.

¹⁵ See previous footnote.

Female career paths in Croatian design can be understood through three phases that are concurrent with the broader, structural professional project, but also have their own inherent, individual professional scope based on unpaid, under-paid and self-exploiting labour experience¹⁶. The first phase of entry into the design profession for young women is mostly through university education. It should be mentioned that during the initial phase of professional project in the early 1990s, the career entries varied, since the institutional way of higher education was not opened. The exclusionary strategy was at play, and women interested in design in late 1980s studied other university subjects and then either transferred to study design or entered the profession via work practice (Barada, 2012: 121)

(At that time) there weren't any university programmes that I was interested in, so I enrolled in architecture, which I studied for several years. Later, the School of Design opened and I transferred there. (Zagreb, third career phase)

As the university design programme was established, women as a category could deploy the inclusionary strategy to enter the profession, although this meant that the variety of access was narrowed.

Immediately after high school, I tried to enrol into that infamous design in Zagreb. And I have succeeded in one go. I had some doubts towards architecture, but design was definitely it. (Osijek, second career phase)

For young aspiring female professionals, getting the first job and related work experience was crucial. Again, this typically happened through university channels. As students, young women were nominated by their professors and hired by their recommendations (Barada, 2012: 131).

¹⁶ The data represented here is based on research of Barada 2010-2011 (published in 2012) and 2013 (not published). Quotes are used as argumentative proof and are taken from interviews conducted with female designers in several Croatian cities (Zagreb, Osijek, Rijeka, Zadar, Split, and Dubrovnik). The city in which the designers now live and work is indicated in the brackets after the citations, along with the career phase they are currently in.

I was lucky that my professor recommended me to one designer who had his own agency with international contacts. I have learned how to function in a working environment with deadlines and real designer tasks. I ran the office; I was both secretary and a designer. I have learned to work in a team, to research, to execute. It took me a long time, it took everybody a long time, to be able to make something meaningful and good, to be able to design. (Split, second career phase)

Previous quote indicates the labour conditions in which these young designers started their careers. Being in a position where they did not feel completely professionally competent, they have agreed to multitask in different types of work in order to gain experience. For them, this was a choice to be expected in order to work in design profession. Furthermore, they have worked without contract, under-paid, they worked long hours, and every day of the week.

I was not employed, I received cash. They would give it to me in the office. That was great for me then. They would give me the money, and I would go out to party. (Split, third career phase)

I have really worked a lot, almost every night, it was really exploitative [...] I had several clients, but I could not work to earn a living, I could only work to work more. (Zagreb, third career phase)

If you started doing this job, it was a lifestyle, a way of living. I worked non-stop, for years like that. (Split, third career phase)

Previous citations illustrate the immense working intensity of design profession. In addition, this is a rather propulsive sector since the careers do usually start at university, when long working hours and working for low or even no fees is expected. Being able to gain experience and being in touch with clients is crucial for starting a career (Barada, 2012: 169). Each new job opens an opportunity to get another or an additional job, and being out of the loop is not a professional option. These labour conditions are

understood as self-evident and inevitable, but still a choice for young, early career female designers. At this career stage, being able to do design and to identify with the profession outweighs the risks. Young female designers use the inclusionary strategy for their professional project to enter the sector, and then participate in demarcationary strategy in constant re-establishing of design as a valid profession. Communicating the importance of design to their social and labour context is a part of professional socialization for young, early career designers.

The labour conditions that were set at the beginning of the career continue to occupy the everyday life of young female designers. Now in the second half of or the late twenties they have continued to work intensively even to the point of self-exploitation. The border between private and public time has disappeared and the profession has consumed all of their life.

The clients want everything to be done yesterday. Since good ideas take time, you work on weekends, during the night. You go to the printing house at 2 am. We in the design profession are used to saying that we are working in a coal mine. (Zagreb, second career phase)

My typical day is spent by the computer. I do not have a clear idea that I am doing something for myself privately and then that I will work professionally. [...] I am always looking and following the designer scene. This implies work that ties me to a computer and the whole day is gone. (Zagreb, third career phase)

At this stage, the second stage of the career, female designers see the above described labour conditions as *necessity*. In order to be present on the design market and to do quality design, a trait that is important to them, working constantly is inevitable. Additionally, they feel that creativity in them cannot be switched off, which is the reason why they are continuously working. Whilst self-exploitation is almost seen as prerequisite for design, financial stability and less fluctuation in jobs becomes more desirable. In this career phase, female designers begin to feel the need for a more structured everyday life and a more stable financial influx. They admit to be

more skilled and persistent in pricing their work, but still they have the periods of under-paid labour.

At instances I worked for 2-3 months and then was told that the client does not want my work anymore, and doesn't want to pay. [...] But I am trying to handle it, how to solve this and how to get my money. (Zagreb, second career phase)

I want to make a product that can be marketed so that my client is satisfied. (Zadar, second career phase)

Demarcationary strategy in female designers' professional projects is prolonged into the second career phase, but is accompanied by dual closure strategy inasmuch that non-paid, under-paid and self-exploitative labour has been redefined as a necessity. In the words of young female designers, this necessity distinguishes those in the second career phase from those that are just entering the profession. Second career phase designers see the ignorance of the newcomers as the delineating issue in professional development because there are always younger and more eager professionals that are waiting in line for designer jobs. It should be stressed that the first two career phases are happening during the twenties, and in the very early thirties of the female designers. Although the latter age group does not fall into the sociological definition of youth, it still must be considered in order to get the full scope of career trajectories of young female designers.

As they enter their thirties after several years of intensive, self-exploitative and intermittently paid jobs, female designers are faced with health, dietary and family issues due to the atypical and non-standard labouring. Their quality of life deteriorates, which cannot be compensated by the professional satisfaction and self-identification any more. They start to find alternative ways of improving their everyday life.

I sit a lot and have back problems. I try to exercise regularly, but with this unstructured schedule it always falls to the last place. (Zagreb, second career phase)

I go to the gym, to jump, to listen to music. I come there very nervous, and it relaxes me. I have back pain, but it is not critical. It is not healthy to eat only sandwiches and sit in the office all day long, but I do that a lot. (Rijeka, first career phase)

In the third career phase, as the work-life balance becomes more important, the profession becomes less important. Still rather young, female designers start to seek the way out of unpaid, under-paid and self-exploiting labour of the previous two career phases, as they plan to reduce the volume of their work and withdraw from the professional project. In the long run, they see themselves in different lines of work (Barada, 2012: 168), transforming the public professional project into the private one. Namely, they employ exclusionary strategy on themselves. Female designers are consumed by their profession fast; they want to leave it earlier in comparison to a typical career paths in order to change it for a more stable and structured, less intense and exploitative, but still creative profession. Sustainable *female* professional project in design seems to be a permanently open process.

Conclusion

In this paper we have analysed the career paths of young women in the creative industries in Southeast Europe with the particular focus on the field of visual communication design in Croatia. We juxtaposed the change of the discourse that young women use to define their working life situation during the trajectory of their careers labouring in the creative industries' sector by using the concept of professional project developed by Witz (1992). After outlining the fragile state of the work and labour in creative industries in general, we have stressed out the particularities of this field in the context of the Southeast Europe. Taking into account this transitional SEE context, we further focused on providing an insight into the post-Yugoslav restructuring of creative professions in Croatia with the emphasis on entrance of women in the profession of visual communication design. We have outlined the over-presence of unpaid, under-paid and self-exploitative labour, which are differently defined by female creative workers in relation to the phase of

their career development. It was shown how at the beginning of their career, which usually starts during university education, this kind of work is considered as a *choice* since female creative workers value getting a job and work experience in the first place as more important. In the vocabulary of professional project it can be argued that early stage career female creative workers use the structurally opened paths of inclusionary strategy, which is opened but needs to be continuously re-established. What is more, the demarcationary strategy is also in play as they strongly identify themselves with their profession. Defining the institutional position of their creative profession is an integral part of the female professional socialization. Although it is shown that unpaid, under-paid and self-exploitative labour is the only way of entering the labour market, young women still define it as a *choice*.

As the career develops, this type of labour becomes increasingly present. However, the female creative workers in this career phase see and name these forms of labour as a *necessity*. The emergent disillusionment with their creative profession, alongside the still present demarcationary strategy, introduces dual closure strategy as well. The necessary condition of unpaid, under-paid and self-exploitative labour is seen as something that distinguishes female professional position from other aspiring members of profession. The previous career phase is seen as the period of innocence that is transformed into the period of rising disillusionment. Since the aspiring new members are infused with labour enthusiasm, more experienced female creative workers delineate their position from the newcomers by the experience of *necessity*.

Finally, as the research data presented in this article has shown, maintaining a successful career in creative industries demands complying with atypical and non-standard work. Creative workers are in a constant conflict both with external and internal control mechanisms that limit their autonomy and that also contribute to self-exploitation. After a few years of this kind of intensive work, female creative workers feel the consequences in the quality of life that result in dissatisfaction with the career choice. The work-life balance becomes a central issue of the *public* professional project. In this career phase female creative labourers opt for an exclusionary strategy of their now *private* professional project, resulting in the wish to exit the

profession. Due to the gendered structure of creative industries and consequent less favourable position on the labour market, it can be concluded that young women's careers are harder to sustain than those of their male counterparts of a similar age.

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CHAPTER 3: FAMILY

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**REPRODUCTIVE HEALTH AND RIGHTS IN THE
REPUBLIC OF MACEDONIA****Introduction**

Reproductive health is a priority in politics, not only for the international community¹, but also for the Macedonian Government, and it includes all the efforts of the community to protect and promote sexual and reproductive health of each individual. As a signatory to international strategic documents, the Republic of Macedonia has an obligation to promote and invest in reproductive health, which means creating conditions for the prevention and treatment of diseases related to the reproductive process, family planning, prevention of unwanted pregnancy and safe motherhood. The normative aspects of sexual and reproductive health cover the whole legal system of the Republic of Macedonia and not just the so-called health legislation, which is in turn derived from the broader conception of the term “Health”.

The care and advancement of reproductive health is necessarily associated with the provision of reproductive rights, rights which women arduously obtained through their “Gillan” offensive for gender equality and which have a special significance in terms of their independence and liberation from the burden of their biological destiny and reproductive cycle. The

¹ Sexual health has been one of the five essential aspects of the global Reproductive strategy of the World Health Organization since 2004.

rights of a woman over her own body, including the right to reproductive freedom and choice of sexual and reproductive life, is a necessary assumption in the process of women's emancipation and overcoming the traditional patriarchal views of their place and role in society. Thus, in any discussion on women's rights and achieving full social and economic equality, one cannot avoid the issue of reproductive freedom and rights.

In line with international standards and values, Macedonia has made a significant step forward in terms of providing legislation for the achievement of gender equality, including those made in the area of reproductive rights and freedoms. However, the actual passing of legislation does not automatically exclude gender discrimination, i.e. the distinction based on sex. The discriminatory practices arising from the traditionally viewed reproductive role of women proved to be the biggest obstacle in achieving true gender equality. That is why, even in conditions of legitimately obtained rights and freedoms, there is a need for reviewing what has been achieved, what has been done, and what has to be done to further develop/promote gender equality. A retrospective of the current situation in the Republic of Macedonia in terms of legislation and its implementation in the area of reproductive rights means dealing with the tasks that await us in the field of protection and choice of reproductive and sexual life, especially among young women, free from all forms of discrimination, coercion and violence.

A brief historical review of reproductive rights

From a historical perspective, physical and biological (reproductive) differences between the sexes are the basis of the division of labor and the different roles attributed to men and women, which are valued differently in the extensive patriarchal tradition and are the causes of gender segregation and the establishment of male domination. Relations between the sexes are marked by relations of power and their place in the distribution of power is a direct consequence of the place they occupy in the division of labor (Simonovska, 2009). In most societies, the place of women is determined by their biological, reproductive role. Because of giving birth, breastfeeding, and child care, which last a long period of time, women have been limited

to the domestic context, excluded from the public social power, and the reproductive differences between the sexes are used as a natural justification for their secondary and subordinate position – simply put, “a woman's place is at home”. At the same time, women's roles, mainly associated with reproduction, were perceived as something of lower rank, with no right to an equal social power, being closer to *nature*, and devalued in terms of activities that men perform, symbolically associated with *culture* (Ortner, 2003: 161).

Misconceptions about the “natural” roles and the home as “the true kingdom” of women, misconceptions which to this day have not been overcome, are the cause of injustice done to women and their discrimination – excluded from important social positions and credits. Associating men and women with strictly separated spheres during human history is attributed to the unjustified biologization, and is excluded as a social issue. What is overlooked is that the divided roles in the patriarchal system of regulating the relations between the sexes are socially constituted and conditioned². In this regard, Sherry Ortner argues that gender roles do not stem from nature, but rather from a “specific cultural operation” in which half of the human race, women, are perceived and defined as less worthy (Ortner, 2003).

This model has been nurtured in social theory and practice for centuries. The view of women as creatures created for giving birth and rearing children implies the belief that women are inferior to men: “What is a woman? As a female – she is destined to procreate the species. As a mammal – she is predestined to raise children. As a primate – she is subordinate to male” (Moren, 1979: 189). Or to put it the spirit of Otto Weininger: “man and woman are like nature and culture. Nature is seen as a necessity and culture as a freedom, from which arises the ability of man to encompass the whole nature” (Vajninger, 1998: 386). Hence, any deviation from what was considered a universal custom, women to be subordinate to men, simply “naturally looked unnatural” (Mil, 1995: 71).

² Thus, in the feminist literature, “gender” is a key component in explaining the roots of women's subordination. The term “gender” is widely used to indicate the ways in which culture reformulates what began as a fact of nature. Throughout history, biological sexes are redefined, presented, evaluated and channeled in different roles of various culturally dependent ways.

Delving deeper into the roots of women's inferiority, it is clear that the roles assigned to women are not just assigned solely on the basis of women's innate characteristics (ability to give birth, physical weakness in relation to men), but are based on a series of arguments, which together constitute one ideological system. Women are not characterized so much by "nature" as by their alleged inability to enter "culture". That is why to be born as a man or a woman in any society is not just a simple biological fact. It is a biological fact with social implications (Klapish-Zuber, 2000).

Throughout the age-old andocratic rule (the rule of men) and the system of male values in general, women were largely left to their biological fate (multiple risky pregnancies and labor, lack of contraception) and were suppressed in the "shadows of history". Limited to their domestic sphere, largely separated from the public sphere, without any legal rights and independence, they were dependent on male members of society (Kamenov and Galić, 2011) and forced to endure violent and often brutal and oppressive male domination throughout a big part of the history.

The resistance against the andocratic rule, i.e. the great women's androgynous or "gillan offensive" (Ajsler, 1999) for the liberation from all forms of domination, started with the feminist movement in the 19th century³, which gained intensity in the 1960s, and continues to this day. Women's organizing on a gender basis was a violation of the existing political model and "the women's issue" became a subject of wider public debate, present in numerous social and political struggles.

The history of achieving women's rights and gender equality began with their fight for the right to education and to vote, the right to work, the right to equal pay for equal work, through the movement for birth control and the reproductive freedom. Reproductive rights have a special significance in terms of women's independence and liberation from the burden of their biological destiny. Feminists have no doubts that the limitations of biological motherhood of the androgen culture can be overcome only when women can independently decide whether and when to have offspring. Therefore,

³ This movement has its prehistory in the individual vocations of exceptional women who had the courage to raise their voice, but it became an organized movement in the 19th century in Europe and the US, and was manifested in different variations of women's movements, publications and organizations.

reproductive independence is considered as one of the most important rights of women, which brought about one of the main demands – the right to contraception (through a more liberal and adequate access to contraceptives) and abortion. The right to birth control is a necessary condition for economic independence from men and therefore, it is not surprising that in an effort to gain full social and economic equality, abortion and contraceptives are constantly a part of the feminist debates and struggles.

Although the idea of family planning and birth control has a long history in the context of preventing uncontrolled population growth and is supported by the intellectuals, albeit for mainly economic and political reasons⁴, in the feminist circles, it is perceived in the context of women's liberation (Buloh and Buloh, 2006). The intensive campaign for birth control was conducted in the period between the two World Wars and was accompanied by the fight for the decriminalization of abortion⁵, but these rights were largely limited until the 1960s.

What remains noted is that between the two World Wars, in a social environment in which it was still considered that the fate of a woman is to give birth, and birth control was forbidden, women made progress in terms of taking control of their bodies. Free from the guilt over their decisions over birth and the fear of unwanted pregnancy (although deaths from illegal abortions were still high), the number of women who obeyed the Biblical command "*be fruitful and multiply*" was reduced (Sobn, 2000).

The greatest credit to the struggle for reproductive rights goes to the feminist movement of the so-called Second Wave (Leare, 1968). In the

⁴ The first serious consideration of this idea is found in Thomas Robert Malthus's essay published in 1798. His followers were called Neo-Malthusians (Malthus, 1979). In order to make an impact on women for taking control of their bodies through scientific knowledge, Neo-Malthusian organizations published an array of brochures for the use of different methods of contraception, but it was still a slippery slope.

⁵ In the US, Margaret Sanger and Emma Goldman were among the few feminists who gave this issue a priority before World War I and broke the law by promoting contraception. British feminists like Stella Browne and Marie Stopes were involved in campaigns for birth control and abortion. They joined the movement for sexual reform. In 1921, they formed the Society for Constructive Birth Control and Racial Progress. These pioneer women led a powerful movement in support of contraception promoted through lectures, books (*Married Love* by Marie Stopes, 1918) and opened up clinics that provided information about birth control. In England in 1930, birth control gained legal and moral legitimacy (Sobn, 2000).

1960s, during the so-called “pill era” and “the sexual revolution”, the demands for rights of contraception and abortion and “sexual liberation” of women (which excluded the obligation for marriage and motherhood) were dominant. Under the slogan “personal is political”, the attention was focused from politics and economy to sexuality, the body and emotions, and to other areas of social life that were previously perceived as “personal”. It was not enough for women to gain equal legal status as men. Women’s legal demands made sense only when the whole structure of power, embodied in the state, the economic system, family, reproduction, sexuality and sexual violence, and male control over culture, language, and knowledge was at stake. It was in this direction that radical feminists initiated alternative female institutions and opened up special centers: healthcare centers, centers for protection of victims of domestic violence, reproductive health and protection centers and schools for acquiring various knowledge and skills, etc. (Ristova-Asterud, 2009: 108).

Even with direct pressure from the feminist organizations, the right to abortion was acquired the hardest⁶ because of the deep division in societies on this issue, which is still controversial and is the subject of an extensive debate in many countries due to many legal and ethical dilemmas.

However, with the overall commitment to broadly reverse the gender roles by linking reproduction topics with production topics, the personal with the political, modern political thinking has changed and a new political identity of women has been created with legal improvements and public emancipation. International documents are introduced – the conventions and discriminatory laws.

⁶ The first country in Europe to legalize abortion was the Soviet Union in 1920. Shortly after, abortion became a major method for birth control, until Stalin banned it. Abortion was legalized again two years after his death in 1955. The Scandinavian countries were more progressive in adopting laws for legalizing abortion. The first country to adopt a modern law on abortion was Iceland in 1934. Denmark adopted a liberal abortion law in 1939. In 1938, Sweden adopted a law that allowed the termination of pregnancy if the mother was sick or conceived in circumstances that contradicted the law, or if there was a possibility of a hereditary disease. In 1948, Japan made history by becoming the first country to legalize abortion with the conscious intent to regulate population growth. The USA’s policy regarding abortion began to change in the 1960s, not due to concerns of population growth, but under the influence of the feminist movement which was getting stronger. (Buloh and Buloh, 2006: 179-180)

In 1981, the *Convention on the Elimination of All Forms of Discrimination against Women*⁷ came into effect, while the *Beijing Declaration and Platform for Action* (1995)⁸ represents a step forward. There are special articles in them relating to the elimination of discrimination against women in the field of health and health care services, and include reproductive health and reproductive rights.

The result is the acknowledgement of their reproductive rights by the international community as an integral part of universal human rights (World Association for Sexual Health [WSA], 1999). These rights were first defined in the Teheran Proclamation (1968) with the right of individuals and the couples to decide freely when and how many children they will have, and they have been extended into the International Conference on Population and Development in Cairo (1994) with the rights to services for sexual and reproductive health and the right to reproduction free from coercion, discrimination and violence. The attempt to define sexual rights was made in 2002 by the World Health Organization (World Health Organization [WHO], 2006) and is extended into the *Declaration of sexual rights*⁹. Constituted on the basis of a set of rights related to sexuality which originate from the right to freedom, equality, privacy, autonomy, integrity and dignity, the Declaration includes sexual and reproductive rights in the wider sense of the word. The aim is that all individuals enjoy the freedom and choice in their sexual and reproductive lives (International Planned Parenthood Federation [IPPF], 2008: 6).

They include the right to gain the highest standard of sexual and reproductive health, including access to services for sexual and reproductive health, the right to voluntary sexual relations, the right to choose a partner

⁷ On December 18 1979, the UN General Assembly adopted the Convention to Eliminate All Forms of Discrimination Against Women, which came into effect as an international agreement two years later, in September 3 1981, after being ratified by twenty countries.

⁸ On the Fourth World Women’s Conference, organized by the UN in Beijing, China from 4th to 15th September 1995, the Declaration (known as the Beijing Declaration) and the Platform for Action were adopted. By adopting the Beijing Declaration and Platform for Action, the international community is committed to improve the status of women and to strengthen their public and private life.

⁹ Introduced by the International Planned Parenthood Federation in 2007 and adopted a year later in 2008.

and voluntary marriage, deciding whether and when to have children, to lead a satisfying and safe sex life that brings pleasure. These rights also include the right to access information and sexual education as well as the right to make decisions regarding reproduction, free from coercion, discrimination and violence (WHO, 2006: 5).

Providing, respecting, and fulfilling sexual and reproductive rights is a necessary condition for the protection and promotion of sexual and reproductive health, which the World Health Organization¹⁰ defined in a much broader context and which implies a state of complete physical, emotional, mental and social well-being, and not merely an absence of illness. This commitment stems from the broader perception of the term “*health*”, where the overall human condition is taken into account. All in all, health is considered as one of the foundations of general and individual well-being. Hence the definition of sexual health is emphasized as “*sexual well-being*” (safe sexual behavior, respect for sexuality and sexual relationships, etc.), which depends not only on the individual, but also on social and cultural factors. (WHO, 2006: 10). While determining the definition of reproductive health, emphasis is put on issues related to the reproductive system and to its functions and processes (access to safe, effective and acceptable methods of family planning of one’s own choice, as well as other methods for regulating fertility). (Asocijacija za zdravstvena edukacija i istraživanje [HERA], 2012: 125).

Sexual and reproductive health have become more important in the policies and programs of the international community, so in the United Nations Millennium Development Goals presented in 2001, the rights in the field of gender equality, reproductive health, and HIV/AIDS are reaffirmed as the priorities for the international development agenda. Also, sexual health has been one of the five essential aspects of the global Reproductive strategy of the World Health Organization since 2004.

¹⁰ World Health Organization is a special organization of the United Nations that acts as a coordinating authority on international public health.

Reproductive rights in the legislation of the Republic of Macedonia

In line with the policy of the international community, sexual and reproductive health is a public healthcare priority and policy of the Government of the Republic of Macedonia. As a signatory to several international agreements¹¹ and a candidate country for EU membership that follows and implements the objectives defined in strategic documents, our country is bound to improve and promote reproductive health, to allow enjoyment of sexual and reproductive rights, and to strengthen the status of women through the realization of these rights.

Following the continuity of the steps taken, it is apparent that our country has made a significant step forward in this regard. The Constitution of 1991 set the basic principles of gender equality¹², the right to health care (Article 39), the freedom to decide about having children (Article 41), and the protection of maternity (Article 42). Furthermore, these constitutional acts are regulated by the *Law on Equal Opportunities for Men and Women* (Zakon za ednakvi možnosti na ženite i mažite, 2006; 2012) and the *Law on Preventing and Protecting against Discrimination* (Zakon za sprečavanje i zaštita od diskriminacija, 2010), as well as other special laws in criminal, family, and labor legislation. In order to strengthen gender equality, and in accordance with the Law on Equal Opportunities, the following documents were adopted: the *National Action Plan for Gender Equality* (Nacionalen plan za akcija za rodova ramnopravnost 2007-2012 [NPARR], 2007)¹³ and the *Strategy on Gender Equality* (Strategija za rodova ednakvost 2013-2020 [SRE], 2013) as an upgrade to the national policy expressed in the Action Plan. In these strategies, health and healthcare services represent a special

¹¹ The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Millennium Declaration and are an integral part of our legal system.

¹² *Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, color of skin, national and social origin, political and religious beliefs, property and social status.* (Ustav na Repulika Makedonija, 1991, Article 9).

¹³ The first National Action Plan for Gender Equality was adopted by the Government of the Republic of Macedonia in 1999.

strategic area and the objective is to ensure equality between men and women, access to healthcare services, including those related to reproductive and sexual health and family planning (SRE, 2013: 15).

The first strategic document in which the priorities of sexual and reproductive health are defined in an integrated form is the *National strategy for sexual and reproductive health* (Strategija za seksualno i reproduktivno zdravlje do 2010 so akcionen plan do 2013 [SSRZ], 2011). Based on four main principles: human rights, gender equality, multisectoral approach and community involvement, the goal is to provide a broad platform for the realization of sexual and reproductive rights through access to comprehensive and quality information and services. Special strategies for safe motherhood (Strategija za bezbedno majcinstvo na Republika Makedonija 2010-2015 [SBM], 2010) and HIV/AIDS (Nacionalna strategija za HIV/SIDA 2007-2011, 2007) have also been worked out, which should contribute to improving the conditions for family planning, prevention of unwanted pregnancy, safe motherhood and the prevention and treatment of sexually transmitted diseases.

The steps that have been taken to ensure the legal framework through the adoption of national strategies and action plans express the political commitment of the Republic of Macedonia to promote gender equality and the right to sexual and reproductive health. However, despite the activities for changes and the additions to the legislation derived from analysis and strategic assessments, there is still no specific law in the existing legislation on sexual and reproductive rights. The right to healthcare is regulated by a special *Law on Public Health* of 2010, which indicates reproductive rights (Zakon za javno zdravlje, 2010). The exceptions are the *Law on Termination of Pregnancy* (Zakon za prekinuvanje na bremenosta, 2013)¹⁴ and the *Law on Biomedically Assisted Conception* (Zakon za biomedicinsko potpomognato oploduvanje, 2008). The *Law on Termination of Pregnancy* ensures the right of women to freely decide on the termination of pregnancy, a right that may

be restricted only to protect the health of the pregnant woman. The law also provides the implementation of specific programs to better inform men and women and the youth about the harmful consequences of terminating a pregnancy and the advantages of using the means and methods of contraception (Article 42).

However, adopting legislation does not mean that the goal is automatically achieved and that gender discrimination is eliminated. The laws are a necessary condition, but they are not enough on their own to overcome the existing barriers that hinder the enjoyment of secured rights, which arise from deeply rooted traditional beliefs about the reproductive role of women, and social barriers related to economic reasons. For example, the amendments to the *Law on Termination of Pregnancy* in 2013, especially in the expansions of regulations on the procedure for conducting abortion (knowingly or unknowingly), do not take into account the socio-cultural context in which the law should be applied. For instance, Article 6 requires that for a termination of pregnancy up to ten weeks, the pregnant woman should submit a written request with results of a performed ultrasonographic examination as well as medical and other necessary documentation. Before terminating the pregnancy, the doctor is obliged to advise the pregnant women about the possible advantages of continuing the pregnancy and the risks of implementing the intervention. A minimum of 3 days has to pass after the advice from the doctor and if the women stand by her decision, she has to give a written statement of consent. There seems to be nothing contentious in order to protect the women's health. But the problem is that such a law made with high European standards is to be applied in an environment which is still traditionally patriarchal, i.e. the conditions of a dominant patriarchal family and religious prohibitions, particularly prominent in the rural areas and communities with low socio-economic status (especially the Romani), where the women do not participate in the decision about the number of children and they have to ask their husbands or mother-in-laws to even visit a gynecologist (see: *Združenie za emancipacija, solidarnost i ednakvost na ženite na Republika Makedonija [ESE], 2005: 72-73*). When we take into account that in some areas (rural and mountainous, and in some towns) there are still no gynecology facilities (Pavlovski,

¹⁴ Adopted in 1972 with amendments in 1976, 1995 and 2013. The last law to be adopted in June this year, through a shortened parliamentary procedure, disturbed the public and was followed by a heated debate in Parliament and protests from NGOs and the reactions have not subsided even after its passing.

2012: 12), and when we add the financial costs of traveling, examination and the absence of women from the home to that, it becomes clear how much a woman's right to freely decide on the termination of pregnancy will be a right for all women.

Thus, for the successful implementation of the legal regulations, it is necessary to create the conditions beforehand to cover the practical aspects of their realization. So, the overcoming of existing barriers as a prioritized strategic objective (SRE, 2013: 26) still remains a field that needs to be worked on: insufficient health centers, lack of services and access to information on reproductive health, especially in rural and socially disadvantaged areas, increased levels of poverty¹⁵, low level of education, and traditional patriarchal attitudes and behaviors (Tozija, 2008; ESE, 2005). Also, the issues of family planning, prevention of unwanted pregnancy, safe abortion, access to and promotion of the use of modern contraceptives, as a prevention and protection against STDs are of the highest priority.

Existing statistics and analyses show that abortion is still the most common and usual method for birth control. The distinctive decline in the rate of abortions¹⁶ cannot be completely taken as relevant data, given the low level of use of modern contraceptives by 10%¹⁷ of sexually active population, and also because there are no mechanisms for controlling and systematic reporting of the data to the State Health Care for the number of abortions performed¹⁸, the application of contraceptives, maternal mortality, reproductive health, and specific conditions/illnesses associated with the age of a woman (NPARR, 2007: 30).

Studies also show that those who most often decide on abortions are underage girls, women who have marital problems, working women who fear they will lose their job because of pregnancy, poor women (especially the

¹⁵ It is estimated that 20% of the population of the Republic of Macedonia lives below the official poverty line of 75 USD per month (Tozija, 2008).

¹⁶ From 48,2% in 100 births in 1996 to 27,3% in 2006 (Tozija, 2008: 60).

¹⁷ Although the condoms are the most commonly used form of contraception, they are still not used regularly in sexual intercourse (36,1% of women say they have never had sex with a condom). Women who are married or living with a partner use condoms and other forms of protection during sexual intercourse less than single women (Pavlovski, 2012: 48).

¹⁸ Abortions that are performed in private gynecology clinics are not officially registered (SBM, 2010: 6).

Romani), and women who are economically dependent on their partners. There are also misconceptions about abortion and contraception, lack of information on legislation on abortion and sexually transmitted infections, as well as the strong influence of cultural and traditional norms, which in certain environments are provided by the dominant role of men in regards to deciding on the abortion and the use of contraception. (Tozija, 2008; Pavlovski, 2012; ESE, 2005).

All of this speaks of the still discriminated position of women, which is largely due to the undeveloped system of information/education of women on reproductive and sexual health and rights and this is one of the key factors in raising awareness to overcoming gender bias and making free decisions, free of coercion and discrimination. This situation is reflected particularly on young women in their choice and protection of sexual reproductive life and the enjoyment of sexual rights and freedoms.

Young women and reproductive health and rights

Even though there are not enough reliable data on sexual behavior and sexual and reproductive health of young women and adolescents in the Republic of Macedonia, the data obtained through the conducted research is an important indicator of the risky sexual behavior – the increased risk of unwanted pregnancy and sexually transmitted infections, including HIV, lack of information to preserve their sexual and reproductive health, and the insufficient use of existing services for sexual and reproductive health (Tozija, 2008; SSRZ, 2011).

Young women's sexuality is classified under health, primarily because of how informed they are and because of their voluntary decision to seek these information, whereas the limit of ability for sexual intercourse is defined as an ability for reasoning or as a limit for voluntary sexual intercourse at a certain age. This is how the lowest limit on the freedom of individual decision making is set (SSRZ, 2011).

According to the *Assessment of the situation, in regards to the sexual and reproductive health and rights of the citizens of the Republic of Macedonia* (Pavlovski, 2012), we can see that the age limit for sexual relations among young

women has shifted. By the age of 19, 20,2% of girls are sexually active¹⁹, while the average age for a first sexual intercourse is 16. Only 1,6% of girls at this age use oral contraception, and only 34,8% of young people use condoms. The data from this study also indicates that half of the young women and half of the men did not use any kind of protection during their first sexual intercourse, while the others who usually use condoms believe they are fully protected against pregnancy and sexually transmitted diseases (Pavlovski, 2012: 26). Taking into account the rate of teenage pregnancies and abortions, which is three times higher than the European average, the upward trend of chlamydia and HPV (human papilloma virus), the lower age limit for cervical cancer as a result of HPV infection, and the increasing number of young couples facing infertility due to untreated sexually transmitted infections²⁰; there is no doubt that young women enter their child-bearing age insufficiently prepared with knowledge and skills to maintain and improve their sexual and reproductive health. (HERA, 2010a; SSRZ, 2011; Pavlovski, 2012).

The reasons for this situation are the numerous barriers (subjective, institutional, and informative) which young women are faced with in accessing information and services on sexual and reproductive health. The institutional barrier include the lack of a developed network of counseling facilities for sexual and reproductive health and services suited for that age, while at the same time, most of the existing health services that offer services in this domain are not well adapted to their needs. Despite the estimates that young people have more access to information and know more than adults, the lack of information or misinformation are the cause of current prejudices against the use of hormonal contraception (for example, weight gain, hairiness, skin bleeding, etc.), from which even healthcare workers are not spared (Tozija, 2008). On the other hand, the most available information are those for the use of condoms, which is the most commonly used

¹⁹ At the age of 20-24, 80% of young women are sexually active, and the average age is 18; 95% of women over 25 are sexually active, where the average age is 19 (Pavlovski, 2012: 23).

²⁰ While there is a high level of awareness among young people about HIV (AIDS), there is a low level of knowledge of other sexually transmitted infections (Pavlovski, 2012). The Republic of Macedonia has a low rate of HIV/AIDS cases. Of the 111 registered cases of HIV positive individuals, 19% were aged 20-29 (SSRZ, 2011).

contraceptive, and this puts young women at an even greater disadvantage in terms of their right to control their sexual and reproductive lives, and makes them dependent on what the man decides.

The mistaken belief that young people “know everything” (and given that most information is obtained from the Internet, the media, parents or friends, which may be incorrect or incomplete), endangers their sexual and reproductive health and prevents them from enjoying their sexual rights and freedoms. An additional problem comes from the existing prejudice regarding the understanding of sexuality, burdened with gender prejudices and stereotypes. Sexuality is still a taboo in our region and is commonly seen as part of a person’s privacy, related to intimate sexual needs and erotic pleasures. The embarrassment of openly discussing this subject, especially with older people and doctors, hampers young women from seeking advice. Also, there is the embarrassment from the environment when they need to purchase contraceptives, as well as financial barriers due to the cost of acquiring them. Of course, we should not overlook the barriers related to the fear of stigma, particularly expressed in young and unmarried women who have to have an abortion, because people here “know everything and find out about everything”. Maybe that is why abortion is considered as a much bigger taboo for which young people do not want to talk about amongst themselves and they often decide to have an abortion in another city (Tozija, 2008: 71).

The existence of the numerous barriers that young women are faced with once again confirms that sexual and reproductive rights are not automatically applicable, just as their awareness regarding sexuality, gender roles and care for sexual and reproductive health does not automatically change. That is why they need to be informed/educated about their rights regarding their freedom, choice and the protection of their sexual and reproductive lives. On the other hand, sex education is not only a necessity but also a right for all young people to be informed about their sexuality (IPPF, 2008; SSRZ, 2011) and to be able to independently and responsibly make decisions for their sexuality and reproductive health. This brings about the multiple role and the importance of sex education, which should be viewed as one of the elements of health education, placed within the frame of health promotion and improvement of the quality of life and well-being of the entire population.

The efforts of the Association for Health Education and Research in the Republic of Macedonia – HERA are also moving in that direction. It aims to provide adequate and comprehensive sex education, offering a framework for comprehensive sexual education adapted to the needs and ages, taking into account the cultural tradition, level of education and social status (Asocijacija za zdravstvena edukacija i istraživanje [HERA], 2010b). There are also efforts in our country to develop and implement various programs and to conduct educational and informative campaigns and activities to raise the awareness among young women about the protection against sexually transmitted diseases, unwanted pregnancy and malignant diseases in reproductive organs, with special emphasis on access to information and services in rural and marginalized populations.

Conclusion

In conclusion, if we reflect on the question on what has been done and what to do further and taking into account the historical context and significance of women's reproductive rights and freedoms in the liberation of their biological destiny and achieving gender equality, the analysis of legislation demonstrates the political commitment of our country to follow the values, objectives and recommendations of the international community and the EU for promoting sexual and reproductive health and rights, and also for strengthening the status of women in the realization of these rights.

However, even though we are aware that there is always room for further action, the problem is the existing discrepancy between official attitudes translated into laws, strategies and programs, and the controversy of certain policies, especially expressed in enhanced media campaigns, which emphasize the traditional role of the woman as the pillar of the family and her "*pride in the decision to have many children*". On the one hand, we have the freedom and the right of young women to decide on their sexual and reproductive life. On the other hand, they are constantly reminded that motherhood is a key point in their life. What is being neglected in the implementation of demographic policy to increase the birth rate, which is a problem our country is facing, is that it cannot be solved by regressing

women and by keeping their traditional roles, but rather by strengthening the economic conditions of the youth and by redefining the family roles, which means shared responsibilities in care for children (equal parenting), which in turn is highlighted as an aim in the *Strategy of Demographic development of the Republic of Macedonia 2008-2015* (Strategija za demografski razvoj na Republika Makedonija 2008-2015 [SDR], 2008).

The existing contradiction between the priorities of official documents and their slow and laborious implementation contributes to the preservation of existing barriers and hinders the achievement of true gender equality, including the area of sexual and reproductive health and rights.

Thus, despite some obvious achievements and progress in this area, as well as attempts made to promote sexual and reproductive health, the growing trend of financial support for preventive programs in the last three years (e.g. the campaigns "Health for All"), such activities still have no continuity. Also, the recent introduction of the subject "Life Skills" in the school curriculum, which aims to improve the sexual and reproductive health of adolescents and youths, is really promising, but this program is still new and has just started. For now, the activities for monitoring and evaluation are too weak to give an answer to, among other things, the question whether the activities for informing on and promoting sexual and reproductive health services reach their target group and whether they correspond to the needs of that group (SBM, 2010: 9).

Thus, even though women have won the battle for the recognition of their sexual and reproductive rights, it does not mean that all the problems and dilemmas have been solved. The issue still remains open for the full realization of these rights, which imposes the need for a separate law on sexual and reproductive rights and more radical steps to be taken in the implementation of educational and informational campaigns within the programs and activities of the mass media, health and educational institutions, civil society. Gender sensitization, men and women, youths and adults, with special emphasis on vulnerable groups, still remains a field in which to intervene so that young women may freely and equally decide whether, when and how many children they want to have, and to be free to enjoy a healthy sexual life without fear of unwanted pregnancy and sexually transmitted diseases,

including HIV, while gender or sexuality should not be a source of inequality or stigma.

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PARTNER EQUALITY AS A PROCESS – THE CASE STUDY OF PARTNERSHIP FROM SLOVENIA

Introduction

Slovenia is an especially interesting context for investigating partner equality in families due to special development of women's position in terms of labour market, institutional provisions, and consequently, the characteristics of family life throughout different historical periods, from the socialist past, the transitional period to today's post-transitional era. In this contribution we will first give the characteristics of social and political framework relevant for family life, and then present the data on the division of labour in families. In the main part of the text, a case study of an equally sharing couple is presented and contextualised with the main factors that led towards equality in their relationship. Our main thesis is based on the analysis of interviews with Petra Horvat and Tomaž Novak – a heterosexual, white, middle class couple living in Ljubljana, the capital of Slovenia – and equality as a process is discussed in the concluding chapter.

The general social and political context of gender-role characteristics in Slovenia

During the socialist period, from World War II onward, women's employment was promoted by the state as a result of the demand for labour

and also as a result of promoting gender equality in the public sphere. This led to well-developed public day care, favourable maternity (and later also parental) leave and benefits, and laws regarding marriage and family that framed women as equal individuals. In this period, the attitudes towards women and family life were based on the Marxist and socialist doctrine which endowed women with a high level of political, social, and economic emancipation. Interestingly, empirical evidence from the 1970s and the 1980s indicate that women in Slovenia and Yugoslavia generally regarded their employment not just as an instrument of economic welfare for them and their families, but as a means of personal autonomy and social embedment as well (Jogan, 1986). Issues of private life were, however, ignored and themes such as the gender-specific division of labour within the family or domestic violence were not brought up. The political leadership of the time somehow regarded the private sphere, and especially the intimate family relations as “irrelevant”.

In the post-socialist period following its independence, Slovenia has not faced a process of re-traditionalization in terms of withdrawal of women from the labour market in order to take care of the family as in some other former socialist countries, that is, the share of women in the inactive population (housewives, seniors) has not been increased. Slovenia has over 60 years of history of women's (full) employment. In the EU countries, over 95% men and only 64% women work more than 35 hours a week (Eurostat, 2008). In Slovenia, only 11,4% employed women and 7,1% men were in part-time employment.

A contemporary challenge for Slovenia, as well as the other European countries, are the structural changes in the field of paid work affecting both women and men. These structural changes aim towards intensification of work and working conditions, in particularly flexible and less stable forms of work. The so-called underemployment (temporary work, part-time work, work for low payment by local standards) is increasingly becoming a global phenomenon, particularly affecting young people who are entering the labour market and this is a part of the more general conditions on the globalised labour market (Roberts, 2009: 196). The neo-liberal market with its imperative of an independent individual, combined with the re-

cent economic crisis, brings insecurity to work life for both women and men (Hearn, Pringle, 2006: 374), including prolonged exposure to unemployment. In this respect, family life is subjected to professional life among women and men; together with persisting gender ideologies in the private sphere, this clearly constitutes the key obstacle to changes in the gender division of labour occurring within the families (Renner et al., 2008).

As far as the current family policy is concerned, some of the measures inherited from the socialist times are among the most favourable in Europe. The best known measure is the system of parental leave. This also applies to the well-developed system of public child care developed under socialism, when the state promoted full employment of women and private concessions as well. A broad range of family payments is also in place, including generous funding for pre-school care in public kindergartens. Children's allowance depends on the family income.

Another important characteristic of the social and political framework relevant for family life in Slovenia is the long tradition of very well-developed family networks offering important support to young families. The generally strong intergenerational relations and solidarity among (and also between) families in post-socialist European countries have their roots in socialist policies, which oriented most rights and privileges towards families rather than individuals. In particular, female informal/kinship networks play an extremely important role in providing services to families in everyday life.

The extensiveness of intergenerational support from parents to children (and grandchildren) is particularly evident when placed in an international comparison. For example, the data from the 2007 European Quality of Life Survey (own calculations) show that 17,2% of older people (65+) in Slovenia take care of preschool and school children on a daily basis or several times a week, while this share is 43,6% in the age group of 50-64 years. In the EU-15 and NMS-10¹ countries the average analogous shares are much lower (EU-15: 28,2% and 11,5%; NMS-10: 28,6% and 12,5%). The accessibility of family support is certainly connected to the proximity of households in Slovenia.

¹ New member states – 10 member states that joined the EU in May 2004.

The gendered division of labour within the family

Despite the long tradition of full-time employment of women and the promotion of gender equality (at least in the public sphere) already in the socialist era, the division of family labour is predominantly still highly gendered. Along with this trend, changes in parental roles are slow and men continue to be only partly involved in child care. Here we can see the similarities with the Western so-called stalled revolution (Hochschild, 1989). What follows is a short review of the division of labour within the family.

According to the first research study of the division of domestic labour conducted on a representative sample of the population of Slovenia in 1977, the distribution of gender roles and family obligations were relatively traditional in spite of almost full employment of the adult female population (Ule et al., 1978). To a great extent, women carried out domestic tasks and although men were involved in the children's upbringing, they usually carried out the more pleasant tasks such as taking children out for a walk and playing with them.

Since then, all research studies inquiring into the division of labour show a similar picture: women as homemakers and caregivers devote a disproportionate amount of time to family life and to housework (Rener, 1985; Jogan, 1986; Ule et al., 1990; Rener et al., 2006; Sedmak and Medarić, 2007; Humer and Kuhar, 2010). Full-time employed women in Slovenia (and Lithuania) spend the most time in the workplace and have the least spare time in comparison with women in other EU states (Eurostat, 2008). In 2005 in 75-80% cases it was exclusively women who, in addition to bearing a full workload, did the majority of housework and child care in Slovenia. Tasks traditionally associated with women continue to be primarily their domain. More than 90% of the type of housework which is repetitious and monotonous, such as cleaning, doing laundry, ironing, or washing the dishes is done by women. In contrast, men tend to do outdoor chores (like shopping and "taking the children out") and home repairs. Men's chores are

typically infrequent, irregular or optional². It is also women who mainly care for family members who are sick and need help.

Nevertheless, calculations on the sample of people aged 18 to 50 from the 2003 Slovenian public opinion data – one of the few studies showing gender differences in the division of labour in the family – reveal statistically important differences regarding educational level (Kuhar, 2009). Compared to the lower educated respondents, those with a higher level of education much more frequently reported that both partners equally shared most of the household and family chores. The higher educated on average also resorted to hired domestic help more often. The latest research data show that around 5% of Slovenian households hired domestic help in 2009. Household work has the highest share in paid domestic work with 81% hired help at home, 10% for child care, and 23% for care of the elderly (Hrženjak, 2010).

The data from the 2003 Slovenian Public Opinion Survey also reveal whether the respondents consider the existing division of domestic labour just or unjust. It is quite understandable that women's perceptions of inequality are quite strong and it is interesting that men themselves admit they do less domestic work than they consider fair. At the same time, both strongly agree that men should spend more time on housework, particularly child care. Nevertheless, other results from the same survey show that conflicts on the division of labour in the household are not really frequent. As reported by women, conflicts occur several times a week with around 7% couples, several times a month with about 10%, and several times a year with about one sixth, even less with one third of the couples, and no such conflicts occur with among one fourth of the couples. The men's answers referred to even fewer conflicts about the division of labour than the women's (Kuhar, 2009).

However, a qualitative study (Humer, 2009) showed that non-fulfilment of the expectations regarding the equal division of labour in the domestic sphere nevertheless leads to tensions and conflicts. Women try to solve these conflicts with a strategy of inexplicit absence of conflicts and

² Interestingly, men's unemployment or part-time employment (less than 15 working hours per week) does not make any difference as far as the gendered division of labour is concerned (Gjergek, 2010).

apparent consensus, accepting the given situation of unequal division of labour in order to avoid conflicts, by including the children in the domestic chores, especially daughters, and by hiring domestic help. In short, women appear to have internalized, or at least have come to accept their unequal workload; men agree in their statements that they should do substantially more in the household and child care, but they fail to act upon this or simply evade housework (Kuhar, 2009). As Ule and Kuhar (2003; 2008) found in their qualitative study, young women do not expect the share of housework and child care in their potential family to be perfectly equal, but expect their (potential) partners to help them with domestic chores and in looking after children, since they do not intend to have the double burden as their own mothers.

The mentioned survey on the division of family labour in Slovenia in the 1970s (Ule et al., 1978) indicated some involvement of men in child care and although the changes have been relatively slow, it is obvious that some aspects of fatherhood are changing. According to the only existing qualitative research on the so-called “new fatherhood” (Rener et al., 2008), two models of fatherhood seem to currently prevail in Slovenia: the *complementary* model based on the traditional division of family labour with the passive involvement of fathers, but not based on the traditional notion of the father as a breadwinner; and the *supportive* model where fathers are more actively involved in family labour, although this is based on the notion of fatherhood as an assistant/supportive parental role and motherhood as a primary parental role. Today’s fathers seem to be significantly different from those in the previous generations which were dominated by the notion of fatherhood as a distanced parental role (traditional breadwinner role with paternal authority). Yet, it seems that changes mostly occur to at the level of paternal identity and related values, and to a lesser extent, at the level of participation of fathers. Still, men as fathers are mainly involved in the more pleasant, more optional and less-routine tasks (Rener et al., 2008). The perception of women and men on motherhood as the primary parental role functions as some sort of an obstacle to the more active involvement of men in family labour. Here the support of family networks – grandmothers – also represents an obstacle for greater gender equality in families (Žakelj, 2007; Rener et al., 2008).

Case study: Petra and Tomaž – equality as the foundation for building a relationship

Presentation of the couple

The authors first made a concrete selection of potential interviewees from their own informal social networks and widened it additionally through the snowball method to avoid excessive homogeneity in the sample and increase the possibility of finding a couple that not only thinks but actually practices equality. The couples who were willing to participate first filled out a questionnaire aimed at establishing the partner (in)equality (Deutsch, 2010). We selected Petra Horvat and Tomaž Novak, considering that, according to the socio-demographic survey, they are typical representatives of a young heterosexual, highly educated middle class couple. Couples of such socio-economic and education structures are quite representative of average Slovenian couples, because for the time being Slovenia has not yet turned into a socially and economically stratified society (though unfortunately this trend is becoming stronger), and in addition, the countryside – where about half the population of Slovenia lives – is quite developed and mostly non-rural.

Petra and Tomaž were interviewed on December 3rd, 2010. To perform the two interviews in one day we agreed to meet them at their home. We interviewed both of them, first Tomaž for nearly two hours (1 hour and 54 minutes), while the interview with Petra was slightly shorter (1 hour and 18 minutes). We both asked questions in turn, complementing each other quite well; as agreed with the interviewees in advance, both interviews were recorded and later transcribed. To protect the anonymity of the interviewees and in accordance with the *Personal Data Protection Act*, their real names have been substituted with fictive names. We also changed the place names and names of family members the interviewees mention in their stories.

Petra is 40, has a degree in education and is employed at an embassy in the capital of Slovenia; Tomaž is 39, also has a degree in education and is employed as a teacher at one of Ljubljana’s secondary schools for special needs children – a public institution. They have been living in common

law marriage for twelve years³ and have two children: ten-year-old Lara and two-year-old Lenart, and a cat. Petra and Tomaž had their first child after living together for one year and they did not know each other very well before that time. They met at their workplace, when they were both employed at the Secondary Trade School. They soon became a couple, Petra immediately separated from her first husband, and after the divorce came through she moved into a rented flat together with Tomaž.

They now live close to the centre of Slovenia's capital and a large park/forest and sports centre. Three years ago they moved from their rented flat to a new, modern, three bedroom flat, for which they both took loans and which they bought together, and for which they are registered as equal owners. Both are employed full-time and have permanent employment contracts. Even though they both have a university degree, they continue their education, not because they wish to improve their employment options or because of particular options for other employment, but out of personal interest and motivation; Tomaž is writing his Ph.D. dissertation and Petra would very much like to complete her master's study. She has already taken the necessary exams, but writing her master's dissertation was suspended for several years due to children. Tomaž also suspended writing his Ph.D. thesis when the youngest child was still a toddler, and he now continues to study and write in the early morning and late evening hours.

When we arrived for the interview, Tomaž was alone at home as he finished his work at school around 1 p.m. His daughter arrived a little later from the nearby elementary school and soon afterwards went to music school on her own. Petra came home from her job just before 4 p.m. and Tomaž then left for the kindergarten to collect their son and had a walk with him to let Petra have her interview at ease. Tomaž greeted us with a smile saying, that Petra had called about an hour in advance of the arrival of the "lady scientists", telling him to clean up the flat and buy some snacks in the shop on the building's ground floor. He grinned quietly that he had carried out her "orders".

³ Nearly half the couples in Slovenia live in common law marriage and about half the children are born outside marriage, and these births are not followed by marriage (except for a very small percentage). This has to do with the fact that cohabitation used to be legally equal to marriage already during socialism (e.g. in Slovenia since the introduction of the *Act on conjugal union and family relationships* on January 1st, 1977).

However, as indicated by the questionnaire aimed to establish gender (in)equality between partners, which they both filled out in advance (Deutsch, 2010), and by the two interviews, Tomaž's role extends far beyond being Petra's assistant or executor of the tasks she sets. Below we shall first provide a survey of the dynamics of an average day in the household, describing their equal engagement in household chores and child care; this is followed by an analysis of the factors which have contributed to their equality ideology and practices.

The dynamics of an average day and the couple's cooperation

Petra, Tomaž, Lara, and Lenart start the day together. On a workday they get up around 6.30 a.m. and either Petra or Tomaž spontaneously and without previous agreement makes tea and breakfast for the children; they themselves usually do not eat breakfast at home. After breakfast one of them prepares Lenart to take him to the kindergarten, while Lara is old enough to prepare herself. Tomaž takes Lenart to the kindergarten, and Lara goes to school on her own. By 4 p.m. Tomaž collects Lenart from the kindergarten, does some household chores (for instance, vacuuming), and occasionally some cooking. The family spends the afternoon hours together: Petra mostly takes the children to the nearby park in the summer, and Tomaž takes them to the same park to sledge in the winter. Petra also often takes Lara to the nearby swimming pool, while Tomaž plays at home with Lenart. Supper is followed by the rituals of bathing, child care (Lenart) and cuddling (both children), usually carried out by Petra, who states in the interview that she feels that her children miss her as they are together only a few hours a day during the week.

The two interviews tell us that Petra and Tomaž share the household chores, both doing nearly all kinds of housework, even the least attractive ones, and they also do this when it's not really urgent. They both emphasize that they have no exact plan for the household chores which would divide them 50/50. Nor do they have a strictly determined schedule when either of them is to perform household chores and they make no point of this. This means that they help one another whenever necessary.

“There is no chore I can think of that I won’t do at all. It doesn’t matter what kind of work either of us performs at a given moment. Whether it’s ironing, cleaning or whatever, each of us does everything; OK, there’s no schedule and this of course shows at times. Not everything is done right away but that doesn’t bother us, because we decided not to worry, since it’s not important to me. I usually don’t mind if there’s dust on that shelf up there or not.” (Tomaž)

Detailed questioning reveals that they both iron, both load and empty the dishwasher; Tomaž usually does the vacuuming, Petra then mops the floor; they take weekly turns in changing the bed linen, as they do with the less attractive job of cleaning the toilet. Petra tells us about the dirty linen: she sorts it out and loads the washing machine, while Tomaž takes it out of the machine, hangs it to dry and collects it:

“This is typical of everything we do. For instance, I’ll make the shopping list and he does the shopping. Except occasionally, when I don’t feel like doing it or have no energy left. Then he just says ‘I’ll have a look what we need’.” (Petra)

They take turns cooking too and both say that they enjoy cooking. They sometimes cook together, but during the week Petra usually does the cooking and prepares quick meals, while Tomaž likes to experiment during the weekend, when there’s more time to prepare lunch. As they have no strict schedule for the household chores, they often drop the agreed cleaning of the flat on Friday afternoons, because they are too tired at the end of the week. Cleaning is then moved to Saturday or Sunday and they hire a cleaning woman several times a year. This is something they would like to do more often, if they could afford it, says Petra.

“That’s a subject that makes our blood pressure go up and when it bothers me I take a duster and start cleaning. But I don’t argue like ‘You said you would dust and you haven’t’. When I see what’s it like and can’t take it, I just clean up.” (Tomaž)

Tomaž usually does the main household shopping on Tuesdays before 4 p.m. He adds that he has his own way of shopping; together with the example of cooking, this indicates that both cooperate and carry out nearly all household chores, but this does not mean that they do them exactly the same way.

“[...] When I do the shopping, I usually buy more stuff than Petra. She knows exactly what’s missing and I often buy things I think we’ve run out of but I later find out we haven’t. I don’t check in advance but Petra does and takes notes. Even when she gives me a shopping list, I only read it but I don’t take it with me. Using a shopping list bothers me because it makes me follow the list around. But when I don’t have it with me I just follow the outlay of the shop.” (Tomaž)

Petra pays for the food expenses and Tomaž pays all other bills; he also takes care of their car, its maintenance and repairs. The only household chore in which Tomaž obviously does not participate equally or isn’t (as in other matters) even more engaged than Petra is the care for their cat, because he is against having pets in a flat. Petra and Lara take care of the cat, but Tomaž adds: *“I do take care of it if there’s nobody else around, I feed it, clean its litter box, but if someone else is at home, I let them know I won’t do it.”*

Petra and Tomaž have been gradually introducing their kids to household chores. Lara, for instance, takes care of her own room, vacuums the flat, cooks vegetable soup; Lenart takes out the trash, puts his dirty clothes in the linen basket, and always helps with hanging it to dry and the like.

Child care

In particular, Tomaž thinks that the birth of their first child had a big impact on both of them and changed certain priorities in life. He feels that they were both extremely careful and worried when Lara was born, especially Petra because of the pressures of motherhood ideology (she was also unemployed at the time). However, all activities concerning the baby were

shared. Tomaž thinks that parenting is not something innate, but that they both had to learn from their experiences in new situations.

“We both had to learn everything and at times we panicked, got hysterical, because we didn’t know a thing and had to ask our doctor for every little problem. There were quite a lot of new situations that we had to solve ourselves in one way or another.” (Tomaž)

The equality in their attitude towards child care developed gradually and was strengthened in particular with the second child. This was achieved through a lot of talking, discussing and facing problems and challenges together. When Lenart was born Petra set the borders between their roles and started to take more time for herself. Tomaž feels that Lenart is a more difficult child than Lara was and that Lenart is more apt at getting his way with Petra.

“When Lara was born it seemed natural that Petra would get up when she cried; but with Lenart things were different and she just said: ‘Now it’s your turn’ [...] with Lenart we made better agreements and Petra took more time for herself. It used to be that I would tell her to go to the sauna or swimming pool to relax, now with Lenart she doesn’t have to be told, but goes whenever she wants.” (Tomaž)

After the birth of each child Petra stayed at home for the entire allowed leave – the maternity leave (i.e. 3 months, to be taken exclusively by the mother) as well as the following child care period (these 9 months of fully paid leave can be shared by the parents or used by only one of them). As she explains in the interview, she did not have a permanent employment contract when Lara was born. She was working in education at the time and her employment contract was renewed every year; at the time of her pregnancy her contract was not renewed and together with Tomaž she decided to stay at home. In the first year after Lara’s birth Tomaž made use of the legal option (based on the collective agreement in education which provides three days of leave when a child is born and two days leave during the school

year – a total of 5 days leave – at that time fatherhood leave was not yet an option). They agreed that if Petra would get a job starting with the new school year, Tomaž would then take the other half of the maternity leave (6 months). Petra then found freelance employment with one of Ljubljana’s faculties and therefore took the entire maternity leave herself, staying at home for the whole year. With Lenart she explicitly wanted to stay at home for the entire period, as she planned to write her master’s dissertation but she ran out of time to finish it. When Lenart was born Tomaž took the whole paid fatherhood leave of 15 days he was entitled to.

Though they did not divide the parental leave after the birth of their two children, they do so in the case of sick leave, when one of the kids falls ill. It was only with Lara that Tomaž was usually the one to take sick leave, as Petra had just started at her new job and Lara was ill several times in the first year while she was in the kindergarten. Now with Lenart, they usually divide the sick leave equally. When both have job obligations they cannot postpone they are helped out by Tomaž’s mother, who travels to Ljubljana from her home which is about one hour away and stays with them for a couple of days. She takes care of the sick child but also performs some other household chores and Petra and Tomaž appreciate this very much. Petra’s mother cannot come to their assistance, as she lives further away and has to take care of her handicapped husband.

“His mother really is number one when we need help. Just recently, we both had urgent matters to take care of and she came over while the kid was sick. When one of kids falls ill, I usually stay at home the first few days and Tomaž covers the rest. This time my mother-in-law came over right away because I really had to go to work. She is indeed a ‘granny on call’, all I have to do is phone her and she comes right away; she sleeps here, irons everything, starts to clean the flat and we’re really happy when someone like that is around.”

In the interviews they both emphasise that they hire a nanny about twice a month to spend an evening out together. This is one of the aspects that reveal the importance they both attribute to the attitude towards their partner. Petra puts it like this:

“We try to go out every fortnight, at times we can make it every week, but sometimes a whole month passes without [...] it just depends. Today we wanted to go to a concert but there are no tickets left. We’ve had the same nanny for two years now, and we had one already for Lara.”

Tomaž takes part in the emotional aspect as well – Lara wants to be cuddled by both parents. As far as raising children is concerned, Petra and Tomaž do not always eye to eye. The only point of occasional conflict they both separately mentioned was that Tomaž is likely to be stricter and have less patience with the children and that Petra often undermines his “authority”. But they discuss these situations afterwards and generally discuss the different principles and reaction patterns.

Factors of gender equality between Petra and Tomaž

At first glance, gender equality seems to be spontaneous between Petra and Tomaž, particularly from Petra’s reflections that *“We’ve never sat down and discussed what either of us should do or what neither of us would like to do. That’s a debate we never had.”* Their stories however show that the practice of equality is in fact a process, influenced by a range of factors, including subjective ones, like one’s personal philosophy, as well as objective ones, especially their jobs, as we will mention in this chapter. In addition to their regular job commitments they are both engaged in different projects. Due to the nature of her job Petra has a lot of evenings out – attending cultural events, for instance – and has to coordinate everything with Tomaž. He occasionally accompanies her, when he is interested in the particular event; but he does not do this as regularly as he used to before they became parents as they try to avoid having to call in the nanny too often. Tomaž is engaged in various school projects which require additional time outside his working hours. Before he assumes a project task he consults with Petra:

“[...] Whatever he takes up, the family comes first. He’ll start by arranging things at home, making provisions, organising tasks, and then asks ‘Would you mind if I...’ and when, of course, we agree, only then will he start working on his project. It’s not like he would engage himself and

only then check the conditions at home. He doesn’t take time off from the “family schedule” [...] He also stopped his sport activities when there was so much to do at home.” (Petra)

Among the factors stimulating equality between Petra and Tomaž they put particular emphasis on the following aspects that we are going to present in the following subchapters: the “baggage” from their family of origin, the feminist position they share and which is shown in their actions, the care for the relationship with their partner, their shared, constructive approach to solving problems and conflicts, and last but not least, the particularly important, if not the most important factor facilitating equality in practice – their jobs and occupations, particularly Tomaž’s.

Forging a new way, different from their traditional families

Tomaž and Petra both come from classical patriarchal families. They were both raised in families where the Christian faith played a strong role, they were baptised and received all the sacraments, but they are not practising believers in their own family. The socially expected gender roles of the father and mother were clearly determined, but the principal difference from the Western countries is that both their mothers were employed full-time. Privately, the traditional divisions of gender-based labour and roles were dominant, especially in taking decisions, unequal partner relationships, and the like.

Nevertheless, Tomaž’s mother taught him and his sister to perform household chores and as Tomaž realises, he was familiar with housekeeping before he entered a partner relationship with Petra. His father was a tradesman and he used to come home in the evening, while his mother did administrative work and was home a bit earlier.

“[Mom] called at 1 p.m. from her job. I was at home and she told me to peel the potatoes and cook them and so I did. I had to vacuum at home from early on, that was my daily chore; if there was any dust left, I had to do it all over; mom was a strict supervisor. [...] It wasn’t like I was raised to be just a boy.” (Tomaž)

Tomaž feels that Petra's family of origin is much more patriarchal than his own, because his mother-in-law performs all household chores on her own: *"My father-in-law is a typical old-style husband, mom takes care of everything, including him. [...] So I think that Petra started with the intention that she wouldn't allow such a situation."* Petra also emphasised that she wanted a different kind of partnership than she knew from her parents. She wanted a partner she could equally share all domestic obligations with.

"[...] When I look at my mom I think I couldn't accept such a (patriarchal) pattern [...] But I am fascinated by what she says when I, my sister and her socialize on our own now – that it's easier for us girls now, and that we have more courage than the women in the past. She refers to mothers of that period and environment. The fact that nowadays you can go out alone, that you don't have to prepare dinner, that you can oppose your partner, have a different opinion, all this was just unthinkable in her time. I'm not sure if it was really normal then [at the time Petra's mom entered marriage and created a family, around 40 years ago] that you were branded or excluded from society, even from your own family, if you opposed your husband."

Employment and options for domestic activities

Tomaž and Petra are both employed full-time and have permanent employment contracts. As we mentioned above, their working hours are very different. The workday starts at 8 a.m. for both, but Tomaž finishes his obligations at his workplace at 1 p.m., while Petra does so at 4.30 p.m., except on Fridays when she finishes work at 2 p.m. In spite of the frequent school holidays (one week in autumn, winter and spring, plus the summer holidays which last nearly two months) Tomaž is also entitled to 33 days of leave, but he can carry out many of his job obligations, such as preparations, at home, and this allows him much more flexibility in adapting to family obligations than Petra, whose spheres of work and family are both spatially and temporally more separated. Also, Petra's leave is limited to only 25 days a year.

Several changes have occurred at Petra's workplace, where she has been employed for eight years. She was first employed part-time (60%) because, as she says, she was paid as much as she would earn as a full-time teacher. She feels that at the time of this part-time job the everyday family was somewhat different, since they both got home already at 1 p.m. This allowed them to have a more relaxed approach to everything; they used to cook together every day or went out to eat. Later she gradually had to accept full-time employment because she had to take over a part of her co-worker's tasks, who turned part-time for health reasons. Petra adds that her job is now much more demanding, that it takes more time away from her family time and that in this sense she would wish and would be willing to change jobs – but she hasn't been seeking a new job for the time being. Due to warnings of possible lay-offs and repeated streamlining of work process she is also afraid of losing her job and wants to prove herself. Thus, she often works on several projects.

They both love their jobs and are very committed in this regard but the interviews reveal that before they became parents, their jobs, especially Tomaž's, were the most important factor in their life.

"Before, I used to live for my job; I didn't want to be absent and went to work even when ill. With Lara this changed, now she was more important, I now take sick leave and take more time for myself when I'm ill and stay in bed."

Tomaž, too, works on several school projects and as Petra puts it: *"He's a project man, that is to say, beside his job, he works on more projects that his job amounts to and we adapt ourselves to his constant movement between all these activities."*

As he points out himself, an important advantage of Tomaž's job is that he has never had any problems when he had to take sick leave because of the children, not from the school management nor from his fellow teachers. He adds that as a man his female co-workers, who form the great majority of the school's staff, even show approval and praise him because he cares for his family.

“Women are more critical of other women than they are of men. When I do something they say: ‘That’s nice, that’s very thoughtful of you.’ But when a woman takes sick leave, say Petra, they’ll say ‘What? Again?’ They are more tolerant of men, they even admire you for these things”.

Personal philosophy – feminist position

Tomaž’s personal philosophy is explicitly feminist. In his reflections he also considers wider changes in modern societies in the direction of eradicating traditional gender roles. He emphasises that partner equality is trendy nowadays, but that not necessarily everybody can achieve it, even if they want to. Tomaž considers one of the possible obstacles to equality at home to be the women’s desire to stay in control of the home, especially of the caregiving activities, which are a traditional female domain. At the same time he draws attention to the societal changes in gender roles and the identities of masculinity, as they are shown in the caring convictions and workings and roles of modern fathers and partners. Tomaž is sometimes exposed to mockery from one part of his informal network of male friends, but he ignores them or responds with humour:

“The great majority of women still identifies with this [women’s traditional role of mothers], they put themselves in this role and believe in it, but nowadays even boys and men have started to put themselves in this caregiving role for a variety of reasons. There are less and less physical jobs, increasingly more free time and men do want these roles. It’s no big deal any more in the sense of ‘Be a real man!’ Men have become more self-conscious, realising that there is nothing wrong, if you do these ‘traditional’ [women’s caregiving] things, and that seems to me to be a big step forward. You go out with the baby in its pram and do things that were traditionally more female and you just ignore if your friends mock you. [...] It’s better to make fun of yourself than give others the opportunity to get at you. It’s not they would want this, but in a way our friendship ties may be affected. If I want to keep my friends, it’s better that I make fun of myself than let them make fun of me, because then I may be sensitive and say ‘You’re not my friends.’”

Another indication of Tomaž and Petra’s feminist position is the fact that they gave their children different surnames. They live in common law marriage and both retained their surname. Before their first child was born they agreed that it would have his surname, and the second child hers. This decision caused some astonishment, especially in the informal social network of their relatives and some friends as well. Their parents did not really pressure them about the decision, with the exception of a female relative of Tomaž who remarked that the Novaks (Tomaž’s surname) would remain without a male descendant. Their first child was indeed a daughter and was given her father’s surname, but it is traditionally assumed that she would lose that surname upon marriage.

“Me and Lara share the surname Novak, but Lenart’s and Petra’s surname is Horvat. We gave our son Petra’s surname and our daughter my surname, because we aren’t married. That was the agreement before they were born and we stuck to it. It causes some embarrassment from time to time, like for instance when I go to the kindergarten and search the list for Novak Lenart, only to realise that he is Horvat [...] But there are no problems, except that people are more or less surprised, especially our parents.”

Preserving their twosome and joint solving of conflict situations

The Saturday morning rituals clearly illustrate the importance of time for their partner relationship and maintaining their twosome, and so does one of the changes they introduced due to needs of their parental roles. On weekends Petra and Tomaž treat themselves to long breakfasts while the children watch television and play (here also one aspect of their responsible parenthood is pronounced – that children are not supposed to watch too much television). It is important to them that they are together and take time for each other.

“For some time Tomaž used to go to the market early in the morning to fetch breakfast. Now, in the midst of winter, he, of course, doesn’t go and

you really want nice weather, I think, to do so. He used to bring everything for breakfast from the market by 9 a.m. and we ate it together, the children, of course, finished immediately and then turned to their own things, perhaps too often to cartoons. But I think it was us who made Lenart get used to watching cartoons so that we had more time for the two of us. Now, I don't mind any more if he sits there and watches a children's show or cartoons, and we stay at the table after breakfast, sometimes for two hours. Of course this does not mean that we're eating for two hours. We finish our breakfast and then start talking, discussing things, just like we are doing right now. Now, we could go on like that for the rest of the day, but our time is limited, that is, until one of the children needs something."

Nurturing their partnership is one of the very important aspects that contribute to more equality, but we should not ignore the important role of the quality communication, the practise of opening up about problems and frustrations, and their efficient joint facing of problematic situations. To take an example: for some time after Lenart's birth (when Petra had already started working again) she felt frustrated because she did not have enough time for herself being alone at home. She told Tomaž, who understood the problem and found a solution. The solution was short-time but efficient, and this shows that they identify their different needs, communicate them and fulfil them.

"I wanted some time for myself at home, to be alone for a while. I remember that last year I told Tomaž that 'You have your own time, when you're alone at home, you have your music [...] Between 1 p.m. and 5 p.m. when I get home, you can listen to your music, do some wellness or whatever, to make up for the fact of being alone. [...] I was so frustrated I had to tell him and I did. He took the children to C. [his birthplace] for three days to let me have some time on my own. He agreed immediately to do something about it and he must have thought 'She's right, she's never alone.'"

Concluding discussion

In the Western modernised societies, women on average perform a higher share of the household and caregiving tasks even when they are employed full-time. This unequal division of labour in the domestic sphere is indicated by both survey and interview data; they simultaneously reveal differences in the division of labour based on the partners' education level, a general dissatisfaction with the division among partners where there is more inequality, and the women's wishes that their partners would engage more in the caregiving and domestic tasks, both in terms of the quantity of performed tasks as in terms of engaging in the organisation and planning of daily schedules and domestic obligations (household, children). Such expectations are particularly pronounced in the generation of younger women, who in various studies often clearly state that they do not intend to imitate the model of their mothers (Ule, Kuhar, 2003). The results of the conducted studies also refer to a low level of disagreement and conflicts, related to the division of labour in Slovenia, and this is undoubtedly connected with the frequent strategy of "relocation" in particular of caregiving activities between women (especially the assistance provided by grannies) (Humer, 2009).

Among the external factors, which have an impact on the dynamics of the division of labour in the domestic sphere, the most important one is paid labour and its increasingly intensive work obligations (flexibility, mobility, precarious employment, etc.). The joint effects of the increasingly demanding work conditions and precarious employment, together with the still deeply rooted gender inequality at the level of cultural values (in spite of modern cultural emphases on equality), does not favour a more even division of labour or caregiving at home. In addition to the mentioned more equal division of domestic labour among the better educated couples, especially in Humer's study (2009), a conclusion may be drawn that the male partner's job (not the female's) primarily determines the male partner's engagement at home – depending on his working hours and job obligations. This can be explained in part by the fact that men are on average employed in better paid occupations, but this explanation is not quite satisfactory. With women, the sphere of paid work is an equally important factor of

identification, women are increasingly better educated (even better than men) and most often voice their ambitions at the start of their professional career (Ule, Kuhar, 2003). The key element of the explanation why women perform the greater part of the household tasks undoubtedly lies in the still prevailing social construct of motherhood as the primary caregiver attitude that is morally more binding for women.

Nevertheless, we can understand the mentioned inequalities in the context of the dissatisfaction in relationships. An unequal division of domestic and caregiving work is an important factor of satisfaction within a relationship, especially for younger women (Ule, Kuhar, 2008). Discrediting an equal division of domestic labour is – especially when there is a lack of emotional closeness – more than just a conflict about who does what and how much, but it is a question of identity, as Beck and Beck-Gernsheim (2005) write. A more equal division is, therefore, an increasingly important issue in relationships. And obviously, if we go by our short investigation on equally sharing couples, there are couples with such a division of domestic labour in Slovenia. Discrepancies, of course, often occur between what partners wish and what they actually do, because they are influenced by numerous objective (employment, labour market) as well as subjective factors (convictions, traditional values, gender roles) (Humer, 2009).

The example we analysed, along with other existing research evidence, undoubtedly shows that equality is not merely an individual decision. It is highly influenced by a number of external factors, especially employment, policies, the general social climate; in fact, much more factors than just the personal or shared ideology on equality, wishes and intentions of a couple. With Petra and Tomaž, what matters is that different factors, the objective ones (his job) as well as the individual ones match and favour equality. What stands out with this particular couple is the importance of communication and a quality partnership attitude, as well as the personal philosophies of both (values, feminist male as well as female identities, etc.).

Their example also shows that equality is not an achieved condition, but a process; it is something partners have to work on all the time. With the analysed couple, one such burning item is Petra's undermining of Tomaž's authority with the children, something he, of course, doesn't like. The anal-

ysed example also shows that equality is not so much a matter of agreement but of action; of course, it can also be a matter of agreement along with the action taken. Tomaž and Petra for instance, made agreements in some cases, like the surnames of their children, taking maternity leave and sick leave for the children etc., but they made no specific agreement to share housekeeping 50/50. It is worth pointing out Petra's comment that if they had a higher income they would leave part of the housekeeping to a cleaning woman; this would mean relocating labour to the female domain and it reveals equality as a wider social problem of bigger dimensions.

Given the current socio-economic conditions in the Western societies it is very hard to conclude this article with a prediction of how the trend will develop. Since young women in Slovenia are increasingly better educated than men and because they want to assert themselves both professionally and personally, and achieve a division of labour more acceptable to them (Ule, Kuhar, 2008), we may certainly conclude that in future women will be less and less reconciled with their unjust double burden and that in this aspect men will probably have to become more actively engaged in family life. We may also expect this happening from the perspective of contemporary changes of masculine identity. How far the conditions on the labour market will allow free choices remains an open question. Promoting gender equality will certainly be an important policy activity, but it will be far from enough on its own. Gender equality should become a part of the entire political agenda and education, including its earliest stages.

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SOCIO-CULTURAL INFLUENCES OF REPRODUCTIVE TECHNOLOGIES AND FAMILY CONCEPTS IN CONTEMPORARY SOCIETY**Introduction**

The female reproductive experience has always been negated by non-feminist liberal theories, Marxists, functionalists, structuralists and others (Ortner, 1974). The feminist thought has, on the contrary, taken the female experience as trustworthy and of crucial importance for this issue (Held, 2002). The matter of responsibility and interaction with others, such as care for children and those who are not independent or self-sufficient, is particularly relevant for the creation of various moral and political approaches (Tong, 1996). The feminist thought rejects the longstanding stereotype-burdened ideology of traditional approaches to women in the households as something of little relevance for the criteria of moral reproductive discourse as their position is determined by “nature” or biology while the life of men in the *polis* is able to transcend this reality (Held, 2002). The women’s reproductive capability has always been the indicator of their social status on the one hand, and the instrument of state control for manipulating their social status on the other hand. The modern states usually do that using the pronatalist family planning policies, but using antinatalist policies as well, according to the needs of political interests of political actors, institutions, and powers in a society, and by using customs, practices, and legislature that regulate female sexuality.

However, according to Article 16 of the CEDAW convention, signed by all EU members and numerous Western countries, the states have the obligation to ensure, based on equality of men and women, “*the same rights to decide freely and responsibly on the number and spacing of their children*”

and to have access to the information, education and means to enable them to exercise these rights”, so that they could take all the measures to eliminate the discrimination of women in the society and all issues, especially those related to marriage and family obligations (CEDAW, article 16: 51).¹ The state authorities are also obliged to ensure that the women and the couples have available information, education, and means to make reproductive decisions, to have autonomous control over their body and the right to enjoy the highest standard of sexual and reproductive health.

When it comes to modern concepts of reproductive rights, they encompass a whole range of rights and freedoms that stem from basic human rights that are related to human reproduction and are based on the principle of self-determination of individuals in relation to whether, when, and with whom they will have children and how many. The international standards of reproductive rights are based on the guarantees of basic human rights and international and state legal protective mechanisms. As UN’s International Conference on Population and Development (ICPD) determined in 1994, “*Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents*” (United Nations Population Fund, 2013). These rights start by recognizing the fundamental right of all couples and individuals to freely decide their own reproduction which implies their right to make decisions on their reproduction without discrimination, coercion, or violence (UNFPA, 2013).

An important segment of these rights requires the highest possible standard of sexual and reproductive health, including sexual education, fertility treatment, safe pregnancy and labour and access to and application of new reproductive technologies (NRT). The highest standard of sexual and reproductive health should, of course, imply the right to contraception and

¹ Article 19 of the CEDAW convention is unambiguous and demands an active approach from the signatory states. It refers to the question of “improving the conditions”. 186 states which ratified the Convention are obliged to submit a report on achieved progress in implementing the Convention to the Committee every 4 years. In addition, 96 states which signed the Optional Protocol enable all women whose rights have been limited on the national level to realize their rights at the international level (CEDAW. CEDAW convention, <http://www.ured-ravnopravnost.hr/site/preuzimanje/biblioteka-ona/cedaw.pdf>)

safe abortion (Simović-Hiber and Kartag-Odri, 1996: 84), as well as equal access to fertility clinics and treatments that demand the use of NRT. As the so-called “second generation” of human rights, the reproductive rights and freedoms should include a range of institutional guarantees set by the state institutions by enabling the access to all relevant information and the creation of necessary conditions for the possibility of consuming these rights and equal availability, primarily in terms of socio-economic situation of women for their application (UNFPA).

A brief recapitulation of the socio-political assumptions of application of NRT in Croatia

In the former socialist states, the reproductive rights are more endangered today than they have ever been.² They have become endangered by direct interventions of the ruling structures into the private domain of individuals and couples, causing unrest and insecurity through constant potential threats for the guarantees and the stability of those rights as direct consequences of pronatalist policies of certain former socialist countries including Croatia. Then endangerment of reproductive rights equally refers to the rights to safe, legal, professional, and available abortion to women³ regardless of their social status, and equal access to NRT, regardless of their marital status and sexual orientation.

The nationalist rhetoric in the former socialist countries, especially former Yugoslavian countries “has turned women into tools for a collective political project that should serve the needs of national creation of the na-

² The ruling regime in the first decade of Croatia’s independence (HDZ) based its legitimacy on nationalism. It used the perceived threat for the national survival that appeared after the war and low birth rates to promote the pronatalist policy that threatened the reproductive rights of its citizens, female citizens in particular. The main shift of focus of the female reproduction in Croatia happened in early 1990s at the outbreak of The Croatian War of Independence when many political outcries about the threatened nation and the dangerous decline of birth rates first appeared. The then-president Tudman warned about the “alarming demographic picture” in Croatia due to birth rates dropping below the level of renewability and this gave wind to nationalistic right wing parties that gained momentum in their political appetites for controlling female sexuality and usurping the women’s autonomy when deciding on reproduction.

³ In former Yugoslavia, abortion was legalized in 1952.

tion (Kesić, 1994: 10). Even though this rhetoric has not explicitly called for a criminalization of abortion, it openly and aggressively turned into affirmative advocacy of “elimination of the communist illusion” regarding the “anti-life mentality” (Kesić, 1994). At roughly the same time, the Catholic Church in Croatia took over the initiative of influencing the national legislature in terms of reproduction, first in 1992 when cardinal Kuharić sent a letter to the Parliament demanding the abortion to be banned, and then in 1995 and 1996 when the Croatian Party of Rights (HSP) and its president Ante Đapić, and the Croatian Catholic Medical Association (HKLZ) sent a request to the national Parliament to change the law and criminalize abortion. But due to action of feminist organizations in Croatia and the public opinion, this created a negative reaction (Shiffman et al., 2002: 635), even though the Catholic Church in Croatia still supports this reproductive initiative. But behind the scenes, the state regime completely adopted the hidden nationalist strategy in terms of population policy and supported the right-wing pro-life fundamentalist movement that provoked the public debate on this topic (Shiffman et al., 2002: 635) and even provided the financial support to the group founded by don Antonio Baković, the leader of the Croatian Population Movement at the time.

The first act that showed the direction and the threat to reproductive rights was the change of the Constitution in 1990. The Croatian Constitution deleted the item from area of personal and political rights and freedoms based on the 1974 Constitution of SFRY (Socialist Federal Republic of Yugoslavia) about the rights of the citizens to free decision on giving birth to children. Instead, it included the general “*right to life for all human beings*” (Croatian Constitution, Article 21). This opened the gate for all political actors which proclaimed the social obligation of citizens to reproduce, that is, for those that want to make the “rights of embryos” and the “rights of women” equal but are, in fact, trying to deny the women their reproductive rights, as these rights would be conflicted then. Because of this, the state created the national population policy. The Ministry of Defence of the time even founded the Department for Demographic Renewal. The concept of the demographic renewal at that time implied certain taxes for unmarried couples, reduction of day-care centres firing women from the factories,

suggested the introduction of a paid profession of mother-educator, and coordinated the state efforts with the pronatalist movement (Shiffman et al., 2002: 632). The current Croatian Constitution adopted the following provisions: “*The state protects the motherhood, the children, the youth, and creates social, cultural, educational, material and other conditions that promote the right to a decent life*” (Croatian Constitution, Article 63), in which the term “*decent life*” remains unexplained (Constitution, Official Gazette 85/10). Article 21 of the constitution states that “*Every human being has a right to life*”, which leaves the term “*human being*” undefined. A segment of the law that deals with the decision on giving birth (1978) was separated and defined in the new Law on Medically Assisted Insemination (OG 88/09), which derogates the former provisions on the methods of Medically Assisted Insemination (MAI) and the criteria of the approach, even though this law was not adopted by a two-third majority, but barely a 50% majority in the Parliament, as is the usual procedure for adopting legislature in Croatia.⁴ Thus, according to the new law on “artificial insemination”, the treatment of infertility is allowed only to the married couples, of course the heterosexual ones. Since the main actor for the reproductive policy in Croatia – the Ministry of Health – ignored the discussion and the opinions of the professionals and the public about the reproductive issues, and since the Minister in question had consulted with unprofessional and incompetent institutions when creating the new Law on Medically Assisted Insemination – the Catholic Church – we believe this reproductive policy in Croatia has become unprofessional and regressive and that it directly endangers women

⁴ The first law on medically assisted insemination in Croatia in 2009 (OG 88/09) derogated the former practice of free decision on MAI (Medically Assisted Insemination) from the old Law on health measures for achieving the right to a free decision on giving birth from 1978, as well as the criteria for access. This first law on MAI in Croatia forbade freezing of the embryos; all inseminated egg cells had to be implanted into the woman’s uterus, regardless of the pregnancy risk; the child was allowed to see the data about the biological source upon turning 18, and the access to the MAI was not allowed to the couples in which both partners were infertile. Since treating infertility was conditioned by marital status, methods and procedures used were more restrictive and painful for women than in former Yugoslavia, with questionable efficiency and many legal limitations made this law one of the most restrictive in Europe. The new Croatian government changed some of the provisions of this law (The Law on Medically Assisted Insemination OG 86/12 <http://www.zakon.hr/z/248/Zakon-o-medicinskoj-oplodnji>) in favour of women and infertile couples, but its restrictiveness in terms of marital status and sexual orientation still remains.

as the main actors and the subjects of reproduction, and harms their partners as well.

New reproductive technologies (NRT) and the change of discourse?

New reproductive technologies imply a large number of different medical and scientific interventions into the domain of human reproduction, including the birth control. They include testing and observing the foetuses, technologically-assisted insemination, *in vitro* fertilization, surgical abortions, even human cloning. Coupled with different forms of combining the egg cells and sperm donations and surrogate motherhood, we see multiple aspects in which reproduction and reproductive technologies affect human life and the survival of human species. The sudden development of the NRTs in the 20th century did not bring about a parallel development of cultural and social perception of the importance of using NRT but has resulted in cultural lag that increases the more it is supported by the ruling neoconservative political discourse. Even though science surpassed the morals long ago and the legal response, which generally tends to lag behind science in terms of reproductive technologies, the necessity of life matters related to reproduction and realistic exponential decrease of birth rates in all developed countries in the scope of global economic crisis forces the faster creation of solutions for regulating reproductive needs and population growth. For gender sociology, putting the focus on NRT is of crucial importance as their application allows a change of discourse about the questions of motherhood and the construction of motherhood, partner relations, family, and gender relations in a society, all of which shape the approach and the development of political power relations in a society and the development of these technologies (Galić, 2002; 2004; 2006).

The effect of the NRT deeply affects the cultural ideas of femininity, motherhood, and family. For many mothers, however, the access to relatively cheap and safe birth control largely affects the direction of their life. The technologies have drastically improved the capability of planning and controlling reproductive lives have also made some approaches inaccessible

for the socially endangered women, even those at the medium level of social stratification. However, a large share of women still relies on their own decision and reproductive self-determination while on the other hand, control over the reproductive technologies by the government, corporative interests, medical professionals, church organizations, and other actors can have an adverse effect on women and their reproductive self-determination. Assisted reproduction technologies are typically more expansive and invasive than they are gentle and sensitive. An easier access to the NRT allows women to become biological mothers later in their lives, in untraditional circumstances, or in situations when they are physically unable to do so in another way, but that depends of the regulative conditions in certain countries. However, opening this option as set out by the scientists gives a new hope for women to be able to regard themselves as potential mothers throughout their 40s. Girls and women try various degrees of control through their reproductive capacities, depending on their circumstances. Race, class, age, and religion have a significant effect on the relation of women towards NRT.

NRT – forming and challenging the idea of gender specificity of reproduction and conditioning the relation of power in a society

The development of new technologies forms, and it is formed by, the social interests for reproduction. Even though the NRT expand the options, the choice always occurs in the cultural context (Simmons, 2009: 605). The same author claims that we have to question the ways in which the new technologies shape our opinion about subjects we have given ourselves the right to choose and what we should want or choose. This includes social norms on how and when to become pregnant, the norms about the size and the features of the family, infertility, adoption and abortion, choosing when to stop having children, choosing the sex, what constitutes a healthy pregnancy, foetus, baby etc. (Simmons, 2009: 605). All of this forms and is formed by reproductive technologies as well as social norms and power relations of certain social institutions (Galić, 2002).

It is beyond any doubt that reproduction remains the engendered phenomenon of the 21st century, even though NRT mostly target women and emphasize their reproductive capacity. However, the NRT also challenge the traditional ideas on gender specificity of reproduction and traditional ideas of motherhood. Using NRT, gay men can also become parents using donated embryos and lesbians can conceive using sperm donors (Simmons, 2009; Monahann Lang, 2009). Parents who are single due to divorce or their own choice can also use NRT to conceive. NRT can also be used by the parents for gender selection of foetuses, emphasizing the importance of sex early in the family, planning and potentially creating distorted demographics for future generations. Therefore, the possibilities of using NRT are multiple and have manifold consequences in the structure and organization of the society and establishing new power relations. It is also apparent that human rights and social morals are actually lagging behind the development of NRT. On one hand, we can track the enormous biotechnological development of NRT in the 20th century and on the other hand, we can notice a cultural delay and the retention of the old system of values and cultivation of neo-conservatism. The science has, thus, surpassed morals and law. In this context, the gender sociology wants to re-actualize and re-examine the relation of gender and NRT – the construct of motherhood, family and the power relations in a society definitely formed by the access and development of technologies. In these dynamic social changes, the variables of race, class, age, and religion also have a significant effect on the formation of women's relations towards the NRT.

Biotechnological progress in reproduction – a double-edged sword: female bodies – formed by the NRT. Stigmatizing NRT supports stigmatizing reproductive morale

The NRT were primarily offered as a salvation for “abnormal” fertility cases, and the border of “normal” and “abnormal” in terms of fertility was always believed to be fluid and prone to manipulation by the experts that referred people to different types of procedures and treatments. For instance, the *in vitro* (IVF) fertilization shifted the power and control of the mother

onto the doctors, i.e. the (male) specialist and this resulted in the phenomenon of medical personnel being the “active makers” that decide on the unity of the egg and the sperm (transferring the embryo from the test tube into the uterus). The role of a woman in the whole process is reduced to a “passive container” or an empty uterus “in waiting”. But at the same time, this offered a wider array of technical options on giving birth and the domination of experts, politics, and other interest actors has been an opposition to creating a new form of “female solidarity”, especially with the introduction of possibilities for surrogate motherhood. But, it was only this innovation that opened the space for many new forms of complicated procedures and manipulation so that a hypothesis about female bodies being controlled usurped and “politically” formed by the NRT may be put forward.

Female reproductive activities (conception, pregnancy, labour) can now be ranked according to the “quality control” for children (Ettore, 2002). The women are ranked as “good” or “bad” producers in which the stigmatizing social dimensions of reproductive technologies support the stigmatizing reproductive morale. The pregnant women are in a discourse of “good” and “bad” women, based on “good” or “bad” reproductive body, analogous to the traditional female reproductive social roles of giving birth and raising children.

Reproductive self-determination

Today, the participation of women in pregnancy and labour is reduced to passively following the instructions of experts (physicians). Women are not expected to put in a contribution or make an initiative and some subjective impressions of pregnant women are not even regarded but are mostly ignored while the procedures are conducted according to the measures and quantitative statistical classifications. The number of errors that occur in the process is not something that the pregnant women are informed about nor it is something that the medical profession deals too much with as the errors fall into the statistical indicators that can be interpreted on one way or another. In any case, the pregnant women are not there to share their knowledge or experience of pregnancy. But, the questions of birth control,

contraception, and abortion have always been the decision for women to make and a question of self-determination. The women have constantly tried to control their reproduction through contraception since the ancient times and have always had their own decision regarding pregnancy and the size of family. Despite the fact that acting upon their own decision about reproduction was much more difficult before as they often had no say in it and they did not have the today's methods to protect themselves from pregnancy, or the reproductive technologies, they had a hard time having an equal stance in relation to their biology. But the question of reproduction is not and cannot be gender equal simply because men are not and cannot be pregnant. That is why the decisions about reproduction cannot always be made equally, especially when it comes to disagreements between the partners regarding pregnancy. This does not imply that men as partners should not have their say in it but that in a hypothetical or realistic conflict of rights (interests) of women and embryos, they are not situated between the two but on the margins of this conflict. At the same time, there cannot be a consensus about the rights of women and embryos because if the embryos gain the status of a "human being", which is what the pro-life activists advocate, then the women lose those rights, which is an absurd situation and because of this, the demands of pro-life activists for establishing the legal status of an embryo despite the wishes of a woman that carries it cannot be operationalized without endangering the women's human rights, which is something no realistic feminist discourse can support.

With the development of society and different types of transformations, changes have occurred in the medical knowledge as well as in the political and social policies regarding the reproductive rights which define these attitudes and women's knowledge about their own reproduction.⁵ During the

⁵ In USA, Anthony Comstock introduced the "Comstock Laws" in 1873. This man founded the New York Society for the Suppression of Vice and became an agent of National Postal Service which enabled him to open every postal package in a fanatic battle against pornography. In 1873, the so-called Comstock Law was adopted and it made conscious sending of obscene, lewd, or lascivious publications through mail a federal crime. The end result of Comstock's campaign was to prevent masturbation, that is, the "unnecessary" spreading of semen. The information about contraception was equal to shame. These laws were not officially refuted until the Supreme Court decided they were unconstitutional in 1965, http://en.wikipedia.org/wiki/Comstock_laws. Accessed on 28/12/2013.

1920s and the 1930s, the scientists used the increased knowledge of human reproduction and the role of hormones to develop a simple hormonal therapy for infertility. This knowledge paved the way for existing hormonal treatments, such as Clomid and Pergonal, which stimulate ovulation. It was only in the 1960s that the contraceptive pill became the most important discovery of birth control. It was distributed from the USA across the world with the spread of sexual revolution and the changes in sexual customs across the globe (Simmons, 2009). In the 1980s, the outbreak of HIV and the emphasis on the importance of condoms in public health also contributed to the change of perception of sexual life and health. In 1978, the first *in vitro* fertilization (IVF) resulted in the first live birth. This technological progress depends on experts, the physicians who are capable of transferring a woman's eggs when they are ready for insemination, inseminating them outside of women's body and then implanting the inseminated eggs (zygotes), giving woman a "hormonal cocktail" which enables the zygotes to develop instead of being rejected. The development of this technology has started many political and religious discussions. USA banned federal funds for foetal research in 1974 and the IVF research remained in private institutions and clinics, covered by a veil of controversial political decisions. However, as the market for IVF grew, so did the supply within university medical and private centres and this increased the number of fertility centres during the 1980s and 1990s. According to Debora Spar, the number of fertility clinics dramatically grew during the 1990s (Simmons, 2009: 606). At the same time, the control over autonomy of giving birth was constantly publicly challenged by the global population movements while new reproductive technologies were being developed, such as Depo Provera (1992) – the hormonal shot – and the emergency contraception or "the morning after pill" (increased dosage of normal oral contraceptives), the abortive pill (RU-486), or the medical abortion, that has not been listed as a pharmacological product in some countries, including Croatia.

At the same time, a commodification of donors and surrogacy occurred in certain countries in the world which enabled fertility to those deprived in this domain, but it turned out this fertility was just an advantage for the wealthy. The role of egg donors in the NRT raises a whole range of ethical questions. Assisted reproduction introduces the potential third parties

into the reproductive processes in several aspects. Men can donate or sell sperm, women can donate or sell eggs, and women can donate or sell their uterus and/or the capability to carry the pregnancy until the given term. Through the introduction of surrogate motherhood as a complex legal, social, and most notably, psychological question, the NRT become a global social phenomenon and a lucrative business with the developing countries selling their treatments for less money than their Western counterparts. The line between donors and sellers is very thin. It turns out that the egg donors receive bigger fees than sperm donors as the procedure is more complicated, invasive, and painful. There are no official statistics about the fees women receive for eggs but it is assumed they are somewhere between 5,000 and 15,000\$, with higher fees as a quite distinct possibility (Simmons, 2009: 607). *In vitro* fertilization implies additional 12,000-15,000\$ per cycle. This turns the fertility treatment into a very lucrative business, which is why the clinics are accused of selling hope for a very high price considering the chance for success, which is not as high.⁶ However, one might cynically observe that the satisfaction of the fertility generally only affects the wealthy.

The news about the NRT reproduction is that it appears outside the traditional nuclear family and is no longer reserved for heterosexual couples only. In an increasing number of countries, lesbians can use sperm donors and gay men can use surrogate mothers and now even the infertile women can become single mothers by choice, with a possibility of posthumous use of sperm.

NRT – a challenge to heteronormativity

An approach to reproduction outside of normative heterosexual family challenges the cultural norms and the political decisions and expands

⁶ According to Debora Spar, the number of fertility clinics has dramatically increased during the 1990s. The technologies radically improved the chance of live birth from 1996 to 2003. The live birth rates have increased to: 24% for fresh non-donor cycles, 62% for frozen non-donor cycles, 31% for fresh donor cycles, and 45% for frozen donor cycles. The age also makes a difference: the increase of rate of live births from 1996 to 2003 was by 29% for women younger than 35, 26% for women aged 35-37, 21% for women aged 38-40, 31% for women 41-42, and 9% for women over 42 years of age (Simmons, 2009: 606).

our public imagination regarding who and what constitutes a family. The expansion of NRT has opened cultural discussions about the sexual role of women, their lifespan, and the role of motherhood in female identity. The context within which certain women make individual choices about their reproductive lives is very diverse. The experience of using IVF or other NRT is complicated and painful, and raises the issue of demystification of the use of NRT. The issue of women as subjects instead of objects in fertility treatments is also raised, unlike the pregnant women as observers or incubators, as they were mostly treated throughout the 20th century. Since it is expected that the NRT will continue to expand throughout the 21st century, forming the reproductive direction of the society will condition the formation of intimate relations between the construct of femininity and the construct of motherhood, which makes NRT an important aspect for studying the meaning that is given to the babies, female bodies, and biology.

Even though the NRT expand the choices, they also result in an approach to reproduction outside the normative heterosexual family and the traditional ideas of reproduction and they expand our public imagination about who constitutes a family. At the same time, the discussion about the transformation of the family in the modern society opens up a new array of complex relations of postmodernity – women, men, and couples (hetero and homosexual) try to fulfil their individual choices about their own reproductive arrangement in various ways. The intimate relations between femininity and the construct of motherhood, thus, make NRT an important place for researching the body, biology, and politics, while the political and cultural norms about the use of contraception, abortion, and infanticide vary in geographic and historic terms.

Control of reproduction is an individual choice, but a political one as well. The government has abundant access to information and resources (Simmons, 2009). In the US, for instance, the George Bush administration tied the federally based sexual education to the “abstinence only” curriculum which does not include information about the reproductive technologies. The access to birth control also depends on economic resources. As of 2007, 26 states guarantee that the health plans have to enable that the costs of giving birth are covered fairly, but the remaining 24 states leave

these costs to the users. In addition, more than half of working women are not covered by a state-regulated health plan or do not have any funds at all. At the moment, a law which would allow the doctors to deny fulfilling prescriptions for emergency contraception on account of moral or religious objection to these medications is being discussed in the USA. Finally, most women on a global level do not have the access to self-determined birth control. In short, the access to abortion services remains politically and economically determined *par excellence*, especially in the Western countries. In the USA, the health insurance does not cover abortion as it is defined as “a private matter” (Simmons, 2009: 606), while in Canada, for instance, it is a matter of health law.

Assisting reproductive technologies (ART) refer to fast-developing technologies that help families have children. Infertility stems from various sources. Illness or treatment can cause infertility among men and women. Reproductive disorders, like low sperm count for men or endometriosis among women, can cause infertility that has a medical explanation. Aging also causes female infertility as the production of eggs decreases with age. In addition, gay men and lesbian women can experience “cultural infertility”. Even though the adults have experienced infertility throughout history, the development of medical interventions is extremely new and has raised a series of ethical, political, medical and economic issues.

Posthumous sperm retrieval can be allowed to family members (usually, the wives, but recently parents as well) in order to collect the sperm from a deceased man and artificially implant it into a woman or create a baby through IVF. The critics state that this practice breaks the fundamental right of acceptance as the deceased cannot give his consent to reproduce. The advocates claim that it allows the loved ones to fulfil the wish or a promise to create a family. The discussion on how to interpret the “rule against perpetuities” when discussing the frozen sperm or embryos as a part of the property has divided the legal and ethical community (Simmons, 607). In addition, the NRT have prolonged the age for women’s labour into their 40s, sometimes even 50s or 60s. In 2006, a 67-year-old woman used IVF to help her conceive. When her twins were born, the public was shocked and worried. The ideas of lifespan, family responsibilities about the care for the children

and the elderly, and the long-term convention about age and gender are challenged by the technologies that radically change the view on women’s reproduction. On the other hand, as the author Sylvia Ann Hewlett emphasized in her controversial book from 2002, “*Creating a Life: Professional Women and the Quest for Children*“, most women are faced with infertility in their early 40s or earlier and the publicity on unique assisted labour shapes the public imagination and creates a cultural myth about the endless possibilities of postponing reproduction. Hewlett advocates the public policy which encourages women to reproduce in their most fertile years while the critics point out that early reproduction undermines the women’s economic stability and their ability to compete for workplaces (Simmons, 2009:607).

The expansion of NRT has broadened the cultural discussion about the female life expectancy and the role of motherhood in the female identity. These discussions introduce a context within which certain women make individual choices about their reproductive lives. The experience of using IVF or other NRT can be complicated and painful. Several books that have been published put women as the subject rather than the object of fertility treatment. Among them are “*Making Babies*“, a collection of personal narratives, published by Teresa Miller, and “*Waiting for Daisy*“, a personal and political reflection on NRT. These books help demystify the use of NRT and see the meanings that the users of NRT ascribe to these technologies (Simmons, 2009: 608).

Reproduction and the concept of family

We are witnessing various changes of global family norms and social structures which are in constant motion. The families are faced with unpredictable challenges so that they and the world around them are rapidly changing. The trends within the family are the following: different family norms, altered gender roles, different and expanded direction of family life cycle, and cultural diversity with socioeconomic disparity (Monahan Lang, 2009: 271-275).

The idealized model of the American family in the 1950s as white, middle class, nuclear family, led by the father, the bread-maker, and supported

by the mother, the housewife, is no longer the untouchable or the only form of family, but constitutes a narrow part of a wider spectrum of different types of the modern family. The theorists no longer even use the term “nuclear family” as a typical model, but a term “postmodern family” is increasingly used (Stacey, 1990) – a different reorganization of today’s family life – a plethora of family cultures and structures: working mothers and households with two sources of income, divorced, single parents, remarried parents and families with adopted children, cohabitating partners both gay and straight (Monahan Lang, 2009). The families with two careers already constitute over 2/3 of all two-parent households (Budgeon, 2009). The traditional distribution of gender roles is no longer typical as the career aspirations of women, divorce, and economic pressure have turned over 70% mothers into work force. By choice or necessity, most mothers (married or single) are now a part of the working force – almost 3/4 of mothers of school children and 2/3 of mothers of preschool children (Crompton, 2006). Flexible distribution of work and quality child care is getting very difficult to achieve. It is also noticeable that more and more people choose to live as bachelors, and this phenomenon has doubled in the last two decades. There is an increasing number of young people living with their parents, postponing marriage, or coming back to parental home because of financial reasons (Akrap and Čipin, 2008).

Marriage and child care are postponed – the average age for starting a marriage for men in Croatia is 30 and 27.5 for women, in comparison to 25.5 and 21.5 in 1970. The average age of mothers at birth is 28 years and 29.5 for fathers (DZS, 2013). The single parents as families with an unmarried or divorced parent have become increasingly common. It is expected that almost half of all children and almost 60% of children from poor minorities in the USA spend at least one part of their childhood in a single-parent household (Monahan Lang, 2009: 273). The same author claims that the in American Caucasian households, single mothers constitute as much as 25% of households (5% in the 1960s) while this ratio is over 50% with the Afro-American families. The number of older, financially stable bachelors – both gay and straight – who choose to be single parents through adoption or various reproductive strategies is also increasing. Post-divorce

and remarried families become typical and the divorce rates after a steady rise in the 1970s and 1980s are now slightly below 50% for first marriages in the USA. At the same time, however, a large number of divorcees are continuing to get married so that marriage as an institution still does not lose its appeal. Heterington et al. have found that a large portion of children – over 75% – are perfectly fine after a divorce; in highly conflicting families, the children are better after a divorce than those whose parents are not divorced (Monahan Lang, 2009: 274). The children’s health development largely depends on the quality of relations between the two partners. The American Academy of Pediatrics has supported the rights of gay and lesbian parents to adopt children, citing numerous studies that found that the children in those families develop equally well, both socially and psychologically, as the children that grow up in heterosexual families. According to Sussman, Steinmetz and Peterson (1999), there is no point using the nuclear family as a standard to compare with other types of family. An increasing number of studies shows that healthy family processes of care and dedication are much more important for effective functionality and the well-being of children than the form of the family. At the same time, the deteriorating economic conditions and the dislocation of labour can have a devastating effect on family stability and well-being, inducing drug abuse, family conflict and violence, divorced marriages, loneliness, and increased poverty, living with parents etc. The economic and social conditions of women and children have been disproportionately worsened. Gender inequality is enforced in workplaces. The pay gap between women and men has somewhat dropped in the last decade partly due to decrease in men’s earnings. All these social processes affect the direction of life cycles of the families. Some become parents for the first time at an age when others become grandparents. Some start their families in their middle age. Adults that become single or unmarried couples or couples without children have different intimate relations and significant relations with family or friends, such as close relations of gay men and lesbians named “the families of choice”. NRT have enabled the concept of prolonging life while at the same time we are facing a stressful transformation towards post-industrial, technologically based global economy. The family patterns have changed through a series of mutually related

factors, mostly due to increasing cultural diversity, economic restructuring, expanding the gap between the rich and poor, aging of the society, declining birth rates, and the rise of movements for equality and social justice for women, gay men and lesbians, and people of colour. The families are faced with a future with increased diversity and increasingly complex structure in terms of gender, culture, class, and life cycle patterns.

Many of the challenges the families face do not come from the family itself but are generated through wider social processes and dynamic forces in the world around them. Throughout the previous centuries, the families have experienced many adverse circumstances. Job insecurity, health expenses, lower and increasingly uncertain salaries and pensions which causes a decline of favourable life conditions and the circumstances for pension. Worried parents are uncertain about raising their children in a hazardous and risky world and are unsure how to approach the different pressures of consumerism, Internet, and pop culture that impose their own system of values and saturate their homes and minds with destructive and violent imagery and messages. The discussions about the future of the family are situated in the gap between the fear of the present and the uncertainty of the future. At the same time, the governing policies in some countries, Croatia included, still distribute the myth of an “ideal family” which implies a strictly heteronormative matrix, even when this “ideal” does not completely fit the existing needs and challenges. Social and family scientists and researchers have become increasingly aware of the fact that the definitions of normality of an individual, a family, and social groups are socially constructed. These definitions are under the influence of subjective perception and the system of values of the wider culture and community. As the focal point they take the Foucault's critique that the theories of normality have always been constructed by the dominant groups embodied in religion and science and were used to pathologize or oppose those that do not fit into the ideal standards. In this case, this primarily refers to gay and lesbian families and the possibilities of their reproductive practice, as they have this option today through the use of NRT. Because of this, the conceptualization of family relations in a modern society has to consider the change of perspective of the changed families in a changed world.

Conclusion

NRT will continue to expand throughout the 21st century. Reproduction still remains a mysterious and engendered process. Some say that social control is necessary to shape the reproductive direction of the society, although the individuals confirm and fight against the social norms. The intimate relations between the constructs of femininity and motherhoods make NRT an important aspect for studying the meaning that is given to the babies, bodies, and biology. The institution of marriage (in the West) has been undergoing a transition since the 1960s through the invention of birth control pill, mass education, employment, and emancipation of women. Still, in the course of several decades, the marriage has been transformed from a purely patriarchal institution of domination of man, who decided everything and was “the head of the family”, while a woman was exclusively a mother and caregiver who focused her life into motherhood. She was economically dependent on her husband and lived of his mercy, both economic and emotional and she would feel lucky if the marriage had no violence. The economic emancipation of women created a possibility for economically independent life – mass divorces. Today we have an increasing number of single-parent families (usually mothers), recombined families (children from previous marriages), communal families (several couples with children), homosexual families etc. The post-industrial economy creates a post-nuclear family that has a chance of using the NRT today, and especially in the future. At the same time, cohabitation has become an accepted norm of intimate relations, either as a predecessor of marriage or its alternative, even though the legal status of this type of community is still variable. In some countries, the rights and the privileges given to legally married couples are still bigger than those for cohabitating partners, and heterosexual marriage is still the privileged form of an intimate relationship in the patriarchal societies such as Croatian. Gay marriages certainly cause privileging of the heterosexual, monogamous, cohabitating couples with children as a community that is taken for granted as a symbol of the core of society. In some countries, like Croatia for instance, the recognition of same-sex marriage has been rejected in favour of developing different forms of civil

partnership that should enable the same system of rights and privileges as a form of recognition for same-sex partners, while the marriage remains an exclusively heterosexual privilege. Within the gay and lesbian community, the failure to allow the same-sex marriage is perceived as a form of discrimination that perpetuates heterosexual privileges. From this perspective, denying the rights prescribed through marriage means endangering their status as citizens. But, there are those who believe that gay-marriage is more a strategy of assimilation into the dominant heterosexual social order rather than a radical challenge to this order. However, as we expect that, in a not-so-distant perspective, the development of NRT will open up the possibility of completely revolutionizing the reproductive relations between men and women, when this technology is developed to the possibility of developing a human foetus outside the female body, the forms of family life and gender partner relations will probably be radically transformed and will bring forth unimaginable consequences for the organization of life of family communities and the reproduction relations between the partners.

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CHAPTER 4: VIOLENCE

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HUMAN RIGHTS OF WOMEN AND THE MECHANISMS OF THEIR IMPLEMENTATION IN CROATIA WITH THE FOCUS ON REGULATION OF VIOLENCE AGAINST WOMEN**Introduction**

Encouraged by the NGO activism and the EU accession process, the Republic of Croatia has been building up its institutional and legislative framework for securing women's rights since 2000. Last decade witnessed the adoption of the *Gender Equality Act* (Zakon o ravnopravnosti spolova), the *Act on the Protection from Family Violence* (Zakon o zaštiti od nasilja u obitelji), as well as frequent changes of the labour law and the reform of the criminal legislature. In addition, a number of policy documents have been adopted and an institutional framework has been set up. However, the protection of women's rights in Croatia is still inadequate, as seen in the disadvantaged position of women in the Croatian society (Izvješće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova, 2013).

While the EU accession process has helped build the institutional and legislative framework for the protection of women's rights, it has had a limited success compared to other post-communist countries (Gerber, 2011). Some of the reasons are related to the difficulties of transposing social norms through legislation, but the problem is also the EU approach to sex/gender equality¹. Though the scope of the EU gender equality regime has constantly been expanding², it still focuses primarily on equal treatment

¹ The term *gender* has traditionally been used to describe the socially constructed identity of women and men, while the term *sex* has traditionally been used to refer to their biological characteristics. However, as noted by many feminists, gender and sex are not easily separable categories. For a critique of the binary view of sex/gender, see e.g. Butler, 1990.

² It now includes measures enabling workers to better reconcile work and family, a pregnancy directive, a parental leave directive, directives on part-time and temporary work, and a directive on non-discrimination in the provision of services.

in the labour markets³, with no hard laws on gender based violence⁴ or reproductive rights⁵. These are, however, extremely important women's rights issues.

Of these two main areas of women's rights, violence against women has been much less controversial. The recognition of the right to be free from gender based violence only requires the re-conceptualisation of the public/private divide, in order to extend the protection already offered in the public sphere (to men) to the sphere of the private, while the recognition of the reproductive rights requires radical re-conceptualisation of the subject traditionally defined as bounded, unitary self (Radačić, 2011). In the discourses on gender-based violence, a woman is presented as the subject (or rather the object) in need of protection, while in the discourses on reproductive rights, a woman is an autonomous subject who has the power to make decisions about future lives. Thus, there is much more resistance to reproductive rights. It is for this reason that this article tests the hypothesis of inadequate protection of women's rights on the regulation of violence against women in Croatia, an area where, according to political and popular opinion, the greatest achievements have been established (Nacionalna strategija zaštite od nasilja u obitelji za razdoblje od 2011.-2016., 2011: 7-8).

The paper starts by describing the concept of women's rights and its development in international human rights law. It then proceeds with a discussion on the developments regarding women's rights in modern Croatian history. After that, it examines how Croatia implements its human rights

³ For example, during the accession negotiations, gender equality issues were from the very beginning limited to the equal treatment of women and men in the field of employment and social policy.

⁴ Gender-based violence is violence targeted at women because they are women or which affects them disproportionately. See: *Committee on Elimination of All Forms of Discrimination against Women*. Retrieved from: <http://www.un.org/womenwatch/daw/cedaw/committee.htm>

⁵ Reproductive rights include the right to reproductive self-determination (the right to choose if, when and how often to reproduce and to have information and means to do so) and reproductive health (the right to attain the highest standard of sexual and reproductive health). See *ICDP Programme of Action* (1994), para 7.3. Recently, the EU Parliament explicitly stated that "the formulation and implementation of policies on sexual and reproductive health rights and on sexual education in schools is a competence of the Member States," though "the EU can contribute to the promotion of best practices among Member States." EU Parliament *Resolution of Sexual and Reproductive Health*, 2013. Retrieved from: <http://www.lgbt-ep.eu/press-releases/european-parliament-rejects-resolution-on-sexual-and-reproductive-health-rights/>

obligations to secure effective legal framework to protect women from gender-based violence, describing first what these obligations are. The paper ends by identifying successes, challenges and proposing the ways forward.

Gender equality and women's rights

Gender equality and women's rights in international law

In the early days of international human rights law, it was assumed that human rights of women would be secured simply by the non-discrimination norm, interpreted as a prohibition of different treatment (Radačić, 2008a). However, the non-discrimination norm, based on the liberal idea of equality as equal treatment, was soon shown to have had limited success. Not only did it fail to ensure that women have the same rights as men;⁶ it was inadequate to protect women from gender-specific human rights abuses, as these were outside its comparative formula of equal treatment. As MacKinnon shows, there is a built-in tension between the concept of equality, which presupposes sameness, and gender, which is socially constructed as an epistemological difference (MacKinnon, 1987: 32-33). Non-discrimination norms are thus only applicable where women are in a similar position to men (from a dominant, male point of comparison), but cannot deal with women-specific abuses.

While women suffer human rights violations that appear to be indistinguishable from those suffered by men, though even these violations might be less visible 'because the dominant political actor in our world is male,' (Bunch, 1990) or they may impact women differently from men due to their general disempowerment and different socio-economic circumstances, the most types of violations of human rights of women are determined by their sex/gender. In many instances of violation of human rights of women, sex/gender is the primary basis of violation, though it is often interrelated

⁶ For example, even though the *International Covenant on Civil and Political Rights* contains a right to non-discrimination, as well as a provision guaranteeing equal rights of women and men, it was still necessary to adopt the *Convention on the Political Rights of Women* and the *Convention on the Nationality of Married Women*.

with other systems of oppression.⁷ This is the case with gender-specific violence (such as rape, domestic violence, enforced prostitution and trafficking, female genital mutilation), violation of reproductive rights (such as forced abortions or sterilisation, restrictive abortion laws, inadequate family planning services and sexuality education), and discrimination at work place and in access to social services.

However, these issues – often termed women’s rights – have been seen as something external to the purview of international human rights law as sex-specific issues that belong to the “private sphere”, under the jurisdiction of the national states (Radačić, 2008b). Hence, the only way to make women’s rights visible was to insist on a separate body of women’s rights. This body of law, among which the most comprehensive document is the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), is built upon the insights of radical feminist theory (Radačić, 2009) which defines equality not as a question of sameness/difference, but as the question of distribution of power (MacKinnon, 1987: 40). Hence, CEDAW does not start with the presumption of sameness, but rather with the presumption of subordination of women. It specifically guarantees reproductive rights and recognises the influence of culture and tradition on restricting women’s enjoyment of their fundamental rights. While CEDAW does not have a provision on violence against women, the CEDAW Committee⁸ has made it clear that violence against women is a form of discrimination of women, prohibited by the *Convention in its General Recommendation no. 19* (1992), where violence was first defined. The Committee has established a progressive jurisprudence on women’s rights⁹.

Challenging the public/private divide and putting violence against women and reproductive rights on the human rights agenda has brought

⁷ Intersectional approaches to discrimination which focus on district harms that multiply disadvantageous women suffer were first developed by feminists of colour. See Crenshaw (1989).

⁸ The CEDAW Committee is a body of independent experts (23) responsible for monitoring the implementation of the Convention in the member states. It has three main functions: it analyses reports prepared by the states, examines individual petitions, and conducts inquiries into grave or systematic violations of women’s rights.

⁹ It’s jurisprudence is available at: www.ohchr.org.

significant advances in securing the human rights of women, but the strategy of separate women’s rights has also had its problems. It has contributed to the conceptualisation of women’s rights as different from (universal) human rights and therefore of lesser status, and it has resulted in ghettoisation of women’s rights. Furthermore, the creation of a separate body of women’s rights presupposes a binary, essentialist view of gender difference which obscures the multiplicity of identities and the inter-sectionality of discrimination, and can further entrench gender difference.

Thus, in the 1990s a new strategy emerged that argued that ‘women’s rights are human rights’ and proposed gender mainstreaming¹⁰ as the ‘global strategy for promoting gender equality’ (Kuovo, 2005). At the 1993 Vienna Conference, it was affirmed that ‘human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights.’¹¹ The Vienna Conference also firmly put the violence against women on the human rights agenda and propelled the adoption in 1994 of the UN *Declaration on the Elimination of Violence against Women* and the institution of the position of the UN *Special Rapporteur on Violence against Women, its Causes and Consequences*. Moreover, at the 1994 International Conference on Population and Development (ICPD), women’s sexual and reproductive rights were finally placed on the human rights agenda in the mainstream international human rights law.

Gender mainstreaming has had some success, including the adoption of a few gender sensitive General Comments¹² by the UN treaty monitoring bodies. For example, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights adopted the comments on the equal rights of women and men in which they analysed all the provisions from a

¹⁰ Gender mainstreaming was the theme of the 1997 session of the UN Economic and Social Council, where it was defined as the “process of assessing the implications for women and men of any planned action, including legislation, policies and programs at all levels. It is a strategy for making the concerns and experiences of both women and men an integral dimension of the design, implementation, and evaluations in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated...” ECOSOC, 1998.

¹¹ *Vienna Declaration and Programme of Action* (1994: para. 18).

¹² General Comments/General Recommendations are explanations given by the UN treaty monitoring bodies (established by different conventions to monitor the implementation in member states) regarding certain Convention rights or subjects of concern of the committees.

gender perspective, specifically referring to threats that women face in enjoyment of rights.¹³ Also, there is now jurisprudence on violence against women and reproductive rights at the UN and the European level (Radačić, 2011).

However, the integration of women's rights into the mainstream has not been complete. There is still no binding instrument on gender-based violence or reproductive rights at the UN level. It was only in 2010 that the *Convention on Preventing and Combating Violence against Women and Domestic Violence* was adopted at the Council of Europe (CAHVIO), but it has still not entered into force¹⁴. Moreover, there is a lot of resistance to the full recognition of reproductive rights – they are still thought to be under the competence of the nation states due to their alleged 'delicate moral character' (Radačić, 2011). Even though the idea of gender mainstreaming is to change norms and practices of the society which result in discrimination of women, it has mostly been applied in practice as a strategy of adding women (and stirring) to the existing structures, and has thus not been able to radically transform the system. In a way, gender-mainstreaming resulted in depoliticisation of gender by re-shifting the focus from changing power structures to the equality of treatment. Thus, the development of women's rights has come full circle.

Gender equality and women's rights in Croatia

Similarly to the developments of women's human rights at the international level, in the early years of the Croatian modern history, there was no specific mention of women's rights, though Croatia has been a party to CEDAW since 1991¹⁵. There were no gender-specific constitutional and legislative provisions or the machinery for the protection of women's rights. In the post-war transition period, women were primarily seen as the repro-

¹³ HRC, General Comment 28 (2000); CESCR, General Comment 16 (2005).

¹⁴ It will enter into force three months after 10 states (8 of which must be from the Council of Europe) had ratified it. As of 19 December 2013, 8 states have ratified it. Croatia has signed, but has not yet ratified the Convention.

¹⁵ CEDAW has been a part of Croatian legal system since 8 October 1991 and the Optional Protocol since 7 March 2001.

ducers of the nation, rather than the subjects of rights. As Tomić-Koludrović writes (2000: 14), the existing patriarchal attitudes towards women were in a post-war period additionally affirmed by "more prevalent Catholic value system ... and the eminently patriarchal war paradigm".

While the first body on gender equality – the Committee for the Promotion of Equality, was set up in 1996 as an advisory body of the Government, it was after the change of the Government in 2000, when the centre-left coalition gained power, that the situation started to change. The elections resulted in a higher number of women in the Parliament (cca. 20% compared to cca. 4% in 1990) and in politics in general. In 2000, the Constitution was amended to include gender equality as one of the main constitutional values and the Committee on Equality was renamed the Committee on Gender Equality. In 2001, as a result of the National Conference *Women in Croatia 2001-2005* held in 2000 after the Beijing +5 session of the UN Commission on Women, the Government adopted its first *National Policy on Gender Equality 2001-2005* (Nacionalna politika za promicanje ravnopravnosti spolova 2001. – 2005), in cooperation with the NGOs (Kesić, 2007: 20). In the same year, the Parliamentary Committee on Gender Equality was set up with a mandate of establishing and evaluating policy on gender equality and initiating and evaluating the implementation of gender equality principle in Croatian legislation¹⁶.

In 2003, the first *Gender Equality Act* (*Zakon o ravnopravnosti spolova*) was adopted¹⁷, superseded by the new Act in 2008¹⁸. The *Act* lays the foundation for the protection and promotion of gender equality and represents a legal framework for setting up of institutional machinery for promotion of gender equality. It defines gender equality and discrimination (including direct and indirect discrimination as well as harassment), which is prohibited not only on the grounds of sex, but also sexual orientation and marital sta-

¹⁶ <http://www.sabor.hr/Default.aspx?sec=5214>

¹⁷ The 2003 *Act* (Official Gazette (Narodne novine) 116/03) was not adopted by a qualified majority – the procedure prescribed for the so called organic laws (which regulate main constitutional values and rights), which it was supposed to be. In addition to these procedural problems, there were other substantive problems, see Tavares Da Silva and Thorkelsdottir, 2003.

¹⁸ Official Gazette (Narodne novine) 82/08.

tus. It promotes gender mainstreaming and envisages the adoption of special measures to promote equal participation of women in legislative, executive and judicial bodies and public service agencies. In this respect, it imposes a duty on the public bodies to adopt plans for promoting gender equality. The *Act* specifically deals with discrimination in employment and regulates the implementation of the principle of gender equality in the spheres of education, political parties, media and statistics, while violence against women and reproductive rights are not specifically mentioned. In its final part, the *Act* sets up the institutional mechanisms: the Government's Office for Gender Equality, the expert body of the Croatian Government, whose main duty is to set up and coordinate the implementation of gender equality policy; the Ombudsperson for Gender Equality, an independent equality body, whose main duty is to deal with complaints from the citizens; the Gender Equality Coordinators in the public administration bodies, who coordinate the implementation of the gender equality policy in their units; and county and city commissions as the consultative bodies of county and city assemblies.

In order to further regulate the principles defined in the *Gender Equality Act* (2003), two important laws were adopted: the *Act on the Protection against Family Violence* (Zakon o zaštiti od nasilja u obitelji) (amended in 2009) and the *Same Sex Unions Civil Act* (Zakon o istospolnim zajednicama) (2003). Furthermore, the last decade witnessed frequent changes of labour and family legislation as well as major reforms of criminal law in response to – to a lesser or greater extent – EU accession process. However, the issues of reproductive self-determination were avoided due to the existence of the very divergent views on the issue as well as the influence of the Catholic Church. Hence, abortion is still regulated by the 1978 *Act on the Health Measures for the Implementation of the Right to Freely Decide on Birthing of Children* (Zakon o zdravstvenim mjerama za ostvarivanje prava na slobodno odlučivanje o rađanju djece). Medically assisted reproduction became the subject of regulation in 2009 when the first Act was adopted, which was one of the most restrictive in the world¹⁹. After the change of Government

¹⁹ The *Act* originally entitled only married couples to MAR but was amended to include partners living in extramarital relationships (certified by a Notary). It did not allow for freezing of the embryos. Official Gazette (Narodne novine) 88/2009.

in 2012, a more liberal *Act* was adopted, though it cut the number of procedures the beneficiaries were entitled to without payment²⁰.

In addition to reform of the laws, a number of policy documents have been adopted in the last decade, and at the moment they include: *National Policy for Gender Equality 2011-2015* (Nacionalna politika za ravnopravnost spolova za razdoblje od 2011.-2015.), *Rules of Procedure in Cases of Family Violence 2008* (Protokol o postupanju u slučaju nasilja u obitelji, 2008), *Rules of Procedure in Cases of Sexual Violence 2012* (Protokol o postupanju u slučaju seksualnog nasilja, 2012) and *Strategy for Development of Women Entrepreneurship 2010-2013* (Strategija razvoja ženskog poduzetništva 2010.-2013.).

But despite the existence of a comprehensive legislative and institutional framework, women are still in a disadvantageous position in Croatian society, as reflected in their position on the labour market, under-representation in politics and decision-making positions, domestic and sexual violence, and threats to their reproductive freedom (Izvešće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova, 2013). While the reasons for such situations are manifold and cannot simply be addressed through creation of laws and institutions, there are problems with the legislative and institutional framework itself.

Firstly, many laws are deficient, as we will discuss in more detail with respect to gender-based violence. As regards the basic law – the *Gender Equality Act* (Zakon o ravnopravnosti spolova), it does not reach into the private sphere sufficiently enough and does not have efficient sanctions.²¹ Furthermore, the process of speedy harmonisation resulted in a huge number of normative acts which are not always compatible with one another, while the gender impact assessment of legislation has never been made. Moreover, the implementation of laws – especially those pitched at the higher policy level without clear solutions applicable in each concrete situation – is prob-

²⁰ This Act widened the beneficiaries to include to unmarried women but only in the case of infertility and allowed for the freezing of the embryo (Official Gazette (Narodne novine) 86/2012).

²¹ Positive measures are only foreseen in the 'public sphere.' The *Act* does not foresee any sanctions for direct and indirect discrimination, but only for harassment, which is an obvious omission.

lematic, as the values of gender equality underlying the laws (which are often also not clearly defined) have not been fully accepted by those who are responsible for implementation. Finally, the gender-equality laws are predominantly based on the formalistic approach to equality as equal treatment, an approach favoured by the EU as well, which cannot achieve radical transformation of social institutions.

There are also problems with the functioning of the mechanisms. Their mandates are not clearly defined and are overlapping²²; and there is also a problem with their coordination (Kesić, 2007: 84-85). Moreover, they lack financial and human resources and do not have sufficient political power. For example, instead of being a central body that advocates and coordinates gender equality policy and harmonises legislation with the *Act on Gender Equality* (Zakon o ravnopravnosti spolova), the Government's Office for Gender Equality is focused more on implementation and financing of short-term projects and programmes, such as public events and research (Kesić, 2007: 85). The coordinators on gender equality are nominated politically, and they often do not have sufficient interest in gender equality and do this work within their other tasks, without any remuneration. The regional and local mechanisms depend very much on the political will of the ruling parties and the budget of the units of local and regional government, and their members are often selected on a political basis. This is also the main selection criteria of the Parliamentary Committee, due to which there is no consensus on many of the important women's rights issues²³, and there is generally a lack of initiative in proposing legislation. Finally, the judiciary, as the ultimate guardian of the legal order, is insensitive to gender and women's rights issues, while there is a general lack of feminist education and training.

The situation has worsened recently due to the economic crisis and the resulting rise in nationalism and religious fundamentalism, with the negative effects on women's and sexual minorities rights, especially in the sphere

²² For example, monitoring the laws is a task for the Gender Equality Ombudsperson, the Office for Gender Equality and the Parliamentary Committee on Gender Equality.

²³ For example, there was no consensus within the Committee on whether the *Act on Public Misdemeanours* needs to be changed to omit the provision which criminalises sex workers.

of sexuality and reproduction, as exemplified in a recent referendum on the change of the *Constitution* to define marriage as a union between a man and a woman²⁴ and the annulment of the sexuality education.²⁵ The dominant patriarchal attitudes regarding gender equality and women's sexual freedom are also seen in the regulation of gender-based violence, which is the subject of discussion in the following part of the paper.

The right to be free from gender-based violence

Regulation of gender-based violence in international human rights law

While marginalised for decades in the international human rights law, violence against women is now firmly on its agenda. Since the mid-1990s a number of international and regional documents have been adopted which prohibit different types of violence against women, including physical, sexual, psychological and economic violence in the family, community and sponsored by state, and prescribe a wide range of state obligations.²⁶ All documents conceptualise violence against women as a form of discrimination against women which violates, impairs or nullifies a number of human rights and freedoms. All of them also note the particular vulnerability to violence of certain categories of women, such as indigenous, minority and

²⁴ The referendum was held on 1 December 2013 and 37,90% of registered voters voted, of which 65,87% were for the proposed change, and 33,51% against. Retrieved from: <http://dnevnik.hr/vijesti/hrvatska/rezultati-referenduma-o-braku---313423.html>

²⁵ Acting on the constitutional complaint by certain conservative NGOs and individuals, on 22 May 2013, the Constitutional Court annulled the decision to introduce health education (a component of which was sexuality education) in the school curriculum on the ground of procedural defects, in particular, the failure to undertake wide consultations, including those with the Committee of Parents (Constitutional Court decision U-II/1118/2013, Official Gazette (Narodne novine) 63/13).

²⁶ The most important are the UN *Declaration on Elimination of Violence against Women*, CEDAW *General Recommendation 19*, the *Beijing Platform for Action*, the *Inter-American Convention on Violence against Women*, the *African Protocol on Women's Rights*, the *Recommendation Rec(2002)5* of the Committee of Ministers of the Council of Europe on the protection of women against violence, the CAHVIO Convention. In addition to these general instruments, documents and mechanisms on trafficking have also been adopted within UN and the Council of Europe.

migrant women, women with disabilities, and the need to address the impact of cultural norms on violence against women.

The documents impose obligations to eliminate violence against women in both the public and the private spheres. The states, thus, have both a negative obligation to refrain from engaging in violence against women and the positive duty to exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the state or by private persons. A number of specific duties are foreseen, which could be classified into 3 categories: legal, protective, and preventative²⁷. Most duties concern the legal sphere. These include the duties to enact and implement penal, civil, administrative, labour, and other provisions necessary for preventing and sanctioning violence against women, taking into account the needs of vulnerable categories of victims; to keep such provisions under review and implement them effectively in practice; the duty to secure access to justice for victims (including free legal aid where necessary); and the duty to remedy violations (including compensation). It is now accepted that the duty also includes the obligation to enact legal protective measures. Connected to these legislative duties are the duties to provide gender-sensitive training for law enforcement officials, judges and other public officials; duties to secure that legal processes do not re-victimise women and duties to enact national plans on combating violence.

Some of the state duties have been affirmed in the international human rights jurisprudence. The European Court of Human Rights has dealt with cases concerning sexual violence²⁸, domestic violence²⁹ and trafficking³⁰. It has clarified that states have to criminalise all forms of violence against

²⁷ This classification is adopted from CEDAW Committee, *General Recommendation 19* (1992).

²⁸ *X and Y v Netherlands* (App no 8978/80) (1985) Series A no 91; *Aydin v Turkey* (App no 23178/94) ECHR 1997-VI; *MC v Bulgaria* (App no 39272/98) ECHR 2003-VII; *DJ v Croatia* (App no 4218/10), 24 July 2012. (For an analysis, see Radačić, 2008b).

²⁹ *Kontrova v Slovakia* (App no 7510/09), 31 May 2007; *Bevacqua and S v Bulgaria* (App no 71127/01), 12 June 2008; *Opuz v Turkey* (App no 33401/02) ECGR 2009; *Branko Tomasic and others v Croatia* (App no 45598/06), 15 January 2009; *A v Croatia* (App no 55164/08), 14 October 2010.

³⁰ *Siliadin v France* (App no 73313/01) ECHR 2005-; *Rantsev v Russia and Cyprus* (App no 25965/04). ECHR 2010.

women, including domestic servitude³¹, trafficking for the purposes of sexual exploitation³², as well as all forms of rape, including the cases where the victim does not physically resist³³; to remove the barriers for prosecution of domestic violence, such as dependency on the victim's will³⁴; and to adopt restraining orders/protective orders³⁵. It also confirmed that the states have a duty to undertake an effective investigation into acts of gender-based violence, which should be gender-sensitive and free from prejudice³⁶. Finally, the Court has also stated that the states have to implement protective measures where there is a risk to the physical integrity of which they are or should be aware. These include: ordering and implementing the restraining orders, securing police protection, undertaking searches of persons and premises, immediate action in cases of emergency calls, detention where necessary, adequate psychiatric treatment of offenders, timely assessment of risk. The next part of the paper will discuss to what extent regulation of sexual and domestic violence in Croatia is compatible with these standards.

Regulation on gender-based violence in Croatia

Family violence is regulated by the *Act on the Protection of Family Violence* (Zakon o zaštiti od nasilja u obitelji) [APFV]³⁷ and the *Criminal Code* (Kazneni zakon) [CC]³⁸, while sexual violence is regulated only by the latter. The APFV includes physical, psychological, sexual and economic violence and defines protected family members: spouses and their children, partners living in an extra-marital relationship equalised with marriage and their children, persons who have common children, close relatives, guardians and persons under their guardianship, foster families, ex-spouses or partners and

³¹ *Siliadin v France*.

³² *Rantsev v Russia and Cyprus*.

³³ *MC v Bulgaria*.

³⁴ *Bevacqua v Bulgaria; Opuz v Turkey*.

³⁵ *Bevacqua; Opuz v Turkey*.

³⁶ *Aydin v Turkey; DJ v Croatia*.

³⁷ Official Gazette (Narodne novine) 137/09.

³⁸ Official Gazette (Narodne novine) 125/11 and 144/12.

their children if the cause of the violence is their former relationship. While this *Act* introduced the protective measures/orders in the Croatian legal order for the first time (in 2003)³⁹ and provides a relatively speedy procedure, it has serious shortcomings. First of all, the *Act* is under-inclusive as partners who cannot be considered by law as living in a relationship equalised to marriage⁴⁰ are not protected. Secondly, the acts of domestic violence are treated as misdemeanours (minor offence), with a maximum penalty of 90 days. In practice, however, the most common sanction is suspended sentence and a fine (Izvješće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova, 2013: 101-104). Hence, if a person is being abused by a member of a family this will be treated as a minor offence, while the same act committed by someone else will be considered a criminal offence. As argued by the lawyer in the case of *A v Croatia* before the European Court of Human Rights, this constitutes indirect discrimination against women, who are predominantly victims of domestic abuse. Third, there are serious problems with protective orders. They are defined as sanctions, and thus become final only when the judgment becomes final, which often takes time. Some of the measures – in cases of a threat to life of a person – can be ordered even before the proceedings are instituted, but they are not independent of the misdemeanour proceedings, and these provisions have been applied restrictively.⁴¹ Moreover, the research undertaken by the Gender Equality Ombudsperson shows that the judges issue the orders very rarely – only in 25% of the requested cases, while it is only in 9% of the analysed cases that they issued them *ex officio* (Izvješće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova, 2013: 101). Finally, the breach of the order is only an action for instituting misdemeanour proceedings and issuing a fine to the perpetrator, which does not secure the effective protection of the victims.

³⁹ Official Gazette (Narodne novine) 116/03.

⁴⁰ Family law requires either that the relationship last for at least 3 years or that the partners have a common child in order for them to have rights that marriage entails.

⁴¹ For example, in the case of *A v Croatia*, the judge refused to issue the measure of prohibition of harassment where the applicant's husband, who was serving a prison sentence, was sending a private detective to find her, on the ground that there was no threat to life of the applicant.

Prior to the new *Criminal Code* (Kazneni zakon)⁴², family violence was also prohibited in the *Criminal Code* (Kazneni zakon)⁴³ which created problems of legal security, as the definitions were unclear and over-lapping. As the reaction to the European Court of Human Rights judgment of *Maresti v Croatia*,⁴⁴ which pointed to the problems in Croatian criminal legislation whereby certain acts are treated both as misdemeanours and criminal offences, the offence of the violent behaviour in the family was omitted from the new *Criminal Code* (Kazneni zakon). The idea was that the family violence would be criminalised as a qualified form of other offences. However, this was done only with respect to rape, murder and serious assault, but not with respect to other offences, such as threats. Moreover, some forms of violence, such as serious psychological abuse, can now only be prosecuted as a minor offence. The prosecutors tend to treat every form of domestic violence as a misdemeanour under the APFV, and sometimes they even prosecute both the victim and the perpetrator (Izvješće o radu za 2012. godinu Pravobranitelja/ice za ravnopravnost spolova, 2013: 65)⁴⁵.

The new *Criminal Code* (Kazneni zakon) also brought new developments with regard to the regulation of sexual violence. For the first time, the idea of consent became prominent in legislation: the *Code* introduced a new offence of the sexual intercourse without consent, whereby consent was defined in a positive manner, with presumptions of non-consent listed, such as the cases where victim is imprisoned, deceived, or where threats were used (Article 152). However, rape is still defined by immediate force or threat to life or a limb of a person, as under the previous *Code* (Article 153). Finally, the third category of serious offences against sexual freedoms was introduced (Article 154), which lists some circumstances very similar to those listed as presumption of non-consent, such as vulnerability of the vic-

⁴² The Code was adopted and came into force on 1 January 2013.

⁴³ The offence, introduced in 2000 (Official Gazette (Narodne novine) 129/00 and later amended in 2006, Official Gazette (Narodne novine) 71/06) was called violent behaviour in the family and was constituted through "violence and abuse by which one member of a family puts another member of a family in a degrading position." The penalty was from 6 months to 5 years imprisonment (Article 215a).

⁴⁴ *Maresti v Croatia* (App no 55759/07), 26 June 2009.

⁴⁵ See also pages 66-67 and 101.

tim. Hence, the relationship between the offences is not clear and neither is the model of sexuality which the *Code* promotes (Radačić, 2013). While the introduction of the offence of sexual intercourse without consent is based on a ‘consent plus’ model of rape law, according to which the submission to coercion or token acquiescence does not constitute consent (Munro, 2008; Gotell, 2008; Cowan, 2007), which supports the communicative model of sexuality, according to which there should be a communication between the parties to the sexual intercourse, the definition of rape is still based on a ‘force-based model.’ This model reflects and perpetuates a norm of a possessive (hetero)sexuality, according to which men are those who initiate sex, those whose sexual pleasure is in possessing women, while women are those who passively accept sex and whose sexual pleasure is in being possessed by men (Naffine, 1994: 13). This is the dominant model in the judicial practice, which requires serious and permanent resistance to sexual attacks from the victim, and equalises submission with consent, even in cases where force is applied, in accordance with the presumption of the women’s willingness to be sexually possessed (Radačić, in press).

The new *Criminal Code* (Kazneni zakon) also criminalised sexual harassment for the first time (Article 156) as well as buying sexual services in certain circumstances – where the sex worker is younger than 18 or where the person was forced into that position, if the customer knew or should have known about that (Article 157). These are positive changes and it is to be seen how the ‘should have known standard’ will be applied in practice.⁴⁶ However, the problem is that sex workers are criminalised under the *Act on Minor Offences against Public Order*⁴⁷ (Zakon o prekršajima protiv javnog reda i mira) and at the moment there is no political will to change this.

This brief analysis shows that the legislative framework is not compatible with the effectiveness requirement, which has also been shown in practice. Despite this, there is a lack of comprehensive research, including empirical legal research on violence against women and other women’s rights issues, and the subject is insufficiently covered in the educational curricula. With respect to law schools, there is no course on feminist theories or women’s

⁴⁶ For the problem of the standard of reasonableness in law see MacKinnon (1989).

⁴⁷ Official Gazette (Narodne novine) 5/90, 47/90 and 29/94.

rights except a course at the MA level, while feminism is only mentioned in the courses from the sociologic field⁴⁸. It is not included in the theory of law and state at all, where one would expect to find it first and foremost. Moreover, one of the contacted professors considers feminism a fundamentalist social movement⁴⁹. Judges, on the other hand, are reluctant to be trained by non-judges, in particular by non-legal professionals and women service providers, who are exactly the people who work with the victims. Institutional mechanisms do not have sufficient powers to address these issues. Moreover, they focus primarily on the EU gender equality agenda. Thus, for example, there is very little discussion of sexual violence in the report of the Gender Equality Ombudsperson for 2012.

Conclusion

This paper analysed the developments on women’s rights in modern Croatian history, focusing on regulation of violence against women, an area considered to be particularly successful. It has shown that despite the adoption of comprehensive legislative and institutional framework, women’s rights have still not been secured in Croatia, including the right to be free from gender-based violence. While the law is not omnipotent, it can and does send the symbolic messages about the social norms and values. Croatian gender equality legislation, and in particular legislation concerning domestic and sexual violence is defective in this respect. Domestic violence is not approached as seriously as it deserves to be as it is prosecuted primarily as misdemeanours, while the system of protective orders does not offer immediate and sufficient protection to the victims. The regulation of sexual violence is based on a norm of possessive sexuality, the paradigm that reflects and perpetuates unequal gender relations.

However, the hierarchical power relations between women and men, which lie at the core of the gender-based violence, are not recognised in the

⁴⁸ The author of this paper was initially denied a title in law as the National Committee for Law found her area of research – feminism and human rights – as not falling under any of the recognized branches of law.

⁴⁹ Unpublished paper “Feminism in Croatian Law Schools: A Question of Fundamentalism or Fundamentals?”, presented at Critical Legal Conference in Belfast, September 2013.

Gender Equality Act (Zakon o ravnopravnosti spolova). The *Act* is based on the liberal idea of equality as equal treatment, a dominant approach to gender equality in the EU directives, which *acquis* it transposed. Thus, the focus is on formal equality and institutionalisation. This is, however, a limited progress and has some negative consequences as well. The institutionalisation often results in passivation of the feminist movement (Kesić, 2007), while gender-mainstreaming often results in depoliticisation of gender as another mechanism of neo-liberal government. The efforts should, therefore, be placed back at supporting the grass-roots movements and empowerment of women. Gender equality mechanisms should be open for cooperation with and the involvement of the feminist movement and not co-opted in the legitimisation of the current gender order.

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YOUNG LESBIANS AND TRANSGENDER GIRLS IN SERBIA¹**Introduction***The woman's body is the terrain on which patriarchy is erected.*

Adrienne Rich (1977)

Young lesbians and transgender girls suffer a manifold discrimination – discrimination over their sexual orientation/gender identity (as they share the fate of the entire LGBT community, in addition to an even stronger denial of their right to self-determination), as women (exposed to typical forms of discrimination towards women, misogyny, and male violence², coupled with rejection from their mothers, female violence and non-acceptance³ (Holy, 1997)), and discrimination over their youth (as they suffer all forms of marginalization and belittling because of their age, in addition to ending of their education, difficulties in the labour market and in their search for work).

The sources of information on young lesbian and transgender girls and their parental families are sporadic as there has been no systematic study on this topic. In this work sources were used that contain at least some sporadic

¹ This text was written as a part of a project that the author is engaged in: “Social transformations in the process of European integrations – multidisciplinary approach”, financed by the Ministry of Education, Science and Technological Development in the period of 2011-14.

² These are mostly the documents by the Office for Human Rights and Rights of National Minorities of the Republic of Serbia, i.e. meeting records, notifications, explanations and opinions, quoted when used. National strategies were also taken into consideration, including the “Strategy for Prevention and Protection against Discrimination for the period from 2013 to 2018” (Strategija prevencije i zaštite od diskriminacije za period od 2013. do 2018. godine) [Strategija] in the Republic of Serbia, quoted when used.

³ The Mothers of transgender daughters (inclined towards male gender) disagree, as they want daughters: there are family battles over gender that the daughters sometimes solve by seeking protection from their grandmothers and aunts, relations with their sisters.

information about adolescence and growing up of lesbian and transgender girls. These are mostly the collections of memories of adult lesbians about their coming out⁴, the statements from the parents of lesbian and transgender girls⁵, theoretical works on this topic⁶, reports and documents from the LGBT organizations⁷, reports from the media⁸ and individual case studies⁹. All sources report a high level of homophobia in families that regard lesbianism as a dangerous abnormality, a sick perversion, a result of a negative influence from the West that is intentionally used to undermine the Serbian culture.

In addition to the state of lesbian/transgender girls, these sources reflect that their parents were never told at any level of their formal education that about 10% of the population is born as a sexual minority, that this state is inherent although not hereditary, that it is completely irrelevant that the families have no records of “that kind of people” from the mother’s or the father’s side; that “this” is not a fashion or a case of imitating others, that no one can become a homosexual (or heterosexual) by force or as a part of a trend; that no public displays of the existence of lesbian and transgender persons can “spoil” their heterosexual children; or that hiding the fact that “these” persons exist will prevent their homosexual children from be-

⁴ Literary works and the coming out testimonies are gathered and published as a part of regular activities of Labris and Gejten. Quoted when used.

⁵ Parent self-help groups have recently been organized within groups for the rights of LGBT persons. Gathered attitudes and statements from the parents of the LGBT children are published and quoted when used. The author of this article personally contacted and interviewed selected number of parents in order to gain more details regarding the upbringing of their lesbian daughters.

⁶ Theoretical literature was gathered in May 2013 during a study visit to the Central European University in Budapest, during which the biggest part of the major hypotheses about growing up of young lesbian and transgender girls in a homophobic and transphobic patriarchal environment were confirmed.

⁷ These are mostly regular annual reports by Labris - the organization for the rights of lesbian women in Serbia, Gejten – the organization for LGBT persons, and the GejStrejt Alijansa [GayStraight Alliance]. All reports are quoted when used.

⁸ The media reports from the last three years – 2011, 2012, and 2013 – were used and they covered family violence, public incidents, peer and school violence, due to real or assumed sexual orientation of the victims. All media sources were quoted when used.

⁹ The author of this article has personally communicated with some adult individuals whose stories of lesbian growing up she had read, in order to get a better insight into their upbringing.

ing what they are. All of this makes Fukuyama’s question whether we are poor because of the economic situation or because of our “dysfunctional social habits” all the more applicable. These are the deeply rooted habits that would be at work even if the economic situation were better and that lead us in the direction opposite of progress (Fukuyama, 1997: 20).

These dysfunctional social habits include intolerance, accepting discriminative behaviour as norm, rejection of young lesbians and transgender girls by their parental families and their exposure to the manifold risk of violence, homelessness and extreme poverty¹⁰.

A statement from a young activist for the rights of lesbians perhaps best describes their hope for change:

Deeply rooted prejudice in a society is like a granite rock – it takes a lot of work to break that granite shell. You need various tools and aids but you should never give up as this shell can break at any moment. Perhaps this year. A pride parade is one of those tools for breaking the prejudice. When they ask me why the parade, I always say it is for the children, for the homosexual children in schools, the children who are growing up in fear and with traumas. For children who lead two parallel lives – one false, an act for the family, the school, the public, and their other, hidden life. For children who do not live freely and do not breathe the air like the rest of the citizens.

Parental family

As mistreated as the members of national and religious minorities are by the general public, they are still accepted within their families and communities and are in a specific way protected by their language, culture, religion, unconditional parental love and support. This micro-social acceptance is all the more emphasized as the external rejection grows. Only lesbians and transgender girls, along with other members of the LGBT population, are the minorities that are generally rejected by the members of their own

¹⁰ One of the regular signs on all protest rallies is “I was kicked out of my home” (see: Protest za jednaka prava svih, 2012).

parental families, that is, by those closest to them, those whose support should be given unconditionally at all times. In two out of ten families in Serbia, a homosexual child suffers violence with threats of eviction (even murder) so they would not embarrass their family anymore; in six out of ten cases, the children are being convinced they are not normal and that they should be treated; only in one out of ten families, a child is accepted or its sexual orientation is ignored (which can last for a lifetime) (Mirković and Mikašinović, 2013). While the individuals in a traditional societies experience intensive solidarity in the wider community (of course the very same wider community can reject them or expose them to other forms of rejection, which can be disastrous for them and equal to a death penalty), an individual in the modern society experiences the most intensive emotional connection or rejection at the level of the nuclear family (Škorić, 2008). This makes help and support to the families of lesbian and transgender girls a necessity; a help not based on patriarchal values but on a modern system of values of respecting the differences in order for the families to be able to have a proper reaction to the lesbianism or transgender orientation of their daughters (Hewllet and West, 1998).

Safety is the main priority for lesbians and the LGBT population of all generations in general and their situations cannot be further improved without it (Strategija, 2013). The fundamental right of all citizens is the protection of their personal safety and the basic duty of each country is to ensure it (Pleck, 1987). Many authors (e.g. Stacey 1996), report that even the best families do not always serve the interests of women, their children and even many men, considering the prevalence of family violence, the most common victims of which are lesbian and transgender girls.

Lives of young lesbian and transgender girls are under strong influence of misogyny and homophobia of the social environment (Califia, 1997). This problem of denouncement and rejection that young lesbian and transgender girls are faced with in their homes in Serbia (and, undoubtedly, in other post-Yugoslav societies) is twofold. It partly stems from the ignorance of the parents themselves and partly from the very present and very loud and unanimous homophobia of the public discourse that affects the atmosphere in the schools, sports, political life, the media, and of course, the perception of the families of lesbian and transgender girls. Violence, hate

speech, and intolerance are all parts of a clear public homophobia that the state has so far not reacted to in a prompt, efficient and adequate manner. These factors have a strong influence on the private attitudes of the parental families of lesbian girls, which are marked by open physical violence, forced “treatments”, various forms of emotional pressures and blackmail, and even evictions from their home. In a situation marked by the economic crisis and high unemployment rate, family violence brings forth an increased risk of homelessness, especially among younger generations, of those exposed to that violence and rejected by their families.

An example of family violence¹¹: *Andelka arrived to Belgrade from a small town in Šumadija to study at the university. She has always been attracted to women but she was not able to express such preferences at home. In Belgrade, she finally found women like herself and started to socialize with them having long-term relationships. Since she was an excellent student, her brother, with whom she lived, did not control her. By the end of her studies, she decided to stop hiding and to start a stable relationship, leave her brother's apartment and move in with her partner. Upon realizing what was going on, her brother got very angry, as he hated “fags and lesbians” more than anything in the world, threatening to “break every bone in her body”. While he was at work, his wife, knowing that his threats are serious, advised Andelka that the best thing for her is to move out as soon as possible. Andelka quickly started packing and moving out. When she came to pick up the last of her things, her brother came back, beat her up, and threatened that if she keeps seeing “that” woman, he would find and kill both of them as “such people” do not deserve to live.*

An example of family-enforced “change”: *Suspecting that his daughter, a junior in high school, is “too interested” in girls, Nada's father*

¹¹ <http://www.okurazi.se/index.php/faq/47-andjelka> (Viewed 29 April 2013; currently not available). Web Documents of the cases reported during the project „Okurazi se“ [Take Courage] implemented by the Gayten and Labris organizations were available until April 2013 on the project's website which was taken down and was not uploaded again. Cases were prepared by Zorica Mršević and Boban Stojanović.

searched her room in detail while she was on a school trip. During the search, he found and picked a locked drawer which contained “irrefutable” evidence in the form of what he believed was lesbian pornography (these were, in fact, educative materials from lesbian groups). Under the influence of popular psychology literature which underlined the responsibility of the parents to prevent their children from becoming homosexuals, he decided to take serious actions towards “normalizing” his daughter. When she came back from the trip, he beat her up and set new rules for her, which implied her spending days locked in her room thinking about her “mistakes”. He reacted to even the slightest sign of “unfeminine” behaviour with beating and she was not allowed to go out except to go to school. As the next step, Nada’s parents forced her to undergo a psychiatric treatment in a private clinic, believing there is a right “rehabilitation therapy” for homosexuality as if it was a bad habit. Nada’s attempted suicide after her graduation and her farewell letter in which she wrote that she is a lesbian and that there is no way for her to stop being that was taken as a horrible and unfair blow from their “ungrateful” daughter. Upon her recovery, her father told her he would finance her studies but at a university in another town and that she should never come home again.

Preventing the development of a normal, innate sexuality is dangerous for children and adolescents. Rejection, mistreatment, violence and discrimination from their families, peers, and schools make the process of their maturation much more difficult and cause psychological crises, desperation, and suicidal moods. As the identity is formed by inherited (nature) and upbringing (nurture), the clash between nature and nurture brings forth an interiorized homophobia that leads to self-hatred and self-loathing (Gelles, 1995). Because of this attitude of the families, the warnings about the risk of homeless lesbian and transgender girls, especially younger ones, are becoming more common and this is even more dramatic in a time of high unemployment and the general crisis. Reproduction of homophobia is, among other things, realized through authoritative promotion of non-scientific attitudes and prejudice in the media space in the attempt to protect the “tradi-

tional Serbian values”, both religious and moral, so parents are often called out to be the actors of protection of these “right” values.

An example of public violence over assumed sexual orientation. Reaction of the parents: *On the last day of a programming seminar, a high-school student Sandra went out with the rest of the participants of the seminar to a local bar to celebrate the end of the course. Regular customers displayed typical local intolerance towards the newcomers and they immediately started verbally provoking them, occasionally throwing coins, matchboxes, and cigarettes at the group, calling them out “Are you the gay parade activists coming here to spread your perversions across Serbia”? The staff did their best to calm the situation down as they repeatedly said that it was a computer programming group and a case of promoting computer literacy, which stopped the provocations. However, when Sandra sat next to her friend Zdenka, with whom she was talking the whole time and was occasionally holding hands, touching her knees and putting her arm across her shoulder, a group of local young men attacked them again, this time focusing on the female part of the group. “You there, in the green shirt, you don’t like men, do you? You like to lick c...t more than anything?” In the chaos that ensued when the attackers started beating Sandra, Zdenka was stabbed in the stomach with a knife. Sandra was later diagnosed with a concussion and she and Zdenka were transported to the ER centre in Belgrade and remained there for a few days. Police intervened and stopped further fighting. Apart from Sandra and Zdenka who were taken away by the Ambulance, the police took the rest of the participants into custody – both the attackers and the participants of the seminar. Local attackers said they were provoked by the “gay parade propaganda” to which they reacted verbally and that they only reacted physically to Sandra’s invitation to “eat her out”. The police called all the participants of the seminar “gay parade promoters, sickos and fags” and the lawsuits were filed against them. Sandra’s father, who was divorced from her mother, used this incident to stop paying the alimony for her even though she had not finished high school at the time and was still underage. He also filed the proceedings to take*

the custody over Sandra from her mother so that Sandra could move in with him and he could prevent her from developing in the abnormal direction before it was “too late”.

The traditional institutions of social welfare still have no adequate answer to the family violence against lesbians; even the activists failed to find the resources to organize regular shelters or even define the basic principles of work. In addition, the lesbian movement is still not too favourably inclined towards transgender women, i.e. those who are believed to have an “equivalent of male identity” (Califia 1997: 3).

An example of inconsistent standpoints about the role of shelters: *Iva was tormented and occasionally even beaten at home because of her lesbianism and her parents, mostly influenced by her uncle, kicked her out of the house “for embarrassing her family”. She contacted the shelter which undertook the measures for “reconciliation” with the family: they conducted several individual and joint interviews with Iva and her parents and Iva was suggested to come back home and that she and her parents should sign some sort of agreement on mutual respect and non-violent behaviour. This was suggested as her parent categorically denied having any problems with Iva’s sexual orientation and claimed that the reason for the conflict was her “lack of respect” for members of her family and that this (and not her lesbianism) was the reason why her brothers and parents punished her physically. They also said they felt very sorry about Iva not wanting to come back home and promised not to cause any problems to her on account of her sexual orientation, provided that she is discreet about it in the future. However, Iva rejected the option of coming back home, stating that she was afraid, mostly of her father and uncle, and claiming they did not actually accept her sexual orientation and she might easily have an “unfortunate accident” in order for her family “not to lose face”, an accident that would be caused by them and which could end fatally for her. The shelter terminated her stay, believing she was not threatened with eviction but that she simply had a falling out with her family.*

The feminists reacted strongly to the shelter returning Iva to her family. They wondered whether the shelters are made for persons to be returned to their families even against their will, instead of being places of empowerment in which the sheltered persons are supported to choose where and what they want to do without being forced either way; whether the persons in charge of the shelter were aware that the families are often vicious places of homophobia, misogyny, and violence; and how could it even be possible that the LGBT shelter trusts a (heteronormative and homophobic) family/father more than the lesbian daughter that sought their protection and support. This is still an ongoing case and the answers to these questions are still unknown as is the outcome of the case.

School – the educational system

Young lesbians and transgender girls are members of every school in our society. They are often invisible, the laws that regulate the education, the curricula, the teachers and the schools ignore them; the peers brand them, ridicule and insult them, and expose them to peer violence if they notice their deviation from “what is normal” (Fetoski, 2012). The results of this are often isolation, depression, low self-esteem, victimization, dropping out or leaving school early (Puača, 2008). The results from other societies (there are no information for Serbia) show an increased suicide risk as the LGBT youth attempt suicide two or three times more than any other group. Suicides among gay/lesbian youth make up 30% of suicides among youth. The suicide rate among the LGBT youth is even higher than among the persons older than 75 and the terminally ill.

In the field of education, there is a huge lack of understanding in terms of lesbianism and transgenderism which results in a reproduction of negative attitudes in educational institutions. The school is usually the place of severe gender differentiation where the process of imposing social norms does not allow gender deviations and is particularly rigid for girls (Rapaport, 1989). Every new generation leaves school ready for violence towards different minorities, LGBT persons in particular. A possibility to pave the way for a better society for generations to come is not being used here. No

measures have been taken to increase the level of information and awareness among the people, the youth, the media, the public figures, the political decision-makers, and the educational system in general that lesbianism is not a disease but a variety of normal human sexuality; that there is no danger of spreading homosexuality by publicly talking about the topic and without any prejudice, by holding pride parades or other public events, or by giving legal acknowledgement to same-sex communities (EuroActiv, 2012).

The attitude of the society towards the different is best reflected in their attitude towards the LGBT population: 80% of high school students believe discrimination against them is justified and 38% of young men support violence against that population. The members of the Romani community are in a similar situation in Serbia as they, in addition to exposure to violence, also have a hard time finding work (Petrović and Joksimović, 2013). The adult citizens also report a very high degree of social distance towards the LGBT population as these persons are the ones they would least want to see in their environment (Diskriminacija u Srbiji, 2013).

One of the recommendations of the Commissioner for the Protection of Equality directed to the Ministry of Education and Science, the National Council for Education, and the Institute for Improvement of Education is to undertake urgent measures to ensure the introduction of affirmative and correct depictions of same-sex sexually-emotive orientations, transgenderism, transsexualism, and intersexualism in all school books (for both social and natural sciences), including the examples of LGBT individuals as a part of the historic and contemporary democratic societies. The attitude that no child or young person should be afraid for his or her own personal safety in their family or school has been adopted a while ago, but that does not seem to apply to lesbian and transgender girls, which is why postponing, especially if it is endless, is not a solution for the problem at hand. Non-discriminative education is one of the assets for the development and the current situation represents an obstacle as it is dominated by unscientific, discriminating attitudes towards almost every “other”, the lesbians in particular. This is why it is important to examine the possibilities of non-discriminatory education as the necessary tool in the battle against intolerance, discrimination and readiness for violence against everyone that is perceived as the “other” or the

“different”. These attitudes of the youth are acquired from and supported by the educational system so the changes should be made primarily in the field of education (Mršević, 2013).

An example of peer violence that the school failed to prevent: *Vera stood out in elementary school with her mannish looks and attitude but there were no problems as the students and the teachers accepted her for who she was. There was some teasing as she was openly called by the male name “Veroljub” and “Vera, my brother” etc., but Vera did not mind. The problems started as soon as she finished elementary school and enrolled into high school for technical vocations. Admittedly, the classmates did not harass her but the word soon spread throughout the school that a “dyke” started the first grade and the groups of older students showed their open intentions to give her a “healing treatment”. At first, they “only” insulted, threatened and cursed her, and then they slapped and beat her, tore her clothes etc. Vera reported each assault to her homeroom teacher but nothing changed and the homeroom teacher advised her not to “provoke” things and everything “would pass” eventually. Vera’s parents were told that the alleged accidents happened outside of school and that the school could not be held accountable for them. When the parents asked whether the school had a team for protection against violence, he said that it was not their legal obligation, that very few schools had those and that, according to his knowledge, no technical school had something like that. His exact words were: “Let us be real, we neither have the time nor the patience for some psychodrama here, this is a technical high school, not a ballet school”. Because of that situation, Vera’s parents started driving her to and from school as much as they could. Inside the school, Vera would not leave the class during recess in order to avoid older students that assaulted her in the hall or in the stairwells. When they noticed that Vera was successfully evading them, the group of assailants decided to take the initiative. During recess, they chanted “Lesbians to asylums”, stormed into Vera’s classroom, kicked several of her classmates out of her class, beat her up as an example for other “lesbos and faggots” and promised they would gang rape her to*

“teach her to be a real woman”. Vera got a concussion, a fractured rib, a dislocated shoulder, several bruises and hematoma, was sent to ER and then had to spend another month recovering. After that, the school principal advised her parents that it was in the best interest for school’s reputation, Vera’s safety, and the safety of other students in her class for her to leave school and either transfer to another school, or even better, that she finishes the class in private as she “does not fit in” with other students. They accepted the latter option “realizing that the problem was, in fact, caused by their daughter”.

Strategy for Prevention and Protection against Discrimination for the period from 2013 to 2018 of the Republic of Serbia also states, in the section concerning measures against discrimination of the LGBT persons, that the right to education has to be enjoyed without any discrimination based on sexual orientation or gender identity, acknowledging that in the area of education there is still a high degree of misunderstanding with regard to LGBT persons. This is reported in several analyses of elementary and high school books during the past decade (Strategija, 2013).

The public

Constant negative public reactions to valid requests for increase of the protection of rights of sexual minorities that are still dominant in the public discourse in Serbia still justify violence as the acceptable means of fighting the unacceptable “other”. In the dominant homophobic discourse, the same-sex love is forbidden or taboo and the people’s ambassadors animate their voters through hate speech, making use of the fact that they are protected by their parliamentary immunity¹².

“Acceptability” of violence is a clear political message that has been present in past years in right-wing meetings and rallies, and in sporting

¹²The leader of JS [United Serbia] Dragan Marković Palma has given more statements about the LGBT population than any other member of the Parliament. He repeatedly emphasized that he is against any gathering of the homosexuals as a propagation of something abnormal as normal. Because of these statements, a lawsuit was filed against him at the court in Belgrade (Info center GSA, 2013).

occasions that are an ideal public platform for expressing such attitudes. Homophobic graffiti that contaminate the communicational space of cities for months are written everywhere, especially around schools and universities. The educational system has so far failed to find the right answer and systematic solutions.

The problem is that the public perceives the existence of lesbian and transgender persons as a threat to the “healthy” or “natural” family, which is almost a regular part of a daily discourse of hatred against them. Measures need to be taken to suppress this negative and faulty perception of the alleged “danger” for the family that their existence supposedly represents. Efficient measures against hate speech are necessary, especially those that would allow for a more efficient identification, prosecution and sanctioning of the perpetrators who cause, spread, promote, and support hatred and other forms of intolerance towards lesbian and transgender persons, regardless of whether they are made on public rallies, through the media and the internet, hateful street ads or graffiti. It is important to encourage state officials and politically prominent persons to publicly advocate the respect for human rights of the LGBT population and for tolerance. Inflammatory speech by the public officials has the effect of nullifying the perennial efforts of the institutions and the civil sector to diminish the negative perception of the LGBT population among the public, it contributes to the creation of negative atmosphere in the public towards the LGBT persons, and creates a negative image of Serbia in the general international context.

Popular psychology significantly contributes to the prejudice through the promotion of the term “wrong-sex child” as if the homosexuality and transgenderism are a result of the parents’ mistakes in the children’s upbringing. According to it, the problem occurs when the parents set a certain sex as a condition for accepting the child. The “wrong-sex child” occurs in those families in which there are obstacles for accepting the child’s identity, which the psychology dubbed the “ban to be of their own sex”. Lesbians are women who experienced rejection from their parents when they were children on account that they are “not worthy” because of their sex. If a girl of the “wrong sex” realizes that the parents will accept her better if she behaves the way the opposite sex behaves, she will try to imitate the boys’ behaviour

to please her parents, develop male features, choose a male profession and spend her whole life proving that she is if not better, then certainly not any worse than men in everything that men do (Milivojević, 2013). Pseudo-scientific understandings like this are not based on results of studies but mostly on selectively chosen fiction of previous times, such as *The Well of Loneliness* by Radclyffe Hall (1928).

Under the influence of such homophobic atmosphere in the public, the results of studies conducted in the past five years show that the children and adolescents are becoming increasingly intolerant towards gay population and are open to violence against them (Živanović, 2013). A significant portion of children and youth has a negative attitude towards the atheists, the HIV positive individuals, and supports the idea of ethnically pure state. But what stands out is that the persons of different sexual orientation top this list as 36% of participants have a negative attitude towards them, followed by the atheists (23%), members of other nationalities (21,8%), HIV positive individuals (19%), and excellent students (18,9%). Men who are not sports fans are also perceived negatively as 15,3% of children and adolescents have a negative attitude towards them, followed by those who have different opinions from the majority (15,2%), members of nongovernment organization programmes (14,5%), disabled persons (14%), compatriots of different religion (11,8%), members of other races (11,2%), and women (10,5%). Studies show that the situation has deteriorated, among other things, in terms of attitude of children towards human rights, as this idea is even more distant to them than it was to previous generations (GaySrbija, 2012).

We would like to point out several aspects of the negative public perception that could certainly be improved or eliminated from the public discourse through education and which would enable a more tolerant relation towards young lesbian and transgender girls (Zaštitnik građana, 2010):

1) “The institutions should take the side of the common citizens and the majority of population”. The institutions should treat and protect the endangered rights of all citizens equally – that of the so-called “ordinary citizens”, i.e. the majority, and the rights of the minority. The logic of things dictates that in Serbia, and everywhere else in the world, the rights of minorities are threatened to a higher extent and with a higher

frequency, be they national, religious, age, or sexual minorities. It is important to understand that the rights of minorities are not contradicted with the rights of the majority and that their protection does not imply the diminished rights of the majority. On the contrary, respecting the rights of the minorities additionally increases the extent of respecting human rights of everyone, and the whole society can benefit from this.

- 2) “It is all coming from outside, from other cultures and it is being aggressively forced upon us”. There are members of the LGBT population in every country, including Serbia. Their relative invisibility in the public sphere or in the private relations until recently does not mean they appeared out of nowhere, or that they came from somewhere on the outside. They are around us, they are our children, brothers and sisters, our relatives, neighbours, colleagues from work or the university, friends we spend holidays with, celebrate New Year, support our sport teams. We sometimes know about their sexual orientation and sometimes we do not as they still often choose to lead a “double” life, i.e. decide to keep their sexuality discrete, afraid of the judgement of their society, of losing a job, of various forms of violence, discrimination, harassment, and insults.
- 3) “This cannot pass in Serbia”. Right-wing conservatives in many countries say the same for their respective countries but they have not succeeded in preventing the existence of homosexual people and their battle for human rights, equality, and protection from discrimination and violence anywhere in the modern era. Of course, apart from the tyrannical regimes which prosecute homosexuality.
- 4) “The West is against the Serbian culture”. This is just one form of the well-known paranoid anti-Serbian conspiracy theory. Even if it were true that the “Serbian” culture includes killing, violence, harassment, discrimination, and elimination of homosexual persons, Serbia would then have to change not under the Western influence but under the influence of modern perceptions of human rights and needs of the modern man.
- 5) “There are more important problems”. Everyone’s problems seem the most important to them – unemployment to the unemployed, violence to those who suffer violence, hunger to the hungry, discrimination to

the discriminated. It is hard and unjust to rank problems according to their importance. That is why political freedoms and rights exist – so that those who believe their rights are threatened or withheld can express their dissatisfaction publicly. It is wrong to believe this right belongs only to the popular groups or that only those problems that afflict all citizens or most of them can be publicly expressed. The right to express one's own problems has to be used by the unpopular groups the most precisely because of their social marginalization and rejection, because they are small in numbers and do not possess the social power to solve their problems in any other way.

- 6) "Lesbians endanger the rights of the majority that is opposed to homosexuality". No right of the majority is threatened by anything, unless this "right" implies the non-existent "right" to a life free of other, different minorities.
- 7) "Abnormality and immorality according to general standards". Minority in terms of sexuality is not a deviation but a normal manifestation of human differences. General standards as the standards of the majority are just a reflection of greater numbers and they should not be confused with normality. Human differences should be accepted, tolerated, and spread and not judged, eliminated, fought against, discredited or regarded as less valuable in any way, abnormal, even dangerous.
- 8) "Now is not the time". This attitude indefinitely postpones the inevitable reform of the educational system as a "nextopia" (a constant postponement of a solution that turns every change into an endlessly postponed utopia). Some parts of the society have matured, some have not. The question "do you support homosexuality" in a survey will always get more negative answers, but if you ask the citizens whether they support human freedoms and the right of choice, the majority will answer positively. The Serbian society, like all post-Yugoslav societies, values human freedom, the right of choice and this is what non-discriminative education should be built upon without the nextopic indefinite postponement. If we sit and wait for the change to come on its own, we would never see it – political history has shown us that the marginalized groups have always been forced to fight for equal rights. The women and

the African Americans are a good example of this. The unacceptability of the nextopia (Dahlen, 2008) that is, the indefinite postponement of a solution, lies in the fact that it not only fails to bring any changes, but the waiting makes the situation even worse.

Sports

Sports clubs and associations, and the sporting arenas are still the venues of undisturbed public display of high-intensity homophobia and transphobia that occurs as a "normal" addition to sporting duels, fan groups and chants. Legal regulations and other policies in this domain are still insufficient as the sportsmen and the audience are unprotected against discrimination based on sexual orientation and gender identity.

An example of discrimination based on sexual orientation in sports. The reaction of the parents: *Alenka started doing sports as a child in Novi Sad, she continued in Italy, where her family lived for a few years, and she eventually signed a professional contract with a major club from Belgrade when she reached the senior age. The first year was a dream come true for her in sporting terms, as she immediately gained the trust of her coach and her teammates. She was very happy with the treatment at the club, the money she earned, the life in Belgrade, and the support of the fans that she had; she improved rapidly, she was healthy, she even played for her national team. The problems started at the beginning of her second season when her coach invited her for a "friendly" conversation due to her participation in a panel for the rights of young lesbians, which made him question her sexuality. Alenka opened up and admitted she liked women, expecting his support and protection. The coach, however, expressed his disappointment and immediately let her know that she had no future in the club. He said that she would no longer be able to train with the first team, let alone play and "embarrass" the club, but that this could be avoided if she made a solemn promise to keep her sexual orientation a secret and if she stopped publicly supporting lesbians; the club could not risk losing money from sponsors and adver-*

tisements which would be a definite possibility if it got a bad reputation as a “lesbian” club. He invited Alenka’s parents for a conversation and they were deeply struck by the information that she was a lesbian and that she might end her sporting career. They said that they were afraid of drugs, alcohol, criminal – of her succumbing to the life in the big city and that she disappointed them deeply by doing the worst thing imaginable and putting her sporting career at risk with her carelessness. They fully agreed with her coach that “this” had to remain a secret and that they would do all they can to make sure that Alenka kept her privacy discreet so that she could save her sporting career.

The education of people on the existence of sexual minority rights is one of the basic problems in Serbia as no form of education has so far included even elementary information about the existence of sexual minorities. In this aspect, denying the existence of sexual or other types of minorities, or suppressing this fact – since what is not mentioned does not exist – is regarded as the “right” set of values by default. Our parents have never learned (Seksualno obrazovanje, tabu tema?, 2013) and they often do not know (or do not want to know) that their daughters are lesbians, which does not mean that they are sick, that that is a result of their mistakes in upbringing, or that it implies a bad influence by some dangerous people in their daughters’ environment.

Conclusion: the necessary changes in the institutional educational system – utopia today, reality tomorrow

Violence, hate speech, and intolerance are the aspects of a publicly performed lesbophobia to which the state has so far not had a timely, efficient, or adequate institutional answer. It is important to note that when talking about discrimination, we are often dealing with discrimination that literally presents a risk for one’s life. Discrimination that the lesbians are exposed to consists of family violence that involves being beaten up, being denied free movement, forced rehabilitations, being evicted from home. This is compounded with peer violence in schools. Street violence, violence in public

places motivated by hatred against lesbians has become a constant threat in the atmosphere of the omnipresent hate speech in which the lesbians are openly called sick, deranged, a shame for their people and family, an error in upbringing, immoral, abnormal etc. It is no wonder that the youth follow the examples of political leaders. The youth have repeatedly expressed their attitude that they regard violence against lesbians as justified. In public debates about the LGBT population, one can feel the fear of the “Different”, the very “brutal existence” of which is perceived as a provocation and a threat to the Serbian society (Pančić, 2012). In this social atmosphere, it is often the case that the victims of the violence are blamed to have caused violent outbursts with their previous “provocations”.

In order for the parental families to become a sanctuary and protection against homophobia for their lesbian and transgender girls and not the extended arm of the oppression, institutional changes need to be made, especially in the educational system. It is necessary to identify ways of setting up a system of values in which the otherness and the difference will not be perceived as a threat, as utopian as this possibility may seem from the current situation. In the name of future progress, it is necessary to dismantle the retrograde matrix based on the belief that the minority has to be in a worse situation so that the situation of the majority may improve. Regardless of how utopian that may seem today, even if we were the advocates of limited action politics (Badiou, 2008), the educational system has to be changed, at a faster or slower pace. It has to denounce the negative consequences of discrimination, violence, and intolerance towards the other and the different instead of supporting them, as this means missing out on a chance of making a new and better society for the younger generations. Discriminative content of the current educational system needs to be analysed as do the schools that do not combat expressed intolerance and peer violence openly. We need institutional research and even utopian suggestions for improving this situation. The following points are regarded as necessary (Petrušić, 2013):

- 1) the content of the teaching materials and the teachers and their educational practice should nurture the awareness of difference and promote non-violent culture, equality, and non-discriminative practice as the

- postulates of a democratic society based on respecting human rights;
- 2) to raise awareness about difference, interculturality, and common values through representation of famous persons from various ethnic and religious groups, cultures etc.;
 - 3) the teaching content and materials should present children with various models of families in the modern society (single parents, foster families, childless families, the rights of same-sex partners to have a family etc.),
 - 4) to remove stereotypical depictions of gender roles/professions and supporting variety, insisting on multiplicity and multiple layers of personal identities, valuing individuality, solidarity, and creativity regardless of sex;
 - 5) to improve the curriculum of the Civic Education so that it includes concrete workshops about the prevention of discrimination and alleviating prejudice towards children from sensitive and marginalized groups (children with developmental disabilities, learning difficulties, socially-impaired children) in all classes but in accordance with the principles of inclusive education and by using modern and adequate terminology;
 - 6) to include the elements of Civic Education into other classes;
 - 7) to make children from marginalized groups more present in the textbooks, the curricula (texts, workshops, photographs), in accordance with the principles of inclusive education;
 - 8) to introduce affirmative and accurate depictions of homosexual orientation, transgenderism, transsexuality, and intersexuality into all textbooks (for both natural and social sciences), including examples of the LGBTTIAQ¹³ individuals as a part of historic and modern democratic societies;
 - 9) to remove outdated and offensive terminology from textbooks and the curricula, and especially the content abundant with medical approaches, stating the diagnoses and prejudice;
 - 10) to use and insist on standardizing and regulating the usage of gender sensitive language and the language of non-discrimination (children and youth with disabilities and developmental problems and not per-

¹³ A broader variant of the abbreviation LGBT which includes lesbian, gay, bisexual, transgender, transsexual, intersexual, asexual, and queer persons.

sons with special needs, persons suffering from/inflicting violence and not the victims/bullies, persons using psychoactive substances and not drug addicts etc.);

- 11) using appropriate professional development to improve the knowledge and capabilities of the teachers in the domain of children's and human rights, equality, non-discrimination, gender equality, non-violence, to overcome the prejudice and stereotypes and increase the sensibility for gender contents of the teaching materials and the teaching practice.

Changes in the educational system have to be accompanied (and caused/initiated) by changes in the perception of young lesbian and transgender girls by their families. Families must work together to find a way to treat discrimination and prejudice. The question of helping the parents accept sexual orientation of their children and making their relationship more tolerant and honest has so far not been answered in Serbia (Fetoski, 2012). Facing the fact that their children are lesbians is a difficult and stressful process in which it is necessary to work together to end the silence. The parents are the only ones who can devote their unconditional care, love, and understanding to their lesbian daughters and the educational system should offer solutions and answers. It takes time and support for people to understand that being silent and hiding does not bring people together and does not support self-confidence and self-respect. The aim is for the different to stop perceiving their difference in Serbia as a fate that forces them into isolation and loneliness instead of seeing their uniqueness as the meeting point of the endless diversity and richness of the world they live in. The role of the family, coupled with the institutional educational system, is to help their children and adolescents and all others and different find this other way through acceptance and support, so that the memories of the lesbian youth like the following one can become an exception: "Adolescence is hell. But lesbian adolescence is a hell of its own. And I was the loneliest teenager in the world" (Barzut, 2012: 73).

Every discriminatory policy is dangerous. The only reasonable, the only honourable goal is a fight for the right of each citizen to be treated as fully fledged citizen, regardless of their background (Maluf, 2003). Nothing re-

garding human rights can be denied to our fellow citizens under the excuse that we want to preserve some belief, some tradition. Since we know that the driving force of a potential change does not necessarily have to be material wellbeing, we are aware that all of us – not just the countries and the politicians – are responsible for the future (Camps, 2007). New ideas on gender assignment and gender identity increasingly point out the damage that the distribution of gender role brings, as it prevents boys and girls from achieving their full potential and individuality. Providing children with a period of acceptable gender neutrality (which became increasingly popular during the 1980s and the 1990s (Coltrane, 1997) might be one of the possible ways of alleviating the rejection of young lesbian and transgender girls in post-Yugoslav societies.

Post-conclusion: Lucky Eddie – the transgender Viking, or how a comic can breed acceptance

Lucky Eddie is the best friend and the inseparable companion of Hägar the Horrible, despite the fact that he does not look at all like a “real” Viking man (Browne, 2005). He is small, has narrow shoulders, thin neck, no beard, and is dressed in girls’ clothes. The question whether Lucky Eddie was born a girl and then joined the male gender with which he identifies remains open to speculation. The decisive moment of his acceptance into the warrior Viking society is him being accepted by the head Viking – Hägar. His difference is not highlighted anywhere in the comic or articulated as a difference, and it does not even exist, as it is so invisible. It only exists in our interpretation of the comic, which is, in turn, supported by an interpretation of something that is not even there, by posing questions that were not posed (let alone answered) in the original comic, and giving our own answers to them. However, the questions and the answers brought us to certain conclusions, i.e. if Lucky Eddie is accepted by Hägar, his family, and the entire Viking society of warriors without even a single question, perhaps this comic, as conservatively patriarchal and traditional in terms of family values as it may be, may serve to pave the way for its consumers to accept gender mismatched children and young members of the family and gender

“otherness”. Moreover, perhaps it points out that this acceptance is already possible today without changing the entire patriarchal context and without a radical reform of the entire mentality.

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CHAPTER 5: CULTURE

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ELOPEMENT AND EGO-IDENTITY IN THE NARRATIVES OF BOSNIAN WOMEN

The body of scholarship on elopement is global and historical. Studies are not isolated to one region of the world, or to one historical epoch. Studies share an interest in understanding the cultural significance of elopement and how elopement reflects the individual and community social identity. While the range of scholarship is broad, a few studies of elopement will first be reviewed before introducing the question, methodology, and findings of this particular study of elopement in Bosnia-Herzegovina and its relation to Erik Erikson's concept of ego-identity.

To begin, Laura Ahearn's book, *Invitations to Love* (2004), studies the popularity of elopement in Junigau, a Nepal community, where love letter writing serves as a form of courtship and a way to initiate elopement. While not a capture marriage, the elopements described to Ahearn suggest some degree of coercion. Informants reported a spell was cast on them when they eloped or they had been the victim of magic. It was uncommon for a woman to testify to her own agency and free will in the social action of elopement (Ahearn, 2004: 111). This finding contrasts with the finding of this study where the Bosnian women interviewed articulate a confident sense of agency when recounting their elopements.

In *Our Women Are Free: Gender and Ethnicity in the Hindukush*, Wynne Maggi (2001) analyses the significance of elopements in the Kalasha community of close to 3,000 near Chitral, Pakistan. She finds that elopement establishes a special space for human agency. The values of freedom and self-respect are affirmed. Moreover, within the community itself, the elopement is a representation of an ethnic identity not only for individual women, but also for the community. In some instances, elopement is a way to leave an unhappy marriage and start anew with another husband, breaking the restrictions of a monogamous marriage. Such is not the function of elope-

ments for Bosnian women. In Bosnia-Herzegovina, elopement, as a specific marriage custom, like a traditional wedding, is intended to establish a monogamous marriage.

In a study of elopement in Cuba, Verena Martinez-Alier (1972) examines elopement as an act of deviance vis-à-vis the family's sense of honour. Social tradition emphasizes the importance of parental approval for marriage. Elopement transgresses this norm, making marriage without parental approval a *fait accompli*. After the family honour and patriarchic authority are transgressed, parents take various face-saving measures and surrender their objections to the marriage their daughter sought. The social structure, however, does not change. Parents choosing their child's marriage partner as the normative practice has greater status than their choosing their own marriage partner. In Bosnia-Herzegovina, the custom, as will be explained, is that young people choose their marriage partner.

Eloperments have also been previously studied in Bosnia-Herzegovina, and it is worthwhile reviewing a few of these studies. A book on the cultural customs of Bosniaks in Bosnia written before 1900 titled *The Life and Customs of Muslims in Bosnia and Herzegovina, Sarajevo (Život i običaji muslimana u BiH, Sarajevo)* contains a vivid account of one elopement narrated to a Croatian ethnologist, Anton Hangi (2011). In a chapter titled *Courtship (Ašikovanje)*, Hangi reports an elopement as told to him by an informer who was a member of a bridal party. A Muslim girl from a wealthy family, who lives in a town, elopes to the groom's home in another town, where a wedding ceremony then follows. The ethnographic account from before 1900 indicates that elopement is a long-standing cultural custom in Bosnia-Herzegovina.

In a study of marriage customs conducted before World War II in what at that time was called the Kingdom of Yugoslavia, Vera Stein Erlich observed a distinctive attribute of marriage in Bosnia. She writes, "In Bosnia [...] 'marriage is arranged by the children'" (Erlich, 1966: 188). Unlike other regions in the Kingdom of Yugoslavia, in Bosnia young people choose their own marriage partner. Erlich says, "In patriarchal regions [referring to Croatia, Macedonia, Montenegro, and Serbia] the bride was chosen almost exclusively and autonomously by the parents of the young man" (Erlich, 1966:

183). The situation in Bosnia was different. One way in which young people arranged their own marriage was through elopement, *ukrala se*. Erlich writes, "The most important point is that the two young people are fond of each other and that they have some means. Everything else is of secondary significance" (Erlich, 1966: 188).

Erlich observed that young women have more autonomy than young men during the elopement. She explained that "While he seldom could choose a girl against the will of his parents, as he had to bring her into their home, the girl could oppose her parents more easily and she did so more frequently. It is true that she exchanged one strict authority for another – her father's for her husband's – but she brought about this transition often in a surprisingly definite form" (Erlich, 1966: 201). This point is important. It is true: The girl goes from one patriarchal situation to another, suffering perhaps not only her husband's but also her mother-in-law's tyranny. Nevertheless, in the act of elopement, the girl shows independence. The agency of the young woman is a defining attribute of the elopement.

Dinko Tomašić (1945) discusses elopement as a cultural custom in an essay titled "Personality Development of Dinaric Warriors," an essay which discusses in broad terms the cultural attributes of the Dinaric society found in the mountainous territory of Croatia, Serbia, and Montenegro. He writes, "In the past marriage by capture took place often without the consent of the girl, but nowadays the capture is usually prearranged. A girl may elope with a man when she is threatened in marriage to a man whom she does not like" (Tomašić, 1945: 459). The elopement, as Tomašić points out, functions as a safety valve in a social structure where a girl is frustrated by the controlling rule of her parents.

After World War II, two cultural anthropologists, William G. Lockwood and Tone Bringa, made observations similar to Erlich. In the village he studied in the seventies, Lockwood (1974: 260) reported that "by far the majority of marriages, easily ninety percent are formed by elopement." Bringa (1995: 123) noted that "The most common form of marriage during my stay in the village and I believe over the last thirty years was marriage by elopement." Although elopement is common among the poor to avoid wedding costs, Lockwood (1974: 263) pointed out that in the Bosnian village he studied, members of wealthy households also married through elopement.

Elopement is different from bride abduction, *otmica*, although sometimes studies discuss the phenomena interchangeably (Kudat, 1974). The bride abduction occurs when a girl unwillingly is kidnapped into marriage. It is not her good will to marry. In contrast, the elopement occurs with the complicity of the girl but without her parents' knowledge or permission. The difference between *ukrala se* and *otmica*, though, may not be clear to participants or observers of the social action. Sometimes family members or police go to the young man's household after the elopement to ask the girl herself whether it is her good will to marry. Asking whether it is her good will is done to confirm she made this decision without coercion. Delay risks losing the opportunity to give the girl a chance to say no. Often, however, the girl answers yes if only to save face.

Given the sites of their ethnographies, Lockwood (1974) and Bringa (1995) suggest that elopement is a specific Bosnian cultural custom for Bosnian Muslim or Bosniak women, not practiced to the same degree by Serbian Orthodox or Catholic women in Bosnia-Herzegovina. They assume that Serbian Orthodox and Catholic women in Bosnia-Herzegovina married most typically through traditional weddings. Their assumptions are challenged in the results of a survey conducted after the recent war in Bosnia-Herzegovina. Mareco Index Bosnia, a survey research group in Sarajevo, included in its omnibus survey fall 2013 a question on how people in Bosnia-Herzegovina married. The result was 20,7% of 985 female subjects reported marrying by elopement (See Table 1).

Table 1: Elopements of women in Bosnia-Herzegovina, by nationality

		Nationality			
		Croat	Bosniak	Serb	Total
Elopement	Yes	19,20%	22,90%	22,50%	21,70% (214)
(ukrala se)	No	80,80%	77,10%	77,50%	78,30% (771)
	Total	100,00%	100,00%	100,00%	100,00% (985)

Source: *Mareco Index Bosnia. Sarajevo, Bosnia-Herzegovina. September 2013. Sample size in parenthesis in column total. Missing: Nationality, Other, N=2.*

The percentage for Bosnian Croat women (19,2%) was close to the percentage for Bosniak women (22,9%) and Serb women (22,5%). The sample collected with cluster sampling, where the total population is divided into groups and a simple random sample of the groups is taken, is statistically representative. The findings indicate that elopement reflects a cultural custom exemplified by not only Bosnian Muslim women, but also by Bosnian Serb and Bosnian Croat women.

Elopement as a marriage custom is declining in Bosnia-Herzegovina. In the *Mareco survey* 6,0% of the women between the age of 18 and 27 reported marrying by elopement while 32,4% of the women between the age of 68 and 72 and 36,4% of the women between the age of 78 and 87 reported marrying by elopement (See Table 2).

Table 2: Elopements of women in Bosnia-Herzegovina, by age

		Age							Total
		18-27	28-37	38-47	48-57	58-67	68-77	78-88	
Elopement	Yes	6,0%	16,3%	16,9%	25,3%	30,35	32,4%	36,4%	21,7% (214)
(ukrala se)	No	94,0%	83,7%	83,1%	74,7%	69,7%	67,6%	63,6%	78,3% (773)
	Total	100,00%	100,00%	100%	100,00%	100%	100%	100%	100% (987)

Source: *Mareco Index Bosnia. Sarajevo, Bosnia-Herzegovina. September 2013. Sample size in parenthesis in column total. In Bosnia-Herzegovina older women are more likely to have eloped than younger women. The relation between elopement and age is significant, $\chi^2 = 28.203$, $n=987$, $df=6$, $p < .0001$*

Social forces like modernization, industrialization, Yugoslav socialism, urban migration, and war impact the decline of this marriage custom in Bosnia-Herzegovina.

In the summer of 2011, interviews were conducted with fifteen Bosnian women in Republika Srpska who married by elopement. The women were Muslim and Serbian Orthodox. The interviews were arranged by "Wom-

en to Women” (“Žene Ženama”) who found subjects who had eloped and agreed to be interviewed. The interviews were semi-structured by a set of open-ended questions drawing upon a literature review and piloted during previous interviews with Bosnians in Saint Louis, Missouri. The questions were provided to an interviewer, a young woman with family from the region attending graduate school in Sarajevo, contracted by “Women to Women”. The subjects identified with the younger woman from their region and openly shared their stories as if giving advice to a young, unmarried woman. The author was present during the interviews, talked causally with the interviewees in Bosnian, and observed the nonverbal communications of the group. A few subjects asked why the author was interested in doing this research. A few asked that their names be included and mentioned in whatever publication that came out of the study. Shortly after the interviews, the translator listened to the audio recording and then recorded an oral translation of the interview into English, providing additional comments to explain particular words. The author transcribed the translation while listening to the audio recording in Bosnian and the translation. The interviews that follow reflect the social meaningfulness of the elopement as recollected after the event, sometimes many years after the event. The transcriptions are narrated in English while preserving at the same time some of the local idioms of the interviewee.

The primary question examined here is: what is the psycho-social significance of elopement for women in Bosnia-Herzegovina? The finding from the narratives of elopements by Bosnian women indicates that there is a strong, positive relation between elopement and ego-identity. Ego-identity, as conceptualized by Erik Erikson, is the feeling of being at home in one’s body and the sense of ‘knowing where one is going.’ Ego-identity seems, at first glance, to be an obvious and simple concept. Every ego has an identity, and every identity has an ego. The concept seems tautological. When, however, we separate the terms, ego and identity, the concept becomes less obvious and more complex. We can imagine egos without identities just as we can imagine identities without egos.

Erikson accounts for the development of a healthy ego-identity as occurring through eight distinct stages in a lifespan. Each stage is associated

with a specific developmental task, from which then follows a developmental crisis. The crisis is psychosocial in nature because it involves psychological needs of the individual conflicting with the needs of society. The crisis is resolved positively or negatively. In each stage, there is the opportunity for maturity and positive growth. As it successfully resolves crises that are social in nature, an ego-identity develops.

Among all eight stages, Erikson put the greatest emphasis on the adolescent period. During adolescence, the development task is transition from childhood to adulthood. Children become more independent and, at the same time, want to belong to a society and fit in. Adolescence is a crucial stage in an individual’s psychological maturation, a time for taking risks and identity exploration. It is a time when a young person’s narcissistic ego gains an identity by making a commitment. The individual chooses a future, even as the individual is determined by social conditions and historical circumstances.

A Serbian Orthodox Bosnian woman recounted her elopement which occurred when she was fifteen years old. She was from a wealthy family. As a young girl, she and her friends were very open and very hospitable. Her husband, who was not from her town and seven years older than she, worked in the police force and was visiting for training. She and her friends went out of their way to welcome him as a visitor to their town, spending time in cafes and talking with him. While she had a boyfriend her own age, she started to ask herself whether this man meant something to her. One night he picked her up and said he would like to marry her. She recalled how confident he was. This decision was a risk for him because he worked for the police. She was underage and his proposal to elope was against the law and could make trouble for his career. She said yes. One hour after midnight they eloped while her parents were asleep. A neighbour, who had eloped when she was fifteen, helped her, keeping a packed bag at her home during the evening. Her neighbour said “This is not right, but I will support you.” When they departed, her neighbour wished her luck. They went to Dubrovnik for their honeymoon. She called her mother after two days. Her mother was very sad. Her mother thought that she could solve this problem with a conversation, undo what had been done. After the honeymoon, the

couple went to her husband's village on the border near Montenegro, where there was a wedding celebration. Her husband was from a mixed village of Muslim and Serbian Orthodox Bosnians, and all the neighbours gathered to see the bride. When guests came and asked where the bride was, she was on the field with other children playing football. She received gifts from the Muslim and Serbian Orthodox Bosnians in the village. Since she was young, she was not expected to follow several traditional customs when a bride comes into her husband's house. Still, she took gifts of sugar and coffee to women neighbours and cigarettes to men. Her husband's family, who only had sons, was happy to gain a daughter-in-law. After the wedding celebration, the two families visited each other and formed the affinal relation called *prijatelj*.

After sharing the story with zest and excitement, the woman reflected on its significance for her life. She said that this decision changed her life. Without the upbringing that she had had she would not have had the courage to make this decision. The decision empowered her. It became the foundation for success in her life and her work. She returned to school, finished, and pursued a successful career. The elopement was magical, she said, giving one a stronger feeling, a sense of having done it her way. She said that she would never marry with a traditional wedding.

There is here a positive relation between elopement and ego-identity. Adolescence is a crucial stage in the human being's social psychological maturation, a time for identity exploration and taking risks. It is a time when a young person's narcissistic ego gains an identity by making a commitment. The individual chooses a future, even as she is determined by social conditions and her past. As theorized by Erikson, ego-identity affirms both the ontology of individualism and the ontology of a social group. The woman in this interview affirmed, indeed celebrated, this moment of interpersonal growth that followed from her decision to elope and resulted in a strong rather than fragile ego-identity.

An interview with another woman supports this finding. The interviewee was older when she eloped, twenty years old. She had been dating an older man who was a doctor and rich, an ideal catch. He wanted to marry her. Her parents wanted a doctor for a son-in-law. At a celebration for her

uncle who was joining the army, she met her future husband. Though initially she ignored him, he escorted her home. Every morning he came to see her at the bus station as she went to work. She fell in love with him. Her father did not like her husband's mother and did not want to be related to her husband's mother through marriage. He criticized her husband's mother for being too free. Her father did not want her as *prija*. One night she and her future husband went for coffee and dinner, and it was soon too late to return home at an appropriate time. She panicked because her father was very strict. Her husband said, let's get married now. She agreed and they went to her cousin's house. She had not taken any clothes or things, just a small bag. Without fully understanding what was happening, her cousin told her parents. When her parents heard, her mother collapsed and could not speak. Her father did not eat for ten days. When her husband's father and brothers saw they had eloped, they joked, 'Who will stay alive?' When their families later came together to affirm their affinal relation through marriage, her father drank too much and became sick. He went to the window for air, and her husband held him at the window. At that point, her mother made a joke, 'Take care of him. Do not throw him out the window'. This memory is a fond one for her.

Her husband died in 1992 during the war. They had lived together for fourteen years. The interviewee said she was happy she could decide with whom she could have those years. She is a grandmother now. She said, 'When you marry because of love, you have everything'.

Erikson's formulation of ego-identity helps us understand the feelings of this woman while reflecting on her elopement. When loving in an absolute way, she also comes to love herself. In leaving her identity as the child of her parents, she finds herself as a mature adult. She leaps into a void, into something unknown and uncertain, but still lands on her feet and stands up tall. As Erikson (1956: 235) says, play becomes freer, health more radiant, sex more adult, and work more meaningful.

The next interview was conducted in Eastern Sarajevo with a Serbian Orthodox woman. She chose to tell the story of her mother's elopement. Her mother was born in 1914. Her father had been employed in the city and passed her mother's home daily while she was in the garden. Her father

and her mother would see and greet each other. When he was coming back one day from his job, they met. Her grandmother found out and did not permit her daughter to see him. Her mother had other boyfriends, but she favoured and liked this man. One day he was passing in his car and asked if she wanted to go now. They had not made any agreement or arrangement beforehand. Her mother said yes and he just took her. This action, according to the interviewee, is a true example of what *ukrala se* is. Her mother had known her father, but she did not know what day they would elope or even if they would elope. She just left with him from her garden with nothing. The eros of this action resonates with a passage from Erikson (1956: 266), "Libido is free, must be free, for its procreative task."

The interviewee's grandmother, the mother of her mother, was wealthy, running a "han," a guest home for travellers, mentioned and described in Ivo Andrić's *Bridge on the Drina*. Her grandmother was angry that her daughter left the city to make a life in the mountains. A half year later, her mother's sister came to her mother's new home with some clothes, but her father's mother told her that they did not need to bring anything. When her father went to work and passed by his wife's former home, he left news about her mother with her mother's sister. Her father was seized by the German army during World War II and taken to Jasenovac, an infamous German concentration camp during World War II, where he was killed. At age twenty-eight her mother became a widow. She had been married for seventeen years. Her mother never remarried, living till she was eighty-six years old. Her mother had a hard but good life, raising five children who finished school, found good jobs, and married. The interviewee admired her mother, her ego-strength. Ego-identity establishes both "a subjective sense of inner unity and a feeling of integrative continuity overtime" (Berzonksy, 1992: 193).

The last interview reported took place in Eastern Bosnia with a Bosniak woman who was approximately thirty years old. She was seventeen when she eloped. In high school she was a good student, receiving high marks. Her husband and she were young. They were out walking, and he just asked her, do you want to get married. She said yes and asked when. He said now. They were speaking on Monday, and they married on Wednesday. She knew her parents would not allow her to marry. Her boyfriend's family knew of

the marriage and prepared a wedding ceremony. As Erlich observed, the boy has less autonomy in the decision than the girl because to bring a wife to the family home, the boy needs some sort of permission from his parents. Her boyfriend came in a car, she went out, and they went to his uncle's wife. She changed her clothes and put on new clothes, which she keeps to this day for memory's sake. She regrets having lost her shoes from that day.

The elopement occurred during the recent war. Her brother was swimming in the river and saw the event unfold. He went to her parents and said, "It looks as if your daughter got married." Her father was angry and cried. Her mother "went nuts." Her mother's hands shook so much she could not pour juice. During the wedding ceremony at her husband's home, they gave her a Koran as she entered the home, the wife of her husband's brother took off her shoes, and they gave her a cup of salt, wheat, and candy to throw, the wheat going into her husband's ear. They laugh about this when they recall their marriage. Two years later, when she was pregnant, they had a civil ceremony. The municipal clerks assumed that she was getting married because she was pregnant, which was amusing.

She recollected that now that she had children she understood why her parents thought she was too young to marry and recalled how her friends had remained in school and went out to cafes as young girls do. The subject, though, was happy as she recollected her elopement and life and was proud she had married this way. She and her husband made their marriage together. She still feels a little sad when she remembers the time she visited her parents' house after their marriage and her father refused to shake her hand. Elopement defies patriarchal authority over the daughter's decision of whom and when to marry. Through elopement marriage attains an achievement rather than an ascribed status.

A crucial feature of the elopement is that the girl, independently and autonomously, chooses to elope. While circumstances and conditions, often difficult, constrain and define the event, it is a choice that comes to give the young woman a strong social identity. The choice makes elopement more than behaviour; the choice makes elopement an action. While the elopement remains a behaviour governed by external circumstances and social structures, it is also more than that. It is an action where action takes into

account external circumstances and social conditions, and because of the choice being made it is not entirely ruled by external circumstances and social conditions. Childhood narcissism is not rejected but transformed, and the infantile sense of omnipotence is harnessed to a clear sense of reality.

One theme in the narratives of Bosnian women who eloped is that elopement is a better way of marrying. The formation of an achieved ego-identity is important to life and the elopement, the risk and character of the event, is fundamental to the development of women who are free and strong. One woman said, “I would never marry in the traditional way. Elopement is magical. It creates a stronger feeling, of doing it your own way.”

James E. Marcia (1966), a developmental psychologist, expanded Erikson’s work on identity and adolescence. For Marcia, a key variable lies in an individual making a commitment. Making a commitment resolves the tension between identity and role confusion and leads to the creation of an achieved identity. Before a commitment is made, a person experiences identity crises, a necessary and natural event in the life-course of an individual.

Marcia identifies four identity statuses. The first identity status is a positive and complex one, namely, identity achievement. An individual has gone through exploration of different identities, experienced a self-exploration crisis, and made a commitment as a result of this exploration. With respect to identity achievement, Marcia (1994: 76) writes, “Identity Achievements seem to have made a kind of peace with their families, whereby differences among family members are acknowledged, accepted, and sometimes even appreciated, but they are not all necessarily reconciled. Identity Achievements seem to be the most developed [...] with a greater number of them than of the other statuses on their way to establishing intimate relations.”

The second identity status is moratorium. An individual explores different identities but has not made a commitment. The individual is uncertain; a meaningful choice has not been made. On the character of this identity status, Marcia (1994: 75) writes, “Moratoriums impress one as intense, sometimes active and lively—sometimes internally preoccupied, struggling, engaging, and occasionally exhausting [...] we have found them to be the most highly morally sensitive of the statuses as well as being the most anxious”.

The third identity status is foreclosure. This identity status contrasts with moratorium. A person makes a commitment but without undergoing any true identity exploration. The individual assumes a handed-down identity. The identity and social role was chosen for them, and identity is more ascribed than achieved. In regard to this identity status, Marcia (1994: 74) writes, “Frequently, they live with or near their parents [...] they are authoritarian (they prefer to be told what to do by an acceptable authority rather than determining their own direction); set very high goals for themselves, which they maintain rigidly even in the face of failure; are somewhat inflexible in their thought processes; tend to espouse moral values at the level of law and order [...] are generally obedient and conforming; and deal with self-disconfirming information by means of either a facade of acceptance or active resistance”. Marcia (1994: 74) is most critical of this identity status; he adds, “They report, and their families report, a great deal of closeness and warmth. Upon closer examination, this ‘family love affair’ seems to be contingent upon the Foreclosures’ continuing subscription to family values; remember, they are the identity status who does not explore”.

The fourth identity status is identity diffusion. This identity status lacks the positive attributes of three previous identity statuses. There is no existential searching for an identity. Nor there is any identity commitment. The individual stays in the amorphous state of identity diffusion, resulting in social isolation. Marcia (1994: 76) writes on this identity status, “Identity Diffusions have the most difficulty thinking under stress, conform the most to external demands, are the most susceptible to self-esteem manipulation, and have the lowest levels of development of moral thought.”

Notice that in Marcia’s typology the least socially isolated identity status is identity achievement rather than moratorium, foreclosure, or identity diffusion. The individual’s autonomy and the individual’s integration into a social world occur simultaneously in the course of the individual’s action. The outcome of elopement for the Bosnian women interviewed for this study was the identity status that Marcia formulates as identity achievement.

The identity crisis that Marcia formulates as foreclosure is dramatized with psychological depth in the works of the Serbian author, Borisav Stanković. Stanković’s most well-known novel published in 1920 is *Impure*

Blood (Nečista krv). The novel depicts the plight of a young woman unable to free herself from the customs and social restrictions of her oppressive and patriarchal community. The drama is realistic and painful. This theme is repeated in a short story titled, “The Dead Man’s Wife,” selected, edited, and translated by Svetozar Koljević in the anthology *Yugoslav Short Stories*.

In this short story, the tragedy of the central character named Anica is foreclosure. It is difficult to tell where her family’s goals for her leave off and where her goals for herself begin. She becomes what others, namely her unruly brothers, intended her to become, namely, a wealthy man’s wife, a man with whom her drunken brothers arranged an unwanted marriage. Her beliefs about herself become identical to her brothers’ beliefs about her. Her identity is concealed in a rigid role; her ego disappears.

The following passage suggests the instability and fragility of her identity:

“And almost in fear, apprehensively, having kissed the cross, she lights the candles for him with even greater haste, and then, as if anxious to get through it all as quickly as possible—she does not kneel, she falls on to the grave and sobs: ‘My poor Mita!’” (Stanković, 1966: 97)

Her grief for her deceased husband, who was a controlling cold figure in her life and toward to whom she had no real emotional attachment, is performed ostentatiously and mechanically. The overriding anxiety and isolation of this identity status in the life of Anica is depicted keenly by Stanković. Consider still another passage:

“And she is indeed waiting impatiently: she is afraid of something, particularly of the width and vastness of the road, of everything, of the people walking on it. And as soon as she feels that her little son has come back to her, taking her by the hand, she goes on, at once.” (Stanković, 1966: 99)

At the end of the story, Anica has no ego at all, no ego strength, to enter an arranged second marriage after her first husband’s death to a man she

truly loves and pines for and who loves her as well. Ita, the man who she herself would have chosen to marry if she had had a choice, proposed to marry her as a widow and her brothers accepted the proposal. She, instead, chose to marry the man her brothers initially proposed for a second marriage, a man she did not like, indeed a man with uncared for children and a man she despised as much as her first husband. When given the chance for happiness and joy in life, she refused to take the chance. She lacked the ego-strength to make this choice. Her identity status digresses from foreclosure to identity diffusion, baffling both her brothers and her mother with her unstable behaviour and fragile sense of self. The rigidity that characterized her personality as a wife becomes brittle and shatters.

A crucial feature of the elopement is that the girl makes a choice independently and autonomously. While circumstances, conditions, and timing, often difficult, constrain and define the event, it is nevertheless a choice that comes to give the young woman who makes it an achieved ego identity. The choice makes elopement more than behaviour; the choice makes elopement action. When successful, childhood narcissism is not rejected but transformed, and the adolescent’s infantile sense of omnipotence is harnessed to a clear sense of reality. A well-known passage from Erikson frames the psychological significance of elopement for the women in Bosnia-Herzegovina who shared their accounts.

“It is only after a reasonable sense of identity has been established that real intimacy with others can be possible. The youth who is not sure of his or her identity shies away from interpersonal intimacy, and can become, as an adult, isolated or lacking in spontaneity, warmth or the real exchange of fellowship in relationship to others; but the surer the person becomes of their self, the more intimacy is sought in the form of friendship, leadership, love and inspiration”. (Erikson, 1980: 67)

The women in this study believe that the formation of a strong ego-identity is an important part of a healthy, successful life.

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A “GIRL” IN THE YUGOSLAV FILM AND INDEPENDENT NATIONAL CINEMATOGRAPHIES: HISTORICO-ANTHROPOLOGICAL INVESTIGATION OF CULTURAL IMAGERIES

The character of “a girl” in the Yugoslav films often carries an inscription of anthropological archetypes, Balkan cults and rituals beyond the early ideological inscription of equality reserved for “women”: after a brief period of sympathy toward the gender emancipation between 1945 and 1964, “girl” usually stays with its old attributes and narrative patterns such as fear, danger, taboo, violence, death. This character is distinguished by the richness of meaning or imagery, from the ethical paradigm to the victim/holiness, from the metaphor of simplicity to the metaphor of complete incomprehensibility to the dominant patriarchal imagery. Alleged distinct discontinuity of these entangled narrative strategies in independent national cinematographies should not be deceiving: some elements of the old invention of a “girl” can be identified in the new imaginaries.

In the following part will be analysed movies by directors France Štiglic, Puriša Đorđević, Veljko Bulatović, Aleksandar Petrović, Dušan Makavejev, *Snjeguljica i sedam patuljaka* (*Snow White and the Seven Dwarfs*) by Walt Disney as a popular culture’s referent invention and a more recent production, such as *Klip* (*Clip*), directed by Maja Miloš.

A “girl” as a socially conditioned and culturally adapted identity belongs to the complex of the liminal phase of the rite of passage. In many societies, this liminal phase is more complex, traumatic and socially riskier than the rites of passage for boys. The dangerous virginity and taboos related to it for the offenders in the liminal status in the ancient Greek texts was decisively detected by Nicole Loraux¹. Based on the well-argued hypothesis that in

¹ Loraux, N. (1985). *Façonstragiques de tuer une femme*. Paris: Hachette.

the domain of gender anthropology exists a continuity of patriarchy on the Balkans from ancient times to today, we may try to document this long period and portray it in the field of culture in the periods of great ideological turmoil. In other words, we want to depict the endurance of basic narrations in the “cracks” of narratives and the dynamic (speed) of exchange of discursive models, in the “perishability” of ideological innovations exposed to the corruption of the adaptable and commodious patriarchy. The outcome of the argumentation is ambivalent – the patriarchy can be best described as a *bricolage*, a system of continuous improvisations in cooperation with the ruling ideologies and general mechanisms of power, and the ideological narratives themselves are often unstable and ephemeral. Thus, I place my methodological framework into the historical anthropology with narrow links to some other sociocultural and anthropological approaches. The basic motivation for this paper and its usability in the modern humanistic landscape lies primarily in the feminist theories and practices.

This paper, thus, relies on the theory of social drama by Victor Turner and the “thick description” method by Clifford Geertz, although it uses the social drama primarily as media and genre interpretation of certain narratives, while in the domain of symbols the emphasis is placed on arbitrariness and the strategies of commodity. The second important source are the works by Pierre Vidal Naquet and Alain Schnapp who, unlike Nicole Loraux, tried to find the constructs of the liminal phase of Greek antiquity in the visual domain (painted vases) and not just texts.

In her newest academic product about girls, Catherine Driscoll² quite expectedly deals with girls and the pop culture of today, but a large part of the book’s introduction is dedicated to the cultural and historical aspects of “girls” in Western cultures, from Antigone to today, and to reading great authorities whereas the feminists are somewhat set aside. She opens up the question of ambivalent relation of feminism and a “girl” through absence rather than the presence of a problem. On one hand, the numerous biographic and autobiographic testimonies of feminist authors from the fields of academic education and literature and arts talk about radically, that is,

² Driscoll, C. (2013): *Feminine Adolescence in Popular Culture and Cultural Theory*. New York: Columbia University Press.

patriarchally and according to rules performed rites of passage: a woman remembers her girlhood from a distance, with humour, irony, horror as if it were another person, someone that she is not at the moment. A political text of deconstruction of virginity and the crucial role of the text of rebellion definitely underlines this. On the other hand, the feministic discourse of female protection, confirmed by the global institutional interest for population, especially in the less developed countries, has what we call paternalism inscribed within itself. It seems to me that the solution for this is not an almost fan-like susceptibility of certain feminists for everything that the electro-techno-economical commodity can turn a “girl” into; this might be a mere sign of commodity from other domains or a different approach to “branding”.

One could say that the feminist academic population is still theoretically and methodologically ambiguously divided about the problem of a “girl”.

A “girl” within the framework of Balkan anthropology of gender is an axis of several narrative models that I attempt to chronologically limit to the second half of the 20th century and the start of the 21st century. In terms of dramaturgy and genre, they could be described in the following way:

- 1) Normal liminality – (cause: the other, internal punishment) – leap into irregular liminality;
- 2) Individual choice – (cause: sacrifice, predominant ideology) – fall into normal liminality;
- 3) Excessive liminality (obscure reason: “society”) – return to conditional liminality.

From the historically anthropological perspective, the second narrative model corresponds to the impact brought on by the ideology of communism and the practice of (primarily Yugoslav) socialism. The first corresponds to the types of civic morale of the 19th century and is based on the Western narrative model. The third would be the narrative model of the recycled post-modern arbitrariness, fitting the neoliberal commodity. All three narrative models yearn for deconstructive interpretation as they repeat, intertwine, and unexpectedly revise themselves through time. By limiting myself only to film, I somewhat reduce the number of possible interpretations. I will demonstrate the first narrative model on a highly symbolic example with a

direct transfer of messages – the first feature-length cartoon by Walt Disney from 1937, *Snow White and the Seven Dwarfs*.

Snow White and the Seven Dwarfs is one of the most powerful and influential global cultural markers of the 20th century, a product of pop-culture that marked the end of an unexpected and therefore successful revolution of the (female) gender that started with the World War I and finished with the end of the Great Depression and the preparation for World War II. World War I conditionally helped the women's right movement, especially in the Anglo-American world. This victory in the USA was accomplished at the expense of rejecting the synergy with the Afro-Americans, which was crucial for the success of this movement in the 19th century abolitionist and feminist movement. The trauma of rejecting racial equality over acquiring the votes from the senators from southern states stretched throughout the entire 20th century and left a crucial mark on the American history in the second century of this federation, let alone the mark on feminism. The political outcome, regardless of the narrative helpfulness of the war, was not the immediate consequence of the war situation. However, the situation of women probably was – when included into production, media and other professional domains where they were not previously present due to economic and social needs, they fundamentally changed their bodies due to working conditions, speed and efficiency (short hair, short skirts, pants, loose clothing, comfortable footwear). Numerous killings and mutilations of male bodies in the European fronts showed better than ever before that a usual European war of dynasties between crowned cousins about colonies had turned into a massacre because of weaponry that had never been used in warfare before (poisons, new types of cannons, tanks, machine guns, motor vehicles, aviation, radio/telephone/telegraph information); this massacre, thanks to the media, photographs, and film, had come into people's homes before the survivors returned. The entire European literature bears the mark of dealing with women after World War¹³; the anger towards the survivors was faced with the socio-economic success of the new media, most

³ See Higonnet, M. R. (1999). *Lines of Fire. Women Writers of World War I*. New York: Plume; Higonnet, M. R. (2001): *Nurses at the Front: Writing the Wounds of the Great War*. Boston: Northeastern University Press.

notably the film. It is there that the ambivalent relation towards women was adapted to the wide array of consumer goods, from pornography to religion and the misogynist point was diluted. Women and children, who were practically unthinkable factors in the distribution of goods, started gaining huge influence. Paradoxically enough, misogyny was limited to elite artistic domains... Carried by the wave of consumerism, women could never go back even if they wanted to. The industry started large-scale production of objects that were portrayed by the media as women's desires. It was almost expected that the media, most notably film, use the new body and the new woman to weather through the economic crisis from the late 1920s. A Hollywood character of independent, liberal, often divorced, rich, spoiled, and silly woman was created that brings the man, crushed under the boot of capitalism, back to life and gives him purpose⁴. Of course, the corresponding genre – the screwball comedy – contained a message about the lack of plausibility of the plot, consequently the information that what is going on is not real, much like in comedies by Aristophanes, but the character of powerful and emancipated women got through to the real questions regarding not only rights but also their realistic position in the society. This was the case in the 1949 film *Adam's Rib* by George Cukor – who also made the 1939 film *Women* without a single male character – even though it is obvious that everything that women do and what happens to them refers to men. The therapeutic effect of the protagonists of the screwball comedy can be traced in the media, the ways of thinking and the box office success of these characters on a global level as the cinematographic industry progressed. In this historically anthropological perspective, the first major backlash of the 20th century had to occur and it did in the same space of media and society. Not only were teen stars with inscribed virginity, for example Deanna Durbin and Judy Garland, being introduced but the *film noir* also appeared and in it the predetermined and disempowered possible winner of World War II – the unscrupulous, cold, calculated woman – was often a criminal. When their teen-star expiration date passed, Durbin and Garland immediately jumped into *film noir* – emancipatory liminality was

⁴ See Slapšak, S. (2001). *Ženske ikone XX veka*. Biblioteka XX vek: Beograd.

no longer possible. The film imagery created the fatal woman as a preventive measure in order to keep the World War II as exclusively male. Unlike the vamp, the character that marked the era of World War I and the silent films, the fatal woman is usually punished... A completely different world was being prepared in the USSR where the independent and emancipated woman was still useful in war efforts. After World War II, the imagery drifted apart so much that the open resistance to Hollywood found its place in the European popular culture. Aseptic Doris Day, the epitome of conservatism, is contrasted to Anna Magnani, the left-wing sex symbol, and Brigitte Bardot, the bourgeois pop-product...

One must interpret Disney's *Snow White* in this context, the incomparable product of propaganda of a Nazi-sympathiser who also succeeded in the planetary patriarchal world. Without any hesitation, the cartoon suggests the imagery of girl that the patriarchal world needs: from tabooed relationship to older women (gender knowledge banned) ready to unpaid work and sexual exclusiveness. However, Disney incorporated a whole series of additional mythical and cult elements of a "girl" into this character that could be represented as bonds between various cultures, including some unpredictable ones – the cartoon was a huge success with the Japanese audience as the female character with white face was familiar in local folklore. The female climacteric, verbal abilities, authority, and the work of women in science (the evil stepmother) were shown within the framework of the top/bottom, castle/basement laboratory imaginary space, which is an image of a European university within a city. The evil queen is reading scientific literature, experiments, checks the quotes and then suffers a mutilation, i.e. climacteric. Snow White almost *de facto* dies in the liminality of the rite of passage in the woods (fall into the nether world) and wakes up in America – there is no doubt, because she is surrounded by American animals, not present in Europe at the time – raccoon, chipmunk, blue magpie, cardinal (raccoons were only later naturalized in Europe). She performs her new liminal phase by taking over the pioneer status of a woman (normal liminality) in the atmosphere of an American university – campus in the woods, accompanied by the dwarves who keep their frat house in a recognizable disorder and who accept her discipline. This is followed by another death, traumatically tied

to the symbol of material knowledge (an apple) and the final detachment from the world of female wisdom and transfer of knowledge (the death of the witch), and the rite of passage ends with the sexual initiation. Snow White's mobility is abolished (the Prince carries her from the moment she wakes up) and is finally brought to a castle with the Sun, the male deity, glimpsing in the background. The danger and the taboo of virginity is best seen in the first scene when the Snow White and the Prince meet: her stare, like the stare of Medusa, can be spellbinding and that is why the glances meet, like on the Greek vases, through mediation of mirrors – the surface of water. The Prince and Snow White see each other for the first time in the reflection in the well. To be precise, the prince cannot directly look at her eye to eye due to her spellbinding virginity and so the acoustic identification goes first (the song) followed by the taboo-resistant visual identification.

As paradoxical as it may sound, by introducing the myth and the cult in the genre marked by "childish" features, Disney managed to offer a model that would, not any less paradoxically, ensue in all narrative and ideological variations. By this, I do not imply only the Soviet cartoons, but the unexpectedly numerous instances in the post-World War II Yugoslav cinema that problematizes the "girl" in a wide array from myth and cult to modern genres and ideological strategies. The position of Disney's industry is of historical importance here, through obvious benefits regarding the copyrights and free access that marked the generations after World War II to the 1990s in Yugoslavia.

The post-war Yugoslav cinema is marked by the patterns that translate the new ideology. We may see a good example of this in two films by Vjekoslav Afrić – *Slavica* (1946) and *Hoja! Lero!* (1952). While Slavica (Irena Kolesar) can be compared to the characters of Soviet heroines and the national imagery of virgin sacrificed for the collective at the expense of completing the rite of passage, the ancient Slav Voljenka (Dorothea Matulić), starting from her name itself ("the one with the will"), shapes the mythological pattern that is legitimized in the history to promote the ideology of that time. An independent girl that makes free choices and does not let the patriarchal intervention into what she regards as her own area of action – choosing a partner. The contextual difference is obvious: Voljenka is a cultural product

of a country that has broken off its ties with Stalin. Voljenka's clothes, which reveal more than they conceal, are in accordance with the mixed message of the film that would like to offer its audience the exotic (the "Hawaiian films"), folklore (heavy academic variant), atheism, and patriotism. This mixture was a complete flop with the audience that waited in line to see the *Bathing Beauty* with Esther Williams (1944) when it came to Yugoslav cinema theatres roughly at the same time. Voljenka uses her almost nude body just like Esther Williams – to express her will and take "her" man, and she does not shy away from using force and speed in doing so. In both cases, the character of a "girl" that controls her liminality is connected with narratives that in this case are perfectly coincident, despite the fact that they bear contrasting ideological indices. A much bolder interpretation in this line was done by Vladimir Pogačić in *Anikina vremena (Anika's Times)* (1954), the first Yugoslav film that came to the American cinema theatres. Instead of a legitimizing myth, Pogačić decided to deconstruct the still untouchable misogynist Ivo Andrić, and support the emancipatory politics using Freud's psychoanalysis and Balkan folklore. Anika is a "girl" whose chosen one cannot accept or consume her normal liminality, burdened by the problems with his sexuality (guilt, blame, transfer, impotence). Thus, Anika ends her normal liminality with a leap into irregular liminality through which the whole patriarchal community feels threatened, so much so that the Muslim and the Orthodox unite against the common danger for the patriarchal order. The execution – the sacrifice of the irregular liminality – is performed as a part of the unconscious in a collective – by her mentally retarded brother Pepi. The film still remains one of the most profound works of art against patriarchy in the entire Balkan region. Pogačić used a piece of classic literature to promote the politics of emancipation and freedom against patriarchy. For how long did this message, completely in line with the ideological presumptions of that moment, remain contemporary?

Throughout his work, France Štiglic interrogated a new possibility of gender definition brought on by the new ideology. His film, *Dolina mira (Valley of Peace)*, 1956, script by Ivan Ribič, sets an African-American into a fairy-tale environment who then becomes the "mother" and the guardian angel of two children who speak different languages (Slovenian and Ger-

man). Decades would have to pass before such presentation of gender and race appeared in the Western cinema, especially American. The transfer and examination of gender was also performed in the popular film *Ne plači, Petere (Don't Cry, Peter)*, 1964, the script was co-written with Ivan Ribič. This was the first Yugoslav partisan comedy that includes smart and mysterious women in its plot – leaders and commanders that lead men who are arrogant, self-confident and less competent to manage complex actions. Štiglic's *Deveti krug (Ninth Circle)* (1960 script by Zora Dirnbach) is even more relevant for this topic. The narrative basis is individual choice and the sacrifice of a girl – but outside the expected ideological model. The young Jewish girl Ruth made her own choice to stay in her liminal status without ending the ritual. In the final scene, her formerly unwilling but now truly in love young husband comes to the camp to free her; this act terminates his social status as on his way to the camp he hits and possibly kills his former schoolmate, now a member of the Ustashi. He and his wife climb over the wired fence while it is not electrified. She is barefooted and tormented as who knows what happened to her in the camp. From the horizontal perspective, their bodies intertwine a certain text that is revealed once she reaches the top. At the top, Ruth smiles and lets him know that she will not cross, he understands and the searchlight that turns on marks their fate. This is an ethical move, the only solution in a world where living like a human being is no longer possible. This "girl" regards her liminality as the end of humanity in general and makes a free, humane and dignified choice.

After the period from which the examples above stem, the imagery of the Yugoslav cinema started showing the ambivalence and distrust towards the narratives of emancipation. The reasons for that can be found in the changes within internal politics: after the break-off with Stalin, the opening up, especially in terms of culture, was desirable and in accordance with the external representation, but not any less risky for the internal stability of the one-party system. Many authors believe that a shaping of a special Yugoslav Stalinism occurred – which was, after all, the constant argument of every opposing action since 1968. The "liberal opening up" gained new forms in the culture, after the Congress of the Writers in Ljubljana in 1952; among the more expected ones were the modern arbitrariness and tolerance

for the freedom of the art form, but not for socio-political topics. While the domain of visual arts got broader horizons for an open dialogue with the world, considering the caution for political sensibility of the government that is reflected in successful Yugoslav art projects of the time, things were more complicated for the verbal and visual-performative domain. The situation was even more complicated by the censorship, which was excluded from legal documents, but existed in other forms – like controlled “reactions” by working class - printers in the case of books, stage workers in theatres and similar. If an artist or anybody in the public discourse wanted to express some kind of criticism, and even if he/she did not want but happened to express something unwanted, there may have been a case of political condemnation, which was almost always followed by legal repression, according to the ominous article 133 of the Penal law. The body-art and happenings, for instance, by Marina Abramović in her early days, were tolerated by the regime, but even a naive public reference to poverty, social injustice or nomenclature’s privileges would start an avalanche of consequences.

The appearance of psychoanalytical prose, especially concerning the National Liberation War in Yugoslavia and the attempts at surrealism as the only communist-approved avant-garde movement since pre-war were the signs of this fear and self-censorship, often commodified by the paronymenklatura networks. This can be observed in the film production as well as in literature. Can one suspect that a certain aberration occurred in the relation towards the ideological text or has the ambivalence that was inscribed into the political practices achieved a new relationship between the proclaimed ideology and the on-going behaviour? The ambivalence is particularly reflected in the example from 1962, a “girl” in *Prekobrojna* by Branko Bauer and in *Kozara* by Veljko Bulajić, in which both parts are played by the same actress – Milena Dravić. In *Prekobrojna (Superfluous)*, we are faced with a world in which emancipation, as it seems, never happened (late ‘50s, early ‘60s), which would mean that the prescribed communist ideas are some 15 years late. Is this a rural environment? One cannot say that as the “emancipation” of the city girls is reflected only in the clothes, technical appliances (radio) and different ways of communication. From the same starting point in their conquest of emancipation, a rural girl has

a marked advantage – social and cultural unprivilegedness of her partner who is incomparably less successful than her in the process of socialization: he is not successful in his own male group nor among women. Then where does the success of *Prekobrojna*, a girl able to socialize with men, women, and children, lie? Bauer’s message is well-hidden but powerful: as diverse as patriarchy’s adaptations to the new emancipatory ideology and social system may be (rural rejection and the ethical adaptation of a rural Dalmatian, consumerist adaptation of students from Belgrade, the resourcefulness of the main character that is equal to initiation), the female part of the society (with only slightly reduced obligations towards the patriarchy) experiences and internalizes the change incomparably faster and more easily.

Unlike the socially successful *Prekobrojna* which fulfils its ideological demand without raising awareness about it (socialism is natural), the liminality of the heroine in Bulajić’s *Kozara* is ended with a rape as a basic condition for liminality that can only end in death. Bulajić’s girl from *Kozara* can only become a hero if her liminal phase is radically interrupted without the possibility of repetition. She does not even have the option to “understand” the social change and adapt to it; her socially accepted future partner (love), who is again played by the same actor as in *Prekobrojna*, Ljubiša Samardžić, becomes a hero without investment or interrogation. For a raped girl, there is no chance of re-socialization, coming back to life and the liminal phase, or acquiring the status of a hero, which would be step away from the existing models of behaviour in the similar plots of partisan films. Frighteningly simply put, the girl from *Kozara* has to die and the enemies that raped her have to be blamed for her death: the patriarchal order must not be endangered by a single narrative outburst. At the same time, two films offered two diametrically opposed options of the imagery of a girl. One had a better perspective in the Yugoslav cinematography – it was the one by Bulajić.

This change can be seen in a very specific subgenre of a girl in the Yugoslav cinema that unequivocally flirts with ideology in a tempting key. One such film is *Devojka (Girl)* (1965) by Puriša Đorđević and it reflects the traits of all movies by this director, but Đorđević’s construction of a girl is paradigmatic for the whole area of meaning. This girl is a symbolic character that ritualizes the social, cultural, and anthropological narrative; she is al-

ready dead when we first meet her, her monologue is full of poetic formulas that are recognized in a well-defined literary discourse and her communication with others in the narrative space of the film is in complete contradiction with the range of the discourse of her monologue. This second, “communicative” girl talks and acts in a dispersive and fragmented world of arbitrary memories, narratives of the “accidental” that gain meaning in her tragic and unjust end. The uncontrolled stream of thought with notable absence of terms, marks, synthetic attitudes that would be connected with real events (war, violence, crime, injustice) should actually emphasize the injustice of the events that destroy the everyday life and her ultimately innocent inhabitants. To think about a shoe in mud instead of horrors of war and its injustice (which also includes the shoe in mud) is clearly indexed as less intellectual and rational, therefore, closer to female than male. Thus, a girl is not able to heroically contextualize her state that is unambiguous from the start – death. With this attitude, she does not increase the horror of her imminent death – it is already defined by her situation as a girl – nor does she draw more sympathy. She is supposed to carry the most symbolic weight related to her commonness – she is the “any girl”. Her second communication code, however, seriously deconstructs the first. For instance, her internal monologue is an example of surrealistic stream of thought that is not spontaneous but highly artificial apparatus for the production of meaning: this common girl is even credibly fit for this monologue than in her previously described communication code but she gives precise highlights of her emotional and cultural status – yearning for love, a peaceful life, understanding the reasons and the conditions of war, grieving over not experienced fullness of life, the seeming blame, the need to run away, the need to resist. It is a wide array which lacks no markings of ideological orientation. We may easily distinguish the poeticism of ideologically filtered Yugoslav post-war surrealism, the only pre-war avant-garde movement that was completely acceptable (including its surviving representatives) for the Yugoslav nomenclature – as already noted above. The girl is poeticized through the use of this discourse, somewhere to hardly tolerable extents. Her sublime poetic monological character is thus completely separate from the first – the girl is constructed schizophrenically. Did this schizophrenic construct have a con-

nection with the ideological narrative? It most certainly did. First of all, she is a complete opposite to the German officer, a murdering criminal, as her randomness and insignificance is contrasted to his banality of the criminal everyday life. Two everyday lives are contrasted but hers is poeticized. The poet-collective is superior to officer-collective, it is the victor, first the moral and in the future the real one. And that is because it can poeticize the reality. In the cultural life of his time, Đorđević’s artificiality was intended for the elites, that is, the elite nomenclature, and the key to this seduction was the (in reality impossible) elitization of the collective, the “common”, the lowest among the common – a girl. This creative idea of Puriša Đorđević received rewards almost on a regular basis.

Unlike Đorđević, the films of Aleksandar Petrović, especially the ones dealing with the topics of Romany, exclude every aspect of a girl that could refer to her internal life and objectify the female body as the object of (futile) male lust. In *Skupljači perja (I Even Met Happy Gypsies)* (1967), a girl is predominantly a sign of Bora’s incompetence and inability to become clean (before the rite of passage) and to go through with long used sexual initiation with her – the girl is a symbolic object, something that has to be owned, the guarantee of lost innocence. The social danger of this obsession is clear. Under Petrović’s direction, the ultimate manhood (Bekim Fehmiju) cannot fulfil himself without gender transgression; to make things clear, Bora has to willingly shed his own blood in an obvious manifestation of pleasure. Erased as a character or a message carrier, Petrović’s girl returns “with a vengeance”, as the crucial anthropological figure of his every narrative construction, as a possible written record of collective responsibility towards the other – the Romany. The significance of Petrović’s intervention can best be seen in comparison to Kusturica’s commercialization of symbolism and aggressive offering of all services of the “wise colonized”.

Probably the most complex and culturally the most provocative approach to a girl is offered by Dušan Makavejev. We could say that the starting point of his construct of a girl is the end scene of Želimir Žilnik’s *Raniradovi (Early Works)* (1969): a revolutionary group has to turn against the girl and exclude her from the plans of utopia through a ritual murder. Everything else, all the discourse politics and arrangements is a lie. Such a radi-

cal accusation of regime's hypocrisy could have two outcomes – one that we may trace in the misogynistic stream, first in the “black film”, then in the commercial production from the '70s and in the terminal stage of pro-war and Neo-Nazi films such as *Lepa sela lepo gore* (*Pretty Village, Pretty Flame*) by Srđan Dragojević (1996); and the second as the re-examination of women's history as the alternative history of predominant discourses – which Makavejev conducted successfully and systematically.

The three girls from Makavejev's films clearly determine the critical and anthropologically not any less interesting construct of girlhood: sexual freedom of choice and the pleasure that the patriarchal society inevitably punishes (*Ljubavni slučaj službenice PTT – Love Affair, or the Case of the Missing Switchboard Operator*, 1967); the revolutionary potential, simultaneously and equally dedicated to sexual and political initiation in line with the pre-supposed valid ideological principles and which the ideological system does not accept but persecutes (*Misterije org(ani)zma – W.R.: Mysteries of the Organism*, 1971); and finally, the panoramically grotesque aspect of girlhood in all forms of discursive deviation – national, patriarchal, pop-cultural, consumerist, and restrictively ideological (*Nevinost bez zaštite – Innocence Unprotected*, 1968). Makavejev's films deconstruct all forms of a “girl” that the culture of the 20th century created as a supplement to the rite of passage and its narration, with specific narrative constructs of the ideological and cultural system described earlier.

I will not dwell on the “black wave” of Yugoslav cinematography that does not put the girl into a focus of a certain ideological imagery – this place belongs to misogyny as the metonymy of anticommunism. After the downfall of Yugoslavia, especially in the framework of war, the national cinema did not bring any innovations into the multi-layered character from earlier films. So, as an example of terminal re-patriarchalization outside the prescribing patriotic and patriarchal framework, I will only take *Klip* (*Clip*) by Maja Miloš from 2012. The film, mostly consisting of smart-phone recordings, reveals the reduction of a girl to an exclusive and willing sexual object. The girl no longer has any discourse but the language of her group, her initiation and the liminal phase have been abolished to serve the male emancipation of generation groups. This process definitely does not lead

you to believe that patriarchy is forgotten; on the contrary, new rituals are introduced that are incorporated into behaviour conditioned by commodities. The “commodity” implies useful social behaviour that ensures the status in a certain group so it is not strange that the “commodity” of the girl from *Klip* is, among other things, the situation in which her chosen sexual dominator kicks her in the head and beats her into a bloody pulp. Sexual freedom and complete submission of the object suit the new patriarchal paradigm that is best verbalized by folk singer Ceca in her new song: “I love the taste of the sole of your shoe”.

It is quite clear that the “girl” narrative was a fertile ground for discursive strategies of the new ideology in Yugoslavia after the WW II and after the war of 1991-1995 in which the state was eventually decomposed. The interesting side of this re-invention of the “girl” was that the notions of purity, innocence, fragility and innovation were less used than anthropologically documented stages of girls' transition (*rite de passage*), which enabled the new story-makers, especially in film, to invent more complicated and ideologically more demanding, sometimes quite provocative constructs of early female sexuality. No doubt that many of these discursive strategies were serving the underlying patriarchal narratives which survived and cohabited with the communist discursive flow. The question is, where and how these modes of cohabitations were cut or destroyed.

The simplest answer to this deterioration of narration and discursive strategies is the lack of ideological framework that would direct and control the narration. However, is this a structural change of patriarchy? I think it is just another adaptation but it is a significant one: the character of a girl had to be destroyed as it allowed a relatively wide array of meaning and discursive changes.

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THE ANALYSIS OF FEMALE CHARACTERS IN THE PULA FILM FESTIVAL AWARD-WINNING FILMS 1992 - 2011

Introduction: The media construction of women

The question of portrayal of female characters and their relationships in literature was put forward by Virginia Woolf in her 1929 essay *A Room of One's Own*¹, and several decades later the feminists and the female scientists dealt with this question by testing movies and other products of the cultural industry. The common traits of high and popular culture in the Western

¹ When analyzing the portraying of female characters and the depth of their relations in literature, Virginia Woolf wrote: "But how interesting it would have been if the relationship between the two women had been more complicated. All these relationships between women, I thought, rapidly recalling the splendid gallery of fictitious women, are too simple. So much has been left out, unattempted. And I tried to remember any case in the course of my reading where two women are represented as friends. [...] They are now and then mothers and daughters. But almost without exception they are shown in their relation to men. It was strange to think that all the great women of fiction were, until Jane Austen's day, not only seen by the other sex, but seen only in relation to the other sex (Woolf, 2003). "[...] Suppose, for instance, that men were only represented in literature as the lovers of women, and were never the friends of men, soldiers, thinkers, dreamers; how few parts in the plays of Shakespeare could be allotted to them; how literature would suffer! [...] literature would be incredibly impoverished, as indeed literature is impoverished beyond our counting by the doors that have been shut upon women" (ibid., p. 85).

societies are reflected in the objectification of the female body as a spectacle to be looked at (van Zoonen, 1994: 87). In addition, women are often portrayed through stereotypes, that is “a generalization about an entire class of phenomena based on some knowledge of some members of the class” (Wood, 2009: 122), and the gender stereotypes often overlap with multi-dimensional notion of gender roles that denote “a whole spectre of traits, behaviours, attitudes, activities, norms, obligations, and expectation that the society and the culture assigns to and expects from individuals depending on their assigned gender“ (Đurković, 2012: 12).

The media provide us with the “models of what it means to be male or female“ (Kellner, 1995: 1, quoted in Wood, 2009: 257), and these depictions, especially those aimed at the younger audiences, use especially traditional stereotypes according to which “the female characters go shopping, take care of their looks, they are emotional and involved in the household chores, while the male characters are portrayed as the ones who work, create, fight, and think (Walsh and Ward, 2008, quoted in Wood, 2009: 264). Smiljana Leinert Novosel states that the media depictions are dominated by two basic female stereotypes: the submissive, family-oriented female character, subordinate to man, and the negative, difficult, aggressive, cold and calculated female. On the other hand, the male characters are stereotypically portrayed as aggressive, strong, feisty, high earners and individuals with high social status. The “good” women, however, “put their professional career in second place, only as a supplement to their primary role in life” (Leinert Novosel, 1999: 123). Following this binary logic, the media mostly present four types of relationships between men and women: “women’s dependence versus men’s independence, women’s incompetence versus male authority, women as caregivers versus men as breadwinners, and women as victims and sex objects versus men as aggressors” (Wood 1994, quoted in Leinert Novosel, 1999: 124). Consequently, the female characters in stories and movies can only be “supporting characters, such as mothers, brides or villains” (Pearson and Pope, 1981: 4, quoted in Södergren, 2011: 1) or solely a support to the main male protagonist, i.e. shown in relation to “their man”, which means they can only be mothers, house-wives or mistresses (Haralambos and Holborn, 2002: 952).

Ultimately, it seems that the media constantly teach us that the women should be enemies. When examining the movies for teenagers from the 1940s to the 1970s, Megan Stemm-Wade (2012:620) found patterns that prepare girls for a “lifetime of struggle with other women”. When criticizing consumerism through depiction of girls on the film, Nina Power (2009: 42) states that the idea “that straight women are constantly ‘competing’ for men is an awful one” but that it is certainly expected of them. Cinematography (Hollywood included) for the most part ignores the theme of female friendship (Vojković, 2008: 93). Constructing women as rivals, most often fighting for the man’s affection, is one of the ways to prevent them from empowering themselves and working together. So it is no wonder that the first movie to deal with this topic is the 1991 film *Thelma and Louise*, which “celebrates two women’s determination in dealing with more earthbound predators [...] and then the massed forces of patriarchy as represented by the police” (McNair, 2004: 140)². As Luce Irigaray (1985) points out, the way the patriarchy constructs women is dominated by the rivalry between them as merchandise that obtain their value through their relationship with a man.

Female characters as objects of the male gaze

As was already mentioned, one of the main traits of the Western patriarchal culture is the exposure of females to the gaze of (male) audience. This question is most discussed by the feminist film theory, by analyzing the gender dimension of the gaze and the construction of women and men as objects of voyeuristic pleasure in the products of the Hollywood film industry. In this respect, one should mention the “male gaze” theory introduced by Laura Mulvey in her 1975 essay *Visual Pleasure and Narrative Cinema* in which she used psychoanalysis to uncover the patriarchal patterns in the depiction of women. The “male gaze” implies the viewers’ tendency to see

² The protagonists are running away from the ‘female space’ bound to the house, and are entering the male space on open road. Brian McNair (2004: 140) points out that male-centred road movies also end this way, and the movie can be interpreted as a “feminist redefinition of the male genre – road movie – in which women play the role of male buddies” (Vojković, 2008: 93).

the movie from the perspective of the male protagonist and the tendency to perceive women as objects, that is, the ones who are being looked at.

According to Mulvey (1999: 835), the film provides many pleasures, including scopophilia – deriving pleasure from the act of looking – which Freud associates with perceiving other people as objects. Another important pleasure that the movie fulfils is the narcissistic identification. Jacques Lacan explains this as the mirror stage, i.e. the act of children recognizing their own reflection between the age of six and eighteen months that creates a sense of pleasure and a feeling of wholeness and completeness (ibid., p. 835-836). The mentioned aspects of taking pleasure in looking are mutually contradicting as “the first, scopophilic, stems from the pleasure of using other person as an object of sexual stimulation through the gaze”, while “the second, developed through narcissism and the construction of ego, stems from identification with the observed image” (ibid.). The patriarchal logic of the classical Hollywood film helps understand the mentioned contradiction by merging the man’s complete pleasure in one. The film narratives are dominated by the distribution into active and passive, in which the man is an active centre of the plot and the one that the viewers identify with, while the woman is the passive one, i.e. the observed one, the one subjected to the gaze and the one which represents the erotic object for both the main male protagonist and the audience (ibid., p. 837-838).

Going deeper into the narrative analysis and the critique of the very psychoanalysis based on the patriarchal ideas, Mulvey states that in terms of psychoanalysis, a woman represents a bigger problem: the lack of penis causes the threat of castration. The male subconscious finds two ways to suppress the fear of castration. The first is to re-enact the original trauma by exploring the woman and demystifying her mystery, combined with devaluation, punishment, or saving the guilty object (woman), which implies voyeurism. The second represents a complete suppression of the fear of castration by turning the female figure into a fetish, thus making her something that causes peace and satisfaction and not fear, which could be considered as a fetishistic scopophilia (Mulvey, 1999: 840). The woman is turned into a fetish or is being observed, and is ultimately punished by being forced to die, or to be saved in order to fit into the patriarchal society (Vojković,

2008: 75). Therefore, the Hollywood film objectifies women through the male gaze that in turn projects its own fantasies on female characters in two ways: the voyeuristic, which sees rebels as seductresses and prostitutes, and the fetishistic, which implies an obedient and repented woman portrayed as the Virgin Mary (Sassatelli, 2011: 124).

The critique reproached Laura Mulvey’s absence of the female audience and female subjectivity, as well as the impossibility of women’s pleasure in looking which stems from the psychoanalytical framework set in this manner³. When reviewing some of her earlier theories, Mulvey states that the female audience does not identify itself only with the passive image of femininity, but it can also take over the male point of view (1989, quoted in Vojković, 2008: 77-78). Kaja Silverman believes that both men and women can assume the male gaze, and Teresa de Laureatis claims that a female viewer simply does not take on the perspective of the male character, but identifies herself with both active and passive role (1980, quoted in Sarnavka, 2010: 115).

Another noticeable trend is the objectification of the male body in the modern Hollywood film, which problematizes not only the heterosexual female voyeurism but the ways the male body is represented in order to avoid homosexual connotations and maintain the activity and control of the main male character. However, despite possible alternative perspectives, the narrative and visual codes in the modern Western patriarchal culture, both in Hollywood films and other media, mostly have the ideological function of placing the audience in the role of the ‘male’ observer of the objectified female body (van Zoonen 1994: 97-104).

Women in the Yugoslav and modern Croatian film

The Yugoslav self-governed socialism had a significant impact on the social status of women, not only in formal terms. After the World War II, women were given the right to vote, and a notable rise was noted in the number of women who were working or getting their education. This sys-

³ A good review of different perspectives on these questions is given by van Zoonen (1994: 87-104).

tem had the least effect on the private sphere, as women still performed all domestic chores (Leinert Novosel, 1999: 30-32). However, there was an idea of two working parents which was seen in innovations such as “reproductive rights of women, socializing the child care, mandatory paid maternity leave, care for pregnant women, and the guaranteed return to employment after labour” (ibid., p. 32).

In accordance with the social changes, the “action women” appeared in the Yugoslav cinema – the heroines were the Partizan women involved in the fight against fascism, participating in work actions, knowing what they want (Vojković, 2008: 95-96). However, there are other perceptions which concentrate on the patriarchal discourse of films from this period in which the female characters were completely irrelevant and extremely objectified through sex scenes. The question arose: “who and why reduced the whole universe of mind and gender to meowing, having labour in the woods or in a horse carriage, and shagging (between spouses, lovers, or just a casual shag – which was the most common)?” (Pulse.rs, 2010).

When Yugoslavia fell apart and the Republic of Croatia became independent, the public disapproval over “what the communist had done to women” appeared (Leinert Novosel, 1999: 41) and new values were promoted as an attempt to completely redefine their social status. A transformation in the system of gender values occurred in two transitional phases: the nationalist, which marked the 1990s, and the integrationist, which marked the 2000s. The themes of the public and the political discourse in the nationalist phase were dominated by the construction of the Croatian statehood that was replaced in 2000, after the fall of the nationalist regime, by the integration into the European Union (Bijelić, 2006: 241). Repatriarchalisation and retraditionalisation, most symptomatic for the nationalist phase of transition, are the most evident in the radical decrease of economic and political power of women and the ideological construction of woman-mother “as an ideal for the female population who takes care only of her family and children, and she abandons the labour market and becomes a completely ‘private entity’” (Leinert Novosel, 1999: 41). In this period, especially in the context of war events, the media are dominated by the imagery of a “new Croatian woman” as a mother, educator, caregiver, or

a victim, and the extremely negative and sexist depiction of women that did not fit into this ideal. On the other hand, certain steps forward are made in the integrationist phase, mostly due to European aspirations, in terms of institutional and legal changes with the aim of achieving gender equality and including the question of the women’s rights into political and media discourse. However, as noted by Bijelić (2006: 243), these changes were not reflected in the cultural sphere which was still dominated by the deeply rooted patriarchal patterns.

The mentioned transition phases were reflected in the Croatian cinematography which was, according to Pavičić (2011), dominated by the two main stylistic tendencies: the self-victimization film, and the normalization film. The first tendency was increasingly apparent in the Croatian cinema of the 1990s up until the death of President Franjo Tuđman in 1999, i.e. in the nationalist phase of transition. The self-victimization film is symptomatic of the societies that felt like victims, and it is characterized by “extreme propaganda, persuasive rhetoric, strong black-and-white characterization, usage of ethnic stereotypes with common hate speech, epic and melodramatic components and a whole range of generic locations (Pavičić, 2011: 21). The specific gender constructs in such movies, as well as in most movies from this period, serve the official politics and the dominant ideology. This way the female characters were devoid of any political importance and were reduced to the most traditional roles, while the men were portrayed as warriors and leaders (Simić, 2011). When the nationalist regime changed, the normalization films appeared and they included characters ready for change and active solution of problems (Pavičić, 2011: 21). However, it seems that the positive changes noticed in the Croatian movie industry in the integrationist phase of transition did not have a positive effect on women in the Croatian cinema – whether they are behind or in front of the camera, they are marginalized, silenced and completely irrelevant as subjects (Kodrnja, 2009; Simić, 2011).

In sum, it can be concluded that the Croatian cinematography, both independent and a part of the Yugoslav cinema, mostly promoted the official policies and dominant (gender) ideology. The main features of female characters in both periods are marginalization, objectification and passivity.

Methodology

As was previously stated, the methodology of this study relies on the application of the Bechdel test. The aims of this study were to: 1) determine whether the award-winning films of the Pula Film Festival (1992-2011) pass or fail the Bechdel test; 2) analyze the presence of gender stereotypes, that is, the traditional gender roles and ways of portraying female characters through gender stereotypes, traditional gender roles and the (im)possibility of determining their professions, 3) determine the existence of relationships between female characters and analyze the nature of these relationships; and 4) determine the presence of the “male gaze”, i.e. observing the movie from the perspective of the male protagonist along with the objectification of women with regard to punishing or saving the “disobedient” woman.

Additional qualitative methods, such as content and narrative analyses, were used to determine the complexity of the female characters and their mutual relationships and uncover the gender stereotypes.

Bechdel test is a simple method to test the presence, activity, and mutual relationships of female characters in a movie. It is mostly conducted on films from the Hollywood film industry, and it was designed by Allison Bechdel in her 1985 comic *Dykes to Watch Out For*⁴ in which one of the female character tells the other that she only watches movies that meet three basic criteria: 1) that it features at least two female characters with a name who 2) talk to each other about something 3) other than a man.

This rule was soon taken as a method for uncovering inadequate and unrealistic representations of women in the Hollywood industry. The most common version also requires the first criterion to state that the female characters have to be named and this type of test is used to test movies on the Bechdeltest.com⁵ website. This version of the test was also used in this work, since it is well-established as a standard and since giving the name denotes the identity of a woman that “is not referred to by the description or job title” (Lawrence, 2011: 1).

⁴ The copy of the original comic is available online (Oudaily.com, 2012).

⁵ This website contains the database of movies tested by the users, and by 26th July 2013, 4154 films were tested and 55,4 % passed the test, meeting all three conditions (BechdelTest.com, 2013).

The test was subjected to numerous criticism and doubts which emphasize the rigorousness of its application, taking into consideration the validity of what it reveals about the attitude of the film industry towards the female characters. One of the arguments is that “if you [...] expand the third condition only slightly to ‘something besides men or marriage or babies’, you can strike out about 50% of the small proportion of mass-entertainment movies that do otherwise seem to pass the test” (Stross, 2008). The following question also arises: “If a conversation has multiple topics [...], does a reference to a man at any point within the conversation invalidate the entire exchange?” (Lawrence, 2011: 2), and there is a suggestion to supplement the third condition with the rule that the conversation has to be at least 60 second long as that “would help clarify the test [...], and if two women do speak to each other for more than 60 seconds there’s a slightly better chance that the dialogue will have some relevance to the plot” (Sarkeesian, 2012).

However, we decided to go with the original version of the test complemented only with the condition that the female characters are named. Therefore, the questions are: 1) are there any two named female characters that 2) talk to each other about something 3) other than a man?

We should also note that that “passing doesn’t mean the movie’s good or bad. Failing the test does not mean the movie is misogynist, or that passing makes it some sort of a strong feminist movie” (Cantrell, 2011), but the test is very indicative of the general problem of the Hollywood industry that refers to the lack of strong female characters and ignoring their mutual relationships. Even though the test seems simple to pass, many Hollywood movies do not pass it. The media critic Anita Sarkeesian claims that “The test helps us identify the lack of relevant and meaningful female roles as a larger pattern in the film industry as a whole” (Sarkeesian, 2012).

In addition to the Bechdel test, the qualitative content and narrative analyses were used to analyze the portrayal of female characters through the gender stereotype and gender role categories, and the existence/nonexistence of their professional careers⁶.

⁶ Qualitative content and narrative analysis are methods used in the analysis of audiovisual media content, including films (more on content analysis in Holsti, 1969; Gunter, 2000; Neuendorf, 2002; Krippendorff, 2004; Riffe et al., 2005; Lamza-Posavec, 2006; Wimmer and Dominick, 2006; more on narrative analysis in Chatman, 1978; Branigan, 1992; Franzosi, 1998; Fulton et al., 2005; Gillespie, 2006).

The main hypothesis of this work is that the most films that won the *Grand Golden Arena* for the best movie of the Pula Film Festival from 1992 to 2011 will not pass the Bechdel test. It is also assumed that the female characters in the movies in question are portrayed through markedly stereotypical gender roles, as persons without careers and as characters that have no mutual relationships, and if they do have them, these relationships are seldom friendly.

The movies selected for the sample of this work are the movies that won the *Grand Golden Arena*, the award for the best film of the Pula Film Festival, from 1992 to 2011⁷. The films were selected according to relevance, since the award-winning films of the biggest film festival in Croatia usually represent a relevant overview of what is and was considered valuable in the Croatian cinema, but also because they can be used to interpret the dominant social ideology and its changes in Croatia throughout the two decades of Croatia's independence.

The sample includes 19 films (Table 1). It is very indicative that all award-winning films of the Pula Film Festival in the selected period were directed by men.

Table 1. The list of Grand Golden Arena award-winning films 1992-2011.

Year	Film title	Director
1992	<i>Priča iz Hrvatske</i> (Story from Croatia)	Krsto Papić
1993	<i>Kontesa Dora</i> (Countess Dora)	Zvonimir Berković
1994*	/	
1995	<i>Isprani</i> (Washed Out)	Zrinko Ogresta
1996	<i>Kako je počeo rat na mom otoku</i> (How the War Started on My Island)	Vinko Brešan
1997	<i>Mondo Bobo</i> (Mondo Bobo)	Goran Rušinović

⁷ The film festival in Pula, founded in 1954, is the oldest film festival in Croatia. It is held once a year in the Roman amphitheatre – the Pula Arena. In 1991, the festival was cancelled due to events related to war and the downfall of Yugoslavia (PulaFilmFestival.hr, 2013).

Year	Film title	Director
1998	<i>Kad mrtvi zapjevaju</i> (When the Dead Start Singing)	Krsto Papić
1999	<i>Bogorodica</i> (Madonna)	Neven Hitrec
2000	<i>Maršal</i> (Marshal Tito's Spirit)	Vinko Brešan
2001	<i>Polagana predaja</i> (Slow Surrender)	Bruno Gamulin
2002	<i>Fine mrtve djevojke</i> (Fine Dead Girls)	Dalibor Matanić
2003	<i>Ti</i> (Here)	Zrinko Ogresta
2004	<i>Duga mračna noć</i> (Long Dark Night)	Antun Vrdoljak
2005	<i>Što je Iva snimila 21. listopada 2003.</i> (What Iva Recorded October 21 st 2003)	Tomislav Radić
2006	<i>Sve džaba</i> (All for Free)	Antonio Nuić
2007	<i>Živi i mrtvi</i> (The Living and the Dead)	Kristijan Milić
2008	<i>Ničiji sin</i> (No One's Son)	Arsen Anton Ostojić
2009	<i>Metastaze</i> (Metastases)	Branko Schmidt
2010	<i>Neka ostane među nama</i> (Just Between Us)	Rajko Grlić
2011	<i>Kotlovina</i> (Kotlovina)	Tomislav Radić

* The festival was held in 1994, but the national competition program was cancelled since only one Croatian movie was filmed in the previous 12 months.

The Grand Golden Arena award-winning films

Bechdel test or how women do not talk

As was assumed earlier, most films that won the Grand Golden Arena did not pass the Bechdel test. Only seven out of 19 analyzed movies met all three criteria: 1) that it features at least two named female characters with

a name who 2) talk to each other about something 3) other than a man. It can be seen that the condition that the female character has to be named was not indicative for the portrayal of women and the complexity of their relationships in all films. For instance, some movies fail to meet the first condition due to additional demand for the naming of the female character, even though the women in them are talking to each other and have a relationship of some sort, while the movies that did not meet the second condition (that they talk to each other about something) generally have the lowest representation of women and their relationships, although this is not a general rule, of course. Table 2 shows all tested movies and the relationships between the female characters.

Table 2. Bechdel test and the relationships of female characters in the selected films.

Film	Bechdel test	Relationship between female characters
Priča iz Hrvatske	fail (2 nd cond.)	no relationship
Kontesa Dora	pass	mother – daughter, friends
Isprani	fail (2 nd cond.)	mother – daughter
Kako je počeo rat na mom otoku	fail (2 nd cond.)	rivals (wife and mistress)
Mondo Bobo	fail (1 st cond.)	friends (irrelevant)
Kad mrtvi zapjevaju	fail (2 nd cond.)	mother – daughter
Bogorodica	fail (1 st cond.)	mother-in-law – daughter-in-law
Maršal	fail (3 rd cond.)	future mother-in-law – daughter in-law
Polagana predaja	fail (2 nd cond.)	friends (irrelevant)

Film	Bechdel test	Relationship between female characters
Fine mrtve djevojke	pass	lovers, enemies, landlady – tenants
Tu	pass	sisters
Duga mračna noć	pass	mother-in-law – daughter-in-law
Što je Iva snimila 21. listopada 2003.	pass	mother – daughter, friends
Sve džaba	fail (2 nd cond.)	no relationship
Živi i mrtvi	fail (1 st cond.)	no relationship, no female characters
Ničiji sin	fail (2 nd cond.)	no relationship
Metastaze	fail (2 nd cond.)	no relationship
Neka ostane među nama	pass	friends, rivals, mother - daughter, grandmother – daughter – granddaughter, boss – employee
Kotlovina	pass	sisters , sisters-in-law, mother - daughter, doctor – patient

Three films did not meet the first condition – there are no two named female characters. The film *Živi i mrtvi* by Kristijan Milić is the only analyzed film that does not have a single female character. This anti-war drama is taking place in Bosnia and Herzegovina in a single place but in two different periods (the war events in the 1990s and the World War II). Two groups of soldiers are shown only in action. There are no women among them and the women are only mentioned in swear-words, and the female genitalia are often used as a synonym for weakness, everything negative and opposite to everything what a man should be (Sergeant to soldiers: “Why are you going so slowly, you cunts?”).

Mondo Bobo by Goran Rušinović is an independent film, unconventional for the period it stems from. It is placed out of Croatian reality of

that time and it follows a young man who commits a double homicide in self-defence, becomes admitted to a psychiatric ward, runs away, takes a girl hostage and so on. Besides Bobo, no characters have a name, but there are female characters and they are talking to each other. The female journalist is talking to the female witnesses trying to find answers about Bobo's case; and in a very short scene in which she plans the escape, Bobo's girlfriend is convincing her friend that everything will be alright.

The third film that does not meet the first criterion in spite of women talking to each other in it is *Bogorodica*. Had Kuzma's mother had a name in this film, it would only fail the third condition, as she and Ana are talking about Kuzma. When she decides to marry Kuzma, Ana comes to his house and asks his mother if she knows Ana is staying, and the mother replies that she will be staying as much as "he" (Kuzma) allows her. They are not talking to each other in other scenes, it is mostly Ana that does the talking and she is using short sentences, like "You have to eat something".

Eight films did not meet the second condition – the female characters talking to each other. In the first film by Krsto Papić, *Priča iz Hrvatske*, we can barely find two female characters with a name (Marija – Luka's wife and Ivan's mother, and the girl Marina), but they are not talking in any scene, and Marija does not even meet Andrija's unnamed wife. In his second movie, *Kad mrtvi zapjevaju*, Cinco's daughter Ana is telling her mother Maca to calm down, but the mother never replies.

Sve džaba, *Ničiji sin*, and *Metastaze* are the three films with named female characters, but they are never shown in the same scene, let alone talking. All three characters are depicted exclusively in relation to "their men" (as a wife or a lover). In *Ničiji sin*, Ana, the mother of the main male character, and his ex-wife never meet and they do not talk to the third female character, Simo's unnamed sister. In *Metastaze*, the only two named female characters, the waitress Milica and Mira (aunt of one of the male protagonists) also never meet, and neither do other nameless female characters.

However, in *Polagana predaja*, the two named characters (Petar's wife Lucija and the wanderer Mala) have no contact whatsoever and the film fails to meet the second condition of the Bechdel test. However, Mala is commenting Petar with an unnamed girl ("He's cute"; "He smells like

marriage"). Even if the girl had a name, the film would still fail the third condition – they are only talking about a man. Even though we are dealing mostly with fights, *Isprani* would pass the test if Jagoda's mother had a name. This way, it fails to meet the second condition; even though there are three named female characters – Jagoda, Lidija and Branka, the latter two only appear in very short scenes and they only exchange greetings ("Pleased to meet you"; "Good morning, colleague"), and greetings are not accepted as a form of meaningful conversation.

In *Kako je počeo rat na mom otoku*, Lucija and Spomenka, major Aleksa's wife and his lover, meet in one of the most famous scenes of the Croatian post-war cinema and fight over a man. The scene takes place on a stage in front of all inhabitants of the island. When Spomenka gets on the stage trying to talk some sense into Aleksa and convince him to surrender, Lucija comes and she first insults Spomenka, calling her a "whore" and an "air-head" (Spomenka does not respond), and then they both start shouting into the microphone talking to Aleksa. An interesting aspect of this scene that on first glance this scene seems to meet the first two conditions and fail the third – talking about a man. However, Spomenka and Lucija do not actually talk to each other at any point, but are only talking to Aleksa over the microphone. They are not even communicating to each other while they are fighting. They are completely irrelevant as characters and are only used to portray Aleksa.

Of the twelve movies that failed the Bechdel test, only one failed to meet the third condition – female characters are not talking about anything other than a man. This is the case in Vinko Brešan's *Maršal*. In it, Slavica and Stipan's mother Mare are talking, but seeing how Mare is a stereotypical mother only looking for a way to marry her son, the topic of this conversation focussed entirely on Stipan. Mare asks Slavica where she was, but this question is only an introduction for her attempt to bring together Slavica and her son ("You were alone? What do you think of my Stipan? You would improve our family. And just look at him"). Slavica only manages to mutter a short response, while Mare talks to herself for the rest of the conversation.

Seven analyzed movies managed to meet all three conditions of the Bechdel test. However, most of them passed because of one scene or only

several seconds of a conversation. *Kontesa Dora* passes the test only after one hour in the scene in which Dora Pejačević is talking to her musician friend Steffy Geyer. Dora is showing her the composition that she wrote and they are briefly talking about composing and playing an instrument.

The films *Tu* and *Duga mračna noć* also pass the test due to only one scene in which two named women are talking about something that is not a man. The film *Tu* follows several stories of completely hopeless characters in post-war Croatia, and the drug-addict Duda comes to her sister Želja to borrow some money from her. They exchange a few sentences about Želja's work, money, Želja's partner and Duda's addiction. In the three and a half hours of its duration, the movie *Duga mračna noć* shows only two female characters (Vera and Kata), and they meet only once to talk about their husbands, Iva and Luka. The film manages to pass the test as they mention Vera's son and Kata's grandson Luka (traditionally, he got his name after his grandfather), who is a male child but the topic is motherhood. *Duga mračna noć* confirms what was already mentioned – passing the Bechdel test does not necessarily mean the movie has complex female characters and their relations. The short dialogue that makes the film meet the criteria ends with Kata's words to Vera: "You'll learn to bathe him. From now on, you'll only be a mother, believe me. If you're any good". While the other topics of their conversations are men and motherhood, it is interesting to note that the next scene shows the neighbouring room in which Iva and his father Luka are talking about Partizans and political issues.

Considering that it has three main female characters with a lot of screen-time – Anamarija, Marta, and Latica – it is interesting to note that *Neka ostane među nama* barely passes the Bechdel test. The only longer scene in which the female characters Anamarija and Marta are talking does not pass the test as the only topic of the conversation are men and their lies. All three conditions are met in the conversation between Marta and Latica in which they are talking about types of air fresheners. Later, Marta is asking Anamarija over the phone to take care of her daughter (even though she also adds her husband after that), and at the very end Marta is talking to Anamarija about men, women and how normal cheating is. The scene in which Anamarija and Latica meet also passes the test, even though they are

talking about a man (Nikola, Anamarija's husband and Latica's lover whom she has a child with), the conversation starts with the talk about pills and tea for insomnia.

Što je Iva snimila 21. listopada 2003. passes the test several times when the mother Željka and the daughter Iva are talking about recording, Iva's clothes, behaviour, alcohol, Željka's friend Mirela and similar topics. When Nina – the companion of Željko's brother Darko comes to visit – they talk about breast and buttocks surgery, and this conversation also passes the Bechdel test.

In addition to *Što je Iva snimila 21. listopada 2003.*, the only two films that pass the test in several scenes and which could even meet the condition that the conversation is over 60 seconds long, are *Fine mrtve djevojke* and *Kotlovina*. *Kotlovina* is a revolutionary film because it is the first movie to have a woman say something about politics: Doctor Perak and her daughter Željka are discussing Croats, Croatian history, foreigners, the diaspora, and European Union with other men at their table.

Female stereotypes and women in a patriarchal society

Private sphere as a woman's natural place

One of the most prominent stereotypes in films analyzed in this work is the exclusive connection between women and the private sphere of the household, which is expected since this the most common stereotypical depiction of women in the media. However, considering the specific socio-political context in which the modern Croatian cinematography was created after the downfall of Yugoslavia, reducing women to the roles of mothers, wives, and housewives should be interpreted as an example of retraditionalization of gender roles in the Croatian cinema. This is best reflected in films *Priča iz Hrvatske* and *Kad mrtvi zapjevaju* by Krsto Papić, *Duga mračna noć* by Antun Vrdoljak, and the most popular Croatian film so far *Kako je počeo rat na mom otoku*⁸ by Vinko Brešan.

⁸ 246,097 viewers saw this film in theatres (Pavičić, 2011: 40).

In *Priča iz Hrvatske*, the film showing the events in Croatia from the Croatian Spring in 1971, Tito's death, to the downfall of communism, the female characters actually have the same status as children. They are not allowed to take part in serious conversations (Luka Barić tells his wife Marija: "Take the kid outside"; Andrija waves his wife to exit the room when Luka Barić comes to visit), they are given direct orders (Luka saying to Marija: "You make us some coffee"), but most notably, they are considered naïve and rash like children (Luka telling his son Ivan and wife Marija: "Didn't I tell you not to talk to anyone about what we say at home?"). The women in this movie are wives, mothers, and housewives and they have no say in anything. The only female character that breaks away from this is the girl Marina. She goes to school, plays the violin, and even talks to Ivan as her equal. However, even in this childish love (completely unconvincing and unmatched because of it), Ivan takes the traditional male role and tells Marina: "You will be a model", "Don't be afraid of anything when you are with me", "I am starting to earn for the both of us".

In this film, Papić accentuated the stereotype of a woman as a caring housewife and men as completely incompetent to perform domestic chores, even cooking the simplest meal. Mother Marija (almost always shown at home) tells her son Ivan while sowing: "If anything happens to me, your father should marry right away. Someone has to take care of both of you". She does indeed die of grief over her other son who was killed, and this is followed by the scenes of Luka and Ivan in Germany completely lost without a 'woman's hand' at home. This male incompetence in this film is shown as a simple fact, a likable, and simply an 'inherent' trait. Finally, after several tasteless meals, the two of them fulfil his late wife's wish and decide that Luka has to find a new wife who is a good cook. However, this ends unsuccessfully as Luka meets a German vegetarian who has many pets (cats), and this certainly does not fit Luka's profile of the woman he seeks, so he completely abandons the idea of re-marrying. However, even this unsuccessful search does not make Luka or Ivan decide to learn how to cook something. Instead, the defeated father tells his son: "What's wrong with us being like this? We'll manage somehow until you marry".

The film clearly highlights the stereotypes of a positive female character as a mother and a housewife (and a Croat), and a negative character – the

"modern" woman who is not fit for the main protagonist. Despite their incompetence to make their own dinner, the men are shown as politically active and as the unquestioned rulers of the public sphere. The director's attitude towards the female roles is perhaps the most apparent in a detail at the very end of the movie (in the credits) where it says – Luka's wife: Zoja Odak, and Andrija's wife: Vedrana Medimurec, even though Luka's wife has a name in the movie – Marija. It seems that the director feels the personal name takes second place to the role of a wife.

Papić does not give women too much space in *Kad mrtvi zapjevaju* as well, that is, he barely gives them a voice. Set in the early 1990s, the film follows the economic immigrant Cinco Kapulica and a political immigrant Marinko on their return to Croatia from Germany. The three women in the film are Cinco's wife Maca, daughter Ana (her name is not mentioned in the film, it is shown in the credits), and Marinko's ex-wife Stana (who later married Vljako), and are portrayed only in relation to the two main male protagonists. Maca and her daughter spend the best part of the film crying and fainting over Cinco's shenanigans and him faking his own death, while Stana is given more attention when she has to explain to Marinko how the patriarchal society forced her to re-marry when she thought he had gone away and left her alone ("Vljako took me under his wing when it was the hardest. And you know how they look at abandoned women here"). In the end, Stana hints that she loves Marinko but passively stays with her other husband as he threatens to take her children away. Stana represents what Jasenka Kodrnja called a victim of fate: "she is a victim, not by choice, but because this role was forced through the patriarchal context" (Kodrnja, 2009: 25). Much like in *Priča iz Hrvatske*, the women in this film are constantly ordered to "cook the dinner" and "make the coffee" and the general attitude towards the gender issues is reflected in Marinko's words to his friend Cinco: "When I think about it, women don't have it all that bad. They don't do anything their whole life, they just sit at home. Then we die and they get the pension".

The comedy *Kako je počeo rat na mom otoku* is placed on a Dalmatian island in 1991, at the start of the conflict between the Croatian authorities and the Yugoslav army. It follows the story of the attempts by the locals to

make the commander of military base, major Aleksa, surrender his weapons. The female characters are Aleksa's wife Lucija and his mistress Spomenka, and their importance stems only from their relationship with him. They help the locals persuade Aleksa to surrender and let the soldiers go home. This is when Lucija tries to lure her husband to come home because she "made paštašuta".

Duga mračna noć by Antun Vrdoljak is an excellent example of what Leinert Novoesel describes as a portrayal of "positive and negative female characters" (1999). The film is trying to explain the events at the onset and after World War II. During three and a half hours of this movie, there are only two female characters with somewhat important roles. They are both portrayed in relation to the main protagonist Ivan Kolar (Iva). His mother Kata is a woman from the countryside, a housewife, a caring mother and a wife, that is, the best example of the "positive female character", while his wife Vera is a partisan who wants to have a career and she does not function too well in her role as a mother and represents a "negative female character". When she meets Iva, Vera is pretty self-assured and direct and she takes the initiative, but after the intercourse she apologizes to Iva and the audience by saying that this is not how she usually behaves, which is continued throughout the movie with her constant need to justify herself by saying that she had only slept with two men. During the movie, she becomes increasingly dissatisfied with her role as a housewife ("If I could have aborted this child, I would be free now". "I am washing him and changing his diapers all day"), which ultimately leads to her suicide. One should notice the underlying ideological concepts in this construction of the female character here. Much like the negative German female character in *Priča iz Hrvatske* which embodies the 'liberal' Western values, the character of Vera is a symbol of the socialist emancipation of women (which is why she has to die), and serves to promote the ideal of 'a new Croatian woman'.

Unlike in *Duga mračna noć* with its obsession with the main protagonist's mother, in *Bogorodica* by Neven Hitrec we may see the utter fascination with the main protagonist's wife who represents the mother of the

whole nation and Croatia itself. Pavičić claims that *Bogorodica* represents the last Croatian self-victimizing film, but "some important features of this model are shown in their purest and clearest form" (2011: 117), and the film is also a textbook example of a woman's body as a battlefield in which the male fight takes place. Especially in the period of war and ethnic hatred, the nationalist projects see women primarily in terms of biological, cultural, and symbolic reproduction of the ethnicity or nation (Yuval-Davis, 2004), while the female bodies are subjected to violence and "constructed as ethnic territories themselves" (Hayden, 2002: 32, quoted in Simić, 2011). In other words, the female bodies represent the country/nation, and the rape of a woman is a rape of a country/nation, which is something the self-victimization films use in their narratives.

At first, *Bogorodica* seems to be a movie about a love triangle between the carpenter Kuzma Glavan, a young man Đuka, and the teacher Ana in rural Croatia in early 1990s. Đuka is violent and when Ana does not know how to respond to his proposal he completely loses control and punches her. All characters in this film, starting with Ana's parents, act like this is normal. Ana finally decides to marry Kuzma and her career is no longer mentioned; she has a baby, and Kuzma expresses his wish for at least three more children to expand the dying Glavan lineage. The film is filled with Christian symbolism intertwined with national symbolism. Carpenter Kuzma (direct reference to Joseph the Carpenter, the husband of the Virgin Mary) is building a statue of the Madonna for a local church and his model is none other than Ana.

The love triangle is soon completely replaced by the issues from the onset of war and the relations between Croats and Serbs that are depicted rather superficially. The Croats are naïve and 'good guys', while the Serbs are (typical for the self-victimization films) "drunken wild animals that inevitably succumb to their primal urges to kill and rape" (Levi, 2007: 113, quoted in Pavičić, 2011:119). The last aspect is embodied in Kuzma's employee Rade, who is a Serb and who turns from a humorous neighbour into a mad murderer and rapist without any cause whatsoever (except for the fact that he is a Serb). His next victim is Ana and the rape takes place under the statue of the Madonna "which establishes the twofold/threefold desecra-

⁹ A dish consisting of pasta with minced meat and tomato sauce.

tion: desecration of the country, church, and family (Pavičić, 2011: 121). Ana's victimization is the real example of setting the female body as a "sign through which men communicate with each other" (Das, 1995: 212-233, quoted in Simić, 2011).

Women as passive victims (of the patriarchy)

The stereotypical portrayal of women as victims is also present in the analyzed films. In addition to being used to promote the nationalist ideology, as was seen on the examples of the films *Bogorodica* and *Priča iz Hrvatske*, this role is mostly forced upon women through the patriarchal context, while the films that criticize the society also emphasize this role.

Što je Iva snimila 21. listopada 2003. by Tomislav Radić is a film about a day in the life of a family in Zagreb from the perspective of its youngest member, the 14-year-old Iva who got a digital camera for her birthday. From then on, she decides to record everything that happens in the apartment while the family is nervously preparing for the visit of the father's potential German business partner, Hoffman. Željka, mother, is a housewife who wants everything to be perfect, but things do not seem to go her way so she finds her comfort in alcohol. She is in charge of domestic chores and preparing dinner, and her husband Božo remarks that she is not fit to be an organizer. Željka's economically-dependent position is revealed after her conversation about breast surgery with Božo when she tells him "I would also do it if you gave me two thousand kunas".

Neka ostane među nama by Rajko Grlić is a story of adultery and two married couples, Nikola and Anamarija, and Nikola's brother Braco and Marti, but also about Nikola's lover Latica with whom he has a child. Anamarija is not at all happy when she finds out about Nikola's double life, but she decides to stay with him, which she justifies through the traditional role of a woman as the one who forgives, suffers and cannot stand to see men suffer: "My mother left my father in Drniš. Poor man, he never recovered. I swore that day: If I ever marry, I will fight for my husband". Even Latica is not satisfied with the situation in which Nikola comes once a month, hides in the apartment lying to his wife that he is on a business trip, but she suf-

fers and does nothing until Marta lets her know that she is acquainted with the whole situation. She then leaves Nikola and starts a relationship with a co-worker that has been in love with her for some time.

Passivity is a constant trait of the abused female characters. In *Metastaze*, the nameless wife of the main protagonist Krpa is subjected to brutal violence in her relationship, with occasional attempts of resistance. However, just like the wife of a violent former soldier from *Fine mrtve djevojke*, she does nothing to save her own life. It seems that directors Schmidt and Matanić use the violence to depict the brutality of the Croatian society, but both seem to have stopped at the superficial level. When criticizing Matanić's approach to lesbianism in his film, Simić reflects on the portrayal of the abused woman and says that it seems that she has no other option (like Krpa's wife) despite "living in Zagreb in which has several feminist organizations, an SOS phone line, and the shelter for abused women" (2007). She ultimately poses the following question which can also be applied to Branko Schmidt and his *Metastaze*: "Is passivity inherent to women, or do they have to stay victims so that Matanić can criticize the society which molests them?" (Simić, 2007).

Antonio Nuić's Bosnian/Croatian/Serbian film *Sve džaba* presents an interesting twofold portrayal of the female characters with regard to their passivity/activity. Marko's wife Sanja is cheating Marko with his friend Josip. In a brutal scene Marko deals with Josip and his friend Miro who knew about the cheating and said nothing, and kills them both. Sanja just stands there beaten up, saying nothing. She has no say in this and Marko treats her like his own property and this issue is not problematized. The only issue is the betrayal in a male friendship. The main protagonist Goran, Marko's friend, leaves his village, sells his belongings and wanders around Bosnia and Herzegovina and buys rounds for people in the travelling bar *Sve džaba*. He meets Maja, whose uniqueness is established right away when she drinks her beer in one gulp and impresses Goran. Goran falls madly in love with Maja and he gets a good-natured advice from one of the patrons: "If they sense you are weak, they will fuck you up. It's not natural".

We find out that Maja was supposed to marry a young man who died, but now his brother Ljubo is acting like she is his property. In a 'macho'

moment, Goran and Ljubo try to resolve the tricky situation through a conversation in which Maja does not take part. In the end, however, quite contrarily to the perception of women as passive victims and quite unexpectedly for a Croatian film, Maja runs away from Ljubo which affirms her emancipation and criticizes the patriarchy and the idea that a woman is a man's property.

Women are teachers, prostitutes or waitresses

The female characters in the analyzed films are usually not portrayed through their jobs, if they even have a job. In the three films with the most striking examples of gender stereotypes and clichéd female characters, women are exclusively housewives (*Kad mrtvi zapjevaju*), a teacher is a supporting character and is barely mentioned (*Priča iz Hrvatske*), or have an antithesis to the simple-minded house-wife in the form of a mistress who is also a music teacher, which should add to her sensuality, while the locals say that “she is putting out left, right and centre” (*Kako je počeo rat na mom otoku*).

In films *Što je Iva snimila 21. listopada 2003.* and *Ničiji sin*, apart from housewives, women are prostitutes or escorts. Pavičić places these two films in the category of the post-Yugoslav normalization films which are obsessed with the recurring “motifs of prematurely grown children or youth that have a critical perspective or have to right the errors of their parents (2011: 192). A typical distribution of gender roles in the film *Što je Iva snimila 21. listopada 2003.* is visible in the scene in which the two male characters are talking about serious topics and work and, apart from mother and housewife Željka and the narrator Iva, the only female character is the escort Nina, who is expected to be beautiful and seduce a potential business partner from Germany.

In *Ničiji sin*, Ana, the mother of Ivan Barić, is a housewife and we do not know the professions of Ivan's ex-wife Marta and Simo's sister. While all men in the film are portrayed through their professional life or hobbies, the only career choice assigned to the female characters, and completely marginal ones at that, is to be a prostitute.

In addition to several other prostitutes (two prostitutes in *Polagana predaja*, Lidija in *Fine mrtve djevojke*), a popular job for the female charac-

ters in the films in hand is a teacher. Apart from the one mentioned earlier (*Priča iz Hrvatske* and *Kako je počeo rat na mom otoku*), we find the teacher character in *Maršal* and *Bogorodica*. An interesting aspect of *Bogorodica* is that Ana – a teacher of geography, history, and biology – loses her professional identity when she marries, which is in accordance with the prevailing retraditionalizing and repatriarchialising discourse in the Croatian public.

The most common profession for support female characters in the films in hand is waitress (*Duga mračna noć*, *Tu, Isprani*, *Neka ostane među nama*, Milica in *Metastaze*, Maja in *Sve džaba*).

An additional element which highlights the irrelevance of the female profession, apart from waitresses and several support female teachers, is seen with the doctor in *Kotlovina* and inspector Skulić in *Maršal* – the female protagonists of the analyzed films are not even shown in their workplace. As Wood states “media portrayals of career women often give little or no attention to their career activities” (2009: 273).

Iva and Marija from *Fine mrtve djevojke* are a medicine student and a coach, respectively, but are not shown at the university or in the workplace in any scene; we never see Ana from *Bogorodica*, Slavica from *Maršal*, and Spomenka from *Kako je počeo rat na mom otoku* teaching in a school, nor do we see Jagoda from *Isprani* at the university. The only exceptions are Želja (*Tu*) shown in her workplace in a retirement home, the nameless reporter from *Mondo Bobo* who is always out in the field, and the main female protagonists from *Neka ostane među nama* – Anamarija, Marta, and Latica. Anamarija, the dentist, does her job in her office; we see the banker Marta in her workplace, and the pharmacist Latica spends a good part of the film in her pharmacy. This film makes a step forward from the idea that women are created only for a specific type of job in service, teaching or caregiving.

The film *Kontesa Dora* by Zvonimir Berković is trying to approach the historical issue of only-male professions and the position of women trying to enter the ‘male’ profession’. The film is a pseudo-biography of the famous Croatian composer Dora Pejačević from early 20th century. The events and facts from Dora's life are intertwined with fiction and imaginary characters. Dora comes from an aristocratic family and her life calling is to be a composer, but the movie clearly shows that the society of that time did not allow women to enter this profession reserved exclusively for men. She even

has to explain the mild-manner main male protagonist, cabaret entertainer Carlo Armano, that “even women have a head of their own and they compose from it”. A particularly sad scene is the one in which Dora watches her composition being performed after she signed her name with initials only. As her governess Didi says: “It is important that they think a man did it, otherwise the hall would be empty”.

Mutual relationship of the female characters: no friendships

As was mentioned earlier, Bechdel test warns us about the lack of strong female characters and the ignoring of their mutual relationships in the Hollywood film industry, and it has been shown that the Croatian cinema has the same problem. The relationships between women in the films analyzed in this work can be put into three categories: 1) no relationship (films in which there are no women, or they have no contact), 2) family relationships and 3) friendships.

- 1) The films that failed to meet the second condition of the Bechdel test usually have no relationship between the female characters. For instance, there are female characters in *Priča iz Hrvatske*, *Sve džaba*, *Ničiji sin*, and *Metastaze*, but not only are they not talking to each other, they have absolutely no contact. The film *Živi i mrtvi* has no female characters whatsoever.
- 2) The most common relationship between women is a family relationship. In *Maršal*, this is between a future mother- and daughter-in-law. Even though this relationship is completely irrelevant for this film, and is shown in two short scenes, it is very warm and positive, unlike that between the mother- and daughter-in-law in *Bogorodica* in which Ana is trying her best to help Kuzma's mother, but gets nothing in return. In *Duga i mračna noć*, the mother- and daughter-in-law meet only once, they kiss each other on the cheek and have a conversation about motherhood and husbands, which is shown from a positive perspective, but, like in *Maršal* and *Bogorodica*, this relationship is superficial and completely irrelevant.

As Virginia Woolf noticed, the women in literature (and the same goes for film) are often portrayed in the mother-daughter relationship. In *Kad mrtvi zapjevaju*, the mother Maca and daughter Ana never talk, they just cry over their husband and father. The relationship between Željka and Iva in *Što je Iva snimila 21. listopada 2003.* is portrayed as a typical relationship between a mother and a teenage daughter in which the mother bemoans her daughter over her clothes, dirty boots, and avoiding household chores. In *Kontesa Dora*, the mother countess is actually her daughter's rival, as there is a man between them – Carlo Armano. The countess tries to seduce him, and when Dora comes the mother tries to find an excuse. Dora says nothing and leaves hurt and angry. This is an example of a dialogue-less relationship. An even more negative relationship is the one between Jagoda and her mother in *Isprani*. Jagoda's mother is ill and does not leave the house, she is ill-tempered and is always on the couch. Her relationship comes down to insults, i.e. every time Jagoda comes home her mother complains and insults her, questioning her sex life (“You've been screwing someone, but don't bring any bastards to my house”, “You won't turn my house into a stable”; “You keep stripping instead of staying at home”), but Jagoda tries not to hold anything back (“You didn't ask me anything either when you made me, “Just you wait when I finish college”). The character of a benevolent and depressive father is a complete antithesis to the evil mother, whom Jagoda has a great relationship with and who keeps trying to calm the situation. In a whole series of positive male-female relationships, from her close relationship with her father and brother Tukša, uncle Ivo, and boyfriend Zlatko, the only negative relationship is the only relationship between two women – mother and daughter. We may see the only grandmother-granddaughter relationship, and completely clichéd at that (grandmother complains and the cheeky granddaughter replies), in *Neka ostane među nama*.

In *Tu* we may find an example of a relationship between sisters in only one scene in which the drug-addict Duda is asking her sister Želja to lend her some money, and this is not enough to see the nature of their relationship.

Kotlovina is a family movie in which everyone, both men and women, are represented in their roles within a family (sisters, mothers and daugh-

ters, sisters-in-law – wives of two brothers), and the movie takes place in a holiday cottage during family lunch. The most profound and the most detailed relationships are those between the three sisters: Ana, Seka, and Mimi. When compared to other films analyzed here, the relationships in this film are the most complex and the most convincing.

3) The initial hypothesis that the female characters in the selected films are usually not in any kind of relationship, and if they are, they are rarely friends, proved to be correct. We find traces of friendship in *Mondo Bobo* and *Polagana predaja*, but they are both based on a single scene. In *Mondo Bobo* the two women are talking about how one of them intends to run away with her boyfriend, and in *Polagana predaja* Mala and the unnamed girl are talking about Petar.

In *Što je Iva snimila 21. listopada 2003.* Željka and Nina have only just met and at first they are getting along rather well, talking about looks and beauty products – stereotypical female topics. However, when Željka finds out what Nina's job is, she completely loses control and starts yelling at her husband for bringing a “whore” into her home, which is another example of misogyny. We find the motif of a female traitor in the same film. Even though she talks to her over the phone, Željka's friend Mirela is often mentioned throughout the film as the “fat cow” that let Željka down when she turned down the invitation for dinner at the last second in which she would entertain the Božo's sleazy prospective business partner Hoffner.

The notion of a woman's betrayal of her friend is also present in *Kontesa Dora*. Steffy Geyer tells Carlo Armano that she let Dora down a long time ago. She promised to play Dora's composition dedicated to her on her next recital, but she changed her mind at the last second and decided to play something else. She also admits that to Armano that she feels guilty but that she would do the same thing again (implying that her career is more important than her friendship). Dora is portrayed as a true victim of fate in this movie, and the narrative states that the female friendship or solidarity (Steffi's betrayal, mother's deceitfulness) are simply impossible.

Apart from traitors, the female characters are often rivals in their fight over a man (the mentioned countess mother and Dora in *Kontesa Dora*). The wife Lucija and the mistress Spomenka in *Kako je počeo rat na mom otoku*

fight over Aleksa on the stage. The wife Anamarija and the mistress Latica in *Neka ostane među nama* solve their disputes by talking. Even though it is all a man's fault, Anamarija despises Latica and tells her “Now you drink tea for insomnia, you bitch” and decides to stay with her unfaithful husband.

In all 19 analyzed movies, apart from a brief hint of a former friendship between Lucija and Željka in *Kotlovina*, only the film *Neka ostane među nama* shows an example of female friendship and support, even though this scene does not pass the Bechdel test. Anamarija and Marta are talking about Nikola's unfaithfulness, potential divorce, their need for a man in their life, and this is the only scene in which the two friends really talk, understand each other and provide support to each other. It is very indicative that in 19 movies there is not a single example of a (positive) female friendship in which women talk about anything other than a man.

In comparison, the male friendships in the analyzed movies are common, diverse, and elaborate. Sometimes these are bad friends and traitors, but we find male friendships in almost all films.

An exception to the rule? – *Fine mrtve djevojke*

Fine mrtve djevojke is the first Croatian movie showing two women as lovers. Iva and Marija are a lesbian couple that moves in a building filled with the worst examples of Croatian post-war society, and their story ends tragically. Although portraying two lesbians on a film is pretty revolutionary on its own in Croatian terms, Mima Simić says that by sacrificing the main protagonists the director Dalibor Matanić only perpetuates all traditionalist and patriarchal ideas the film is trying to criticize as it ultimately prevents “the establishment of the woman/lesbian subject” (2011).

The relationship between Iva and Marija is heteronormative with strictly defined binary gender roles. Marija is dressed in sportswear, active, protective, rebellious, and jealous, while Iva is mild-tempered, nice, and extremely passive. Heteronormativity¹⁰ is so emphasized that Iva is afraid to tell Marija that she was raped as she fears her reaction. The feminist critics are dissatis-

¹⁰ Heteronormativity refers to a worldview which promotes heterosexuality as normal or desired sexual orientation.

fied with the way Iva was portrayed and the fact that she suffers verbal and physical violence in silence, and even does not react when Marija is killed, but reacts violently when her son is in danger, thus perpetuating the stereotype about a “woman who herself can/will suffer any kind of violence [...], but when her child is threatened, her motherly instincts will give her superhuman strength and motivation” (Simić, 2007).

We should also mention the unique character Olga, the monster mother of the rapist Danijel, the landlady of the two main protagonists. She is also their main nemesis and the ultimate evil in the film narrative, which is why Simić sates that the feminist critic would be appalled by the “representation of this woman as the origin of evil and the one responsible for its many manifestations” and the depiction of the family in which the mother is the leader as the main “cancer of society” (Simić, 2007).

Women as observed objects

Even though there are examples of objectification of the male bodies in the analyzed movies, the female bodies are much more put on the screen as a source of pleasure for the viewers. Among other things, the mentioned *Neka ostane među nama* includes causeless nudity of young people and, according to current social norms, extremely attractive female characters that has no relevance to the plot except saving the ego of the two main male protagonists Nikola and Braco (Nikola thinks he is terminally ill and Braco’s wife left him and he is constantly feeling to be in his brother’s shadow) thus perpetuating the “ideals of femininity that center on youth and beauty” (Wood, 2009:262). Vera’s naked bosom in *Duga mračna noć* is supposed to portray this woman as “too liberal”. In addition to the casual nudity in the selected films, in *Fine mrtve djevojke*, Lidija the prostitute takes her clothes off, and we see Ana’s bosom in the sex scenes in *Bogorodica* while Kuzma remains hidden.

In terms of exploring women in the narrative sense to uncover their secrets and later save or punish them, the only example, albeit somewhat far-fetched, can be seen in the comedy *Maršal*, in which the locals are trying to understand Slavica’s weird behaviour which leads to many hilarious

scenes in which they follow her and observe what she does. It turns out that she was just helping her mentally ill father who thought he was Tito. Slavica eventually falls in love with police officer Marinko, and one can assume that she was “saved” through marriage.

As far as “saving” rebellious and disobedient women goes, the real example is the wanderer Mala (her nickname, meaning ‘Tiny’, is also symbolic, as we do not find out her name) from Bruno Gamulin’s *Polagana predaja*. She travels the Croatian coast with two main male protagonists and her actions are completely unconventional. Since we do not know her name, we do not know what she does for a living or how old she is, but we can assume where her future lies. She will be “saved” by the rebellious former marketing expert Petar who will help her get into modelling. He also concludes that Mala is a “whore”, so having to “sell sex” to get a job will not be a problem to her. This case perfectly perpetuates the third stereotypical relationship according to Wood (2009:273), which represent the man as the rescuer with authority who saves the less competent woman.

Much like the women in Hitchcock’s movies that were observed in the narrative sense, the “disobedient” women Marija and Iva from *Fine mrtve djevojke* (in this case homosexuality is portrayed as something different and a disruption to the patriarchal order) are being “punished” or “saved”. Maria, as the more disobedient, feisty and active one is punished by death. Iva, as a more passive and milder one finally enters a heterosexual relationship and a marriage, i.e. she is saved “by marrying her way into the patriarchal society” (Vojković, 2008:75). However, as the title of *Fine mrtve djevojke* (Fine Dead Girls) suggests, she too, is “symbolically dead after choosing a false existence” (Simić, 2011). Even *Kontesa Dora* is ultimately “saved” through marriage, but like Iva from *Fine mrtve djevojke*, she is symbolically (and two years later literally) dead by giving up her dream of composing.

The gaze from the female perspective and the perception of a woman

The perspective of the male gaze from Laura Mulvey’s theory is completely twisted in some films, in a way that it follows the plot from the

female character's perspective, but even then the female characters remain within the "good" or "bad" woman matrix. One such example among the winners of this festivals and is the film *Što je Iva snimila 21. listopada 2003.*, in which the camera's eye is actually Iva's eye and the audience identifies with Iva – she has the power and control over the narrative.

The narrator is not so explicitly emphasized in other films, but among numerous films with the main male protagonist telling the story or the one we identify with, the example of a narrative can be seen in *Fine mrtve djevojke* when Iva re-tells the events of the film to police officer. In *Isprani*, the main character is a female college student Jagoda, and the main characters in *Kotlovina* are also women, while *Neka ostane među nama* and *Tu* follow several characters, including female ones.

The most interesting example of the choice of the narrator, male gaze and the observer/observed relationship is the film *Kontesa Dora*. Even though the film revolves around an actual person, the female composer Dora Pejačević, we perceive the events from the perspective of the main male protagonist Carlo Armano. Armano is a cabaret entertainer who meets Dora by accident, falls madly in love with her and starts exploring her. Everything we find out about her we find out from her friends and family or Armano himself. Typically for Croatian cinema, Dora is not given a chance to introduce herself. This is a film about a woman from a man's perspective. Even *Kontesa Dora* is ultimately "saved" through marriage, but like Iva from *Fine mrtve djevojke*, she is symbolically (and two years later literally) dead by giving up her dream of composing.

Instead of conclusion: "Films just show the society for what it is"

If we were to follow the title of this chapter, no one would ever point out the discrimination, injustice, abuse or corruption in the society etc. And the authors of these films with marginalized female characters use similar sentences to justify these films. This study showed that for the past 20 years the best what Croatian cinema has to offer – the award-winners of the Pula Film Festival – have not been portraying women as complex characters, have

not been giving them the same attention as the male characters, and have been using the stereotypical and traditional gender roles to portray female characters.

Only seven out of 19 analyzed films met all three conditions of the Bechdel test – to have two named female characters who are talking about something other than a man. However, most movies passed the test owing to one scene or only a few seconds of conversation. In most films that won the Grand Golden Arena from 1992 to 2011, women have been supporting and mostly unimportant characters, portrayed stereotypically in their roles as housewives, mothers, wives, or lovers. The women are marginalized, politically insignificant, passive victims, tied to the private sphere and dependent on men, and if they have a career, they are mostly prostitutes, waitresses, or teachers.

What is really concerning is the fact that women have no friendships. If they are not in a family relationship, they are most likely to be rivals fighting for the same man. Male friendships, on the other hand, are common, diverse, intimate, and elaborated.

This analysis shows to which extent the Croatian film is "the male film". This portrayal of female characters is problematic as it is systematic. It is not just one film, or just one director, the Croatian film industry as a whole does not recognize women as relevant subjects equal to men, as complex persons who develop different relationships with men and women, and who have different professional careers, interests, and intellectual preoccupations.

Without any exaggeration of the effect that the media content have on the audience, they present and create models of what it means to be a man or a woman, they tell us about the existence/nonexistence and the desirability of a certain behaviour, and finally, they create a space for discussing identities and culture, and it should not only be desirable, but also imperative that the models we see are more diverse, more complete and non-discriminating.

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YOUNG WOMEN IN CONTEMPORARY BOSNIAN WOMEN'S MOVEMENT: THE CONTRADICTIONS WITHIN THE CHANGES

Introduction

The civil society represents an autonomous political sphere that stems from and acts beyond the iron law of oligarchy (Clemens and Minkoff, 2006). The main traits of a civil society of the ideal type are self-help, autonomy, anti-hierarchy, solidarity, diffusion, flexibility, unsatisfied needs, and the social significance of the problem in question (Pavlović, 2006: 100). Of course, this is an ideal definition that came out as a product of the modern society and its dichotomy between the state, as a the sphere of coercion and discipline, that is, the government that accumulates and corrupts easily; and the civil society as the sphere of spontaneous sociability in which the citizens articulate their needs, values, discursive spaces “intertwined” with the counter-republic principles through autonomous and free actions. The civil society has often been the “oasis” for those excluded, marginalized, and liminal to formulate their demands from the other side but still in relation to the current system. Even though one can hear the criticism that these products are the system itself¹, the civil society still overcomes it as this is a phenomenon that escapes structuration and the so-called iron law of oligarchy, characteristic for institutionalized and generally formal political action.

The social movements represent the collective actors of the civil society and its carriers are large social groups characterized by large numbers, size, the meaning of values around which the movement is articulated and which it redefines, the meaning of the problem itself, not just for the activists but

¹ Judith Butler states that this is a non-critical appeal towards the system produced by the system itself.

the entire social community. The latter is an important *differentia specifica* between the social movements and interest groups and other forms of political organizations in general (Goati, 1978: 168-169, 175). Therein lies the charm of the women's movement, which is becoming increasingly strong in the era of modernism. Women, as the ones on the margin, make up the traumatic remains of the pre-modernity as they were stripped away of the status of autonomous political subjects and, as noted by John Stuart Mill, they make up a "solitary breach", a single relic of an old world that exploded (Mill, 2008: 40). For this reason, they are fighting against their exclusion and for their own self-defining that earlier periods did not recognize but took away, in more or less subtle ways.

When it comes to the female activism in the existing context, what is particularly traumatic is the gap between the feminist *mainstream* and the specific position of the so-called liminal women that the *mainstream* usually approaches with an insufficient awareness and sensibility. But what they do have in common is the history of subordination that is, in the modern context, created more subtly, through the illusion of inclusion that "spontaneously" aims to create itself as apolitical (cf. Žižek, 2006: 115), e.g. by reducing the women to their biological features. A woman is still the marginal, the undetermined, and the unexplained – as witnessed by the groups of women that step away from the norms of their periods which disturb and undermine the dominant order (cf. Zaharijević, 2010, 57-67; cf. Husanović, 2012) and create different forms of disidentificatory resistance as the traumatic core/remains of the system (Butler, Laclau and Žižek, 2007: 152-153).

Therefore, the civil society has been an ethical category for demystification of various forms of exclusion and subordination – as claimed by the East European dissidents to be morally superior to the corrupt communist elite (Linc and Stepan, 1998: 328). However, behind the ideal type lies a game of power and influence, and connotative and denotative meanings and interpolations intertwine, as is the case with any human action. In this context, our question is to which extent the women's movement – as the motor of civil society in the post-Dayton Bosnia and Herzegovina – does not just evade structuration but constructs and deconstructs them in a specific way

and how this is reflected onto the young female activists², their work and their ability to have autonomous, creative activity in the framework of the civil society of Bosnia and Herzegovina.

Even though the civil society is often perceived as dichotomously opposed to the sphere of formal politics and power, it is still a case of conflict, bearing in mind that the activism is used to influence the decisions by the ruling structures, to some extent. Some studies show that the political parties often place young women on their electoral list, for instance, to meet both quotas (for women and for youth) and warnings are often heard that this kind of practice contains elements of manipulation. It is often argued that not enough attention is paid to the activities and measures that deal with the youth at the decision-making bodies at the national, entity, and local levels (Dabić et al., 2013: 32), that action measures and strategic documents for youth do not carry out the gender distribution of data (ibid., p. 29), which definitely affects the general context of action and engagement of young women in the political life, including the civil engagement and activism, as institutional and non-institutional mechanism intersect in the public activity. Even though it is argued that numerous NGOs support young women (ibid., p. 33), it should be said that young women are not sufficiently involved in the process of conceptualization of these activities. The very terminology of the NGOs within a certain target group uses the term "female users" and this is, by some understanding, the reflection of the hierarchy as the problem itself and the ways of solving it are formulated from above (e.g., according to Alisson Jagger). This is definitely not in accordance with the normative ideals of a civil society and the goals of gender equality that these projects usually stem towards. According to these interpretations, the professionalized female groups have the role of mediators between the government and the wider social demands, "leading" the opposition's demands in such a way that they could become the object of civil administration that can lead to depoliticisation of the demands "from below" and the dulling of the transformative blade of feminism (Jagger, 2005: 100).

² This is reflected in the fact that the number of women in the civil society is in inverse correlation to the number of men in favour of women, and in the fact that the women's movement is referred to in the public discourse with a tendency for its "revival" (Maglajić and Hodžić, 2006: 321).

And this mediation is most often personified in the older activists due to their vast experience and numerous contacts and social networks they are included in, through which they built their long-standing activism.

Methodology

Researching the women's movement in Bosnia and Herzegovina was conducted in the period from 2011 to 2012. The main problems of this study were its extent, initiatives and controversies that are intertwined in the activities actions of women's action for women. The aim of this research was to establish the presence of ideal-type features of a civil society – autonomy, anti-hierarchy, enlightenment, solidarity. Based on these goals, specific research questions were formulated and the ones that will be addressed in detail in the scope of this work and based on the information gathered are: how is the development (or the lack thereof) of ideal-type features of a civil society reflected on the young activists, their empowerment, and the ability to act from the other side of the iron law of oligarchy.

The research was guided by the principles of qualitative methodology that is participatory, emancipatory, avoids dichotomy between the subject and the object of research, and stems from the point that deeper and more effective insights into a certain entity can be gained by examining the relevant actors that create that phenomenon through their action and interaction (Bryman, 2012: 380), which prevents cleansing the social science from their engagement (Thun, 2000: 89). Especially if we consider that the experiences in all transitional democratures are often closed and are not public enough due to insufficient transparency of civil activism (ibid., p. 89) and that qualitative methodology is of huge importance in studies like this. The main technique used were the semi-structured in-depth interviews that start with the general questions but provide the spaces for subjectification of the object of the study, for revealing something that was not anticipated in the outline of the study, as well as something that is often vaguely expressed or, passed over in silence in the social, scientific, and in this case, the activist mainstream. The interviews were an hour and a half long on average, and the conversations were conducted with the activists from female groups that

comprise the activist and/or feminist mainstream and which are situated in urban centres, as well as with the activists from smaller communities in order to get a relatively better geographical coverage, better objectivity of the given data, and a more reliable systematic analysis. The total number of in-depth interviews was 20³. Bearing in mind that a large number of the so-called non-government organizations are registered with the Ministry of Civil Affairs, many of which are inactive (Maglajić and Hodžić, 2006: 315), the base for forming the sample, i.e. contacting the activists based on the described criteria was the Directory of Female Groups that was created by the activists of the CURE Foundation in the scope of a project “*Reviving the women's movement*”⁴.

In addition to in-depth interviews, the participating observation was also used in the stated period since, as it was stated, the social movements tend to avoid structuralization and the ways of its interaction, its production through discursive practices is also crucial for getting a more systematic image of this phenomenon. Participating observation was conducted during the meetings of the so-called women's network, activities to which the author was invited as a lecturer and a participant, and during formal and informal social events with the activists themselves in the above mentioned period. Observation was very important because it enables a rich first-hand experience, it gives a complete experience of reality, and contains an empirical and a theoretical component (Vujević, 2006: 177-118). It is particularly significant in the so-called feminist approaches and studies to prevent the trivialization of the so-called female issues as they are approached from their perspective and it provides a space for articulation of their own experience that is often susceptible to masculine denial (Bryman, 2012: 453-454).

³ The interviews were conducted with the following activists (two insisted on remaining anonymous): Vedrana Frašto, *Cure Foundation*, Sarajevo; Jadranka Miličević, *Cure Foundation*, Sarajevo; Nuna Zvizdić, *Women to Women*, Sarajevo; Djermana Šeta, *Women's Centre for Education Nabla*, Sarajevo; Mirjana Penava, *Forma F*, Mostar; Minva Hasić, *Orhideja*, Stolac; Miomira Krunić, *Women's Centre*, Trebinje; Dragana Dardić, *Helsinki Citizens' Assembly in Banja Luka*; Nada Golubović and Lana Zajčević, *United Women of Banja Luka*; Sajma Gajetić, *Women Can Do It*, Banja Luka; Sabiha Kurtić, *Women Strength*, Zenica; Aida Behrem, *Women from Una*, Bihać; Mujesira Haman, *Women's Association of Tuzla*, Nada Dodig, *United Women of Derвента*; Munevera Zečević, *UŽOK*, Kakanj; Senka Zulum, *Viktorija99*, Jajce; Bosa Miletić, *Most*, Višegrad.

⁴ Available at: <http://zenskegrupebih.fondacijacure.org/>

Results

As it was stated, the research questions were concerned with the scope and the controversies of the female movement, including the so-called inter-generational controversy which was one of the questions that was particularly analysed here as it represented the scope of wider concept(s) of research questions. Because, if the main feature of a civil society and women's movement is solidarity, that is, sisterhood and anti-hierarchy, the question is just how present this normative model is in the post-Dayton society of Bosnia and Herzegovina, especially if we regard the generational momentum and the potential generational misbalance and fractures.

The third wave of feminism that certainly left a mark on the feminist theory and practice in Bosnia and Herzegovina with its famous phrase "Not my mother's sister", questions some of the crucial features of the women's movement but also broadens the horizon for critical distance towards the puritanism of the second wave that is often reproached as too blind for differences, including the inter-generational ones. As the first wave of feminism, it was predominantly white, with the members of the middle class and the educated women as its carriers, which denies the very existence of feminism (Afro-American, chicana feminism, postcolonial feminism, socialist feminism, etc.), but the mainstream of the second wave was the characterised by the faith in universal sisterhood and the all-penetrating patriarchy, that often lead to simplified conceptions of gender relations, naturalism, and victimisation of women (Mijatović, 2012: 478). These universal postulates came from the developed countries of mature capitalism and partly reflect the unequal relations between the developed and undeveloped countries and because of this, they were criticised by the black feminism, for instance, that the conflict with men is nothing more than a white feud and that racism is a much bigger problem for the African-Americans than sexism (Giddings, 1984:305). And this burden of inequality that is created through discourse and the modes of interaction within the women's movement is definitely a segment that one needs to pay attention to in the context of the contemporary activism in Bosnian and Herzegovina, as well as to the inter-generational aspect. However, it should be highlighted that social movements *en general* react to the so-called "parental structure", that

is, to the obstacles and frustrations present in the existing framework within which they themselves act (Jenkins and Form, 2006: 334).

In order to better understand the context of the problem explored, it should be emphasized that the proliferation of women's movement in Bosnia and Herzegovina appears with the onset of war when the first informal groups appear to help the endangered populace, women in particular. In this period, the proto-leaders and the pioneers of the women's movement in Bosnia are articulated. They created the informal groups for meetings that overcome ethnological and religious boundaries, they build the channels for survival and mutual support regardless of their ethnic and religious traits (Maglajić i Hodžić, 2006: 319), and women's empowerment starts through these meetings and exchange of experience (Thomasson, 2006: 16). After the war, the first formal groups are formed with international aid and some of these fighters become the "formal" fighters and informal leaders as well, relatively visible in the public, but as the main actors around which the other activists gather due to their experience, sensibility, and creative energy they accumulated. The experience of international factors and international assistance contributed to these trends, and as the activities became more numerous, a certain trend of transformation from the reparative into the transformative feminism aimed at political changes in the face of power appeared (Husanović, 2008: 70). In addition, contacts were established and maintained within the area of former Yugoslavia, especially Croatia and Serbia, and social and symbolic capital was created through regional sisterhood that also constructed some of the features of a hierarchy due to a phenomenon known as the *nationing of gender* (cf. Helms, 2003: 144, 158). The Women of Bosnia and Herzegovina as the objects of the bloodiest conflict in Europe after World War II became the object of voyeurism by the media, scientific studies and discourses that were created by the feminists from Serbia and Croatia who had more resources to address these problems while the women of Bosnia and Herzegovina fought for their survival (cf. Helms, 2003: 55), often inscribing the Serbian and Croatian side of the war into these interpretations⁵. Nationalism aimed to co-opt the female activism

⁵ For instance, it was stated that some Croatian feminists were co-opted, in one aspect, by the national discourse in which it was often emphasized that Croatian and Muslim women were the victims of violent Serbs (Helms, 2003: 55; Bilić, 2012: 19).

more or less subtly, and the objectivisation of female victims from the given ethnic collective has always been a very important element of motivation of the local patriarchy which is dominated by ethnically-aware men as the guardians of the patriarchal honour and (twofold) morale and even some female organizations succumbed to their influence, albeit to a lesser extent (Helms, 2003: 160).

However, (post-)Yugoslav feminist networks and marginalized zones affirm life and Eros on the critical boundaries of the authoritative ethno-national power and provoke its change of location (Butler, 2010: 42). Through solidarity and civil bravery, they send and organize the support at the onset of armed conflict and even after the end of the war, they constantly point out to the fact that an almost interrupted production of war subjects is continued in the post-war period and that it forcefully places women into a specific context to prevent the narrative entropy of the newly-created channels of power and influence that remained after the war. The constant resistance, e.g. through mottos such as “Always disobedient, always disloyal”, the women created the channels for their own survival and self-actualization, broadening the political horizons and making an investment for future engagement of a new generation of female activists.

As the politics of donation become stronger in time, the newly-formed organizations are increasingly professionalized and they occasionally acquire the features of bureaucratic organizations. In a certain respect, this allows for a more efficient work which, according to some interpretations, contributes to a better organization and numbers (Obrenić, 2012: 65), while on the other hand, it leads to various types of formal and informal hierarchies. Because of this, the activists would after a certain time abandon the “old” and form special “own” organizations in their search for more autonomy and self-actualization.

When dealing with the analysis itself, the observation technique used here showed and reflected the mentioned streams of female activism. The leaders are still in the central positions and they aim to control the gender processes. They rarely state that publicly or explicitly, but the experience and knowledge they acquired, their high position in the channels of communication and exchange of information, and the fact that they were a

part of numerous expert groups (e.g. writing the reports on the position of women in Bosnia and Herzegovina for the UN) points to this phenomenon. But, this is reflected in various ways and depends on the psychology of each leader. Some of them have regular jobs and incomes, they do not conduct a systematic system of control and observation (and punishment) and their organizations are less bureaucratized in their activists work and they create the space for younger activists but they also regularly monitor the activities, e.g. in form of weekly briefings, insisting on constant exchange of experience as an important feminist principle. But this sometimes leads to tyranny of disorganisation and the tensions between the young leaders themselves, which was characteristic of some Western radical feminist groups of the second wave. In case of leaders, an interesting “custom” was noted. They usually come to the promotion of books and research or public events in general in the company of a junior activist from their own organization who serves as a support and the reaffirmation of the leader’s importance. The junior activist usually gets her turn to speak, not just about the gender relations in Bosnia and Herzegovina but about her contributions to the gender equality processes and especially the affirmation of feminism that is still a word which causes many negative connotations in Bosnia and Herzegovina.

The results given by the in-depth interviews reflect certain antinomies and controversies of the women’s movement in Bosnia and Herzegovina. Although most of the interviewed activists emphasized the numerous accomplishment of the women’s movement, they have noticed numerous negative tendencies on a general level, such as separatism, localism, elitism, bureaucratization etc.

And these negative tendencies have their own generational dimension. One senior fighter snapped at a junior one during the interview that she took part in the education for operating the SOS telephones for three months while this education lasts only three days now (!), as if the young activist chose to take part in this type of education. But, except for this case, this particular leader did not emphasize the generation gap as important, but she referred to the conflicts among the leaders at the inter-group and not at the intra-group level, that is, in the relations between different women’s groups and organizations, but not within the groups and organiza-

tions themselves, particularly emphasizing the existing tensions between the leaders of the women's movement in Bosnia and Herzegovina.

This question got different and more explicit answers. One of the leaders emphasized that it was completely different when the women came to get engaged as activists in previous years. According to her opinion, younger women in general do not come for feminist ideals and transforming the society and its consciousness, but to get working experience and contacts, and for similar extrinsic motives. She believes this is one of the reasons there is no activism in its full form and momentum and this is connected with the existing policies of donations that, through project administration and gender industry, impose the creation of hierarchy when realizing project activities.

For instance, one activist from a smaller community stated that younger activists not understanding the very essence of activism is one of the problems and in her opinion, this leads to a negative environment and energy in working spaces of the activists which is very discouraging for the whole organization and the reason why many young activists come and leave the female organization very quickly. During the observation of informal conversations, the problem of exploitation of younger activists was mentioned, as they have to "prove" their dedication through enormous volunteer engagement, and one of the activists even used the word "slaves" to describe the position of young activists within their movement.

It is interesting to note that in this respect, the generation gap is sometimes manifested at the level of activists from the former socialist regime and those from the current system. For instance, one activist stated that Beba Muhić, who has been in the women's movement in Sarajevo since 1945 and has formed her own organization, said that "you who were born yesterday cannot make the decisions".

But, on the other hand, this supposed inter-generational gap in the context of *l'Ancien Regime* and the newly-inaugurated is not easy to interpret. The activists particularly insist on continuity with earlier periods in order to protect everything what has been accomplished, to prevent it from being erased from the collective memory and possibly for the movement to be stripped away of the accomplishments they fought hard for. This ap-

proach was particularly present among the older activists that emphasized the importance of continuity during the interview, but even the younger activists also insisted on it, so no generation gap was noted when it comes to their relation towards socialism and collective women's history in general. On the contrary, the advantages of the previous system were emphasized by both younger and older activists, although the older elaborated their opinions more. One of the reasons for that is probably the fact that it is not an inter-personal but a systematic issue and that the activists, younger and older alike, are aware that the question of continuity intersecting with discontinuity is one of the crucial issues for the women's movement. This quote illustrates this very well: "Women's history is like a wonderful, constantly rewoven cover. Its beauty lies in the patchwork of its weave, shapes, and colours; it provides us with the depth and width of knowledge [...] Together, we create our own patterns and we weave new ones where there are no patterns to ensure that our daughters do not have to weave this cover anew" (Magezis, 2001: 33).

But, this cover should not be taken as a burden for the young activists as the women's movement, according to Gisela Bock, was consciously eccentric, it formulated its goals with lots of imagination, irony and sarcasm, pictures within pictures, in poetry and prose, emphasizing the spontaneity and direct action (Bok, 2005: 373-374); and through unconventional and creative forms of political participations that the younger activists are particularly inclined towards, it expanded the political horizons.

But, getting back to this interdisciplinary dynamics of the current women's movement of Bosnia and Herzegovina, another tendency that was noted was that in some cases the activists emphasized that these negative occurrences are not present in their but other organizations, which justified their own engagement through psychological rationalization. According to one of the activists, there are organizations that reproduce the model of relations of political parties, but that is the case in other organizations. In such organizations, the leaders control everything like the leaders of political parties do.

All of this highlights the complexity of intergroup and intra-group dimensions that is particularly "piled" on the junior activists that are yet to profile themselves. Of course, this does not imply separatist tendencies,

which are already present in the women's movement in Bosnia and Herzegovina *en general* to a certain degree, but a different approach to building the relations based on intergenerational relations. This is much more complex all the more so as there is no uniformity within the organizations themselves, as mentioned in the introductory part. Because between control and autonomy lie two different poly-perspectives, models for solving and ignoring them.

In addition, as the civil society is the sphere of autonomy and anti-hierarchy, these alleged tensions cannot be solved "from above", but through the work based on the principles of trust and sharing the experience. For instance, the CURE Foundation insists on sharing the experience but the problems and frustrations as well in order for each activist to be able to express her feelings and point out the problems she is faced with by working in small groups, and these problems sometimes have a generational dimension. Since the activist work demands constant dedication, this often leads to activist burn-out and the younger activists have more problems dealing with it due to lack of experience in this domain. Because of this, Belgrade activist Lepa Mladenović, as one of the facilitators of these sessions, emphasised the importance of sharing the experience, publicly expressing the problems and frustrations in a friendly, informal environment in which the activists are not criticized for potential errors in their work but are also praised for their success which is of crucial importance for social movements which require very high levels of motivation. However, subtle attention should be paid with these types of activities that these "confessions" are not perceived by the young activists as a trauma but a creative space for self-expression in an equal, sensible environment, adapted to the engagement, needs and reflexions of each activist.

But despite of that, one can say in Bosnia and Herzegovina we still have an unrepresentable absence of the generation gap that must not be denied so that we do not fall into the trap of masculine denial (cf. Butler, 2010: 94) and the (sub-)conscious reproduction of patriarchy. This is the consequence of the fact that the women's movement in Bosnia and Herzegovina is still trying to find its place in the new transitional environment where it is fighting for its space in the social and political arena – although we might

talk about the proto-movement in the period of annexation of Bosnia and Herzegovina by the Austro-Hungarian Empire. As noted by Elisse Helms, the activists have often used the so-called "affirmative essentialisms" in their engagement for better social acceptance, which often follows the traditional distribution of roles bearing in mind the patriarchal environment in which they act, in order to achieve some of their goals more easily (cf. Ždralović and Rožajac-Zulčić, 2012: 409-409). This is often demotivating for younger activists who do not want to be the "angels outside the house" in their society but want to free the creative and suppressed potential they have.

It should also be emphasized that prohibition is ineffective from the feminist perspective (Butler, 2010: 95). It only produces, rage, anger, frustration etc. In this context, the younger activists should be given the space to acquire important skills for empowerment as the shift of generations has already started, which was noted by one of the activists from an organization which leader realized it was the right time to retire.

Education is particularly important in this respect. But, education is not only formal education, it involves skills that are acquired through experience and engagement with various organizations, the so-called Tocqueville schools of democracy. Democracy is not made from a set of rules but the expanded participation through recognition of intersected exclusions from the demos in various social sphere, types of interactions within these spheres and the fight against them (cf. Mouffe, 2005: 71). Regardless of their formal education, young women by default have the lack of experience, skills, contacts, and social and symbolic capital. On the other hand, as civil society and feminism "induce the fantasy in a norm" (Butler et al., 2007: 154), for the abstract norm such as gender equality which can never reach its full potential, it also creates panic, horror, passion, desire in relation to these ideals. In Lacan's words, the imaginary of the ideal-I is at work (in this case of the women's movement) that reflects its own lack of knowledge of itself as the subject (Pol-Aran, 2012: 53). Recognizing the self is, therefore, an important condition as it is often easily forgotten in the work for the community; in this case, for marginalized social group. Because of this, it is important that, in addition to their dedicated work that the pioneers have demonstrated in the past twenty years, they create the spaces for self-expression and

self-definition of younger activists. Otherwise, we will not be able to talk about the subject as the basis or action if the power regimes still provide the principle of self-definition for the subject (Butler et al., 2007: 153), in this case, the subject of the women's activism that is yet to become that. This will prevent the petrification of the women's movement and that of informal and non-transparent channels of power and influence which have a generational dimension and a demotivating and excluding effect on the younger activists.

As noted by a long-term feminist theorist in Bosnia and Herzegovina, the women's activism in the civil society lacks the utopian energy to have the transformative social role and because of this, the activism and the civil society in general are still pretty suppressed and fragmented (Ler-Sofronić, 2011: 94). The younger activists should have the crucial role in unmasking this suppression as "nothing can happen without broadening and deepening the moral and political boundaries, communities, and obligations towards networking and solidarity..." (Husanović, 2000: 43).

Instead of a conclusion

The mentioned generation gap that was to some extent found in the women's movement and activism in Bosnia and Herzegovina cannot be explained thoroughly without the so-called "glocal" dimension. While the second wave of feminism and activism constantly underlined global sisterhood, solidarity, and anti-hierarchy (even though there were bureaucratic, hierarchical organisations such as NOW, run by Betty Friedan, the author of "The Feminine Mystique"), and since this wave was marked by the values and ideals of the New Left, the third wave and the post-feminist criticism of the second wave are marked by a critical distance towards the mentioned features of the second wave. In the third wave, individualism is more postulated as well as solving the so-called single issue questions, while the power of a woman in post-feminism is considered to be here for the taking. On one hand, this increased the distance between the puritanism of the second wave and the abstract ideal of global sisterhood, but it also reflected the global ideological changes, bearing in mind the ascent of neoliberalism that imposes the ultimate individualism at the expense of solidarity and

sisterhood and under the guise of anti-essentialism and the importance of individual self-expression. Even though the values of the third wave and the post-feminist period seemingly open the possibilities for young women, the question is to which extent are they inaugurated from below and how harmonized they are with the neoliberal ideology that is often blind for the needs of specific social groups. In post-socialist democratures, the issues from the third wave act exclusivistically through their discursive and performative games of identity in the countries in which the identity of a woman and of the female is often observed as ontologically lower, and their main functions lie in preserving the trends of retraditionalization. But on the other hand, these new contributions can open up the area for articulation and self-definition of young women, bearing in mind that normative ideals of a civil society must not be given up on and that they have a wider social dimension.

It should also be emphasized that, as Michel Foucault said, "in relations of power...there is no binary and all-encompassing opposition between rulers and ruled" (Foucault, 2011: 94). Imbalance and fractures noted at the intergenerational level in the women's movement in Bosnia and Herzegovina should not be perceived as petrified, especially in the context of activism and women's empowerment that is constantly redefined and de(con)structed through the engagement of women for women. The values of the community and cooperation, the intertwining of questions from everyday life with the formal and political aspects give these movements a special viability and charm. It is a type of public and popular fusion that cannot be understood through the scope of classical political terms or established social interests (Aronowitz, 1985: 23).

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YOUNG WOMEN IN POST-YUGOSLAV SOCIETIES:
RESEARCH, PRACTICE AND POLICY

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Originality of this opus is twofold; from one side papers gathered in this publication present a great contribution to development of science, both in the area of women and gender studies and in humanities and social sciences in general. Moreover, the papers provide new basis for theoretical and philosophical considerations. Additionally, originality can be deduced from interdisciplinarity and interactivity in this area of research in the region; regional approach is upgraded by transregional reflection and critical thinking about analysed phenomena in the broadest sense.

As we have repeatedly pointed out, comparison of this book with other works, researches and publications on the same or similar topic shows a high level of quality of the presented book. In a comparative terms evaluation of its quality is comparable with [...] great European projects, which also holds for the appropriateness of its approach and interdisciplinary methodology.

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[...] *Young Women in Post-Yugoslav Societies: Research, Practice and Policy* provides many fascinating narratives that emerged as a result of empirical research conducted by numerous authors of this compilation, which are presented in a well-structured and systematic manner. The work done by authors and editors makes this book a significant reading material for all interested in topics such as: social change in general and social change within a context of SEE region in particular; Post-Yugoslav societies transitions [...]

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The book [...] promises a fresh and innovative contribution to gender studies in and beyond the Balkan region. The editors produced a volume that critically analyses the status of young women in the transitional and still largely patriarchal societies of the Balkans...When putting together such a comprehensive project, the editors aimed, and succeed in producing a crosscultural and cross-disciplinary work that would make space for future networking and collaboration between feminist academics, activists, politicians and young experts in the field. The regional dimension of collaboration is particularly important since, despite the collapse of Yugoslavia, societies in the region still share the same cultural and patriarchal heritage which acts as an obstacle to the full exercise of gender equality.

Professor Olivera Simić

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