



NEW MAJORITIES I & II: A TEAM EFFORT



UCLA's Center for the Study of Women (CSW) and NYU's Center for the Study of Gender and Sexuality (CSGS)

have teamed up on a yearlong project that addresses the challenges currently facing the fields of women's studies, gender and sexuality studies, postcolonial studies, ethnic studies and LGBT studies. The project has resulted in two sister conferences; the first, *New Majorities, Shifting Priorities: Difference and Demographics in 21st-Century Academy*, was held at UCLA on March 4, 2011. The second conference, titled *New Majorities II: The Multiple Futures of Gender and Sexuality Studies*, will be held at NYU on April 29, 2011. The conference in New York marks

the eleventh anniversary of NYU's CSGS and to celebrate, a musical performance party will cap the conference events.

Like CSW's conference, *New Majorities II* will be structured around two roundtable sessions featuring prominent scholars in the fields of gender and sexuality studies, women's studies, LGBT studies, and ethnic and postcolonial studies. The conference roundtables reflect the kind of discussion and project outcomes that are important for the continuation and development of these highly valuable areas of study. These project goals include the development of innovative research, curriculum, and programming strategies and the best possible arguments that can be made for these fields of study. Through these conferences, CSW and CSGS will articulate how these fields are indispensable to academia's educational mission in the 21st century.

Starting at 10 am on April 29, 2011, at NYU, the morning roundtable, "Gender and Sexuality Studies at NYU: History, Futures, Institutional Possibilities and Dilemmas," will be moderated by Gayatri Gopinath, Gender & Sexuality Studies, NYU, and will feature Don Kulick, Comparative Human Development, University of Chicago; Rahma Abdulkadir,

Research Fellow, NYU Abu Dhabi; Carolyn Dinshaw, Social & Cultural Analysis, NYU; and e. Frances White, Gallatin School of Individualized Study and Social and Cultural Analysis, NYU. Lisa Duggan, Social & Cultural Analysis, NYU, will moderate the afternoon roundtable, "New Paradigms, New Possibilities," which will feature Jennifer D. Brody, African & African American Studies, Duke; Licia Fiol-Matta, Latin American & Puerto Rican Studies, Lehman College, CUNY; Janet R. Jakobsen, Barnard Center for Research on Women, Barnard College; Laura Levitt, Religion and Women's Studies, Temple University; Ann Pellegrini, Performance Studies and Religious Studies, NYU; and myself, representing UCLA's CSW.

That evening, CSGS is hosting a party and performance at Le Poisson Rouge, from 7 to 8:30 pm, to celebrate their eleventh anniversary. Produced by Vivia DeConcini, the event will feature performances by Darlinda Just Darlinda, Karen Finley, Geo, Jomama Jones, Coco 'Lectric, Glenn Marla, Neal Medlyn, Peggy Shaw, Lois Weaver, and Jennifer Miller as the MC. For more information, visit <http://www.csgsnyu.org/>.

— KATHLEEN MCHUGH

april 2011

CSWupdate

**DIRECTOR'S
COMMENTARY**
BY KATHLEEN MCHUGH

KEEP IT GREEN!

STAFF



**ARCHIVES, LIBRARIES, MUSEUMS, AND SPECIAL COLLECTIONS
2011 INTERNATIONAL LGBT CONFERENCE**

**HOSTED BY
JUNE L. MAZER LESBIAN ARCHIVES**

Academic Conference with a Grassroots Flavor

THIRD ANNUAL ARCHIVE, LIBRARY, MUSEUM, AND SPECIAL COLLECTIONS
2011 INTERNATIONAL LGBT CONFERENCE IS MAY 12TH TO 15TH

THE THIRD ANNUAL Archive, Library, Museum, and Special Collections (ALMS) 2011 International LGBT Conference is upon us! The conference focuses on grassroots, public, private, and academic archives collecting various materials from diverse LGBT communities. Presented by the June Mazer Lesbian Archives in association with the City of West Hollywood, the UCLA Library, and UCLA's Center for the Study of Women, this year's conference will take place at Plummer Park in West Hollywood and UCLA, Thursday May 12 to Sunday May 15. The conference is organized by and for LGBT archives and their partners, to interrogate challenges, triumphs, research, and advocacy

on preserving the the LGBT community's place in the collective cultural history through active research, exhibits, preservation, and collection development.

There are two keynote speakers at this year's conference, Lillian Faderman and Cleve Jones. Faderman, the highly respected scholar on lesbian history and literature, will kick off the conference with a keynote address scheduled for Friday morning. Faderman, now a Professor of English at California State University, has won various awards for her scholarship and writing, including the Yale University James Brudner Prize for Exemplary Scholarship in Lesbian/Gay Studies in 2001 and the Lambda Literary Award

for best lesbian/Gay Anthology. The New York Times have included two of her books, *Surpassing the Love of Men* and *Odd Girls and Twilight Lovers*, on their "Most Notable Books of the Year" list. Jones, an activist for AIDS awareness and education as well as LGBT rights, conceived of the NAMES Project AIDS Memorial Quilt and co-founded the San Francisco AIDS Foundation in 1983 which has evolved into the organization People with AIDS, one of largest and most influential advocacy organizations in the United States. His keynote address will conclude the conference on Sunday morning.

The Friday session of the conference includes two roundtable panels entitled "Into the Virtual

ALMS 2011 is hosted by June L. Mazer Archives in association with the City of West Hollywood, One Archives, UCLA Library, and UCLA Center for the Study of Women

World” and “Going to the Source: Oral Histories.” The first roundtable is anchored by two presenters discussing digital archives with examples of online exhibitions and techniques of using the web to create online community archives. The second roundtable features speakers highlighting the importance of obtaining, collecting, and preserving living histories. The other panels in the Friday session encompass a diverse array of topics including activism for inclusion

of LGBT history in the archive and the associated challenges, the creation and promotion of queer research, and queer imaginaries. Also on Friday, the conference has included three “mini-sessions:” the showcasing of a quilt made out of t-shirt fronts by lesbian activists Sharon Raphael and Mina Mayer, a presentation by Stephan Przybylowicz calling for librarians to be activists for social justice, and “Documenting Sex(ualities) in the Archival Literature” by Marika Cifor.

Saturday’s panels will tackle subjects ranging from the importance of LGBT home movies and amateur documentation and the preservation of such materials to archiving the experiences and history of black lesbians with and from a global perspective. The Saturday session includes four roundtable sessions: “Basic of Archiving Film and Video”; “Community Activists of Color,” a discussion featuring a group of archivists of color and their experiences; “Hidden Heros, Arrested Activists,” a discussion with five activists that have been arrested many times; and “Seeking Professionalism,” featuring two presenters who will discuss the development of best practices within the profession for the collection, preservation, and access of LGBT materials.

Registration for this event is ongoing and for more information on time, place, lodging, or other questions, visit www.mazerlesbianarchives.org.

CSWupdate
APRIL 2011

The Gendering of Film and Television Casting

RESEARCH NOTEBOOK BY ERIN HILL

Why did casting, which in its present incarnation seems to have much in common with other feminized labor sectors in terms of the logic behind its gendering, only truly become gendered after the end of the studio system?

I BECAME INTERESTED IN CASTING, a female-dominated profession in the contemporary American film and television industry, after observing the casting process carried out at production companies where I worked in the early 2000s in New York and Los Angeles. The skills and strategies used by casting directors and assistants to guide the process of matching actors with directors and roles—meting out rejection in both directions yet managing to keep the atmosphere positive—seemed to me to be creatively important. However, the work seemed equally reliant on qualities that undercut that importance, many of which had traditionally been associated with women. Not the least of these were a kind of femininely deployed self-effacement and an ability to influence decision-making while maintaining low status. When I interviewed a dozen or so casting directors, they reported that the job often required them to assume the role of, in

their words, wife, mother, hostess, or girl Friday, and that their aptitude for playing these roles had been key to their success in the field and had in many cases led to their having increased input into the creative process. Not one of them, however, knew how the work had come to be female dominated, other than believing that the job had “always been done by women.” Research into the history of casting quickly revealed that, despite the testimony of my interview subjects, as well as some recorded anecdotes and oral histories which seemed to corroborate it, the job of casting director was actually male-dominated at American film studios, until the 1960s and 1970s. Why did casting, which in its present incarnation seems to have much in common with other feminized labor sectors in terms of the logic behind its gendering, only truly become gendered after the end of the studio system? I have come to see this job as a particularly interesting member

of a subgroup of “women’s” work at film studios, which, unlike women’s craft jobs with roots in domestic arts and crafts or women’s manual labor at studios with roots in manufacturing, is most closely related to women’s clerical labor. The following overview of my research in this area will attempt to explain what brought me to this conclusion and how my historical investigation of casting has helped me to understand the logic behind casting’s current feminization.

We can begin a discussion of clerical laborers in the studio system around 1890 or 1900, not only because that is when the first films were being made but also, and more importantly, because the dramatic rise in importance of clerical labor to American business was reaching a climax at this time. As a result of the increased use of technologies such as the typewriter and filing cabinet, as well as the implementation of principles of scientific management of production across major American industries, small

businesses, and even private homes, management was becoming increasingly separated from production and larger numbers of clerical workers were hired to carry messages in an intermediate product that economists refer to as “clerical output.”¹

Population shifts from farms to cities created a increasing urban workforce of women who were attractive candidates for these clerical jobs because they were thought to be more suited to the monotonous-yet-detailed work of operating stenographs, typewriters, and filing cabinets, and because they could be paid and promoted less before, it was assumed, they left the workforce for marriage.² And so new business technologies were gendered female, clerical work was feminized, and by the 1930s, the percentage of female workers in some clerical fields had risen to as high as 95.³

While individuals in the burgeoning film business of the 1900s and early teens hired clerical workers for their sales departments and company offices, for the most part, early film production processes involved only a cameraman

1. Fine, Lisa M. *The Souls of the Skyscraper: Female Clerical Workers in Chicago, 1870-1930*. Philadelphia: Temple University Press, 1990. p. 31.

2. Strom, Sharon Hartman. *Beyond the Typewriter: Gender, Class and the Origins of Modern American Office Work, 1900-1930*. Chicago: Chicago University Press, 1992. P 190.

3. Davies, Margery W. *Woman's Place is at the Typewriter: Office Work and the Office Worker, 1870-1930*. Philadelphia: Temple University Press, 1982. P 52.

or a director with a few extra hands to round up sets, costumes, actors, and whatever else was needed, guided by a vague story outline or no script at all. Clerical workers were largely absent and notes were taken, if at all, by whoever was free.⁴ In the 1910s and 20s, clerical work shifted from being an ancillary to integral part of the film production with the development of that process into what Janet Staiger calls the “central producer system of production,” under which jobs were separated and standardized and factory-like studios were designed and built according to principles of scientific management.⁵ Here, the central producer served as manager, using the script as the blueprint for each film made and distributing resources to each project, which could then be systematically carried out by production workers. In this system, central producers ran studios and their productions with paper rather than with verbal instructions from a director. And this paperwork, or clerical output, was created and distributed by a pre-

4. Lizzie Francke's *Script Girls: Women Screenwriters in Hollywood* is particularly descriptive of the different ways in which people, and women in particular, came to work on early silent films, often relying on first-hand accounts such as writer Beulah Marie Dix's description of her early experiences at Famous Players-Lasky as “all very informal, in those early days. There were no unions. Anybody on the set did anything he or she was called upon to do. I've walked on as an extra, I've tended lights (I've never shifted scenery) and anybody not doing anything else wrote down the director's notes on the script.” Francke, Lizzie. *Script Girls: Women Screenwriters in Hollywood*. London: BFI, 1994. P 6.

5. Bordwell, David, Kristin Thompson and Janet Staiger. *The Classical Hollywood Cinema: Film Style & Mode of Production to 1960*. New York: Columbia University Press, 1985. P 93.

dominantly female clerical labor force that, as studios were built, became an important part of studio life.

This shift is evident not only in the studio layouts published in fan magazines throughout the 1910s⁶ but also from discussions in these magazines, which were oftentimes written by filmmakers themselves. A 1913 report in *Moving Picture World* on the application of principles of scientific management to the Lubin Western Branch in Los Angeles details the creation of an editorial department where “scripts are prepared for the directors in such shape that they can be produced as written,” as well as the new practice of carefully kept cost data “segregated for each picture, so that it is possible at any time to ascertain what the certain pictures are costing”.⁷ Similarly, in 1915, E.D. Horkheimer of the Balboa Company wrote in the same publication about his methods of efficient studio management, which included keeping snapshot records of locations, stills of every set built, a card index of props and sets dressings, and detailed

6. For example, one such article about the new Lasky Studio, depicts not only the designation of various studio buildings for different kinds of film work, but also the grouping together of departments with similar functions, such as set and property rooms, as well as various executive, administration, writers' and directors' office buildings, which all sit in the same corner of the lot. “A Bird's Eye View of the Lasky Studio at Hollywood, California” *Photoplay* 13:16, May 1918. P. 30-31.

7. “Studio Efficiency. Scientific Management as Applied to the Lubin Western Branch by Wilber Melville.” *The Moving Picture World*. 17:6. August 9, 1913. P 624.

Common to these descriptions of efficient studio management is the premium that is put on organization through record keeping in scripts databases and tabulations. Clearly then, increased numbers of clerical personnel were needed to keep these records. Based on job advertisements and discourse around clerical workers who were being hired at studios in the 1910s, as well as the larger trend of the rise of the female clerical worker in American businesses in general, it can be reasonably assumed that a large number were women.

tabulations of weather reports.⁸ And the most famous early adopter, Thomas Ince—who had perfected the use of a shooting or continuity script in the early 1910s and written about it in *Moving Picture World*—had by 1916 built a half-million dollar studio complete with lit stages as well as “an administration building for the executive and scenario departments, property, carpenter, plumbing and costume rooms, a restaurant, a commissary, 300 dressing rooms, a hothouse, a natatorium—and 1000 employees and a studio structure which was essentially that associated with the big studio period of later years.”⁹ Common to these descriptions of efficient studio management is the premium that is put on organization through record keeping in scripts databases and tabulations. Clearly then, increased numbers of clerical personnel were needed to keep these records.¹⁰ Based on job advertisements and discourse around clerical workers who were being hired at studios in the 1910s, as well as the larger trend of the rise

8. Horkheimer, E.D. “Studio Management.” *The Moving Picture World*. October 30a, 1915. P 982.

9. Staiger, Janet. “Dividing the Labor for Production Control: Thomas Ince and the Rise of the Studio System.” *Cinema Journal*. Volume 18: Number 2, 1979. P16.

10. Indeed, several articles in fan magazines on shifts in personnel discuss the hiring of clerical workers. In the case of the Edison studios in New Jersey, which underwent reorganization for efficiency in 1915, clerical staff were transferred from the Edison business headquarters to the Edison studio where, “New offices are being built in where formerly stood dressing rooms, the idea being to centralize each department’s work for greater efficiency.” “Changes at Edison Studio.” *The Moving Picture World*. October 30, 1915.

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Much like the tabulation of weather reports and the indexing of props mentioned in articles evangelizing studio efficiency, actors became a resource to be indexed and tracked. It was at this time in the mid 1910s that casting increasingly became a process of classifying actors by type or, as Mary Pickford put it, “divid[ing] humanity in sections—young men, old men, comedians, tragedians,” for ease in distributing them to various productions.¹¹ These classifications were assigned, recorded, and cross-indexed by early casting workers—essentially locking actors into a specific type. In this way, early studio talent and casting departments resembled stock companies, filling out supporting roles once leads had been selected. The contract system developed as a means to lock these assets into place so that their availability would be assured, thus eliminating some of what Horkheimer described in his studio efficiency article as the “wastage” that is inevitable “wherever the human element is important” in production.¹² Other film production jobs created through the process of standardization

11. Staiger, Janet. In Bordwell, David, Kristin Thompson and Janet Staiger. *The Classical Hollywood Cinema: Film Style & Mode of Production to 1960*. New York: Columbia University Press, 1985. P 140.

12. Horkheimer, E.D. “Studio Management.” *The Moving Picture World*. October 30a, 1915. P 982.

Other film production jobs created through the process of standardization and separation of tasks that took place largely on paper, as casting did, were gendered female. For example, the crew position of continuity clerk (today's script supervisor) seems to have become a woman's job when all clerical duties on set, such as keeping notes on each take for use in editing and to maintain continuity from shot to shot, were separated from the work of the assistant director, cameraman, and whoever else had been doing it in earlier systems of production.

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In trying to explain this difference between casting—which took place on paper but was not female-dominated—and something like script supervision, I was eventually led to studio hierarchy. While casting today is something that happens prior to a film's production, it is still closer in terms of its status and place in the process to a below-the-line production jobs such as production design and casting workers. Other than studio casting executives who supervise all studio projects, casting directors tend to identify more as production workers than as managers, whereas a development or

production executive would identify as a manager.¹³ Studio-era casting, on the other hand, was very much a management position and was treated as such in the workflow. For example, according to a 1934 hierarchy at RKO, casting was separated from production and instead grouped with contracts and the stock company, much closer to the studio's legal and executive branches.¹⁴ This makes sense in light of how much of casting at this time was about simple acquisition and management of assets. It also makes sense when considered in relation to the branches that were closest to it—publicity and advertising, as well as the above-the-line creative departments (producers, writers, directors, and story). These branches were largely devoted to management of assets and worked closely with the front office to plan which scripts would be made, who would make them, who would be in them, and how they would be sold to the public. Similarly, studio casting directors were managers who planned with directors of various films going into production, handed out assignments, negotiated contracts, and made loans of talent based on the needs of produc-

13. This was evident during my years in film/TV production and development, and later verified during a series of interviews with contemporary casting directors in 2004. For more see "Women's Work: Femininity in Film and Television Casting." Presented at Console-ing Passions Conference, University of Wisconsin, Milwaukee, May 25-28, 2006.

14. "RKO Studio Organization Chart from 1934," printed in Jewell, Richard B. *The Golden Age of Cinema: Hollywood 1929-1945*. Oxford: Blackwell, 2007.

Though casting wasn't feminized at this time, there was another department nearby that was headed almost exclusively by women: the talent department. It was here that actors were signed, often after having been "discovered" by one of the department's scouts, brought in for a screen test, and, if approved by the managerial casting directors and executives, nurtured personally and professionally by drama coaches and other studio caretakers

tion and the inventory of character actor "types" and star "personalities" available, taking into account their marketing and publicity potential at the time. Thus, while paper maintenance departments (such as accounting, stenography, scripts, and reading, which were more strictly typing and record-keeping) were located elsewhere in the hierarchy and carried out almost exclusively by women, the more managerial departments were often housed in offices near to one another and were headed up by male executives supported by what seems to have been a largely female clerical staff.

Though casting wasn't feminized at this time, there was another department nearby that was headed almost exclusively by women: the talent department. It was here that actors were signed, often after having been "discovered" by one of the department's scouts, brought in for a screen test, and, if approved by the managerial casting directors and executives, nurtured personally and professionally by drama coaches and other studio caretakers.¹⁵ Workers in this department made daily use of the skills and duties that today's casting directors claim are expected of them such as using "feminine intuition" in finding stars, fostering actors in and out of audi-

15. Extremely helpful in explaining the differences between casting and talent departments is Ronald Davies's *The Glamour Factory*, which discusses not only the nurturing and caretaking roles of talent workers, but also names many of the specific female drama coaches who headed these departments over the years. Davies, Ronald M. *The Glamour Factory: Inside Hollywood's Big Studio System*. Dallas: Southern Methodist University Press. P 79-95.

tions, and mitigating the emotional content of messages during the casting process as actors pass or are passed on for projects. Regular duties included emotional labor such as nurturing and caretaking of actors, the "women's work" of teaching, and, sometimes, combining these two in terms of excess of emotions needed to teach acting in specific. These sorts of skills were also used in another film profession that while not dominated by women, was certainly a job where women could more easily reach positions of power—that of the talent agent, since agents during the era of the long-term contract acted with studios as co-managers of actor's lives. Based on this evidence, it is my contention that contemporary casting is not simply a descendent of studio casting, but a mixture of aspects of the work of casting directors, talent scouts and coaches, and agents.

In the film industry's post-studio downturn of the 1950s and 60s, procuring and managing assets was no longer a cost-efficient business model. Gradually, the contract system ended, many studio properties were sold off, and actors became free agents, which meant that there was no need for talent and casting departments on studio lots, at least, not on the scale they had been. There were casting directors on staff and talent departments in operation at studios throughout the 1950s and 60s but their process was clearly changing to adjust to the develop-

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ing free agent system. Eventually, the studio-era formulations of casting and talent departments largely disappeared from studios and networks which now have casting executives to supervise the casting of some of the films or television programs made under their banner, but which mainly hire freelance casting directors to cast their films and shows.

Using this research, I will argue that it was when casting moved off-site and transformed into a freelance position that its status changed from executive/managerial to that of below-the-line crew and when women came to the profession in greater numbers and with greater prospects than men exited. I base this contention on the fact that this later incarnation of casting is a) more clerical, involving more list making, meeting scheduling, and availability checking because actors are no longer stable, contracted, manageable assets, b) more feminized, incorporating the nurturing and caretaking duties that previously fell to agents and talent department workers, and c) less rewarding in terms of pay and creative credit because contemporary casting directors are compensated well, but not as well as many other below-the-line crew, let alone above-the-liners or executives. Women seem to have adapted quickly to the requirements of this new form of casting and, by the 1970s, it was already clear that casting was on its way to its contemporary feminized state be-

cause when studios and networks begin gender integration of their executive ranks in order to head off public pressure for equal rights, the position they commonly chose to integrate first was casting.¹⁶ These new, female casting directors subsequently carved out more creative territory for themselves, I argue, not by working around their gender, but rather, by working through it, supporting, nurturing, and catering to individual above-the-line creative entities in a way that rendered it nonthreatening while bonding them closely to the creative process.

Erin Hill received two undergraduate degrees in Film and Theatre from the University of Michigan and then moved to New York and later to Los Angeles to pursue a career in Film and Television development. She worked as an Executive Assistant until realizing that she was more interested in studying the culture industry than working in it. She is a Ph.D. candidate in the Cinema and Media Studies Program in the Department of Film, Television, and Digital Media. She received a CSW Jean Stone Dissertation Research Fellowship in 2010.

16. In *Women Who Run The Show*, which details the rise of women to power positions in Hollywood following the Equal Employment Opportunity Act of 1972, Ethel Winant describes the public relations concerns that she imagines led to her promotion to vice-president at CBS, saying "I don't think [CBS] paid much attention to women before or after I was a vice president[...] at the top levels of the network the corporate people probably said, 'What are we doing about women?'" Winant's new title as vice president of casting and talent was announced at an affiliate's meeting, but an increase in salary wasn't offered until Winant brought up that she hadn't even been asked if she wanted the job. Gregory, Mollie. *Women Who Run the Show: How a Brilliant and Creative New Generation of Women Stormed Hollywood*. New York: St. Martin's Press, 2002. P 11.

INVENTING HOODIA VULNERABILITIES AND EPISTEMIC CITIZENSHIP IN SOUTH AFRICA



Studying Hoodia patent law struggles reveals how sovereign power, in the service of neoliberal bioeconomies, values some forms of knowledge over others.

Hoodia gordonii is a succulent plant known for generations by the Indigenous San peoples in Southern Africa as a source of water, food, and energy during times of low food supply. But in 1996, South Africa's Council for Scientific and Industrial Research ("CSIR") obtained patent rights to Hoodia's P57 compound with the hopes that they, in partnership with Pfizer and eventually Unilever, could develop Hoodia for global commercialization and sale as an anti-obesity product. The plant took on further significance in 2003 when the South African San Council entered into a benefit sharing agreement with CSIR for 6 to 8% of the revenue from the potential sale of Hoodia. Monies were to be placed in a Trust for all San peoples across Southern Africa. Meanwhile, patents on Hoodia signaled its value, generating a profitable herbal supplement industry devoted to selling the plant for weight loss. Sold through the Internet, the botanical market for Hoodia employs stereotypical images of seemingly "modern" white western women bodies in relation to "traditional" San male hunters, while placing U.S. female consumers in relation to San female producers of Hoodia knowledge.

In studying Hoodia patent law struggles, I am interested in how sovereign power, in the service of neoliberal bioeconomies, values some forms of knowledge over others. I examine how techniques of governmentality such as patent

law, benefit sharing contracts, bioprospecting permits, and prior informed consent agreements are being used to structure inequitable forms of citizenship based upon whose knowledge and intellectual labor matters more to the neoliberal project of the nation-state. In particular, I ask how relevant social actors make claims for rights, benefits, and protection under the law based upon a vulnerability to their processes and ways of knowing in order to participate more fully within global market economies. In addition, I examine how social actors articulate, position, and rework concepts of nature and culture as they describe their practices related to the plant in order to secure rights under patent law and benefit sharing legislation.

Furthermore, I explore how these practices of legal claim making involve the production of difference and inequality through the articulation and deployment of narratives of race, gender, and indigeneity. Through these inquiries, I consider "epistemic citizenship" as a way of understanding how the state is producing new epistemic citizens through the creation of novel legal technologies that open up, restrict, and control access to global market participation, while producing new forms of political association. This offers an alternative to scholarly work around patent law, which focuses on the public domain.

Critical intellectual property scholars theorize the "public domain" as a conceptual analytic for

understanding patent law and civil society. Ideas and materials within the public domain are free from property ownership. Some scholars assert that the patenting of DNA sequences restricts scientists' ability to do science, while arguing for an open public domain where material can be freely and openly shared. (Boyle 2008, 2003, Rai and Eisenberg 2003) In contrast, others claim that patents endanger Indigenous communities by threatening their biodiverse resources and cultural heritages, thus a more protective public domain is needed to give them more control. (Coombe 2003, Long 2006, Greene 2004) These debates produce valuable insights, but they often fail to address patent law and society as co-constituted within complex gendered social relations, histories of colonialism, and practices of neo-liberal globalization.

To address these concerns, I employ interdisciplinary feminist methodologies to produce an ethnographic, multi-sited study of how a patented object circulates. (Charmaz 2006, Clarke 2005) Drawing upon feminist science studies, feminist legal theory, and transnational feminisms, I analyze Hoodia as it travels through various spatial and temporal modes such as colonial botanical journals, #Khomani San women's kitchen gardens, small farms, bioprospecting labs, patent specification documents, company web advertisements, and

benefit-sharing legislation. My research also involves thirty-three interviews with relevant social actors including members of the #Khomani San, lawyers, environmental activists, scientists, and government officials. Focusing on the circulations of Hoodia allows me to examine relations of power between individuals and groups in order to account for how San knowledge related to Hoodia is devalued. Through this research I learn that claims for epistemic citizenship involve and depend upon different articulations of nature and culture, while simultaneously producing difference, inequality, and spaces for resistance.

In late 2008 expectations of a financial windfall to the San plummeted when Unilever issued a press release saying that they were dropping all plans to develop Hoodia products. Termination of the program raised anxieties that the benefit sharing agreement had officially failed. Once considered a symbol of hope for San peoples, the Hoodia plant and its benefit sharing agreement were now foundering. Rumors also began circulating that large bulldozers were now terminating helpless, vulnerable Hoodia plants growing in the Kalahari on Unilever sponsored plantation farms. So how did Hoodia change from a symbol of vulnerability to hope, and back again? Hoodia had been constructed as a symbol of biocolonialism by the San to obtain benefit sharing, and with the success of negotiations, it had become a sign of hope for

Indigenous peoples' rights to self-determination. With the fate of benefit sharing now on shaky ground, Hoodia once again emerged as a vulnerable plant in need of protection.

Changes in Hoodia benefit sharing also corresponded with the emergence of new regulatory regimes within South Africa. The protection of traditional knowledge and intellectual property rights had become a nation-building project. South Africa had just passed several pieces of legislation, which created legal uncertainty over patent rights, bioprospecting permits, and benefit sharing. The Hoodia agreement, which began as a private contract with CSIR, was now being re-ordered to meet these new legal regulations and system of governmental management and oversight. Hoodia struggles were thus being re-figured through a new relationship with the nation-state that had become invested in the regulatory and legal control of knowledge in new ways. With this instability, what I found, was that Hoodia social actors, now more than ever, were being obliged to perform what Wendy Brown calls "states of injury" in order to protect their processes of knowledge production. (Brown 1995)

Feminist science studies and feminist legal theory provide useful frames for understanding how vulnerability is deployed, structured, and subverted through regimes of science and law. Adriana Petryna shows how individuals make

claims through new regulatory regimes for inclusion into the post-soviet welfare state based upon their biological suffering from the Chernobyl nuclear disaster. (Petryna 2002) Martha Fineman also suggests a turn towards vulnerability as way to strengthen equal protection analysis currently based upon identity politics. (Fineman 2008) Scholarly attention to vulnerability, however, primarily focuses on a notion of biological suffering and physical vulnerability. Yet, notions of vulnerability are themselves constructed. Thus my project asks how the law structures and grants rights of epistemic citizenship through discourses of vulnerability to ways of knowing and processes of knowledge production.

As South Africa looks to patent ownership to incite medical and pharmaceutical innovations, new forms of epistemic citizenship emerge - whereby corporations and government research institutions can make claims for ownership based upon their vulnerable processes of producing knowledge. Under South African and U.S. patent law, patent owners, such as CSIR and Unilever, are constructed as persons vulnerable to infringement or "piracy" of their inventions. Corporations are therefore assigned temporary monopoly rights over their employees' inventions in order to protect their capital investment for developing scientific technologies. Patent law therefore gives institutions

control over their knowledge production by constructing them as vulnerable subjects. For instance, Hoodia began as a promising plant for Unilever with potential for millions in profits. Clinical trials, however, called into question its safety and likely FDA approval. Thus, in late 2008, during the global collapse of the financial markets, Unilever announced it was terminating the project. Hoodia research, however, had sparked new discoveries as Unilever filed its own patents for producing Hoodia plant extracts. Unilever was thus obligated to articulate its vulnerability in order to secure patent rights over Hoodia properties.

This requires the legal construction of nature into cultural, scientific artifact. A product of nature is not considered patentable subject matter. Ownership rights can only apply to subject matter that is "isolated and purified" and "markedly different" from its form found in nature. To become patentable, the Hoodia plant therefore comes into being as a chemical composition isolated from the plant as a whole. It is codified under the law as life at the molecular level, in a new bioeconomic state of what Nicholas Rose calls "molecularization." (Rose 2006) Hoodia therefore becomes a set of vital mechanisms that can be isolated, manipulated, and recombined through scientific practices of intervention. Hoodia is no longer constrained by its vital order as the cultural

heritage of the San peoples. It is cut and severed from its historical, social, political, and cultural relationships. (Strathern 1996) Hoodia becomes privileged and valued under the law as an isolated and purified chemical composition known as P57.

Epistemic citizenship, as mediated by patent law, is therefore determined by characterizing Hoodia as patentable invention. Through the legal architecture of patent law, Unilever emerges as a more worthy epistemic citizen whose knowledge of how to isolate the Hoodia plant into specific chemical compounds is more valuable for neoliberal market logics than that of the San peoples. By assigning patent ownership to the Hoodia compounds, science in the lab is privileged over Indigenous knowledge of the plant. Patent law thus codifies the technoscientific visualizing techniques of western science that stand in opposition to a feminist objectivity or situated knowledges. (Haraway 1988)

While Unilever was compelled to maintain and enforce its position on Hoodia patents, the San found themselves once again arguing for legal rights to benefit sharing. The private contract between the San and the CSIR was now being re-figured under South Africa's 2008 Regulations on Access and Benefit Sharing. The San were thus obligated to once again construct themselves and their knowledge of Hoodia through discourses of vulnerability in

order to secure their rights. The #Khomani San articulate Hoodia knowledge as vulnerable to injury by scientists seeking to patent and commodify their knowledge. They also describe the plant as “from nature” and as “life.” Through these articulations, Hoodia is positioned as more natural and pure than scientifically manipulated Hoodia. Discourses of naturalization are thus used to construct a binary between what the San know about the plant versus the scientists. This binary enables the San to make claims for protection and benefits over their own unique knowledge of the Hoodia. Constructing Hoodia in this manner is necessary for obtaining benefit sharing and its avenues enabling market place participation. The San emerge as worthy epistemic citizens entitled to benefit sharing rights because they hold a distinct and vulnerable knowledge of “natural” Hoodia.

Yet, in making such claims of vulnerability, the San are obliged to take on the same discourses of naturalization that have historically constructed them as inferior. The San have been historically positioned as “animal-like” and as “closer to nature” through colonial and apartheid discourses in order to justify violence against them (Moran 2009, Dubow 1995). Legal-claim making to secure benefit sharing compels the San to adopt and reinforce these discourses of naturalization. Hoodia therefore

comes into being under the law as static and timeless nature that is vulnerable and in need of protection through benefit sharing. This also results in the erasure of #Khomani San women’s reproductive and intellectual labor as well as the gendered knowledge practices related to Hoodia. For instance, members of the #Khomani San describe learning about Hoodia from their mothers and grandmothers who also use the plant to ease breast-feeding and treat gassiness in babies. It also reinforces the San themselves as traditional and outside of modern discourses of scientific knowledge production. The San therefore emerge as epistemic citizens, but are given fewer rights.

Epistemic citizenship, and the rights it affords, is inequitable. Through the benefit sharing contract, the San emerge as stakeholders in the success of Hoodia’s global production, sale, and consumption. Yet, they lack control over the means of production. For instance, when Unilever stops its commercialization of Hoodia it means that no monies will flow to CSIR for distribution to the San per the agreement. Benefit sharing, as a form of epistemic citizenship with rights to market participation, is therefore structured in unequal ways.

Despite these limitations, benefit sharing is considered a pathway to political recognition. The #Khomani San look to benefit sharing with CSIR and others as a step towards formal rec-

ognition of themselves as Indigenous peoples. Under South African law, the #Khomani and other South African San are not formally recognized or represented within the National House of Traditional Leaders, thus they find it difficult to assert their customary law as a primary source of governance. (Bennett 2004) Benefit sharing is seen as a key step towards gaining political recognition within the National House and more autonomous control over land and resources. Thus, although limited through legal and market-mediated regimes, the San are using benefit sharing, with its hopes for market participation, in counter-hegemonic ways to refigure their relationship with the nation-state. Claims for and grants of epistemic citizenship are therefore being deployed and contested to make space for re-imagining notions of citizenship within the post-apartheid nation state.

One indication that San political mobilization is contesting notions of citizenship, are the increased anxieties among certain groups of small-scale, Afrikaner farmers. Under the new laws, farmers growing and exporting Hoodia to international botanical markets are now compelled to negotiate benefit sharing contracts with San peoples. For instance, the Hoodia Growers Association signed a benefit sharing contract with the South African San Council in 2007. Yet, to protect against a further erosion

of their rights and privileges, they articulate a vulnerability to their knowledge of how to grow and cultivate Hoodia. Such vulnerability claims are made through racialized and gendered narratives, placing male Afrikaner farmers in opposition to San women. This functions to reinforce whiteness and Afrikaner claims to “indigeneity” within the complex social and political orders of South Africa given its colonial and apartheid histories. It is within this particular moment of time, with its uncertainties and tensions, in which these social actors began to articulate renewed claims of vulnerability over their processes and ways of knowing.

In sum, in my research within post-apartheid South Africa, I find the emergence of an epistemic citizenship where individuals and groups make claims for inclusion into the market place based upon a vulnerability to their ways of knowing and processes of knowledge production. Inclusion into the market place, and its pathways to political recognition, is determined by how nature and culture are characterized. Epistemic citizenship also shapes and is shaped by relations of gender, race, and indigeneity. Patent ownership reinforces the masculinized and racialized scientific techniques and rationalities of science in the lab. San negotiations for benefit sharing work to obscure the gendered knowledge practices related to the Hoodia plant. Yet, at the same time, San claims

for epistemic citizenship, as mediated through benefit sharing, work to disrupt regimes of whiteness within South Africa. These struggles denote a new form of inequitable citizenship based upon whose knowledge and intellectual labor matters more to the neoliberal practices of the nation-state. Citizenship has always been linked to knowledge, but the increased scope and globalization of patent law and ownership in recent decades has made this relationship more explicit. Examining Hoodia patent law struggles provides insights into how claims for and grants of epistemic citizenship function within South Africa as it simultaneously seeks to protect its traditional knowledge, participate within new global economies, and recognize claims for self-determination by Indigenous peoples within its borders.

Laura Foster is an attorney, current Ph.D. candidate in Women’s Studies at UCLA, and a Graduate Research Affiliate with the UCLA Center for Society and Genetics. Her research focuses on biotechnologies, genetics, indigenous knowledge/science, intellectual property law, critical race theory, and post-colonial/transnational feminisms in the context of Southern Africa. Her research interests draw upon her work in Southern Africa over the past decade as a human rights lawyer working closely with non-governmental organizations in Botswana and South Africa on issues of domestic violence and, more recently, intellectual property policy. She received the CSW/Grad Division Irving & Jean Stone Dissertation Year Fellowship in 2010.

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