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Pursuing Marriage Equality in Four Democracies: Canada, the United States, Belgium, and Spain

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Abstract - Viewing litigation as an effective weapon in minority group politics, gay and lesbian rights activists in Canada and the United States turned to the judicial arena, seeking the courts' affirmation of their fundamental right to marry. In contrast, Belgian and Spanish activists refrained from constitutional litigation, choosing instead to pursue marriage equality by appealing to national legislative and executive institutions, and developing insider strategies within the political parties. This paper explores the asymmetry between the four countries: it highlights the key differences and similarities among them and offers preliminary explanations for the disparities in strategies for marriage equality. It concludes that the strategies developed by same-sex marriage advocates in these four cases reflected their countries' legal and political environment as well as their historical approach to social reform.

Keywords : *equality, marriage, sexual orientation, courts, legislatures, political parties.*

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Pursuing Marriage Equality in Four Democracies: Canada, the United States, Belgium, and Spain

Susan Gluck Mezey [α] & David Paternotte [σ]

Abstract - Viewing litigation as an effective weapon in minority group politics, gay and lesbian rights activists in Canada and the United States turned to the judicial arena, seeking the courts' affirmation of their fundamental right to marry. In contrast, Belgian and Spanish activists refrained from constitutional litigation, choosing instead to pursue marriage equality by appealing to national legislative and executive institutions, and developing insider strategies within the political parties. This paper explores the asymmetry between the four countries: it highlights the key differences and similarities among them and offers preliminary explanations for the disparities in strategies for marriage equality. It concludes that the strategies developed by same-sex marriage advocates in these four cases reflected their countries' legal and political environment as well as their historical approach to social reform.

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I. Introduction

This paper explores rights politics in the struggle for marriage equality in Canada, the United States, Belgium, and Spain. It contrasts the litigation mounted by same-sex marriage advocates in the United States and Canada with the path followed by their counterparts in Belgium and Spain. Focusing on these countries, the paper examines the role of litigation and legislation in the battle for same-sex marriage in these four democratic political systems.

In democratic countries, marginalized groups often challenge the status quo by appealing to principles of constitutional equality. In the United States and Canada (both countries with a common law tradition), gay and lesbian rights advocates turned to the courts, using litigation as their primary vehicle to seek equality. In Belgium and Spain (both civil law countries), gay and lesbian rights activists principally relied on political action in the legislative and executive arenas. The purpose of this study is to examine the struggle over marriage equality in these four countries. It highlights key differences and similarities among them and offers preliminary explanations for the disparities in strategies for marriage equality. It concludes that the strategies developed by gay marriage advocates in these four countries reflected their countries' legal and political environment as well as their historical approach to social reform.

The first part of the study demonstrates the significance of litigation in bringing about marriage equality in Canada and United States. Although the subnational governments in these two countries have varying authority over marriage (states having more control over marriage policy than Canadian provinces), both Canadian and U.S. litigants challenged marriage restrictions in the subnational courts. An important difference between them, however, is that the Canadian litigants primarily appealed to the rights and protections of the federal charter, while same-sex marriage advocates in the United States chiefly cited norms of equal rights and justice in state constitutions. In both cases, the litigants asked the courts to exercise their authority to adjudicate constitutional values by striking policies that restricted same-sex marriage. The Canadian litigants ultimately proved more successful in changing the national landscape, with Parliament ultimately legislating the right of same-sex couples to marry as a result of the litigation. In the United States, thus far, the litigation successes have mostly been limited to the geographic boundaries of the state. These limitations, however, do not diminish the importance of constitutional litigation as a catalyst to marriage equality in the United States as well (see Davies 2008; Smith 2008; Mezey 2009) as in Canada.

In discussing the pertinent gay rights litigation in each country, this section examines the legal arguments offered by the pro- and anti-gay rights advocates as well as the courts' approaches to their judicial policymaking roles. The rulings show that as common law courts, the judges were cognizant of their duty to defer to legislative authority in social policymaking, yet at the same time, recognized their obligation to apply constitutional principles in adjudicating claims of equal rights.

The second section, focusing on Belgium and Spain, demonstrates that gay and lesbian activists achieved their goal of marriage equality through traditional political means of legislative and executive policymaking, with same-sex marriage laws enacted in 2003 and 2005 respectively (Paternotte 2011). Although

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gay rights cases have been adjudicated in the European Court of Human Rights, none of these litigation efforts affected marriage equality in these two countries. Litigation was eschewed by same-sex marriage activists, who believed it an unsuitable vehicle for reform.[1]

Last, the third section offers possible explanations for the disparate strategies adopted in these countries. Until now, the literature on legal mobilisation has been largely dominated by North American scholars, who typically restrict their analyses of same-sex marriage advocacy to discussions of litigation campaigns, primarily in the United States and Canada (see Smith 2008 and Mezey 2009). Moreover, such scholars point to the existence of written constitutions in each nation as one of the most important explanatory factors in the decision to pursue litigation. Paradoxically, as sociologists Bernstein and Naples (2010) indicate, same-sex marriage activists in Australia have not sought the help of the courts in their quest for equality. Bernstein and Naples believe that the absence of protection for individual rights in the country's Constitution requires social movements to explore alternative strategies. Thus, their study underscores the importance of viewing the struggle for same-sex marriage beyond the narrow prism of litigation activity and examining the strategies for gay rights advocacy in a broader context.

Moreover, as the experiences of the European countries in our study illustrate, litigation is not the only effective approach to pursue rights struggles. In contrasting the events in Belgium and Spain to those in the United States and Canada, our analysis shows that social reform measures can be achieved by utilising traditional political processes, including coalition formation and party politics. We thus argue that to understand the complexity of marriage equality strategies, scholars must broaden their inquiry to marriage equality strategy beyond the North American continent, and perhaps even more important, not restrict themselves to litigation only. Our study, which relies on the authors' extensive research on those countries, is intended as laying down a marker for achieving that goal.

II. Marriage Equality in Canada and the United States

In the United States and Canada, national and subnational governments share authority over marriage policy. In Canada, primary jurisdiction over marriage resides in the federal government, with the provinces charged with regulating solemnization ceremonies. In the United States, the locus of power is in the states, with the federal government largely relying on state regulation of marriage. The Canadian lesbian and gay rights litigants appealed to equality principles in the 1982 Canadian Charter of Rights and Freedoms, while lesbian and gay rights advocates in the United States primarily relied on their state constitutions, filing their claims in the state courts, and thereby removing them from the jurisdiction of the United States Supreme Court.[2]

a) Legalising same-sex marriage in Canada

With the ratification of the Charter and the equal rights guarantee in section 15, Canadian lesbian and gay rights activists embarked on a strategy of constitutional litigation, seeking judicial support for their claims of equality. Although the Charter does not specify sexual orientation as a protected classification, the courts extended section 15, which prohibits discrimination in a wide range of categories, including race, sex, national or ethnic origin, age, religion, and mental or physical disability to analogous classifications, such as sexual orientation. In determining whether a group is considered analogous to one of the specified groups in the Charter and belongs within the ambit of section 15, the courts asked whether the group "suffers historical disadvantage"; whether it is "a discrete and insular minority"; and whether it is being judged on the basis of "personal and immutable characteristics."[3]

Lesbian and gay rights activists won a partial victory when, in *Egan v. Canada* (1995), the Canadian Supreme Court unanimously agreed that sexual orientation was an innate and immutable characteristic, analogous to the categories specified in section 15. However, the Court agreed with the government that the plaintiff was not entitled to benefits under the national Old Age Security Act because the Act was intended to supplement the income of married couples. Moreover, the Court added, the law reflected Parliament's reasonable belief that heterosexual marriage reflected the social and biological realities of procreation and childcare. The majority stressed that the law did not discriminate on the basis of sexual orientation because all unmarried couples were barred from receiving income under it. Thus, *Egan* established that sexual orientation was protected by section 15, but the Court allowed the government to withhold public welfare benefits from same-sex couples.

Several years later, in *Vriend v. Alberta* (1998), the Court considered a plaintiff's appeal of the Alberta Human Rights Commission's ruling. The commission rejected his claim of discrimination against a private religious college in Edmonton, had dismissed him for refusing to comply with its policy against homosexual practices. The commission stated that the provincial

[1] See, for example, Wintemute 2011; Cichowski 2007; Hodson 2011 for discussions of such international legal forums.

[2] State court rulings based on state constitutional provisions are not subject to United States Supreme Court review.

[3] Although some of the terms differ, these principles are used by U.S. courts to determine the constitutionality of a challenged law.

human rights act did not include sexual orientation as a protected category (see Bavis 1999).

The Supreme Court held that the law violated section 15 by treating gays and lesbians differently from other groups, and more important, despite allowing complaints from both heterosexuals and gays, it only subjected gays to discrimination on the basis of sexual orientation.

The major breakthrough for gay rights litigants in the Canadian high court came in *M. v. H.* (1999), a case that involved the dissolution of a gay couple's relationship. The couple had lived together for ten years and when the relationship, soured, one moved out and requested spousal support, despite section 29 of the Ontario Family Law Act (FLA) that limited such benefits to different-sex couples only.

The Supreme Court held that the FLA violated section 15 by differentiating against same-sex couples on the basis of their sexual orientation. It rejected the province's argument that the law could restrict support to different-sex couples because it was intended to protect women, who were typically the dependent partner in a marital relationship. The Court, however, pointed out that the law did not distinguish between males and females, but simply provided support for an economically-deprived "spouse." It concluded that the FLA unconstitutionally infringed on the rights of same-sex couples in longstanding relationships.

Provincial authority over marriage in Canada is largely limited to laws licensing marriages so when same-sex couples sought marriage licenses, it was the provincial agents who refused to grant them. Thus, advocates for marriage equality took their cases to the provincial courts, seeking a judicial declaration that the prohibitions on same-sex marriage violated the Charter.

In *EGALE v. Canada* (2001), the first direct challenge to a provincial ban on same-sex marriage, a British Columbia trial court, pointed out that many provincial laws equalised treatment of same-sex and different-sex couples (known as parallelism), and upheld the common law restriction on marriage to different-sex partners.[4] And although it recognised that courts had authority to revise common law, it stressed the importance of judicial deference to the legislature and emphasised that the judiciary must limit itself to incremental changes when making such revisions. Although the plaintiffs argued that same-sex marriage would only be an incremental step, the court disagreed, ruling that they sought to alter a fundamental societal arrangement and the remedy they sought was beyond the proper scope of judicial relief. Such a change, it insisted, must emanate from the legislature, not the judiciary.

Shortly thereafter, Ontario gay rights advocates challenged the common law definition, restricting marriage to a man and a woman.[5] In *Halpern v. Canada* (2002), the court rejected the province's argument that the only difference between different-sex and same-sex couples was the word "marriage," it held that the common law definition of marriage violated section 15.[6] The court, however, its ruling for two years to allow legislatures to redefine the common law definition of marriage by substituting the words "two persons" for "one man and one woman."

Within a year after the Ontario lower court decided *Halpern*, the British Columbia Court of Appeal reversed the lower court decision in *EGALE v. Canada* (2003a). Citing *M. v. H.*, and *Halpern*, the appeals court held that barring same-sex marriage was unconstitutional under section 15. Following the *Halpern* court's lead, it also stayed its ruling to allow the federal and provincial governments to revise the common law definition of marriage.[7]

Shortly after the British Columbia Court of Appeal ruling, the Ontario Court of Appeal announced *Halpern v. Canada* (2003).[8] It held that preventing same-sex couples from marrying "perpetuates the view that same-sex relationships are less worthy of recognition than opposite-sex relationships [and] in doing so, it offends the dignity of persons in same-sex relationships" (*Halpern* 2003:para. 107).

The court rejected the government's argument that the law is justified because marriage has traditionally consisted of a relationship between two heterosexual people, a relationship that encourages the birth and well-being of children. It declared itself unable to understand how preserving marriage as a heterosexual institution furthers the state's interests in procreation and childrearing for heterosexual couples would continue to have children if same-sex marriages were permitted and, in any event, same-sex couples are increasingly having and caring for children. The court noted that the plaintiffs were not seeking to abolish the institution, but rather "were merely seeking access to it" (*Halpern* 2003: para. 129). The court saw no reason to suspend relief and ordered the province to issue marriage licenses to same-sex couples at once.

[4] The British Columbia lower court handed down its decision on October 2, 2001.

[5] The common law definition of marriage defined spouses as a man and a woman.

[6] The Ontario lower court issued its ruling in *Halpern* on July 12, 2002, but stayed its ruling for two years. On September 6, 2002, the Quebec lower court ruled in *Hendricks v. Quebec* (2002) that federal and provincial laws limiting marriage to different-sex couples were unconstitutional under section 15; as in *Halpern,* the court stayed the ruling for two years. On January 26, 2004, the plaintiffs appealed the court's stay of relief and, on March 19, 2004, in *Hendricks v. Quebec* (2004), the Quebec Court of Appeal ordered the immediate lifting of the ban on same-sex marriage within the province.

[7] The British Columbia Court of Appeal handed down its decision on May 1, 2003 and stayed relief until July 12, 2004.

[8] The Ontario Court of Appeal issued its ruling in *Halpern* on June 10, 2003.

A month after the *Halpern* ruling, the Court of Appeal for British Columbia issued a supplementary decision in *EGALE v. Canada* (2003b), ordering the revised definition of marriage as "the lawful union of two persons to the exclusion of all others" to take effect immediately.[9]

By June 2005, as a result of litigation, eight provinces and one territory recognized same-sex marriage, their decisions following the rulings in Quebec, British Columbia, and Ontario (Smith 2008: 156-157). Seeking to eliminate provincial variations in marriage policy, the federal government did not appeal these rulings to the Supreme Court. Soon after, Parliament enacted the Civil Marriage Act (C-33), modifying the common law definition of civil marriage to proclaim marriage as "the lawful union of two persons to the exclusion of all others." Thus within a span of a few years, gay organizations changed the landscape of gay rights in Canada through their legal activism; their litigation prompted the legislature to enact federal marriage equality legislation.

b) Legalising marriage equality in the United States

In contrast to the rapidity with which marriage equality was adopted in Canada, progress in the United States has been much slower and the outcome for same-sex marriage advocates has been far less satisfactory. Unlike in Canada, the United States federal government operates at the margins of marriage policy with definitions of marriage determined at the state level. Aside from a broad declaration that the right to marry is fundamental, the United States Supreme Court had not considered the constitutionality of restrictions on same-sex marriage until 2013. Although the high court declared the challenged law unconstitutional, its ruling did not address the legality of same-sex marriage bans in the states. Thus, the struggle for marriage equality in the United States will largely depend on the efforts of the gay and lesbian activists who must continue to pursue their claims of marriage equality at the state level.

With a tradition in the United States of social reform movements with little political power seeking judicial intervention to offset their inability to exercise political clout at the ballot box, it was almost a foregone conclusion that gay rights advocates would turn to the judiciary to vindicate their rights through litigation (see Schein gold 2004; McCann 2004; Mezey 2007). Like women and racial minorities, lesbians and gays believe the courts a more likely arena in which to challenge inequality than representative bodies (see Keck 2009; Pinello 2003).

The modern struggle over same-sex marriage in the United States began in Hawaii with an apparent victory by gay rights activists in the Hawaii Supreme Court in *Baehr v. Lewin* (1993). Seeking to insulate themselves from similar threats, state legislatures in over half the states banned same-sex marriage through constitutional amendments or statutory provisions or, in some cases, both, requiring marriage equality activists to litigate restrictions on marriage on a state-by-state basis.

The difficulty of persuading the courts that laws based on sexual orientation violate constitutional equality is that, unlike laws based on race, ethnicity, or gender, the courts have been reluctant to accept the fact that gays have a history of discrimination against them, that they possesses immutable and innate characteristics, and that they lack the power to influence representative institutions. Thus most courts uphold classifications based on sexual orientation if they believe they have a legitimate goal and the classification of sexual orientation is reasonably related to that goal.[10]

Thus far, the United States Supreme Court has adjudicated six gay rights cases, with three successful outcomes for the gay community. In *Romer v. Evans* (1996), the first United States Supreme Court ruling decided on equal protection grounds, the Court struck a Colorado constitutional amendment on the grounds that it violated equal protection by unreasonably singling out gays to deprive them of rights accorded to others in society and, moreover, was motivated by animus toward them.

In *Lawrence v. Texas* (2003), the Court struck a Texas sodomy law, aimed at same-sex couples. Basing its opinion on the right to privacy, it held that the law unconstitutionally interfered with a basic and deeply-rooted right to engage in private human relationships. The majority was careful to note, however, that its opinion should not be interpreted as a precursor of approving same-sex marriage.

In *United States v. Windsor* (2013), the Court struck the most important provision of the 1996 federal Defense of Marriage Act, the law that restricted federal benefits to heterosexual couples only. The high court found the law unconstitutional because it deprived legally married same-sex couples of their rights protected by the Fifth Amendment of the U.S. Constitution.

Same-sex marriage activists realized their first state court victory in *Goodridge v. Department of Public Health* (2003), in which the Massachusetts Supreme Judicial Council declared that depriving same-sex couples of the right to marry in Massachusetts violated the state constitution's guarantee of equality. Basing its

[9] On July 8, 2003, the British Columbia Court of Appeal's supplementary opinion lifted the stay and gave immediate effect to its May 1, 2003 ruling.

[10] In classifications involving race and ethnicity (known as "suspect classifications"), the courts use strict scrutiny and require the government to demonstrate a compelling reason for the law and show that the classification is necessarily related to it. In cases involving gender (known as a "semi-suspect" classification), the courts apply heightened scrutiny and the government must show it has an important reason for the law and that the means (that is, the classification) is substantially related to it.

ruling on the state constitution, the court rejected the state's argument that its interests in procreation and child welfare justified the ban on same-sex marriage. Concerned that it was violating its duty to defer to the legislature, the court stated that it was bound to adjudicate constitutional challenges such as these.

Beginning in 2008, same-sex marriage litigants scored victories in the Connecticut, Iowa, and California courts.[11] Although activists succeeded in attaining marriage equality through state legislatures, the litigation energised them to attack restrictions on same-sex marriage in other states, much the same way that *Brown v. Board of Education* (1954) helped spark civil rights movement activities a few decades earlier. And by the end of 2012, marriage equality extended to Vermont, New Hampshire, Maine, New York, Washington, Washington, D.C., and Maryland through legislative actions.[12]

In *Kerrigan v. Commissioner of Public Health* (2008), Connecticut same-sex marriage advocates argued that barring their marriage deprived them of equal protection under the state constitution. The state contended that the state civil union law (enacted in 2005) had granted same-sex couples equality and that the law did not discriminate on the basis of sexual orientation because it allowed both heterosexuals and gays to marry persons of the opposite sex.

The state supreme court ruled there was a constitutional distinction between civil unions and marriages and, given the backdrop of historical discrimination against gays, merely granting same-sex couples legal equality with different-sex couples was insufficient to overcome the state's constitutional mandate not to discriminate. Finally, the court said it saw no reason to refrain from injecting itself into this public policy debate and defer to the legislature's authority to define marriage. With society's antipathy toward gays so extreme and enduring, it believed that judicial intervention was necessary because gays would be unlikely to be able to attack the discrimination effectively through the legislative process.

The most interesting set of events took place in California. Although the state had a far-reaching domestic partnership law, litigants challenges the restrictions on marriage. Both sides agreed that the fundamental question in the litigation was whether the state may deny same-sex couples the right to marry. Marriage equality advocates contended that it was discriminatory to limit marriage to different-sex couples; opponents argued that allowing same-sex couples to marry would threaten the institution of marriage.

The state supreme court found none of the state's arguments constitutionally sufficient (I*n re Marriage Cases* (2008). Because the law affected a powerless group with a history of discrimination against it, the court scrutinised it more carefully (that is, subjected it to a heightened form of scrutiny) and found that the state lacked justification for it. The court reached this conclusion by reasoning that allowing same-sex couples to marry will not alter the institution of marriage. Moreover, by excluding same-sex couples from the privilege of marriage, the state was sending a message that such couples are disfavored. It ruled that the right to marry must be accorded to all Californians regardless of their sexual orientation and struck the restrictions on marriage between same-sex partners.[13]

In the Iowa case, *Varnum v. Brien* (2009), decided under the equal protection guarantee of the Iowa Constitution, the court found that, apart from their sexual orientation, the same-sex couples were in committed, loving relationships - many raising children - and just like different-sex couples, would benefit from society's recognition of their marital status.

Rejecting the state's argument that the law did not discriminate on the basis of sexual orientation, the court ruled that by denying the right to marry a person of the same sex, it defined the plaintiffs by their sexual orientation. It acknowledged its obligation to defer to the legislative judgment, but it concluded that deference was inappropriate because gays required protection from the operation of majority rule. The court held that the state's primary justifications for the law - maintaining the integrity of traditional marriage, creating an optimal child-rearing environment, and promoting procreation - failed because excluding same-sex couples from civil marriage did not substantially advance these objectives. It unanimously held that restricting marriage to different-sex couples was unconstitutional and ordered the state to allow gays and lesbians to marry.

III. Marriage Equality in Spain and Belgium

The campaigns for same-sex marriage in Belgium and Spain present a different picture. Initially, activists had sought to establish civil partnerships for both same-sex and different-sex couples. Same-sex marriage emerged as an alternative in 1996 as Flemish and Catalan gay and lesbian groups officially endorsed it and were rapidly joined by the rest of the movement in both countries. Same-sex couples eventually succeeded in securing marriage equality in Belgium in 2003 and in

[11] The New Jersey court also ruled in favour of marriage equality, but allowed the legislature to create civil unions instead of marriage.

[12] The path toward legalising same-sex marriage through the legislative arena has not been smooth. In Maine, opponents were able to annul the law through a statewide referendum; since then it has been restored. More recently, opponents also attempted to reverse the laws in Washington and Maryland by appealing to anti-gay sentiments among the electorate. And within days after the New Jersey legislature approved marriage equality, the governor vetoed it.

[13] Although the California Supreme Court's ruling on marriage equality was reversed by the ballot initiative known as Proposition 8, two lower federal courts subsequently found Proposition 8 unconstitutional; their rulings are now on appeal in the United States Supreme Court.

Spain in 2005 (Borghs and Eeckhout 2009; Paternotte 2011; Platero 2007).

The earliest campaigns for marriage equality were linked to the AIDS crisis, which erupted in these two countries in the mid-1980s. Indeed, it quickly appeared that the lack of legal status for same-sex couples was reinforcing the exclusions provoked by the disease. As a result, in the early 1990s, activists and lawyers sought to resolve these problems through legal means. At the time, they believed marriage was not a realistic option and would have encountered even more resistance; moreover, some activists also opposed marriage on ideological grounds. Both in Belgium and in Spain, these efforts led to the adoption of civil partnerships open to both same-sex and different-sex couples at both national and regional levels.

Marriage was nonetheless not out of their consideration and it actually served as a legal model to carve an alternative status for same-sex couples. In addition, once civil partnerships had been advocated using the equal rights discourse, it did not take long before activists started to think about demanding marriage itself. In both countries, activists' claims began to change in 1996, and marriage became their priority. At the same time, they kept asking for a satisfactory partnership law for all couples, whatever their sexual orientation, who did not wish to marry. Discursively, this dramatic change is explained by the predominance of the equal rights logic, which was no longer subordinated to political realism or ideological concerns. Moreover, some activists believed that, strategically, they would attain a better partnership law if they asked for more radical policies such as marriage equality.

Lesbian Gay Bisexual, Transgender (LGBT) organizations, mostly the Flemish Federatie Werkgroepen Homoseksualiteit (FWH)/Holebifederatie in Belgium and the Spanish Federación Española de Gais, Lesbianas, Bisexuales y Transexuales (FELGTB), began to lobby the political parties. Apart from gay pride marches, which were massive in Madrid, these groups did not demonstrate in favour of marriage equality; instead they sought to go around the customary channels to their political allies. This proved to be a fruitful tactic as their allies promised they would legalise same-sex marriage after they won the general election. And indeed after they succeeded in doing so - in Belgium in 1999 and Spain in 2004 - same-sex marriage came about soon thereafter.

a) The absence of litigation strategies in Belgium and Spain

As in Canada and the United States, Belgian and Spanish activists often relied on constitutional principles. Indeed, their claim for same-sex marriage was profoundly moulded by a legal conception of equality that argued that similarly-situated people must be treated the same. They contended that civil marriage must be as available to same-sex couples as to different-sex couples because there was no essential difference between the two groups: "What is good for heterosexuals is also good for homosexuals and the latter should therefore have access to it" (Groeseneken 1993: 10). Equality was consequently defined as the absence of discrimination.[14] As a Flemish activist critically put it in 1997, "marriage is a privilege reserved for heterosexuals."[15] The Spanish gay federation similarly claimed in 2002 that "marriage means nothing less than full legal equality, without which it is impossible to imagine a horizon free of discrimination" (Federación Estatal de Gays y Lesbianas). [16]

This definition of equality is also one of the fundamental constitutional principles in Belgium and Spain, and appears in many international and European treaties. Consequently, references to national constitutions and international agreements were manifold. Through direct reference to constitutional values, activists argued that same-sex marriage did not constitute a new right but merely extended an existing one to those who had been excluded from its enjoyment. Additionally, by framing their claim as the elimination of discrimination, they attempted to broaden their support among the population and gain greater legitimacy for their demands.

Claims of constitutional rights resonated even more in Spain, where the 1978 Constitution is widely seen as guaranteeing the democratic order after the end of the Franco dictatorial regime. By invoking the Constitution, gay and lesbian activists coordinated their demands within the basic framework of the emerging Spanish democracy. Same-sex marriage was presented as a necessary step to improve the quality of democracy and a way to make amends for the persecution of gays during the dictatorship (Calvo 2011).

As we see, constitutional values also played a central part in Belgium and Spain, and discourses in favour of equal marriage do not differ much from North America. However, unlike their counterparts in the United States and Canada, activists in Belgium and Spain did not resort to litigation strategies in their struggle to legalise same-sex marriage, in large part,

[14] Two other features of this discourse must be pointed out. First, equality is a concrete expression of freedom of choice. Indeed, same-sex marriage must be seen as a way to allow same-sex couples the opportunity to decide whether they want to marry, just as different-sex couples are able to do. Second, the discourse relies on a specific account of marriage, viewing it as highly historical and therefore open to profound changes. Same-sex marriage advocates argue that civil marriage no longer serves reproductive purposes, but merely consolidates a long-lasting commitment between two adults (Paternotte 2011: chapter 1).

[15] Federatie Werkgroepen Homoseksualiteit, *Persbericht*, Ghent, 24 February 1997.

[16] Federación Estatal de Gays y Lesbianas, "Ponencia política," in *Segundo congreso de la FELG "libertad, igualdad, fraternidad, diversidad,"* Madrid, 2002.

because they did not believe that courts, either national or European ones, would be favourable arenas in which to pursue their rights. In Belgium, Flemish activists considered engaging in litigation in 1998, but quickly decided against it in favour of more promising lobbying strategy of targeting all democratic parties. [17]

In Spain, the long reign of the Partido Popular (PP), which had long obstructed any progress for gay and lesbian claims, could have led proponents of same-sex marriage to turn to litigation, but that would have been unusual in Spanish politics and, with most judges viewed as conservative, activists did not view them as potential allies. Moreover, because they were able to secure civil partnerships at the regional level (in 1998, Catalonia became the first region to enact a civil union law and was quickly followed by most of the other Spanish regions), they decided to refrain from litigating in their pursuit of marriage equality. The few legal cases around same-sex unions and same-sex families, such as the early Juan Reina and Montserrat Gallart cases (Paternotte 2011: 65-67), were all initiated by citizens willing to defend their rights and were not necessarily supported by lesbian and gay rights organization, or only at a later stage.

This difference is also mirrored by the role of lawyers. Indeed, a few lawyers and legal experts such as Daniel Borrillo, Pedro Zerolo, Michel Pasteel, and Paul Borghs played an important part in the advocacy process in both Belgium and France. However, none initiated mobilisation efforts, nor formed their own groups, such as Lambda Legal in the United States or Equality for Gays and Lesbians Everywhere in Canada, but instead joined existing LGBT organizations (see Bernstein and Naples 2011).

Therefore, their influence mostly appeared apparent in providing legal counsel and in framing the same-sex union claims, which ultimately led to the emergence of the same-sex marriage claims (Paternotte 2012). Some of them, such as Pedro Zerolo in Spain and Michel Pasteel in Belgium, later entered politics and decisively contributed to debates within their political parties and to the adoption of reform legislation. The case of Paul Borghs is even more instructive. He studied law because he was an activist and his group, the most important Flemish LGBT organisation, needed a legal expert. He is now widely regarded as the main legal expert on LGBT issues in Belgium, but does not work as a lawyer.

IV. Making Sense of the Asymmetry

This study shows that, although constitutional values played a significant role in advancing the goals of sexual minorities in all four countries, advocates opted for divergent strategic approaches. Same-sex marriage advocates in Canada and the United States began their attacks on marriage inequality by pursuing a litigation strategy, while advocates of marriage equality in Belgium and Spain sought to legalise same-sex marriage in the legislative arena rather than in the courts. This intriguing asymmetry is poorly explained by the literature, which, largely based on the North American model, typically focuses on the courts as the predominant arena in which to gain new rights. This observation reveals the problems with existing legal mobilisation studies and invites scholars to engage more thoroughly with transatlantic comparisons.

The preference for lobbying and protest over litigation raises important questions about social movements' strategies and distinctive preferences, such as why activists choose different venues to advocate the same rights. Given the underdevelopment of the literature about legal mobilisation and litigation in Europe, we do not attempt here to provide a definitive answer, but rather to offer explanations that should be explored further in future research; such research must go beyond institutional and legal approaches and delve into the culture and history, as well as into specific political opportunities, of the countries in which same-sex marriage activists plan their strategies.

One of the most common assumptions about differences between the United States and Canada and European countries relates to the distinction between their common law and civil law traditions. For the most part, a country's legal tradition is generally characterised as either common law or civil law. The common law tradition arose in the United Kingdom and was transported to its colonies, including the United States and Canada. The European countries traditionally follow a civil law approach to judging, although there are subgroups within the civil law tradition as well as systems bridging the gap between the two, known as hybrid systems (see Kim 2010).

This explanation arises from the observation that courts in civil law countries, such as Belgium and Spain, assume a different posture in adjudication and do not have the same expansive view of public policymaking as courts in common law countries and consequently there is little or no tradition and practice of rights-based litigation (Mécary 2013: 41). Moreover, others, such as Smith (2008), add a neoinstitutionalist argument to this approach that posits that strategies adopted by social and political reform movements are influenced by specific institutional settings such as the existence of constitutional protection of individual rights or conditions under which courts can be seized.

Our study suggests that these explanations do not fully explain the differences between the European and North American experiences (see also Waaldijk 2000). First it is important to note that the actual practices of these two types of legal systems often

[17] Federatie Werkgroepen Homoseksualiteit. Cel Politiek, *Verslag Cel Politiek 16 januari 1998*, Ghent, 1998.

represent an amalgam of the two traditions. Courts in countries with civil law traditions, those largely in continental Europe, may be generally more restrained in their judicial interpretations of the law because they are bound to a greater extent by existing legislation and regulatory codes (see Friesen 1996 and Hansen 2004). Yet, the rulings show that in adjudicating social policy claims of marriage inequality, the United States and Canadian courts, despite their well-established tradition of judicial review of legislative policymaking, are fully aware of their obligation to defer to the legislative judgment and, when they override legislative policy choices, they are careful to justify their refusal to defer to the legislative bodies. They express concern about judicial overreaching, but stress their compelling interest in ruling on individual rights claims according the principles of equality jurisprudence.

Additionally, the civil law-common law explanation is undermined by the fact that in common law countries, such as Australia, and to a lesser extent Great Britain, the courts have been largely bypassed by gay and lesbian rights activists in their struggle for marriage equality. Finally, although infrequent, lesbian and gay rights have also been advanced through the courts in some civil law countries. Particularly in national contexts where parliamentary reform was blocked because of political hostility, activists engaged in litigation at a national and later at a European level, seeking to gain new rights as well as, often, to attract attention. This has been the case in countries such as Austria, France, Germany or Italy (Beck 2012; Guaiana 2011; Kollman 2009; Paternotte 2013). In sum, our analysis confirms that neither the divide between civil law and common law countries, nor the existence of specific institutional arrangements such as a charter of rights, suffices to explain the patterns we report here.

Our study demonstrates that a combination of cultural, societal, and contextual factors is essential to understand strategic choices of marriage equality advocates. First, litigation is not a common social movement strategy in numerous European countries; activists prefer to change laws through parliamentary processes, lobbying political parties and public officials, and even involving themselves in party politics and forming broad coalitions to support their agenda. This is based in part, as seen in Belgium and Spain, on the facts that courts are perceived as less democratic than legislatures and judicial opinions do not enjoy as much legitimacy as legislation. This view also ensues from another conception of democracy which, following Rousseau, regards the Parliament as the true expression of the people's will. Moreover, judges in these countries, especially in Spain, are considered more conservative and less likely to satisfy LGBT demands (Pichardo Galán 2011).

Therefore, marriage equality activists in these European countries had no reason to put their faith in a judiciary that was not associated with democratic values and had almost no experience with social reform litigation. Indeed, the perceptions in both countries were accurate in that various courts and legal advisory groups attempted to obstruct same-sex marriage. Even when they were not consulted by either the parliament or the government; conservative judges seized the opportunity to issue advisory opinions about the constitutionality of legislative bills. However, their intervention was strongly criticised and they failed to block or even slow the political process.

These events took place in both of our European countries. In Belgium, the Conseil d'État, law section, recommended that the government "abandon" its project on same-sex marriage in November 2001, using unusually harsh language and referring to the fathers of the Civil Code (Conseil d'État 2001). In Spain, two judicial bodies tried to oppose the law; the Consejo de Estado condemned the reform in December 2004 (Consejo de Estado 2004), and the Consejo General del Poder Judicial (CGPJ), the governing body of the judiciary, did the same in January 2005 (Sánchez Amillategui & Rodríguez-Piñero Royo 2006). Some judges, who can celebrate marriages in Spain, also refused to do so once the law was adopted. Indeed, ironically, it was the opponents of marriage equality who resorted to constitutional litigation in an effort to obstruct the law once it had been approved by Parliament.

Second, the absence of litigation in Spain and Belgium also reflects the existence of alternative institutional channels when the federal legislature was not an option. When the main political arenas were closed to activists, the latter found other points of entry, successfully targeting local and regional authorities (Paternotte 2008). As in the United States or in Canada, these are often linked to the institutional architecture of the country, and especially federalism, which allows activists to develop multi-level strategies. However, unlike their North American counterparts, they did not use courts at other levels, but rather negotiated through political venues such as city councils and regional parliaments to increase pressure on the federal level and, in a few cases, to secure limited partnership rights (Paternotte 2008). For instance, in the mid-1990s, several city councils introduced municipal registers for unmarried couples in both countries. Mostly symbolic, these registers nonetheless kept the debate on same-sex unions alive. Later, Flemish activists reached an agreement between ruling Flemish parties (all parties are regional in Belgium) on the principle of equal rights between same-sex and different-sex couples. In Spain, the debate on same-sex unions moved to the regional level because of blockages by the incumbent PP at the national level, and 14 out of 17 regions set up a kind of civil partnership (Platero 2007). The possibility of developing multi-level strategies provided activists with alternative venues without using national courts.

Furthermore, the choice of political rather judicial venues at substate levels was obviously subjected to institutional constraints (such courts do not exist in Belgium and Spain and marriage belongs to the exclusive competence of the federal level). However, as argued by Paternotte (2008), it mainly mirrors national political cultures and modes of moblisation, as well as the history and organisation of LGBT movements in Belgium and Spain.

Third, we may not overlook that same-sex marriage was approved in Belgium and Spain in a political context in which marriage equality activists enjoyed wide political opportunities in terms of access to political institutions and allies within the political elite. Indeed, Belgian and Spanish activists rapidly found allies in political circles with important victories in decisive general elections; these victories were especially significant as there is strong party discipline in both countries, including on votes related to moral issues. In 1999, Christian Democrats lost power after fifty years in government in Belgium, opening the way to a decade of secular governments. In Spain in 2004, José Luis Rodriguez Zapatero unexpectedly won the general elections after the Madrid bombings, inaugurating eight years of social reform. As shown by Hilson (2002), political opportunities are crucial to understand strategic choices and activists are more likely to opt for the courts, even if litigation does not belong to their national political culture, when they do not enjoy access to the political arena: "a lack of PO may influence the adoption of litigation as a strategy in place of lobbying" (239).

V. Conclusion

This study assessed the path toward marriage equality in four countries, demonstrating that both judicial and legislative strategies were crucial elements in securing rights; the choice of strategies depended to a large extent on the countries' political and social culture, as well as the legal environment. Same-sex marriage advocates in all four countries framed their rhetoric on their countries' constitutional commitment to equality. However, although they shared a common goal of marriage equality, their strategies differed, largely driven by their countries' approaches to social reform policy.

With the courts in the United States and Canada traditionally playing a greater role in battles over rights politics, marriage equality advocates in these two countries succeeded in placing marriage equality on their nations' political agendas through their litigation activity. Although national and subnational legislatures ultimately played significant roles in furthering marriage equality in both countries, litigation was the spark to their success, albeit in the United States, the successes thus far have been limited to the geographic limits of the state.

Unlike the campaigns for marriage equality in Canada and the United States, same-sex marriage activists in Europe did not resort to litigation to achieve their goal as activists in Belgium and Spain were unaccustomed to relying on the judiciary to bring about social reform. The primary locus of marriage equality advocacy in those countries was in the legislative arena, with activists in Belgium and Spain pursuing marriage equality in their democratically-elected representative institutions.

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Northrop Frye and Mikhail Bakhtin: Parallel, Opposing, Converging Views

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Abstract - Although both authors were concerned with similar subjects, comparing such different lives is almost impossible. In both cases there is a whole life devoted to literature, to literary study, history and culture. Frye and Bakhtin lived in very different worlds - Canada and Russia- without mutual knowledge of each other, completely ignoring each other's intellectual creation.

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Northrop Frye and Mikhail Bakhtin: Parallel, Opposing, Converging Views

Manuel Jofré

I. Introduction[1]

Although both authors were concerned with similar subjects, comparing such different lives is almost impossible. In both cases there is a whole life devoted to literature, to literary study, history and culture.[2] Frye and Bakhtin lived in very different worlds - Canada and Russia-without mutual knowledge of each other, completely ignoring each other's intellectual creation.[3]

To better understand their intellectual production, the size of the total work of each author is important to contrast. Frye published 35 books and over 500 articles. Bakhtin had only five books published, most posthumously. The complex work of Frye –29 or 30 volumes of the Complete Works– has been unfairly reduced from a full critical method to an archetypal criticism. Bakhtin's work is full of conceptualizations and Bakhtin himself declared that the general name of his studies was 'historical poetics.'

Frye won academic awards worldwide while Bakhtin was denied everything, including his brilliant doctorate. While Frye received 39 honorary doctorates and travelled invited by universities worldwide, Bakhtin always had difficulty maintaining a fixed and stable university work, not to mention his inability to move due to a permanent disability.

While Frye freely travelled and moved around the world receiving honors, apparently Bakhtin left Russia only once for a brief stay in Italy, in the late 1920s. However, this fact is not fully proved, and a good part of his life was lived under the Stalinist state of terror.[4]

Their relationship with religion is also very important to contrast. Frye was very theological and religion constantly permeated his vision while Bakhtin, who claimed not to be religious (according to his own writing), was accused of participating in religious discussions. There is a great mystery about religion in Bakhtin's case, and the pervasiveness of religion in literature as a historical explanation in the case of Frye. While Frye confirmed the Bible to be central for the literary system, Bakhtin instead used the living carnival for literature.

II. An Exegetical Comparison

Frye and Bakhtin reread the entire history of Western literature and they both rewrote it several times. Certainly, both of them gave different versions of the literary history of the Western world in their writings. Bakhtin did, at least, five readings of universal literary history (Socratic dialogue-Menippean satire, laughter, the grotesque, the chronotope, grotesque realism versus classical realism). Frye reconstituted at least three or four versions of Western literary history in Anatomy of Criticism, and a couple more considering only the influence of the Bible as a key intertext. And he offers more versions in his books on Blake and Shakespeare.

Taking into account their analytical and interpretive systems, both scholars independently discovered the important role Menippean satire has played throughout Western cultural history. They also described irony as the intellectual condition of our time. Intertextuality takes place as a basic concept in the system of the two authors, where some literary works necessarily connect with others, and where literary writings constantly refer to previous ones.[5]

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[1] This essay and its delivery at the Northrop Frye International Conference at the University of Toronto was partially funded by Program U-apoya of the University of Chile.

[2] While Frye (1912-1991) was academically very successful while alive, Bakhtin (1895-1975) was ignored until after his death, and his writings only posthumously known worldwide.

[3] However, they both created complex, autonomous, original and everchanging theoretical systems, with their own terminology, both being unique, dynamic and discursive constellations of thought.

[4] In regards to their personal life, Bakhtin had a full life supported by his wife, Elena Alexandrovna, who lived with Bakhtin from 1920 until she died in 1970. Elena even accompanied him into exile in the 1930s. In the case of Frye, Helen (matching wife names) had a full presence and she also died first (1984) than her husband Northrop while being abroad (in Australia), on a deplorable journey for the couple. Both creators had a life without children.

[5] In regards to their personal life, Bakhtin had a full life supported by his wife, Elena Alexandrovna, who lived with Bakhtin from 1920 until she died in 1970. Elena even accompanied him into exile in the 1930s. In the case of Frye, Helen (matching wife names) had a full presence and she also died first (1984) than her husband Northrop while being abroad (in Australia), on a deplorable journey for the couple. Both creators had a life without children.

[6] It is now known, that both were considered dangerous intellectuals by police in their respective countries. While Frye was spied upon, Bakhtin was persecuted, imprisoned and his work purposefully banished. However, nothing stopped their literary inquiries.

In the long run, Frye can be seen as a follower of Aristotle's Poetics, pushing the Estagirita's statements to his last consequences, while Bakhtin was a consistent opponent of the Poetics, in various different ways (without ever declaring it in writing).[6]

III. Contrasting Systems

Frye was a great organizer of historical and conceptual models that evolved, just like Bakhtin, but the latter always refuse to be confined into a single terminology and into a final system, always moving toward a new way of examining the literature.

Both pose, in different ways, what would be a canon of Western literature. Frye does it through modes, genres, myths, archetypes and symbols in various forms, and Bakhtin certainly does it through monologic and dialogic lines, the two types of realism (grotesque and classical), high and low genre and the centripetal versus centrifugal forces. In Frye, the center of the Western canon and literary history, as likewise of intertextuality, is the Bible. In Bakhtin, however, there is no center and no canon as such, but successive versions of literary history with different accents, where usually the central is the rescue of the popular and marginal above the cultured and official.

Both critics studied literature within culture but Christian culture was only decisive for Frye, because Bakhtin could not do very open references about culture. And while Frye was a passionate commentator on Canadian literature, especially on the contemporary one, Bakhtin could not be equally critical of Russian literature. Frye could analyze contemporary Canadian literature because he cared for it very much (Canadian nationalism) while Bakhtin could never refer to contemporary Russian literature, which did not have a great quality at the time. And while Frye paid great attention to Canadian poetry and its criticism, Bakhtin pointed rather to the limitations of poetic discourse, highlighting alternatively, the great importance of the novel as a revitalizing and questioning genre.[8]

Both students of literature devoted especially to study the genology, meaning the great transformations of literary genres throughout human history, from its earliest beginnings to the present. Also both of them gave basic importance to the novel in literary transformations; Frye defining the role of the romance form of the late Middle Age and the Renaissance, and Bakhtin emphasizing post-Renaissance novelization processes where the novel as a non canonical genre influences and challenges other canonized forms.

Frye and Bakhtin study the world as a conglomerate of speeches and both views are clearly historic. The discursive world is seen by both as a constant succession of formats, constantly mutating one after another. Neither of them feels conceptually to be a structuralist or functionalist, but both lived in a time with these characteristics.

Especially notorious is the fact that in both of their writings they convey a profound ethical perspective. Literature and writing cannot be separated, because in both the actions of human beings are ethical, inescapably. From this point of view, both had a strong discrepancy with Marxism (that is stronger in the case of Bakhtin) and also with respect to Freudianism. These were two types of determinism overly rejected by both intellectuals.

IV. Beyond the Convergences

Every work, every text, every speech can be approached in multiple ways, in the case of both analysts. The re-accentuation of one or other aspects made their theoretical systems function like real, finally, as open unstable systems, changing in constant and not finalized processes of articulation and re-articulation.[9]

While Frye appears more focused on the study and variation of more complex forms of discourse, Bakhtin positioned himself in a more Heraclitean line; Socratic, ironic and relativist. Frye tries, through patterns and cycles, to contribute into a more scientific consolidation of literary studies; whereas the Bakhtin system opposes metonymically, face to face (vis-á-vis), to the real-discursive. Contrastingly, the Frye system attempts to be a metaphor of the real-discursive.

Both authors gave great importance to the methodology of literary studies. Both of them thought that the mode of approaching the object of study was very decisive, and both explained that the produced result emerges according to the methodology used. For Frye and Bakhtin, methodology is based on human freedom and in the use of analytical and hermeneutical tools that each one considers necessary and that are required by the body under examination. But their

[7] A Slavic training (with no studies in Europe) in Bakhtin's case, including a large initial formation in classical Greco-Roman culture, contrasts with Frye's Canadian training on Anglo-European literature (with a stay in England). There was clearly a broad knowledge of languages in both cases. Frye knew English, French, Greek and Latin. Bakhtin mastered Russian, German, French, Greek and Latin.

[8] Frye was a prolific writer whose complete works today consist in 30 volumes and also wrote numerous personal notebooks that were published posthumously. Bakhtin wrote just five books, of which he only saw the publication of two during his life time. However, both theoretical writings, mainly in essay and criticism forms, contain and present poetics (or several indeed), incorporating many common points, similarities, convergences, as well as differences, distances, separations.

[9] Both literary scholars worked with a great amount of bibliographic materials. The huge amount of literary works covered by each one is impressive. The discursive evidence they present for their overall interpretative theories is overwhelming. Frye works with more modern materials while Bakhtin uses more antique sources.

specific position is to successively use a sum of methodologies.

Close examination will show that both authors considered when studying literature that focusing on the hero was central to its relationship with the represented world, and that also centering their studies on the transformation and inter-influence of discursive and literary genres. They also studied one literary phenomenon (apparently) from different views and diverse optics.[10]

Both critics created idiolectic writing styles of their own, which were part of a grand creative project. In Frye, the project includes multiple contributions and is very organic, whereas in Bakhtin the project is ongoing, but fragmentary. The completion of the eight major concerns by Frye ("ogdoad") involved modes, genres, archetypes, myths and symbols in the history of literature, in regards to the national and Western literature (even in relationship with other disciplines, such as education, history, philosophy). In Bakhtin's case, there is a grand project dealing with the action of the Western novel, implying interdiscursivity (intertextuality), chronotopical development and the carnivalesque (all implying culture, history, anthropology).

V. The Significance of Works and Writings

Frye's system, as Bakhtin's contains at least five elements: an ontology of the literary work, a methodology for literary analysis, a history of Western literature, a theory of criticism, and a study of culture. Both intellectuals emphasize the inescapable dialogue of critical theory (as Frye defined his system in Anatomy of Criticism) with the literary work itself, that is to say an ineludible dialogism between literature and literary studies (be theory, criticism, analysis, history).[11]

For Frye, his idea of circular or cyclical patterns has a cosmogonic origin, centered "mythos" (plot or story) that is organized around the four times of day (morning, midday, afternoon and night) or the four seasons (spring-comedy, romance-summer, fall-tragedy and irony and satire in winter), as postulated by archetypal criticism. According to it, any time progresses to a higher stage hopelessly condemned to roll back bringing previous elements, which cause the circular or cyclical.[12]

The two historic and discursive lines, monologic centripetal and dialogic centrifugal postulated by Bakhtin, can be contrasted with the two trends that Frye notes in his Anatomy of Criticism: the mythical tendency (the story told, the supernatural, the open, the cyclical, the multivocal) and mimetic tendency (the verosimilitud, the finished product, the linear-progressive, the worldliness). The relationship between the two trends is an "agon", as in Bakhtin, 'a struggle'.

For both authors, the question of the hero in literature is extremely complex. Both operate referring to Aristotle's Poetics, as long as they compare the superior hero (of ancient epic) with the low hero (of modern novel). For Bakhtin, this difference is related to the contrast of monologism regarding dialogism, without a strong sense of progress in the historical transition, which rather follows a spatial order, actantial, pragmatic and temporary.

For Frye, the typology of heroes (he distinguishes five varieties) adheres to the development of the modes, and therefore goes first from a divine and mythical to a higher hero, second, until, to a third, a hero who is a leader, and fourth, a common hero, until someone who finally becomes, fifth, less than a human or less than the reader. This typology does not have a sense of progress either.

Concluding, without ultimate deductions and final reflections, it should be recognized that both authors study seem to give the popular and folk a decisive role from the beginning of literature to the later development of it. Bakhtin's carnival does this, of course, but especially with his idea of the unity of the serious-comic genres, and Frye does it, similarly, with his emphasis on the early mythic-religious stories.

Thus, facing each other and converging the two discursive lines of human consciousness distinguished by Bakhtin, and the two fictional modes taking as reference the external reality distinguished by Frye; it

[10] The following authors have continued the theories proposed by Frye: Harold Bloom, Jonathan Culler, Fredric Jameson, Paul Ricoeur; while in the case of Bakhtin, followers that could be mentioned are: lury Lotman, Tzvetan Todorov, Julia Kristeva. The Frye revolution happens first during the 1960s (in the U.S. and Canada, as it affects academic literary studies) while the Bakhtin revolution will come later, during the 1990s.

[11] Although the lives of both intellectuals concluded in the last third of the twentieth century, nevertheless, both Frye and Bakhtin were fully able to fully understand the historical and cultural time ahead of them both. In the writings of these mayor scholars are numerous traces of how the study of the modern perspective allowed them presage postmodern ideas and lifestyles that swept the world from 1980 onwards. At the high level of temporary macro-models (grand time) that both established, it could be said that the realizable future polyphony, announced by Bakhtin, has its first base in the present constitution and the counterpoint between the dominant monologic line (idealizing, centralizing, cultured, stylized, subjective) with the emerging dialogic line (popular, material, disseminating, intersubjective, transformative).

[12] In both authors, it can clearly be seen an opening and overcoming of a previous paradigm, basing the new contribution on the importance of the discourse, the semic (meaning) and the interpretative. Thus, this move implied overcoming textualism, a derivative of functionalist structuralism, while contributing simultaneously to the creation of a signic consciousness and semiotic awareness. The historic nature of their inquiry is centered on the ideas of process and cycle.

follows that both would eventually favor the transit from the mimetic-monological to dialogical-fantastical (fabulation).

These thoughts might not have a stopping point, no doubt, but now we must conclude.

VI. Final Starting Points

The analytical and purposeful looks on Frye and Bakhtin were indeed multidisciplinary and transdisciplinary. Although they were clearly located within a sector of human knowledge, that is, literary studies; their research claims were projected into other fields. Anthropology, history, philosophy, and cultural studies among others, were some of the disciplines affected by the investigations and writings of these scholars: one Canadian and one Russian.

Frye and Bakhtin were theorists and critics, historians and cultural researchers, philosophers of the language, intellectual thinkers not prefigured by the system. They both emerged as highly complex consciousness discussants of great creative expression, presenting simultaneously, in their writings, an understanding of the literary phenomenon and of the artistic process, as well as great producers of the critical-theoretical necessary considerations of their time. For this purpose, both forged powerful and convincing languages.

All this discussion allows us to finally state that Frye and Bakhtin were the two most important scholars of the twentieth century literature in Canada and in Russia, mostly for their contribution to cultural studies, literature, literary theory, semiotics and media that covered both, the fields of Humanities and Social Sciences.

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Sex Trafficking in Edo State, Nigeria: Causes and Solutions

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Abstract - Edo State, the 'Heartbeat of Nigeria', has been labeled as “the most endemic source of human trafficking in Nigeria”. As a result of this negative label, a number of international organizations and non-governmental organizations have intervened to combat sex trafficking in the region. Despite these interventions, sex trafficking is still rife in Edo State. This article argues that political, economic, religious, social and cultural factors contribute to the difficulties in curbing sex trafficking in Edo State. To eradicate it, a joint effort between the government, traditional leaders, religious institutions/NGOs and members of the public is needed.

Keywords : *human trafficking, sex trafficking, modern day slavery, nigeria, benin city, edo state.*

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Sex Trafficking in Edo State, Nigeria: *Causes and Solutions*

Tim S. Braimah[1]

Abstract - Edo State, the 'Heartbeat of Nigeria', has been labeled as "the most endemic source of human trafficking in Nigeria". As a result of this negative label, a number of international organizations and non-governmental organizations have intervened to combat sex trafficking in the region. Despite these interventions, sex trafficking is still rife in Edo State. This article argues that political, economic, religious, social and cultural factors contribute to the difficulties in curbing sex trafficking in Edo State. To eradicate it, a joint effort between the government, traditional leaders, religious institutions/NGOs and members of the public is needed.

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I. Introduction

Edo State,[2] and in particular Benin City, has gained notoriety for human trafficking, particularly for sexual exploitation. As the world has experienced globalization, the trafficking of human beings for sex has taken yet another turn. Human traffickers, aware of the risks involved in the trafficking of human beings, have set up sophisticated channels and networks for the easy and undetected flow of trafficked persons. Irrespective of the interventions by international bodies, NGOs and national agencies to combat trafficking in Edo State, the region is still a hub for trafficking of women and children for sexual exploitation.

Owing to this increase in sex trafficking, this study has been guided by the following research question: What are the obstacles in curbing sex trafficking in Edo State? The objective of the study is to examine critically the factors hindering the curbing of sex trafficking in Edo State. The major assumption that has guided this study is that poverty and unemployment have hindered the reduction of sex trafficking in Edo State. The arguments presented in this paper, reveal that until corruption is dealt with, stricter laws implemented, and there is greater involvement of traditional leaders and members of the public, NGOs and other organizations with an interest in eradicating sex trafficking in Edo State may never be able to achieve this.

Part I of this article begins with a discussion on international instruments relating to human trafficking. The definition of human and sex trafficking are provided in this section. Part II discusses Nigeria's involvement in combating and eradicating human trafficking. It also provides a discussion of Edo State's role in combating human trafficking, particularly for sexual exploitation. This part also discusses the influx of Edo girls into Europe. Part III presents reasons behind the continuing difficulty of curbing sex trafficking in Edo State. Part IV provides recommendations for the reduction of sex trafficking in Edo State, and conclusions are drawn.

II. International Instruments and Human Trafficking

Instruments relating to the abolition of trafficking in human beings date back to the 1926 Slavery Convention. Additional international instruments which include provisions dealing with the prohibition of human trafficking include: the Universal Declaration of Human Rights (1948);[3] International Covenants on Civil and Political Rights (1966);[4] the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); and the Convention on the Elimination of all Forms of Discrimination Against Women (1979). More recently, international instruments have been adopted to combat human trafficking, particularly for sexual exploitation, and these include: the United Nations Convention against Transnational Organized Crime and its two Protocols: the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (UNTP); and the Protocol against the smuggling of Migrants by Land, Sea and Air. According to Gallagher, the UNTP is the most significant international instrument on trafficking[5] because it

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[2]Edo State is an inland state in central southern Nigeria. Its capital is Benin City

[3] Article 4 states that "no one shall he held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms"

[4] Article 8
1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3.(a) No one shall be required to perform forced or compulsory labour;

[5] Anne Gallagher, 'Recent legal developments in the field of human trafficking: A critical review of the 2005European Convention and Related Instruments', *European Journal of Migration and Law* 8 (2006),p.165

provided the 'first ever internationally agreed definition of trafficking' which has now gained worldwide acceptance.[6]

a) Definition of Human Trafficking

Article 3 of the UNTP defines human trafficking as:

(a) Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.[7] Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.[8]

Other than providing a detailed definition of trafficking, the aim of the UNTP is fairly straightforward. In its preamble, it requires states parties to adopt the 3 Ps: "prevention", "punishment" and "protection".

Gallagher identifies a weakness in the substance of the UNTP. She states that the mandatory obligations contained in it "are few and relate only to criminalization, investigation and prosecution; cooperation between national law enforcement agencies; border controls; and sanction on commercial carriers".[9] Similarly, Baker states that the UNTP only focuses on the criminalization of trafficking.[10] Moreover, states parties to it are under no legal obligation to provide trafficked victims with support, protection or to avoid involuntary repatriation.[11] They only need to provide support to trafficked victims at their own discretion, an act which may contradict laws of international protection.

However, irrespective of the flaws identified, the Protocol presents important statements on the curbing of human trafficking. In order to prevent human trafficking, Article 9 urges states parties "to take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity".[12]

b) Types of human trafficking

The trafficking of human beings is typically divided into two categories: labour trafficking and sex trafficking. While the former relates to "the recruitment, harboring, transportation, provision, or obtaining of a person for labour",[13] the latter involves the coercion of unwilling individuals into sexual practices. This article only focuses on sex trafficking.

c) Definition of sex trafficking

The definition of sex trafficking has no universal acceptance. However, for the purpose of this paper, sex trafficking is defined as: "Trafficking that involves moving people within and across local or national borders for the purpose of sexual exploitation".[14]

III. Nigeria and Human Trafficking

Nigeria signed the UNTP on December 13th 2000 and ratified it on 28 June 2001. As a state party, Nigeria accepted a declaration to prevent and combat trafficking in women and children and to punish components of the offence of human trafficking. According to Falola and Afolabi, "prior to July 2003, the trafficking of human beings could only be punished through legislation aimed at punishing components of the offence, such as some isolated provisions of the Nigerian Constitution, the Nigerian Criminal Code, as well as the Penal Code of Northern Nigeria".[15] Falola and Afolabi identify the problems with the legislation associated with punishing human traffickers in Nigeria prior to 2003. According to them, prosecutors had to use their own creativity to punish perpetrators of human trafficking which resulted in penalties which were not proportionate to the offence committed. Secondly, the strategies adopted by prosecutors also had the result of re-victimization. Thirdly, the application of the provisions by prosecutors also meant that traffickers were able to escape punishment.[16] Olateru-Olagbegi and Ikpeme describe the Nigerian legislation dealing with human trafficking prior to 2003 as "scattered",[17] because there

[6] Ibid, 165

[7] Protocol to Prevent , Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, Nov. 15, 2000, 2237 U.N.T.S. 343

[8] Id. At 344

[9] Anne Gallagher, 'Recent legal developments in the field of human trafficking: A critical review of the 2005European Convention and Related Instruments', *European Journal of Migration and Law* 8 (2006),p.165

[10] Carrie Baker, 'The influence of international human trafficking on United States prostitution laws: The case of expungement laws', *Syracuse Law Review* 62 (2012),p.173

[11] Anne Gallagher, 'Recent legal developments in the field of human trafficking: A critical review of the 2005European Convention and Related Instruments', *European Journal of Migration and Law* 8 (2006),p.165

[12] Article 9 (4): Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

[13] Kimberly McCabe, *'The trafficking of persons: National and international responses'* (Peter Lang, 2008), p.40

[14] Leonard Territo, George Kirkham, *'International sex trafficking of women & children: understanding the global epidemic'* (Looseleaf,2010)

[15] Toyin Falola, Niyi Afolabi, '*The human cost of African Migrations'* (Routledge, 2007),p.191

[16] Ibid, p.191

[17] Bisi Olateru-Olagbegi, Anne Ikpeme, 'Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour, *International Labour Organization*, p.18

was no single legislation on human trafficking and legislation which dealt with human trafficking could be found in the criminal and penal codes.

However, "scattered" legislative laws on human trafficking and the problems faced by prosecutors to prosecute human traffickers were eradicated with the introduction of the 2003 Trafficking in Persons Law Enforcement and Administration Act (Trafficking Act).[18] The Nigerian Trafficking Act, amended in 2005 to increase penalties for trafficking offenders, prescribes a five year imprisonment penalty and/or a $670 fine for labor trafficking, and 10 years to life imprisonment for sex trafficking.[19] The adoption of the Nigerian Trafficking Act by the Nigerian National Assembly has been described as seminal.[20] This is because, according to Falola and Afolabi, 'it marked the first time in the history of Nigeria that the National Assembly passed a measure that addressed the problem of human trafficking holistically'.[21] They make excellent remarks regarding the adoption of the Nigerian Trafficking Act. The Act[22] provides detailed and well-spelled out penalties fort the trafficking of human beings and, in particular, children. In addition, with the ratification of the UNTP, there is no doubt that Nigeria has made a stance against the trafficking of human beings, particularly women and children. In spite of this, it still remains a popular trafficking destination.

According to the 2012 Trafficking in Persons Report on Nigeria,[23] the country remains 'a source, transit, and destination country for women and children subjected to forced labour and sex trafficking'.[24] This report is a result of the passage of the Trafficking Victims Protection Act in the United States, which requires the Secretary of State to issue annual Trafficking in Persons reports.[25] The Trafficking in Persons Report rates countries according to the origin and destination of victims of severe forms of trafficking[26] and Nigeria is currently listed as a Tier 2 country. This means that Nigeria is not complying, but is making significant efforts to comply, with the minimum standards in the fight against human trafficking. To support the assertion on the lack of progress regarding anti-trafficking, the 2012 Report stated that "roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labor trafficking victims the Nigerian government prosecuted only two forced labor cases".[27] The 2012 Report also detailed a decrease in prosecutions of human traffickers: "although court proceedings increased slightly in 2011, the number of cases prosecuted remained low compared to the large number of trafficking investigations."[28] This figure certainly shows Nigeria's minimal effort in combating trafficking. The 2012 Trafficking Report also identified flaws with the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP).[29] According to the 2012 Trafficking Report, NAPTIP failed to increase its funding for the protection of victims which resulted in a lack of reintegration by trafficked victims and the lack of maintenance of shelters for trafficked victims.[30] NAPTIP's lack of funding for trafficked victims to re-integrate into Nigerian society has a detrimental effect on victims of human trafficking because trafficked victims who are not re-integrated are likely to fall victims of re-trafficking. Adams also documents NAPTIP's low reintegration of trafficked victims. According to Adams, although 2,285 victims of human trafficking have passed through NAPTIP since its beginning, only 45 trafficked victims have been successfully reintegrated.[31] She asserts that this is because trafficked victims are afraid to seek NAPTIP's help because of fear of testifying.[32] Adams states that this fear stems from NAPTIP's criminal-centred approach rather than a human rights-based approach.

a) Edo State

In the same way that Nigeria has adopted national laws to combat human trafficking, the State of Edo has also taken measures aimed at combating human trafficking, particularly for sexual exploitation. In 2000, the Edo State House of Assembly enacted a law (Edo State Criminal Code (Amendment Law))[33] criminalizing prostitution in the state. However, the law has been the subject of criticism despite its introduction to combat human trafficking. According to Olateru-Olagbegi and Ikpeme, although the state law was introduced to deter anyone participating in sex

[18]Hereinafter: Nigerian Trafficking Act
[19]Trafficking in Persons Report (2010, 10th ed.), p.256
[20]Toyin Falola, Niyi Afolabi, '*The human cost of African Migrations*' (Routledge, 2007),p.191
[21] Ibid, p.191
[22] See: TRAFFICKING IN PERSONS (PROHIBITIION) LAWENFORCEMENT AND ADMINISTRATION ACT, 2003
[23] Heinafter: 2012 Trafficking Report
[24] United States Department of State, *2012 Trafficking in Persons Report - Nigeria*, 19 June 2012
[25] Carrie Baker, 'The influence of international human trafficking on United States prostitution laws: The case of expungement laws', *Syracuse Law Review* 62 (2012),pp.173-174
[26] See: U.S Department of State: Tier Placements – Office to monitor and combat trafficking in persons
[27] United States Department of State, *2012 Trafficking in Persons Report - Nigeria*, 19 June 2012
[28] Ibid
[29] The National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) is responsible for investigation, enforcement, and coordination of human trafficking
[30] United States Department of State, *2012 Trafficking in Persons Report - Nigeria*, 19 June 2012
[31] Cherish Adams, 'Re-trafficked victims: How a Human Rights Approach can stop the cycle of re-victimization of sex trafficking victims', *Georgia Washington International Law Review* 43 (2011),p.222
[32] Ibid, p.222
[33]See Criminal Code Amendment Law (2000), Laws of Edo State – Amendments to Sections 222, 223, 225, and 226 of the Criminal Code

trafficking, it also penalizes trafficked victims for prostitution.[34] Irrespective of this criticism, the passage of the Criminal Code (Amendment) Law 2000 made its stance on prostitution and human trafficking clear. The amendments,[35] which make prostitution in Edo State a criminal offence, impose penalties of fines and imprisonment on those partaking in prostitution and trafficking. Stating reasons for this law, Babafemi asserts that the Edo State government enacted it as a "reaction to the perception that the State was the epicentre of trafficking in women for sex in Nigeria".[36]

b) Edo State 'Hub of Sex Trafficking'

According to the Danish Immigration Service fact finding mission on human trafficking to two States (Lagos and Edo State) and the Federal Capital Territory of Nigeria Abuja, the majority of "female victims of trafficking are from Benin-City".[37] Similarly, the United States Department of State, in its 2012 Trafficking Report on Nigeria, stated that Nigerian women forced into prostitution in Italy were primarily from Edo State.[38] Other than Edo State, the International Organization for Migration has stated that Edo State is a source of human trafficking by listing known endemic local government areas which include: Oredo, Ikpoba–okha, Ovia North East, Uhunmwonde, Egor, Orhionmwon, Esan North East, Esan Central, Etsako West, and Ovia South West.[39] Additionally, Aronowitz states that "approximately 95 per cent of Trafficked Nigerian women to Italy come from Edo State".[40] Aronowitz shows his astonishment at the high percentage of trafficked victims from Edo State simply because of the fact that Edo State is not the most poverty-stricken region in Nigeria.[41] Similarly, Adams opines that it seems odd for Edo State to have the most trafficked victims because it "has a lower poverty rate than three quarters of the States in Nigeria".[42] More recently, Kara has asserted that up to 80 percent of victims trafficked from Nigeria to Italy for sexual exploitation belonged to a single ethnic group, the Edos. As a result of previous and current findings of high concentrations of human trafficking victims in Edo State, several NGOs have dedicated themselves to providing help to victims of human trafficking in Edo State. NGOs, such as IdiaRenaissance, which is notable for its pioneering efforts to eradicate human trafficking in Edo State, have helped raised awareness of the effect of human trafficking, particularly for sexual exploitation. In addition, the National Agency for the Prohibition of Traffic in Persons and Other Related Matters has also made efforts to resettle victims of human trafficking and arrest traffickers. However, the convictions of human traffickers made by this National Agency in Edo State is relatively low. From 2004 to 2012 only 34 summary convictions were made in Edo State's capital, Benin City.[43] This relatively low figure of summary convictions begs the question: if Edo State is the hub of sex trafficking, why are the convictions of sex traffickers not higher than other states in Nigeria?

Irrespective of the efforts by NGOs, and national and international intervention to curb human trafficking in Edo State, the trafficking of victims there is still on the increase.

c) Influx of Edo girls and women into Europe

The influx of West African prostitutes, particularly girls and women from Edo State, is a recent phenomenon. The modern sex trafficking associated with Edo State is estimated to have begun in the late 1980s. [44] Cole and Booth state that women from Edo State were among the first generation of prostitutes in Italy, and over this period, some of the Edo women became madams who in turn themselves began recruiting young girls and women abroad for prostitution.[45] Cole and Booth are correct; the first generation of Edo women and girls who went to Italy initially went abroad to conduct legitimate business such as the buying and selling of goods which included clothes and jewelries. However, in the process of engaging in such business, a lot of women became compromised and augmented their business with prostitution. Carling agrees with this and maintains that it was Italy's demand for low skilled labor in agriculture and services in the 1980s that sparked the migration of Nigerians, particularly from Edo State to Italy.[46]

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[34]Bisi Olateru-Olagbegi, Anne Ikpeme, 'Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour, *International Labour Organization*, p.21

[35] See Sections 222, 223, 225, and 226 of the Criminal Code Amendment Law (2000) of Edo State

[36]Odunsi Babafemi, 'Romancing the Foe: The HIV Epidemic and the Case for a Pragmatic Stance on Prostitution and Illicit Drug Use in Nigeria, '*Malawi Law Journal* 4 (2010),p.218

[37] Danish Immigration Service, *Protection of victims of trafficking in Nigeria*, April 2008, p.5

[38] United States Department of State, *2012 Trafficking in Persons Report - Nigeria*, 19 June 2012

[39] Danish Immigration Service, Cooperation with the National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP), April 2009, p.7

[40]Alexis Aronowitz, 'Smuggling and Trafficking in Human Beings: the phenomenon, the markets that drive it and the organizations that promote it', *European Journal on Criminal Policy and Research* 9 (2001),p.183

[41]Ibid, p.183

[42]Cherish Adams, 'Re-trafficked victims: How a Human Rights Approach can stop the cycle of re-victimization of sex trafficking victims', *Georgia Washington International Law Review* 43 (2011),p.219

[43] Overview of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters: Summary of convictions 2004-2012

[44] Jeffrey Cole, Sally Booth, *'Dirty work: Immigrants in domestic service, agriculture, and prostitution in Sicily'* (Lexington Books, 2007),p.123

[45] Ibid, p.123

[46] Jorgen Carling, 'Trafficking in women from Nigeria to Europe', *Migration Information Source,* available at

IV. The Reasons Behind the Difficulties of Curbing Sex Trafficking in Edo State

Several factors have contributed to the difficulties in curbing sex trafficking in Edo State. These are grouped into political, economic, cultural and social factors.

a) Political Factors

The first and major factor responsible for the inability to curb trafficking in Edo State lies with the Nigerian government. This article argues that, but for corruption which creates poverty in Nigeria, sex trafficking in Edo State would have been reduced.

i. *Government Corruption*

Although the Nigerian government enacts and implements anti-trafficking laws, the government has played a crucial role in the increase in sex trafficking. This difficulty stems from governmental corruption which, in turn, means that there is a lack of distribution of wealth.. Falola and Heaton identify Nigeria as a very wealthy country owing to Nigeria's role as the leading exporter of oil in Africa and one of the leading exporters of oil in the world.[47] Despite the vast amount of oil and mineral resources in the country, the majority of Nigerians continue to live in poverty. According to the National Bureau of Statistics, in 2010, 60.9% of Nigerians were living in absolute poverty. Similarly, the United Nations Office on Drugs and Crime (UNODC) in its Paper entitled "*The role of corruption in trafficking in persons"* concurs that corruption and trafficking in persons (particularly for sexual exploitation) are criminal activities which are closely linked.[48] The UNODC also asserts that it is only when the actual impact of corruption on human trafficking is dealt with, that human trafficking can be effectively challenged.[49] Governmental corruption, which is a major cause of poverty in Nigeria, lies at the heart of the sex trafficking problem in Nigeria, particularly in Edo State. Therefore, the Nigerian government is very responsible for the difficulty in curbing sex trafficking in Edo State. As Evbayiroso rightly states: "It is true that we have a prostitution and sex trafficking problem, but we have to put the blames where they belong."[50]

ii. *Corruption of Public Institutions*

Another factor for the non-effective curbing of sex trafficking in Edo State is mainly centred on the Nigerian Police Force. Although the enactment of laws to combat sex trafficking in Nigeria and Edo State are clearly in place, the ability to implement them is non-existent. Like all other branches of government in Nigeria, corruption is endemic in the Nigerian Police Force. According to Human Rights Watch:

The police routinely extorts money from victims to investigate a given criminal case, which leave those who refuse or are unable to pay without access to justice. Meanwhile, criminal suspects with money can simply bribe the police to avoid arrest, detention, or prosecution, to influence the outcome of a criminal investigation, or to turn the investigation against the victim.[51]

Saleh-Hanna agrees with this, describing how police set up check points in most parts of Nigeria, wave down cars and collect bribes from some of the drivers.[52] In certain circumstances, drivers who refuse to co-operate are subjected to torture and, in some cases, killed. For example, on the 9th of February 2012, a policeman allegedly shot and killed a commercial bus driver over his alleged refusal to pay a 20 Naira bribe.[53]

Additionally, in a survey conducted by the CLEEN Foundation, it was stated that "among public officials who demanded bribes, the police were the highest at 70 per cent, and bribery and corruption was high in Edo State (42 percent)".[54] With the high percentage of police corruption in Nigeria, and Edo State in particular, there is a grave danger that the police may not arrest sex traffickers who offer them bribes. Astonishingly, the figures for convicted traffickers in Edo State is considerably low. As previously mentioned, from 2004 to 2012, only 34 summary convictions were made in Edo State's capital, Benin City.[55]

The recent claims by NAPTIP, that the Kogi State police released suspected human traffickers[56]

<http://www.migrationinformation.org/feature/display.cfm?ID=318> (accessed 22 January 2013)

[47] Toyin Falola, Mathew Heaton, '*A history of Nigeria'* (Cambridge University Press, 2008), p.11

[48] United Nations Office on Drugs and Crime, 'The role of corruption in trafficking in persons', (2011),p.3

[49] Ibid, p.3

[50] Hilary *Evbayiro*"Nigerian Women's Involvement in International Prostitution: A Case for Edo Bashing." June 13, 2000. http://nigeriaworld.com/feature/ publication/*evbayiro*/o6131oo.html [accessed, 1st February,2013]

[51] Human Rights Watch, *"Everyone's in on the Game," Corruption and Human Rights Abuses by the Nigeria Police Force*, 17 August 2010, p.3

[52] Vivianne Saleh-Hanna, 'Colonial Systems of control: Criminal Justice in Nigeria' (University of Ottawa Press, 2008), p.197

[53] Kelvin, Policeman kills bus driver over 20N bribe- Anambra State News http://www.zimbio.com/Nigeria+Today/articles/fL6d6kPRUu9/policeman+kills+bus+driver+over+N20+bribe [accessed 4th February, 2012]

[54] Olusola Fabiyi, 'Police, Nigeria's number one bribe takers' http://www.punchng.com/news/police-nigerias-number-one-bribe-takers-report/ [accessed 4th February, 2012]

[55] Overview of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters: Summary of convictions 2004-2012

[56] See: Usman Bello, 'Nigeria: Kogi police deny NAPTIP's Claim on Suspected Human Traffickers'

before their intervention, begs the question whether the trafficking of human beings can be curbed in Nigeria, without the co-operation of the two most important agencies responsible for the ending of human trafficking.

b) Economic Factors

i. *Poverty*

Poverty has been identified as a causal root of the global injustice of human trafficking and sex trafficking in particular. Patterson asserts that the desperate need for jobs to support their families makes women susceptible to traffickers who offer them high salaries.[57] Similarly, Iyen recognizes that trafficked women are either unemployed or earn no money.[58] The other effect of poverty is migration, and this was one of the conclusions of a field survey conducted by Okojie and others in Edo State in 2003.[59] Agreeing with this, Ellis and Akpalla identify poverty as one the factors that drives Nigerian migrants to seek the services of human traffickers.[60] The wish to be trafficked is linked with a desire to improve one's situation, as the following testimony shows:

I got to know that we were going to be fixed in paid employment outside Nigeria, especially in Europe and Benin Republic. Deep inside me I knew anything could happen. We may be raped or forced for sex or engage in prostitution. We were at their mercy. But we were prepared and determined to go out there and succeed.[61]

Although poverty has often been cited as a major cause of human trafficking, particularly for sexual exploitation, it is only a co-existing factor and not its root. As previously mentioned, governmental corruption which causes poverty is the major hindrance to curbing sex trafficking in Nigeria, and in Edo State in particular.

ii. *Unemployment*

Unemployment is another reason why the curbing of sex trafficking in Edo State has been difficult. Government corruption is inextricably linked to unemployment and poverty in Nigeria. For example, but for governmental corruption in Nigeria, several million Nigerians would be employed which would reduce the poverty rate, and, in turn, lower the trafficking of victims for sexual exploitation. Ikein, Alamieyeseigha and Azaiki acknowledge unemployment as a serious socio-economic problem in Nigeria.[62] Like poverty, unemployment is a visible feature in Edo State. Most individuals have carved out employment opportunities for themselves by becoming self-employed. Thus, the state, like most states in Nigeria, is overwhelmed with Okada riders,[63] taxi drivers and traders. In addition, owing to a lack of job opportunities, some girls and women use sex as a means of economic sustenance, not just in Edo State and Nigeria, but in most parts of the world. Therefore, unemployment, like poverty, is advantageous to sex traffickers because girls and women who become victims of sex trafficking are desperate to earn a living. Vergara, states that, just as in Nigeria, human trafficking for sexual exploitation exists in America, and that women and girls primarily targeted by traffickers are those who lack economic opportunities and are unemployed.[64]

c) Cultural Factors

i. *Preference for Sons*

According to Chambers, 'the preference of sons over daughters is found in many countries across the world.'[65] This is also prevalent in Africa, particularly in Nigeria. Similarly, Ojoh states that the reason for the lack of female empowerment in Nigeria is due to the importance that African culture places on sons, which renders the female folks a minority.[66]

In a study carried out in Ekpoma, Edo State, 89.5% of women preferred sons to daughters. According to Adeleye and Okonkwo, 'male preference to traditional inheritance pattern which had no room for female children, coupled with the fact that female children once married automatically lost their fathers name, were reasons presented for male preference to women".[67]

Primogeniture, a traditional practice whereby the eldest son inherits the father's title and property is a common practice amongst the Edos. This practice of primogeniture also extends to some of the traditional

http://allafrica.com/stories/201208100357.html [accessed 4th February, 2012]

[57]Kara Patterson, 'Sex trafficking from Thailand to Japan: Human Beings or Illegal Goods' *Dalhousie Journal of Legal Studies* 12 (2003),p.183

[58]Iris Yen, 'Of vice and men: A new approach to eradicating sex trafficking by reducing male demand through educational programs and abolitionist legislation', *Journal of criminal law and criminology* (2008), p.656

[59] Christiana Okojie, Obehi Okojie, Kokunre Eghafona, Gloria Vincent-Osaghae, Victoria Kalu, 'Trafficking of Nigerian girls to Italy' *Report of field survey in Edo State, Nigeria* (July, 2003)

[60] Tom Ellis, James Okpalla, 'Making sense of the relationship between trafficking in persons, human smuggling, and organized crime: The case of Nigeria', *Police Journal* 84 (2011), p.14

[61] Ifeanyi Onyeonoru, 'Pull factors in the political economy of international commercial sex work in Nigeria' 8 (2) *African Sociological Review*(2004),p.118

[62]Augustine Ikein, Diepreye Alamieyeseigha, Steve Azaiki, *'Oil, democracy, and the promise of true federalism in Nigeria'* (University Press of America, 2008), p.425

[63] Commercial motorcycle in Nigeria

[64]Vanessa Vergara, 'Looking beneath the surface: Illinois' response to human trafficking and modern-day slavery' *University of Toledo Law Review* 38 (2007),p.992

[65] Deborah Chambers, 'A Sociology of Family Life: Change and diversity in intimate relations' (Polity press, 2012),p.136

[66] Akudo Ojoh , '*Empowering Nigerian women in the 21st century: Measuring the gap'* (2012), p.13

[67] Omokhoa Adeleye, Chukwunwendu Okonkwo, 'Ideal child gender preference in men's worldview and their knowledge of related maternal mortality indices in Ekiadolor, Southern Nigeria' *Asian Journal of Medical Sciences* 2 (2010),pp.146-147

leaders in the region. For example, in Benin City on the death of the Oba (King) of Benin, his first son ascends to the throne. However, if in any given case the Oba does not have a male heir, and only has daughters, the title will not pass to any of the daughters. Instead, a male heir, preferably the Oba's brother becomes king.

This practice of primogeniture which both discriminates and devalues women, is one of the reasons for the difficulties in curbing sex trafficking in Edo State. For example, when the first male child inherits his father's property at his death, the women do not get any share of the property except in rare cases where a will has been written by the deceased. This lack of distribution of properties to women in the Edo culture leave the women in extreme poverty. In an already poverty-stricken country such as Nigeria, most of these women have to fend for themselves with some lucky enough to end up in matrimonial homes, while a great deal are forced to fend for themselves - this includes prostitution. Thus, some Edo women are more susceptible to traffickers because they are devalued and this has its roots in the Edo practice of primogeniture. Similarly, the UNODC stated that: "cultural practices also contribute to trafficking. For example, the devaluation of women and girls in a society makes them disproportionately vulnerable to trafficking".[68]

Furthermore, the advent of religions such as Islam and Christianity in Edo State has not helped in curtailing this practice of primogeniture or gender inequality. Rather, it has fueled the inequality of women in Nigeria, particularly in Edo State. For example, the strict interpretation of Shariah law discriminates against women. Under Shariah law in relation to inheritance, the male gets twice as much of the inheritance compared to the female.

d) Social Factors

i. *Education*

Preferential value of sons over daughters also extends to education in the Edo culture. Traditionally, the Edos thought that girls were less worthy of investment in terms of education since daughters were not viewed as future support and stability to the family. This was based on the notion that daughters would marry into other families. Unlike daughters, sons were viewed as support and strength to the family. This belief was developed through the fact that when sons get married, they would bring home their wives to support and strengthen the family. On the other hand, girls would leave their parents to form a new home with her husband and his family. This discriminatory denial of education to females, based on the notion that a female would eventually belong to another family by becoming someone else's wife, continues in the 21st century in certain communities in Nigeria and Edo State.

However, the introduction of Western values to Africa, through Christian evangelism, which also brought with it Western education, has been advantageous, particularly to Edo women who have begun to gain education at the same rate as men. Irrespective of this, various studies have revealed a high level of girls dropping out of school in Edo State. For example, the study carried out by Henrietta and Omotunde revealed a high dropout rate among Edo girls which was caused by poverty and poor academic performance.[69] Also, according to estimates by the Edo State Ministry of Health, "30% of adolescents aged 12-15 years and above, 50% of adolescents aged 16-19 years are out of school".[70] These shocking statistics reveal the high rate of persons, particularly females, who are likely to fall victims to sex trafficking. Due to the fact that most females who drop out of school only have basic education and no qualifications, job opportunitities become extremely difficult in an already poverty-stricken country such as Nigeria. Therefore, females have no choice other than to agree to whatever opportunity is presented to them and this includes sexual exploitation.

ii. *Illiteracy*

Illiteracy remains one of the key problems faced in the curbing of sex trafficking in Edo State. Whereas those who are school drop outs have basic education up to primary or secondary level, there are those who lack any basic education. The latter are the easiest prey of sex traffickers. Odigie and Patience further state that Nigerians of school age who are not in school easily fall "prey to sex traffickers who deceive them with tales of good jobs abroad".[71] Although some parents do make sacrifices to send their children to school, however, more often, lack of funds and uncertainty about the future discourages some poor families from letting their children continue in education, or sending their children to school. Poor families see education as futile and are more motivated in engaging their children in productive activities. Therefore, one could argue that there is a strong link between illiteracy and sex trafficking and that illiteracy is one of the reasons why curbing sex trafficking in Edo State has been difficult.

[68] UN Office on Drugs and Crime, *Toolkit to Combat Trafficking in Persons*, October 2008, 2nd edition, p.424

[69] See Alika Henrietta, Egbochuku Omotunde, 'Drop out from school among girls in Edo State: Implications for counselling' 2 *Journal of Counselling* (2009)

[70] Rosemary Moughalu, 'The problem of out of school adolescents: Who are they and what are they?' http://www.nigerianobservernews.com/05102010/05102010/features/features6.html [accessed 7th February, 2013]

[71] Dave Odigie, Chinenye Patience, 'Human trafficking trends in Nigeria and strategies for combating the crime' 1 *Peace Studies Journal* (2008), p.68

iii. *Disintegration of family values*

With the subjugation and domination of Africa by Europeans, Arowolo argues that "western culture and European mode of civilization began to thrive and outgrow african cultural heritage".[72] He goes on to say that "western culture is now regarded as a frontline civilization. African ways of doing things became primitive, archaic and regrettably unacceptable in the public domain".[73]

An aspect of Edo culture greatly affected by Westernization is family values. Before Westernization, households were organized by familial bonds and cultural rules that emphasized male responsibility for protecting the whole family, including women and children. However, the family structure of male dominance and protection has now been broken. Currently, in most parts of Edo State, it is a case of 'he who pays the piper dicates the tune'. As a result of this, some wealthy women (i.e. madams in the sex trafficking trade) have been able to break the family structure which was a bastion of the Edo culture. This disintegration of family values is yet another difficulty faced in curbing trafficking in Edo State.

Due to a lack of regard for family values, coupled with illiteracy, poverty and greed, some parents, desperate for any source of additional income, have pushed their children into the arms of traffickers. The families of most trafficked victims from Edo State readily give their daughters away to traffickers sometimes knowing about the activities involved. However, although some of the parents and families have knowledge of the activities of their daughters, which is prostitution abroad, they lack an understanding of the risk involved in sex trafficking. Riddled with poverty, and in certain cases greed, families and parents of trafficked victims have only one thing on their minds - money.

The voluntary participation in sex trafficking by some families is one of the key factors for the difficulty in curbing sex trafficking in Edo State. Parents and relatives readily give their daughters to traffickers or put pressure on them to go abroad with the hope that they can lift the family out of poverty through prostitution. Thus, the girl or woman is seen as the breadwinner of the family. According to Nwolisa, there is expectation from parents and family members for girls and women to take care of their household. Therefore, owing to this pressure and the frustrating conditions mainly caused by poverty, women and girls grab opportunities presented to them which include sexual exploitation abroad. Cole and Booth assert that parents who would have refused giving their daughters to sex traffickers in the past, now welcome the fact that their daughters have become a source of income by willingly giving them to sex traffickers.[74]

iv. *Religion*

Other than difficulties in curbing sex trafficking in Edo State, such as governmental corruption, unemployment and economic indicators such as poverty, religions, such as Islam and Christianity have also contributed to the problem.

a. *Islam and Christianity*

Prior to the advent of Islam and Christianity, prostitution was considered an abomination in African traditional religion and Edo culture.[75] Buttressing this assertion, Kara opines that although prostitution and sex trafficking have been widely regarded as 'Edo', the "Edos are one of the most conservative groups in Nigeria".[76] To support this opinion, Kara states that in Edo State:

Prostitution is strictly forbidden and if a married woman is even touched by a man who is not her husband, she is duty-bound to report this affront to her husband, and he obliged to ensure that she undergoes special purification rights to cleanse her.[77]

In agreement, Aghatise maintains that:

Traditionally, prostitution is not socially acceptable among the Edo, where what has been regarded as promiscuous behavior has been traditionally sufficient to ostracize any young girl from her family and from society. The social stigma has been such that a prostituted woman could never aspire to marry within her social group and would remain an outcast if she did not leave town.[78]

This conservatiness of the Edos extended and still extends beyond prostitution and into adultery. Amongst the Edos and within the African traditional religion, it is believed that if a woman strays out of her matrimonial home, the consequence of such act which includes illness, disease and in extreme cases death, may be visited upon the woman, her child or even her husband.

It was the result of the potential humiliation of adultery imposed by African traditional religion that curtailed the promiscuity of married women in the past. The following account suggests that due to the Edo's strong inclination toward traditions, immoral behavior such as prostitution was, and is, not condoned by the

[72]Dare Arowolo, 'The effects of western civilisation and culture on Africa' 1 *Asian Journal of Social Sciences* (2010)
[73]Ibid

[74]Jeffrey Cole, Sally Booth, *'Dirty work: Immigrants in domestic service, agriculture, and prostitution in Sicily'* (Lexington Books, 2007),p.123
[75] See: Omosade Awolalu, 'What is African Traditional Religion?' 10 Studies in Comaprative Religion (1976)
[76]Siddharth Kara, *'Sex trafficking: Inside the business of modern slavery'* (Columbia University Press, 2009),p.90
[77] Ibid, p.90
[78] Esohe Aghatise, *Research and case studies on the international trafficking of Nigerian women and girls for prostitution in Italy* [La prostituzione Nigeriana in Italia]. Unpublished report. Turin, Italy: Associazione IROKO, p.1134

ethnic group. This situation may seem curious when the statistics show that a high percentage of trafficked women are Edos. This can be explained by the fact that Edo culture and traditional African religion have been eroded to some extent by the introduction of religions such as Islam and Christianity.

The current situation, under these two religions, is that there are no moral checks and balances to check immoral behavior, such as adultery or prostitution. For example, if a married woman commits adultery, there is no enforceable punishment for such an act in Edo State. Under Islam, the crime of adultery, which would have resulted in stoning, is not enforceable in Edo State. While immoral acts such as adultery are also frowned upon in the Christian religion, there is no enforcement except for confession to a spiritual leader. Therefore, many people are not afraid to indulge in immoral behaviour such as prostitution. This contrasts with the situation under African traditional religion which held that sex before or outside marriage was considered taboo in Edo State.

Furthermore, although mosques and churches play an important role in curbing sex trafficking in Nigeria, and particularly in Edo State, by describing the harm of prostitution and sex trafficking to the public, these institutions, especially the churches, have compromised their mission in Nigeria. For example, Omere poses a series of questions regarding some of the activities of the church in Nigeria:

How can you imagine churches investing in local and overseas property markets? How can you imagine church leaders buying private jets when the prime minister of Britain flies commercial airways? Who is godlier? Their silly excuses are that it aids the gospel. How did the missionaries of old get the gospel acrosseven with limited sea vessels, nonexistent internet or technologies?[79]

The series of questions posed by Omere are representative of what most Nigerian churches indulge in - the amassing of wealth for the personal gain of certain individuals. Clearly, the advent of Islam and Christianity has not helped reduce sex trafficking in Edo State.

b. *African Traditional Religion*

In most cases, the practice of African traditional religion has much to do with the difficulty in curbing sex trafficking, particularly in Edo State. Although the advent of Islam and Christianity has eroded certain aspects of the African traditional religion, and there is a very strong inclination by the majority of Edos towards Islam and Christianity, there is still a strong hold and belief in certain aspects of its traditional practices. One of the practices still employed by the Edos is Juju.[80] As Bell rightly states: "Juju, sometimes known as voodoo or magic, is a significant part of the West African culture which is particularly prevalent in the Edo State of Nigeria".[81] Juju, also known as black magic is greatly feared by most Nigerians, and some Edos, because of its believed consequences. Due to the fear of Juju, Juju practitioners employ it as a medium to instill fear into their victims. Several studies, conducted mostly in Benin City, have reported how Juju has played a major role in aiding traffickers to make their victims loyal to them. Adams explains how sex traffickers use Juju ritual as a means of control over their victims:

An example of such a ritual is giving a box containing the trafficked person's body parts such as fingernails or pubic hair, along with underwear and photographs to a traditional Nigerian (Juju) priest and forcing the victim to repeat statements such as "if I don't pay I will go crazy or I will be killed.[82]

According to Adams, this ritual is a pact which instils fear in a victim's mind that, if broken, the victim would come under a curse which could have an effect on her and her family, and in this way is used as a means of bondage by traffickers.[83]

Corroborating Adams' statement, Kara asserts that before a trafficked victim begins her journey: the woman must first undergo specific juju rites, in which the woman's pubic hair, nails, and menstrual blood are collected and placed before a traditional shrine. During the ritual, the woman is made to swear an oath to repay her debt, never to report to the police, and never to discuss the nature of her trip with anyone.[84]

In addition, Kara states that it is this spiritual bondage that make it almost impossible for trafficked victims of Edo State to escape, unlike East European prostitutes for instance.[85] This spiritual bondage or the practice of Juju plays a major role in the difficulty of curbing sex trafficking in Edo State. For instance, when victims of sex trafficking are rescued, they are very apprehensive about revealing details of their traffickers because of the oath they have taken. For example, when NAPTIP was prosecuting Sarah Okoyain in 2004, who was eventually given a ridiculous 12 month sentence for sex trafficking, none of the victims showed up in court to

[79] Henry Omorere, *'Lost legacies and broken promises of our fathers'* (Xlibrispublishing, 2011),p.185

[80] A charm or fetish used by some West African people. Juju comes from the African traditional religion known as Vodoo

[81] Sarah Bell, 'Trafficked girls controlled by juju trafficked rituals' http://www.bbc.co.uk/news/uk-14044205 [accessed 5th February,2013]

[82]Cherish Adams, 'Re-trafficked victims: How a Human Rights Approach can stop the cycle of re-victimization of sex trafficking victims', *Georgia Washington International Law Review* 43 (2011),p.220

[83] Ibid,p.220

[84]Siddharth Kara, *'Sex trafficking: Inside the business of modern slavery'* (Columbia University Press, 2009),p.90

[85]Ibid, p.90

testify against her because of the oath they had taken.[86] Similarly, Kara asserts how trafficked victims enter trances or suffer fits in order to avoid revealing details of their traffickers. They do not wish to testify in court due to the fear of Juju and the imminent danger to their family.[87] Clearly, the cultural belief system plays a major role in the difficulty of curbing sex trafficking in Edo State. The practice and belief in Juju not only gives sex traffickers an advantage over their victims, it is also the most important ingredient that allows their immoral business to thrive. This is because, without the performance of Juju or oath-taking by victims of sex trafficking, the identities of traffickers would easily be given to the police or agencies responsible for combating human trafficking. Therefore, the cooperation by sex trafficked victims would have led to the arrest of their traffickers, and subsequently reduce the trafficking of human beings in Edo State.

v. *Normalisation of Prostitution*

In Edo State, particularly in Benin City, prostitution abroad has been normalized by portraying prostitution as glamorous and a way to make hard currency which represents a lot of money. According to Adams, the 'prosperity stories' of many Edo women who migrated to Italy in the 1980s and 1990s have resulted in a high rate of sex trafficking in the region.[88] Encouraged by these success stories, young girls are willing to be trafficked because trafficked women who come home with riches from the sex trafficking trade are represented as being empowered and liberated.

While sex trafficking involves coercion and deception, many Edo girls willingly submit themselves to be trafficked because they see prostitution as a short period of their lives which can lift them and their families out of poverty. Although a minority of Edo girls are deceived into being trafficked, the majority are aware of the nature of their jobs abroad. This argument is mainly buttressed with traditional oath-taking (Juju practice) of sex trafficked victims before departure. The oath-taking normally involves the victim promising never to escape until she repay her debts. Additionally, victims swear they will never report their sex traffickers to the police. Therefore, this oath-taking normally reveals the nature of the work to the trafficked victim. However, motivated by prosperity stories of trafficked victims and alleviation from poverty, sex trafficked victims fail to comprehend the risk behind the nature of their work abroad. Currently, prostitution is a well-known medium to earn a living by women in most parts of Nigeria. In most parts of Nigeria, including Edo State, it is seen as a temporary stage in life which one must endure. Irrespective of the normalization of prostitution, there are many Edo girls who resist being trafficked for sexual exploitation. Most of Edos condemn the idea from a religious perspective.

V. Conclusion

Conclusively, this study has presented the various reasons for the difficulties to curb sex trafficking in Edo State, Nigeria. Political, economic, religious, cultural and social factors have been identified as major obstacles to curbing sex trafficking in Edo State. However, this modern day slavery, in the same way as immigration, cannot be entirely eradicated in Edo State, but with a joint effort by the Government, NGOs, traditional rulers and members of the public, the sex trafficking trade in Edo State can be reduced.

Although most studies have concentrated on poverty as the major cause of sex trafficking, this article identifies corruption as the causal root for the difficulty in curbing sex trafficking in Edo State, Nigeria. However, other causes such the devaluation of women, illiteracy, certain practices of the African traditional religion and the normalization of prostitution, elucidate the magnitude of the sex trafficking problem in Edo State. Thus, the solution to curbing sex trafficking in Edo State is beyond the mere enactment of laws by the Nigerian Government and the Edo State Government. It requires the joint effort of the Federal and State governments, religious institutions in collaboration with NGOs, traditional rulers and members of the public.

VI. Recommendations

The Government

1. As corruption causes poverty and unemployment in Nigeria, the Federal and State government needs to place more effort on combating corruption. In order to combat corruption, emphasis need to be placed on integrity, transparency and accountability of all public and private institutions.
2. The Federal Government of Nigeria and the Edo State government should enact harsher laws that would deter sex traffickers and their cohorts from engaging in trafficking. Presently, the laws in place are not harsh enough to deter sex traffickers in Nigeria and Edo State in particular. Both the Federal and Edo State laws should do away with fines for traffickers. People found guilty of human trafficking should be given a sentence of life imprisonment because human trafficking violates one of the most fundamental human rights - the right to life. Additionally, individuals who aid sex traffickers should be given a 10 year sentence. Those working in the public service, i.e police officers, immigration

[86] Musikilu Mojeed, 'How immigration officials and voodoo aid human trafficking business in Nigeria' http://www.edoworld.net/How_immigration_officials_and_voodoo_aid_human_trafficking_business.html [accessed 5th February 2013]

[87] Siddharth Kara, *'Sex trafficking: Inside the business of modern slavery'* (Columbia University Press, 2009),p.91

[88] Cherish Adams, 'Re-trafficked victims: How a Human Rights Approach can stop the cycle of re-victimization of sex trafficking victims', *Georgia Washington International Law Review* 43 (2011),p.219

officials and border security officers who are caught helping sex traffickers should be dismissed and never be allowed to work in the public service after their imprisonment.

3. The Edo State Government should implement its laws on human trafficking effectively. At present, the statutory laws are not enforced. An example of this lack of enforcement can be seen with the brothels in Edo State which operate as guest houses. Those who are caught indulging with prostitutes should either pay a penalty coupled with community service, or be imprisoned for a considerable period of time.
4. The Federal Government of Nigeria needs to create a separate organization from NAPTIP. While NAPTIP can focus on prosecution of sex traffickers, a different agency, one which understands the ordeal of trafficked victims should be created to rehabilitate victims. However, to monitor the activities of NAPTIP, an independent organization should be created to monitor the activities of NAPTIP. This becomes a case of guards guarding the guards.
5. The governments at the Federal and State level should undertake to create viable work opportunities, both skilled and unskilled, so that people do not resort to trafficking out of economic necessity.
6. The Federal and Edo State government should address the issue of poverty aggressively, by evenly distributing resources from the highest level to the grassroots.
7. The Federal government and Edo State government should ensure that victims of sex trafficking are treated as victims and not criminals. Proper rehabilitative facilities should be provided in order for the victims to restore their emotional, psychological and mental well-being which has been affected by their ordeal. Vocational training should be provided so that they are employable after rehabilitation. As part of their rehabilitation, a stipulated amount of money should be given to each victim in order to prevent them being trafficked again.
8. Finally, education should be made free at all levels by the Federal Government of Nigeria to give individuals from poor families a chance to gain education to the highest level. In addition, states and in particular Edo State, should create free vocational schools to give individuals not interested in higher education a chance to develop their skills and, inturn, become employable. Government grants should also be given to students from poor families in order to ensure they finish their courses and are certified.

Religious institutions in collaboration with NGOs

1. Religious institutions should work closely with NGOs in the rehabilitation of victims and awareness creation. As Nigerians are very religious, religion is one of the greatest weapons that can be used to dissuade people from indulging in sex trafficking. The dangers of human trafficking, particularly for sexual exploitation, should be delivered in every service. Former trafficked victims, who are willing to tell their stories to the congregation, should be used as a model to deter potential victims of trafficking.
2. The efforts of NGOs, such as the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), IdiaRennaisance, in eradicating human trafficking in Nigeria and Edo State in particular, are commendable. However, more should be done in creating awareness of the dangers of sex trafficking. For example, in Edo State, individuals from each community can be trained to deliver seminars on the dangers of sex trafficking. In most communities in Edo State, the eldest man and woman are highly respected members of their communities. These type of individuals are key to reducing sex trafficking in Edo State. They should be educated about the ill effects of sex trafficking in order for them to pass on the message to members of their communities.
3. NGOs should introduce poster messages in every community that depict the ills of sex trafficking. The media should also be used to portray sex trafficking as an abnormal behaviour, in the same way as fraud and murder.
4. Religious institutions can also play a role in the lives of repatriated trafficked victims who have undergone rehabilitation and who have no families. Religious institutions should extend their hands in support, such as by providing donations to further assist trafficked victims alongside grants from government. These victims should be taken in as members of the religious institution, monitored and offered assistance to prevent the possibility of re-trafficking.

Traditional rulers

1. Traditional rulers in Edo State such as the Otaru of Auchi, Oba of Agbede, Ogieneni of Uzairue, Aidonogie of South Ibie and particularly the Oba of Benin have a key role to play in the curbing of sex trafficking in Edo State. For example, customs and traditions which discriminate against women, i.e. inheritance, should be amended to allow women to gain a share of properties.
2. In relation to the use of Juju practice as a debt bondage towards trafficked victims, traditional leaders such as the Oba of Benin can restrict this by consulting with the traditional priests to reach an agreement that acts which would involve perfoming Juju for traffickers to bond their victims should not

be performed. However, if in any case this agreement is broken by any traditional priest, they should be reported to the authorities who would then prosecute them.

Members of the public

1. Members of the public can curb sex trafficking by identifying traffickers and their collaborators, and reporting them to the police and other agencies responsible for curbing trafficking.
2. Potential victims identified by members of the public should be reported to the authorities, so that the potential victims can be monitored.

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Social Conflict, Security and Peace Building in the Information Communication Age

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Abstract - The paper was burdened by the need to evolve a proactive use of the media and information communication technology (ICT) as instruments for peace building, security and conflict management system (CMS) and how these can be realised. Looking at ICT and how it affect security and security soft and hard wares. It also considered ICT as a driver of social conflict and security. The paper saw peace building as a product of ICT and how Information system management (ISM) can either increase or decrease conflict eruption.

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Social Conflict, Security and Peace Building in the Information Communication Age

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Abstract - The paper was burdened by the need to evolve a proactive use of the media and information communication technology (ICT) as instruments for peace building, security and conflict management system (CMS) and how these can be realised. Looking at ICT and how it affect security and security soft and hard wares. It also considered ICT as a driver of social conflict and security. The paper saw peace building as a product of ICT and how Information system management (ISM) can either increase or decrease conflict eruption.

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I. Introduction

Communication is central to all aspects of work in conflict and post-conflict settings. The use of traditional or mass media (radio, TV, print journalism) has long been acknowledged as playing a crucial part in providing information and messaging that can shape popular views (Igwe, 2012). As we know, these tools of communication have been used to incite violence conflict and also preach peace.

Technological innovations have created new opportunities and outlets through which communication is made easy. Life and death are on the power of the tongue. There is power in spoken word. In particular, the spread of mobile phones, crowd sourcing technologies, and social networks have enabled messages to be amplified, information flows to be accelerated, and new spaces opened up for the involvement of individuals and communities to play a role in the various phases of the conflict cycle (Coyle and Meier, 2009). In recent years the use of these new technologies have changed the nature of communication flows that contribute to crisis and disaster response, conflict monitoring and early warning, civilian protection, community peace building, and state-building activities.

According to the findings in ICT for Peace Foundation Jan, (2011), it is suggested that we are moving from a rigid top-down hierarchical approach to an increasing reliance on mobile, inclusive, interactive tools, building on a wealth of information gathered from locals and those outside of traditional development, humanitarian and peace building communities. This transformative switch to a more bottom-up approach, focusing on the individuals and communities in crisis and conflict areas, creates opportunities for improved real-time communication with a range of agencies, but also creates opportunities for greater self-sufficiency in times of crisis and conflict. In essence, these new tools have changed what information can be gathered and accessed, who can participate in the communication process, and also, who can be a peace builder.

A basic responsibility of governance in ancient as in contemporary times has been the provision of security for the citizenry on a sustained basis. This responsibility provides for the foundation of growth and development of the society. But then the existence of relative level of security in any environment does not in itself suggest the absence of conflict which Imobighe, (1993) described as ''a condition of disharmony'' or the ''direct result of a clash of interests by the parties involved in an international process.'' In essence, individuals, groups and communities are bound to pursue different interests or agenda including divergent means to achieve their interests or goals.

In the light of these scenarios, conflict becomes inevitable and it is perhaps apt to say that conflict is an inextricable feature of human existence. As to the desirability or otherwise of conflict to human existence, there are divergent opinions, Fraser et. al., (1984); Christopher, (1987; Burton, (1987; Imobighe, (1993). According to Burton, (1987), conflict is ''an essential creative element in human relations'' and one of the driving forces behind societal development. The import of this assertion shows that conflict has an inbuilt dynamism that must never be suppressed or else the society runs the risk of lapsing into stagnation. This is not to say that conflicts are always a driving force behind societal development as they can also impact negatively on the society. Whichever way conflicts are viewed, they need to be managed so as to be able to build bridges of understanding and respect across the society.

In Nigeria, the emergence of violent conflicts has had some grievous implications on the polity. Lives have been destroyed. The management of such conflicts with specific reference to their resolution has been anything but superficial and reactive in nature rather than being proactive. A situation whereby conflicts are allowed to erupt before measures are taken to arrest

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the situation is an antithesis of good governance. Rather, a more cost-benefit approach to conflict management, and specifically a preventive one, is considered desirable. The objective of this exercise is therefore to discuss the place of information communication system for an early warning mechanism for conflict management so as to ensure social security in the country.

II. Conceptual Clarification

The Communication for Development community has long argued that effective information and communication processes are prerequisites for successful development. Proponents argue that communication and information flows are the lifeblood of development projects; an integral part of empowering and enabling a healthy, vibrant civil society; essential for the creation of efficient and effective economies; and a critical component of social security.

Information is one of the most used everyday words yet it is one of the most misunderstood. This is so because conceptually, information is more often than not taken for granted in that it lacks what can be referred to as a consensual or standard definition. This has in turn given the liberty to scholars to bring their individual perceptions of the concept to bear on their written.

Conscious of this lacuna Losee, (1997) attempted a generalist description of the concept when he said that information is that which ''is produced by all processes and it is the values of characteristics in the processes output that are information.'' This description underlines the cognitive attribute of information which is similar to Saracevic and Kantor, (1997) who conceived information as a phenomenon ''which affects or changes the state of a mind'' of an individual or groups. The emphasis here is the important role of information as a facilitator in any decision-making process, conflict resolution, peace building and social security. This has been succinctly put by Aiyepeku, (1989), who defined information ''as data of value in planning (and) decision making.'' This definition was further amplified by Oladele who conceived information as:

Structured data of value which in themselves are the outcome of conscious observations, thoughts and actions either for immediate or anticipated communication and consumption (Oladele, 1991; p.24).

An explication of this definition shows that data are mere raw materials that can only become information after careful analysis. Upon internalization information becomes knowledge. In other words, data are of no value if not processed into information, which is meaningful only when it is internalized to become knowledge. Herein lays the Trinitarian concept of information. The three concepts as variants of each other are therefore used interchangeably in this exercise. Closely related to these variants in intelligence report, which is the result of data gathering and analysis on specific subjects or targets for specified objectives.

III. How ICT Foster Social Conflicts, Security and Peace Building

A problem that frequently arises for states in international politics is that of how to deal with one particular state's rapid growth in power and subsequent hegemonic ambitions. The 'standard solution' provided by the realist theory of international relations (IR) is that of other states increasing their power (internally balancing) or allying with others (externally balancing) in order to counter the rising power and ensure their own security and survival. Kenneth Waltz, one of the founders of structural realism, contends that in an international system characterized by anarchy where no overarching government exists to enforce laws, 'balancing, not band wagoning, is the behaviour induced by the system' (Waltz, (1979). The implication of the foregoing is that in this shadow of hegemony, strategic choices are made through the instrumentality of ICT as the vehicle that conveys strategic positions and decisions via Mass media operations and coverage. It is the contradiction of these ICT driven social and traditional media manoeuvrings that either engenders social conflict or peace building in power balancing that either ensure security or compromise it.

IV. ICT, Security and Military Technology

Proponents of offense/defence theory often attribute the changes in a nation's offense/defence balance (ODB) to alterations in its military strategies. They assume that when a nation's technological capabilities favor offense, the state will be inclined to adopt an offensive military strategy; similarly, when a nation's armed forces have a defensive advantage, the state will be disposed to pursuing a defensive strategy (Stephen Van Evera, 1999). In essence, offense/defence theory views adjustments in military doctrine as the product of changes in the balance of military capabilities. It is important to note that changes in the ODB that affect the development of military doctrine and the adoption new military strategies directly depends on the dynamics of ICT.

A quick review of the history of technological development makes this point quite clear. Humanity has gone through six distinct periods of military technology: the stone age, the age of metal, the age of gunpowder, the era of mechanized warfare, the nuclear age and the current era of information based warfare (Zhongguo et al, 1993). There were thousands of years between the first three periods, and a few hundred years between gunpowder and mechanized warfare. The three last eras each lasted 50 years, and the rapid escalation from one era to the next is attributable to snowballing

technological development of the ICT industry. Starting from 1945 and counting the 1991 Persian Gulf War as the beginning of the era of informationalized warfare, there were 46 years between the latest two eras (Xu Jin, 2006). Within each age, military technology underwent relatively small incremental advancements, but the development of anti-tank technologies in the era of mechanized warfare was a serious breakthrough, as it helped to neutralize the tank power offensive.

Information Communication Technology wields a profound influence over the course of any armed conflict. When military technology undergoes significant change, the very nature of warfare has to follow suit. In formulating military doctrine, nations need to be cognizant of the structural influence that technology has over strategy. Theoretically, when the independent variable (military technology) undergoes change, the dependent variable (military strategy) should be affected.

V. ICT Driven Machine, Social Conflict and Security

These machines specifically Drone, Missile launchers, and other warfare hard ware are expensive, lethal, and precise in their killing; at least they are designed so to be. A creation of the nation's intelligence apparatus, they act as the new soldiers abroad, innately non-emotive machines asked to perform the previous duties of an army combatant more efficiently and free of the inhibitive emotional affects on human cognizance. They kill their enemies but also can miss their targets and a study released last month shows that Drone miss a lot. Months after researchers at the University of Texas-Austin successfully spoofed a drone into its own crash landing, proving the enormous security vulnerability of the aircraft, the study conducted by law professors at New York University and Stanford argues that American drones are killing civilians in Pakistan's tribal regions and have had a "damaging and counterproductive effect" on the psyche and social welfare of residents there. Their claims are based on roughly 130 interviews with civilians living in the regions of Northern Pakistan where drone attacks are most frequent (Medina, 2012)..

The evidence gathered with the financial and logistical support of the activist group *Reprieve* amongst others, directly challenges the Obama administration's official line that targeted drone strikes aimed at suspected militants in Northwest Pakistan's tribal regions are actually hitting their targets. According data provided by the Bureau of Investigative Journalism, cited in the study, between 2,593 and 3,373 people have been killed in CIA drone strikes in Pakistan since 2004 and between 474 and 884 of those killed were civilians, a figure representing a possible 25 percent of all deaths. Millions of Americans are still unaware of the existence of drones, or unmanned combat aerial vehicles, despite billions of taxpayer dollars spent over the last decade on research, production and perfection of these devices (Medi

VI. Reflections on Information Communication for Peace Building

In the arena of conflict transformation and peace building, communications have historically played a role in shaping the views of policy-makers and influencing popular opinion on conflicts. Starting with the Crimean War (print media), through the American Civil War (photo journalism and print media), World War II (cinema newsreels, radio and daily newspapers) and the wars in the Persian Gulf (1991) and the invasion of Iraq (2002) (global television and the 24-hour news cycle), we can see how communication and media has shaped the views of policy makers and the public on war and the prospects of peace.

With the accelerating pace of change and the use of an increasingly diverse range of communication tools, we have seen a shift from the institutional, vertical realm to the new communication space characterized by the merging of mass media and the interactive, horizontal networks of communication. Castells (1996) suggests this has given rise to a new form of communication, mass self-communication, through the Internet and wireless communication networks. We have seen in the recent events in the Middle East how this form of communication has enabled social movements to organize and bring about revolutionary social change.

Within the peacebuilding profession, the role of communications has been relatively unexamined until recently. The seminal work of Kalathil, Langlois and Kaplan (2008) provides a rare examination of the role of communication and media in post-conflict and fragile states. They observe that nearly every post-conflict intervention involves some aspect of communication, from messaging on distinct topics to encouraging national dialogue to rebuilding destroyed media infrastructure and institutions. They conclude that “both in research and in the field, communication remains an afterthought, frequently treated as part of the public relations strategy rather than an integral and technical component of the post-conflict stabilization and reconstruction process. Because of this, there is very little understanding of the role that communication processes play in the numerous strands of post-conflict reconstruction, including peace building, governance, and long term development” (Kalathil, Langlois and Kaplan, 2008).

At the same time, the authors recognize that the media and communication sector can be an important element of stabilization, reconstruction and peace building challenges. Over the last several years, Kalathil, Langlois and Kaplan (2008) note that communication-

based activity has been used to support humanitarian relief, improve governance, and contribute significantly to the process of reconstruction, stabilization and social security. In terms of identifying the strands of practice in Communication for Peace building, one can discern interventions that have contributed to managing expectations, building both trust in and oversight of state institutions, aiding the formation of an inclusive national identity, and fostering a participatory and engaged citizenry.

VII. Analysis Framework

In the context of traditional Africa conflict management system, the popular saying that, 'words are used to search for missing links'' is indicative of three factors. In the first instance, the saying underscores the importance of dialogue in the African traditional system of conflict adjudication and resolution. Secondly, conflicts are products of their environment and as such mechanism for their resolution must be derived from the same environment. Thirdly the saying, albeit philosophically, underscores the importance of ''words'' or information as an important element in any peace building arrangement and more importantly in early warning mechanism. A combination of these factors therefore, informs the need to situate this presentation in the context information management as an offshoot of system theory.

The theory states that a system is an aggregation of inter-related elements, which interact with each other and their environment in order to form an entity or synergy, Martin, (1992). An explication of the structure of the theory shows that a system has its boundary in much the same way a community has its own boundary. This boundary demarcates the system or community from outside world. Secondly, a system has its environment just like no community or any arrangement such as an early warning mechanism can exist in isolation of its environment. Moreover, the system interface represents the point at which the system establishes contact with its immediate outside world. Similarly an early warning arrangement must establish contact with its immediate environment if it is to be effective. Above all, a system is effective to the extent it has input and output mechanisms just like an early arrangement must have input and output devices. As for the input device, human and material resources, raw data and intelligence reports constitute major entries into the device. These are processed to produce information upon which informed prediction as to the likelihood of conflict eruption in a place and executive decisions can be based. With respect to an early warning system for peace building therefore, the system theory offers the ability for greater insight into the dynamics and workings of a conflict-ridden community or environment more importantly in the area of predictive capacity. Characteristically, an early warning system must be elastic as much as it is dynamic to be able to accommodate other intervening occurrences.

Accordingly, for an early warning mechanism for conflict resolution or peace building to be effective, it has to be institutional based and structurally designed in a way it can absorb input from the environment as well as releasing its output to the same environment. As an institutional arrangement, the system relies on budgetary allocation and control for its general sustenance and attainment of the objectives of the system.

As a structural phenomenon, it relies on information management processes of data or intelligence gathering, storage, processing and dissemination, all within a wider context of control and monitoring. These activities become crucial against the background of the objective of the system serving as an arrangement for pre-empting eruption of conflicts within a targeted location or community. Such a system must be robust enough to be able to sound the alarm bell of conflicts eruption in an environment, well ahead of time. The predictive ability of the system must of course be coupled with the ability to indicate measures for managing the conflicts. In other words an early warning mechanism is dynamic and intelligent to the extent it is capable of combining prophylactic and curative measures vis-a-vis conflict resolution or management.

It is emphasized that an early warning mechanism being an information system, while taking into consideration the peculiar nature of its immediate environment, must be a barometer for measuring conflict level in an environment be it local, national or international. In this regard, the interplay of the contents of the system with its predictive and prescriptive elements are no more than an index of the system ability to needs are congruent with each other, both the predictive and prescriptive hit rate of the system become high. In a situation such as this, the system can be said to be pointing at an atmosphere of relative peace. Conversely a situation whereby the system's outputs show the dominance of politics or group interests over societal needs for peace, can be said to be a recipe for and/or an index of conflict.

VIII. Increased Risk of Conflict

In recent years the problem of obtaining early warning has received a great deal of attention not only within the United Nations, the European Union and governments in developing countries, but also from NGOs and research specialists.

However, the more difficult problem of marshalling timely, effective response to warning has received much less systematic attention. A major problem is one of political will. Early warning rarely leads to effective and timely response. One of the reasons for

this is that early warning is largely a technical exercise, while early response is a political exercise. There needs to be political will to intervene, but all too often the will is just not there. Early warning is defined as the communication of information on a crisis area, analysis of that information and the development of a potential, timely, strategic response options to the crisis (Adelman, 1998). Early warning differs from intelligence systems in that early warning is not concerned with a direct threat to the gatherer or analyser of the information, or those contemplating a response. Early warning is concerned with the prevention, mitigation or management of violent conflicts.

There is an intrinsic link between the collection and analysis of information and the intended response. In fact, the design and management of early warning systems should be intimately connected with the task of determining responses to warning. The following factors, by and large, can afflict the analysis of information (like early warning signals): incredulity, mind-blindness and shadow and noise (Suhrke and Jones, 1996). 'Shadows' are referred to as external blinkers.

IX. Information System and Management

The efficiency and effectiveness of an alerting mechanism for conflict management or peace building is contingent on the existence of functional information system. Such a system must be intelligent enough to combine capacity for providing answers to queries submitted to it with ability to make some smart predictions as to future upsurge in crises in its targeted area. Some of the examples of the queries should be able to proffer answers to conflict antecedents, who are the actors or parties in a conflict, their objectives and their modus operandi. To be able to perform these functions effectively an information typology such as indicated below is illustrative from the system input-output perspectives.

The predictive ability of the system is to a larger extent predicated on the design approach adopted with particular attention to the trade off between recall and precision and the frequency with which the system is being updated. A design approach emphasizing high recall will have less of precision hits and the converse is the truth in the case of emphasis on precision, which can be more beneficial to an information system for peace building. For instance, a situation whereby a system shows increased mobilization of personnel, arms build up coupled with discomforting utterances by actors in a conflict, are sure indices of heightened level of insecurity. Information management is the pivot around which an early warning mechanism for peace building revolves. This is more so that conflicts cannot occur in a vacuum but against the background of the interplay of factors such as related to politics cum socio-economic conditions and resources and historical antecedents. These factors or elements serve as warning indicators or information around which an information system for decision-making can be based with respect to conflict management.

As a process, information management is geared towards holistic harnessing of information pertaining to a subject or an issue with focus on the attainment of specific objective namely peace building. Thus information management involves data sourcing, processing and analysis, storage, retrieval and delivery. The totality of these activities combines to give value to information as a strategic resource upon which decisions can be predicated. In an effort to build peace in an future. Information management can be in manual or mechanical form with either of the approaches having its strength and weaknesses.

In contemporary global environment, information management has assumed a new dimension with the ever-converging power of information and communications technologies (ICTs) such as electronics, including computers and telecommunications. As tools, the technologies have not only made it possible for large areas to be monitored remotely but to also gather equally large volume of information or data to be managed irrespective of spatial and time limitations. In much the same way, technologies have also made it possible for two or more people to share information simultaneously with little or no cost. Such is the importance of ICTs that it is absolutely inconceivable in contemporary society to think of an arrangement for early warning for peace building outside the convergence of the technologies. The advantages of these technologies lie in their capacity for high information recall, precision, delivery, Adeyemi and Oladele (1995), all of which are major requirements for decision making in conflict situations.

X. Conclusion

The underlying assumption of this paper has been that conflicts are human-centred occurrences that follow certain discernable patterns and rhythms that are amenable to prediction ahead of their final eruption. Unfortunately, the preponderance of conflicts in Nigeria cannot be separated from the palpable disregard of early warning signs, which are contained in intelligence (information communication) reports to those who should act. This in itself in more ways than one confirms the belief that the concept of an early warning mechanism for peace building revolves around information system design all within a framework of information management.

The interplay of the elements of the information system with the activities constituting information communication management provides the warning indicators. But it takes not only a perceptive to identify

and understand these indicators; it also requires a political will-power to utilize the indicators for decision-making with respect to nipping the potential conflicts in the bud. A situation whereby a visionless. Rather a pre-emptive approach relying on a warning mechanism is not only cost effective but more visionary vis-a-vis peace building.

It is important to observe that peace building is a collective responsibility of citizenry of the country and in particular the security agencies whose goal is to ensure social security of all citizens. A situation whereby the different security agencies in the country work as archipelagos of their own amounts to duplication of energies and wastage of resources. A linkage or networking arrangement for information sharing among the security outfits is certainly in consonance with an early warning system for conflict prevention and resolution.

An early warning information system for peace building can only be adjudged adequate to the extent it is reliable and intelligent. While reliability is a function of constant updating, a system is intelligent if it is capable of providing the indices of conflicts in the future. It is in this regard that a warning mechanism for peace building can be described as a facility for sounding the alarm bell of a potential conflict well ahead of eruption.

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29. Think technically: Always think technically. If anything happens, then search its reasons, its benefits, and demerits.

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31. Adding unnecessary information: Do not add unnecessary information, like, I have used MS Excel to draw graph. Do not add irrelevant and inappropriate material. These all will create superfluous. Foreign terminology and phrases are not apropos. One should NEVER take a broad view. Analogy in script is like feathers on a snake. Not at all use a large word when a very small one would be sufficient. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Amplification is a billion times of inferior quality than sarcasm.

32. Never oversimplify everything: To add material in your research paper, never go for oversimplification. This will definitely irritate the evaluator. Be more or less specific. Also too, by no means, ever use rhythmic redundancies. Contractions aren't essential and shouldn't be there used. Comparisons are as terrible as clichés. Give up ampersands and abbreviations, and so on. Remove commas, that are, not necessary. Parenthetical words however should be together with this in commas. Understatement is all the time the complete best way to put onward earth-shaking thoughts. Give a detailed literary review.

33. Report concluded results: Use concluded results. From raw data, filter the results and then conclude your studies based on measurements and observations taken. Significant figures and appropriate number of decimal places should be used. Parenthetical remarks are prohibitive. Proofread carefully at final stage. In the end give outline to your arguments. Spot out perspectives of further study of this subject. Justify your conclusion by at the bottom of them with sufficient justifications and examples.

34. After conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print to the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects in your research.

Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form, which is presented in the guidelines using the template.
- Please note the criterion for grading the final paper by peer-reviewers.

Final Points:

A purpose of organizing a research paper is to let people to interpret your effort selectively. The journal requires the following sections, submitted in the order listed, each section to start on a new page.

The introduction will be compiled from reference matter and will reflect the design processes or outline of basis that direct you to make study. As you will carry out the process of study, the method and process section will be constructed as like that. The result segment will show related statistics in nearly sequential order and will direct the reviewers next to the similar intellectual paths throughout the data that you took to carry out your study. The discussion section will provide understanding of the data and projections as to the implication of the results. The use of good quality references all through the paper will give the effort trustworthiness by representing an alertness of prior workings.

Writing a research paper is not an easy job no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record keeping are the only means to make straightforward the progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear

· Adhere to recommended page limits

Mistakes to evade

- Insertion a title at the foot of a page with the subsequent text on the next page
- Separating a table/chart or figure - impound each figure/table to a single page
- Submitting a manuscript with pages out of sequence

In every sections of your document

· Use standard writing style including articles ("a", "the," etc.)

· Keep on paying attention on the research topic of the paper

· Use paragraphs to split each significant point (excluding for the abstract)

· Align the primary line of each section

· Present your points in sound order

· Use present tense to report well accepted

· Use past tense to describe specific results

· Shun familiar wording, don't address the reviewer directly, and don't use slang, slang language, or superlatives

· Shun use of extra pictures - include only those figures essential to presenting results

Title Page:

Choose a revealing title. It should be short. It should not have non-standard acronyms or abbreviations. It should not exceed two printed lines. It should include the name(s) and address (es) of all authors.

Abstract:

The summary should be two hundred words or less. It should briefly and clearly explain the key findings reported in the manuscript--must have precise statistics. It should not have abnormal acronyms or abbreviations. It should be logical in itself. Shun citing references at this point.

An abstract is a brief distinct paragraph summary of finished work or work in development. In a minute or less a reviewer can be taught the foundation behind the study, common approach to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Yet, use comprehensive sentences and do not let go readability for briefness. You can maintain it succinct by phrasing sentences so that they provide more than lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study, with the subsequent elements in any summary. Try to maintain the initial two items to no more than one ruling each.

- Reason of the study - theory, overall issue, purpose
- Fundamental goal
- To the point depiction of the research
- Consequences, including definite statistics - if the consequences are quantitative in nature, account quantitative data; results of any numerical analysis should be reported
- Significant conclusions or questions that track from the research(es)

Approach:

- Single section, and succinct
- As a outline of job done, it is always written in past tense
- A conceptual should situate on its own, and not submit to any other part of the paper such as a form or table
- Center on shortening results - bound background information to a verdict or two, if completely necessary
- What you account in an conceptual must be regular with what you reported in the manuscript
- Exact spelling, clearness of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else

Introduction:

The **Introduction** should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable to comprehend and calculate the purpose of your study without having to submit to other works. The basis for the study should be offered. Give most important references but shun difficult to make a comprehensive appraisal of the topic. In the introduction, describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will have no attention in your result. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here. Following approach can create a valuable beginning:

- Explain the value (significance) of the study
- Shield the model - why did you employ this particular system or method? What is its compensation? You strength remark on its appropriateness from a abstract point of vision as well as point out sensible reasons for using it.
- Present a justification. Status your particular theory (es) or aim(s), and describe the logic that led you to choose them.
- Very for a short time explain the tentative propose and how it skilled the declared objectives.

Approach:

- Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done.
- Sort out your thoughts; manufacture one key point with every section. If you make the four points listed above, you will need a least of four paragraphs.

- Present surroundings information only as desirable in order hold up a situation. The reviewer does not desire to read the whole thing you know about a topic.
- Shape the theory/purpose specifically - do not take a broad view.
- As always, give awareness to spelling, simplicity and correctness of sentences and phrases.

Procedures (Methods and Materials):

This part is supposed to be the easiest to carve if you have good skills. A sound written Procedures segment allows a capable scientist to replacement your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt for the least amount of information that would permit another capable scientist to spare your outcome but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section. When a technique is used that has been well described in another object, mention the specific item describing a way but draw the basic principle while stating the situation. The purpose is to text all particular resources and broad procedures, so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step by step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

- Explain materials individually only if the study is so complex that it saves liberty this way.
- Embrace particular materials, and any tools or provisions that are not frequently found in laboratories.
- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

Methods:

- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures
- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
- Use standard style in this and in every other part of the paper - avoid familiar lists, and use full sentences.

What to keep away from

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings - save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently.You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.

Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables

- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
- In spite of position, each table must be titled, numbered one after the other and complete with heading
- All figure and table must be adequately complete that it could situate on its own, divide from text

Discussion:

The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
- Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work
- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

- When you refer to information, differentiate data generated by your own studies from available information
- Submit to work done by specific persons (including you) in past tense.
- Submit to generally acknowledged facts and main beliefs in present tense.

Administration Rules Listed Before Submitting Your Research Paper to Global Journals Inc. (US)

Please carefully note down following rules and regulation before submitting your Research Paper to Global Journals Inc. (US):

Segment Draft and Final Research Paper: You have to strictly follow the template of research paper. If it is not done your paper may get rejected.

- The **major constraint** is that you must independently make all content, tables, graphs, and facts that are offered in the paper. You must write each part of the paper wholly on your own. The Peer-reviewers need to identify your own perceptive of the concepts in your own terms. NEVER extract straight from any foundation, and never rephrase someone else's analysis.

- Do not give permission to anyone else to "PROOFREAD" your manuscript.

- Methods to avoid Plagiarism is applied by us on every paper, if found guilty, you will be blacklisted by all of our collaborated research groups, your institution will be informed for this and strict legal actions will be taken immediately.)
- To guard yourself and others from possible illegal use please do not permit anyone right to use to your paper and files.

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	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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