Gender in public policy: a rhetorical analysis of "The Montana women's report"

David Brooks
The University of Montana

Follow this and additional works at: https://scholarworks.umt.edu/etd
Let us know how access to this document benefits you.

Recommended Citation
https://scholarworks.umt.edu/etd/5821

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
The University of Montana

Permission is granted by the author to reproduce this material in its entirety, provided that this material is used for scholarly purposes and is properly cited in published works and reports.

**Please check "Yes" or "No" and provide signature**

Yes, I grant permission

No, I do not grant permission

Author's Signature: 

Date: 5/24/04

Any copying for commercial purposes or financial gain may be undertaken only with the author's explicit consent.
GENDER IN PUBLIC POLICY:
'A RHETORICAL ANALYSIS OF THE MONTANA WOMEN'S REPORT'

by

David Brooks

B.Sc. Adams State College, Alamosa, Colorado 1995

presented in partial fulfillment of the requirements

for the degree of

Masters of Arts

The University of Montana

May 2004

Approved by:

[Signatures]

Chairperson

Dean, Graduate School

Date:

S-26-04

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Director: G.G. Weix

The study of power in anthropology is highly contested and widely undertaken. Studies of power focus on where power is located, how power is produced, maintained or changed and the cultural results of power. Laura Nader, Michel Foucault and Eric Wolf address these three aspects of power in ways, which offer the possibility of synthesis and application for comparative studies, favored in political anthropology. The Montana State Legislature, deconstructed using these theories of power, is seen as a network of social relationships. Montana's legislature is described as unique for its rural setting, non-professional legislators, biannual sessions and basis in the unique state constitution of 1972. Literature, media and ethnographic research focusing on the legislature offers varying views of where power is located, how it is produced and it's results. In particular, studying women's policy level offers a look at how that categorization is being defined in the presence of legislative power. This study presents a view of gender that has been relatively non-existent in legislative history. The 'Montana Women's Report 2002', by Terry Kendrick, provides the focal point for studying sources, resources, and definitions of women's public policy in Montana. The report is a form of discourse, concerned with gender, and with lawmaking. It documents ways in which the legal and social category, 'women,' has changed, advocated change, and exists as a category necessitating change. By promoting policy, and taking part in the very system they wish to change, women involved in the report's research and writing, acknowledge that change does not involve creating new structures. Deconstructing this report, as a primary document, I viewed the legislature, gender and power. Critiquing women's policy in the Montana legislature, in this way, aids in preserving a record of changes in legislative discourse, cultural views and socioeconomic relationships, as they occur. It provides an understanding of the contested nature of vocabulary particular to gender, to those that have power and those who do not. And, as a descriptive work, this study also acts as an instrument in advocating possible changes at the legislative level.
I remember Professor Tom Poor nearly laughing out loud when I presented him with the idea of an ethnographic study of the 2003 Montana State Legislature session, including its history since the 1972 Constitutional Convention. To describe thirty years of legislative history, and a single session, seemed absurd to Dr. Poor, who has spent time lobbying the legislature for the Montana Historical Society. He quickly advised me to narrow drastically the scope, and to read on the workings of the legislature and its history, for an overview from which to narrow the scope. He told me, "if you walk into a classroom of twelve people and attempt to describe them you will immediately have to make many limiting decisions about what aspects you will choose to describe."

To study power, I first need to define it. This means locating and identifying how power is created, or maintained, and to what end. My use of anthropological theory addresses these ideas in this general order. I carry out an ethnographic project, using a theoretical critique to explain how I approached my fieldwork. I describe my research theory and methods side by side because of the connections between the two, or that they are mutually supportive.

My initial interests in power simply presumed that it resided in the hierarchy of our political system, and particularly in the laws descending from that system. Readings from fields as diverse as feminist theory and Latin American studies, from authors such as Michel Foucault to Lila Abu-Lughod, altered that structural view of power. Though my research focuses on aspects of the Montana State Legislature, I discuss the general theory and method of studying power, which guides my thinking before dealing specifically with the legislature. Ultimately my fieldwork on the legislature centers on a specific aspect of the legislature, women's public policy formation as largely represented by the "Montana Women's Report 2002." The 'Montana Women's Report 2002', by Terry Kendrick, provides the focal point for studying the sources, resources, and definitions of women's public policy in Montana. The report is both a form of discourse, concerned with gender, and with lawmaking. It attempts to document some ways in which the legal and social category, 'women,' has changed, advocated change, and still exists as a category necessitating change. By promoting policy, and taking part in the very system (the legislature, lawmaking) they wish to change, women involved in the report's research and writing, acknowledge that change does not involve creating new structures.
The 1970s feminist theoretical critique in anthropology brought new categories of the 'subordinated' and 'marginalized.' Realizing gender inequalities and economic inequalities characterized neo-Marxism. Genealogies of anthropology summarize the changes of this period.

The political movements of the late sixties and early seventies more widely reshaped the intellectual agenda of American anthropology through the work of such figures as Laura Nader, Sidney Mintz, Karen Sacks, Kathleen Gough, Sydel Silverman, Michelle Rosaldo, Gerald Berreman, Eric Wolf, Rayna Rapp, June Nash, Dell Hymes, Joseph Jorgenson, Louise Lamphere and David Aberle. The tenor of the times can be discerned from Dell Hymes, ed., *Reinventing Anthropology* or Rayna Rapp, ed., *Toward and Anthropology of Women*... Ethnic minorities have thus far had less of an impact on mainstream anthropology than have women (Rosaldo 1989: 229-30).

No longer were anthropological subjects minorities of race, ethnicity or geographical isolation. The archaeological paradigm of "woman the gatherer" exemplified this movement. When the activities of women in the archaeological record were questioned and analyzed, of hunter/gatherers subsistence methods and ways of life were altered, reconfiguring anthropologists' understanding of the social relations of their subjects. It also made anthropologists reexamine the social relations of gender that had informed their social theory and ethnological method. Instead of focusing on subordinated subjects, the sources of power began to be questioned. In *Genealogies for the Present*, Bruce Knauf addresses these changes when he speaks of "the 1970s and 1980s feminist anthropology that stressed coherent symbols and meanings or statuses and roles" (Knauf, 1996: 242). He cites work by Rapp, Rosaldo and Marilyn Strathern.

In much the same way, my thesis on the development of women's public policy illustrates how women are challenging and changing the sources of power within the framework of the Montana State Legislature.
# TABLE OF CONTENTS

**Abstract** ...................................................................................................................................................... ii

**Preface: Where's my tribe-Studying Up** ..................................................................................................... iii

**Table of Contents** ........................................................................................................................................ v

**Chapter One: Theory and Method** ............................................................................................................. 1

  - Theorizing power ........................................................................................................................................ 1
  - Political Anthropology: a look at method ................................................................................................... 2

**Chapter Two: The Montana State Legislature as a site of social interaction** ............................................ 13

  - Finding bodies in the body politic ............................................................................................................. 17
  - The legislature as ritual .............................................................................................................................. 20
  - Is gender to women as bureaucracy is to men? ......................................................................................... 26
  - Fluidarity and the "Montana Women's Report" ....................................................................................... 30
    - The "Montana Women's Report," the legal woman ............................................................................. 33

**Chapter Three: "Montana Women's Report" 2002, an overview, the economy and health** ...................... 36

  - The Game: recrafting terms ....................................................................................................................... 39
  - Content will dictate form ............................................................................................................................ 43

**Women and the Economy in Montana** ....................................................................................................... 44

  - Valuing of Work ........................................................................................................................................ 44
  - Divided work, devalued work ...................................................................................................................... 50
  - Expanding definitional poverty and welfare ............................................................................................. 53
  - From minimum wage to living wage .......................................................................................................... 56
  - Engendering age .......................................................................................................................................... 58
  - Housing as a family and community asset and Women as family .......................................................... 60
  - Working mothers and childcare .................................................................................................................. 62
  - The business of women and ethnicity ........................................................................................................ 64

**Bodies: the intersection of health and gender** ............................................................................................. 68

  - Where are women's bodies in relation to health care ............................................................................. 71
  - Where women's bodies ail and the measure of prevention ...................................................................... 72
  - Choice and the Privacy Clause .................................................................................................................. 76
  - Young women, young mothers ................................................................................................................... 78
  - Whose body shall be legislated .................................................................................................................. 79
  - Un-targeting women's bodies .................................................................................................................... 81

**Women helping women and experiential knowledge** .................................................................................. 85

**Chapter Four: Women in Education and Politics** ....................................................................................... 90

  - Education: from learning to earning ......................................................................................................... 90
    - Sex-segregation, moving past assimilation ............................................................................................... 94
    - Making the personal political ................................................................................................................ 100
      - Interview with Terry Kendrick ............................................................................................................ 105

**Chapter Five: Conclusion** ....................................................................................................................... 108

**References** ............................................................................................................................................. 114

---

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
Chapter One: Theory and Method

Theorizing power

The phrase, "to study up," is associated with Laura Nader, who made the call to study those in power with the justification that, "...never before have so few, by their actions and inactions, had the power to life and death over so many members of the species" (Nader, 1972: 284). Part of her theory, to study up, included motivations, indignation, scientific adequacy and "democratic relevancy." By indignation, she refers to the anthropologist's recognition of inequalities providing the energy for studying forms of power, particularly political power. In terms of scientific adequacy, she asks, "What if, in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture of power rather than the culture of the powerless..." (ibid: 289). This reinvention moves toward balancing anthropological understanding, and fills a silence within the social science tomes. In cultural anthropology's terms, it produces ethnography for the natives. She writes,

A democratic framework implies that citizens should have access to decision-makers, institutions of government and so on. This implies that citizens need to know something about the major institutions, governments or otherwise, that affect their lives. Most members of complex societies and certainly most Americans do not know enough about, nor do they know how to cope with, the people, institutions, and organizations which most affect their lives... But first as we know, we have to describe the bureaucracy and its culture.1 (Nader, 1972: 294)

Laura Nader is the figurehead for a movement and was my introduction to it. As Roger Sanjek points out in his article "Urban Anthropology in the 1980s: A World View" many new areas of interest were opening up within anthropology departments in the 1960s and 1970s that could be labeled urban, at-home or, just as likely, studying up (Sanjek, 1990: 153).

The need for studying up still appears strong in Nader's address to the American Anthropology Association conference in September, 2001, almost thirty years after she phrased her original message. "Emerging economies use biopower for commercial and regulating purposes, and though power need not be the theme for all anthropology, it is critical in examining central dogmas as they affect the body and the body politic" (Nader, 2001: 615). Situating power within central dogmas, Nader glancingly defines power, locating it in major institutions,
governments or otherwise. Nader's original conception of studying up can be seen as political anthropology, with its primarily concern for political forms, or discursive sites of power. By doing so, she follows the shift in theories of power from the structural to the discursive. By focusing on discursive definitions of power and the call for studying up, I frame my project of ethnographically studying the Montana Legislature as political anthropology

Political Anthropology: its method

Political anthropology, like any subfield, distinguishes itself through unique problems and opportunities. In this sub-field, political institutions, practices and political issues serve as both the motivation and the focal point for anthropological description. While political anthropology developed primarily as cross-cultural study, I see Laura Nader's theme of studying up as a move to bring political anthropology (and anthropologists) home: that is, bringing fieldwork into one's own culture, one's own country, or in my case, state. Issues drive much of this research at home. "If coming home is the process, then coming to grips with social issues at home is the substance of the exciting changes we are pursuing," (Messerschmidt, 1981: 4). An issue-centered anthropology does more than just change the site of study. It also advances attempts to bridge the gap between applied anthropology and theory in anthropology. Messerschmidt explains this synthesis. "It is an anthropology that analyzes action and planning much as traditional anthropology analyzed the major topics that fill every introductory cultural textbook: kinship and descent, marriage and family, ecologic and economic systems, power and politics, religions and world view" (ibid: 5). In District Leaders: A Political Ethnography, Rachel Sady pursues such a project. In turning her ethnographic lens on the home front, she still discovers a culture warranting description. "There are so many quirks and peculiarities of American political life that cry out for the perspectives that only anthropologists can bring" (Sady, 1994: 86). This statement counters the concern about fieldwork done in one's own culture (sometimes called "homework") that the researcher does not experience the difference in culture necessary for unique perspectives or to dissuade assumptions.

Fieldwork done within researchers' own culture has spurred debate. In part, diminishing grants and the history of colonially motivated anthropology makes staying at home more ethically tenable. But

---

1 'Democratic relevance' is echoed in Noam Chomsky's plea for increased democracy, a need that can only

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
researchers are quick to point out that staying in one's own country, or community, hardly erases all boundaries. Where study in another culture provides a researcher an ample sense of 'other-ness', at home researchers find categories of social identity to be the barriers that signify differences between native and anthropologist. These categories include class, ethnicity, religion, partisanship, and gender (Messerschmidt, 1981: 15-27). However, hierarchy and resultant nominative positions garner the most interest when bureaucratic institutes or political issues become the site of study for political anthropologists. In Sady's study, as the position of "district leaders" becomes a signifier of who has political power.

In cultural studies, and in anthropology, fieldwork at home (or elsewhere) is criticized as unavoidably political. As such, political anthropology loses some of its specificity. In her study of gender, race and cybertechnology, Zillah Eisenstein finds immediate and inextricable links to global economy and a shifting political landscape. She visualizes how the economic and legal powers of the global economy continue to marginalize women and children through image, technological access and opportunity. "The new extremes of opulent wealth and horrific poverty found in any city across the globe are supported by a transnational sexual division of labor that increasingly demands extraordinary amounts of labor from women" (Eisenstein, 1998: 12). This conceptualization of gender and politico-economics warrants her restatement of Marx as "WOMEN/GIRLS OF THE WORLD-ACROSS YOUR DIFFERENCES-UNITE!" (ibid: 3). Eisenstein's work implies that fieldwork is unavoidably political, whether at home or not. She set out to study cyber-images of women and could not avoid the political implications of those images and the political influence on women's status, opportunities and access.

Politicization of fieldwork proves especially true as fieldwork sites and the social networks they cover become dispersed. As Hugh Gusterson writes on studying up and studying at home, "if virtual space increasingly becomes a real space of social interaction then we will need virtual anthropologists to follow our subjects there" (Gusterson, 1997: 116). Virtual space certainly erases geographical notions of fieldwork. This dissolution of space as a parameter of fieldwork also has political consequences, or can be evolve with a more capable, that is, a more informed, public (Chomsky, 1989: 46-47).

2 "Nominative position" is a phrase I take from talking with Professor Mike Laslovich (UM political science). He used it in referring to nominated positions within the legislature or any government body, positions such as, Speaker of the House, Senate Majority Leader, or Committee Chairperson. He described
seen as a political move. Traditional fieldwork sites have been largely politically (as well as geographically) significant. People have been categorized from the level of individual, family, clan to the state or nation-state. If virtual space becomes our real space, then it is easy to imagine how this may form new categories of organization, and alter traditional ones.

Gusterson continues to be one of anthropology’s ardent followers of Nader’s call to study up. His methodology stresses ‘rapport’ and ‘access’. A cool tone infuses the scene-setting, unlike the picturesque and sentimental ethnostalgia that endears most cultural texts. For example, Ana María Alonso recounts her family connection to northern Mexico and the camaraderie she developed with modern Namiquipan villagers as if it were still pre-revolutionary Mexico, instead of a twentieth century archival research project (Alonso 1995). Debbora Battaglia opens her ethnography, On the Bones of the Serpent, with the Sabarl Islanders’ myth of their islands creation. Later, Battaglia was greeted by the island natives, a memorable scene in which she appears as the rarely seen, or touched white woman, both ethnographer and subject exoticized. In contrast, many fieldworkers on the elite home front describe “dressing up”, as opposed to "dressing down", to fit the occasions of participant observation. Gusterson measures the extent to which he has been immersed into the culture of his subjects at the Lawrence Livermore National Laboratory (a nuclear missile lab) by “…a component of participant observation as I socialized informally with scientists from the laboratory in local churches, social clubs, bars, hiking groups and so on” (Gusterson, 1997: 116).

Even as a participant observer, he feigns no exotic description of his ‘tribe’ or his ‘island.’ Instead, Gusterson simply lists locales in a way that underlines their mundane presence in his shared culture. Furthermore, that component of participant observation accounts for only a small part of the field method he advocates. And his first attempts at writing ethnography of his elite setting using the language and technique of exoticizing that culture led to scoffing and critical reviews by the subjects (scientists) themselves. One subject dressed in a loin cloth and grunted at Gusterson’s early presentations delivered in anthropological jargon.

these positions as representing a hierarchy of power in government which is not wholly dependent on the individuals who fill them.

3 These are but two examples of the scene-setting that places the ethnographer in foreign surroundings, which lends authority to the fieldwork. It does so by creating an exotic if not original field then allowing the ethnography to represent the immersion of the anthropologist into a once foreign culture. This literary technique seems to be the stock and trade of cultural anthropology texts and even shows up in such other
Gusterson focuses on nuclear plants and the U.S. military, as "modes of social organization" (Gusterson, 1997: 115). He repeats many of the ethnographic/methodological implications of studying up and at home, such as access, forms of communication (discourse such as written, virtual, and formal) and policy, or issue driven research. In light of the unique challenges of studying up, Gusterson coins the phrase 'polymorphous engagements', as the fieldwork mode, to replace the phrase 'participant observation.' He discouragingly recounts that there have been few takers to follow Nader’s study of institutions and processes at the heart of capitalism (ibid: 115). His diagnosis of reluctance hinges on methodology. Participant observation he concludes, "not be readily portable to elite contexts in the U.S. where ethnographic access is by permission of people with careers at stake, where loitering strangers with notebooks are rarely welcome, and where potential informants are too busy to chat" (Gusterson, 1997: 116). He refers to the guardedness of elite settings where gates, security devices and thick layers of bureaucratic hierarchy as "the Roger and Me syndrome in ethnography (ibid: 115)." In short, polymorphous engagements instruct the study up fieldworker to extend the definition of discourse, and allow for the dispersion of the ethnographic site.

As Hugh Gusterson acknowledges, due to methodological constraints, political anthropology has, by necessity, included more written, and official discourse in cultural anthropology. By his summary, people in powerful positions, in one’s own culture, rarely open up to the type of questioning and observation integral to mainstream cultural anthropology methods. Official letters, press releases, inter- office memos, pamphlets, and the like replace participant observation. This recalls an aspect of power that Foucault articulated. "(S)ilence and secrecy are a shelter for power, anchoring its prohibitions" (Foucault, 1978: 101).

My methods are guided by Gusterson's notion of polymorphous engagements. I attended sessions of the 2001 and 2003 Legislature. I also use print media coverage of those sessions to illustrate the journalistic presentation of the legislature and state public policy. I interviewed a variety of people with anthropology texts as *Sex and Friendship in Baboons* (1985) by Barbara Smuts or Uberlaker and Scammell's *Bones: A Forensic Detective’s Casebook*(1992).

4 This phrase and the institution that prompts it, the military, recalls Foucault’s (1977) explanation of the Panopticon. This historical form of architecture and Foucault’s reflections on them present intriguing ideas about how spatial arrangement and organizing people into patterned formations relate to or form social understanding. To use Foucault’s language, architecture, space and form constituting a form of discursive power and hence social knowledge.
attachments to the Legislature. As economists and political scientists talked I recorded their special vocabulary. When speaking to former legislators, I encountered unfamiliar discourse, until I versed myself adequately with our state legislative branch. That meant reading.

I read through much of the scattered literature specific to the Montana State Legislature: from a slim autobiographical account, *Blue Grass and Big Sky*, of the Legislature's first woman representative, Catherine Calk McCarty, a cartoon portrayal of the delegates of the twenty-first Legislative session of 1929, and the pamphlets issued for each session containing delegates photos and personal information, as well as committee and seating assignments. A section of James Lopach's *We the People of Montana* devoted to the legislature. Nearly everyone I spoke with concerning the Legislature mentioned the journalist, Chuck Johnson. Johnson's reporting for the Montana Associated Press is the most consistent and thorough commentary on the State Legislature. To complement this written record, I relied on oral history and interviews.

I conduct interviews with individuals who have been connected to the Legislative process as representatives, journalists, lobbyists, policy authors and educators. Likewise, I focused my interviews on women whose history of activism included participation in the Legislature. I went to luncheons for the League of Women Voters that focused on print media coverage of legislative issues and included a presentation by *Missoulian* editor, Mike McInally. On occasion, I fulfilled the ethnographer's role of participant observation by taking part in a number of organizations aiming their efforts at public policy and the Legislature. I attended a planning and reorganization meeting form the Montana Women's Lobby, which I describe in more detail later in this thesis. I spent a semester interning for the Center for Policy Analysis and Community Change (CPACC), which is an arm of Missoula based Women's Opportunity Resources and Development (WORD). The WORD website provides a clear description of the organization.

*Women's Opportunity & Resource Development* is a feminist organization. WORD is committed to the empowerment of women through education, direct services, community outreach, the changing of public policy, and the development of affordable housing... WORD is an umbrella organization which supports several projects (www.wordinc.org, 2003: homepage).
Primarily, I helped research issues of affordable housing and growth, with a regional emphasis. This research fit into the overall project of public policy research and recommendation that drives CPACC, as explained on the same website.

The Center for Policy Analysis and Community Change (CPACC) provides critical policy research and organizing strategies for organizations and communities working on poverty and welfare, housing, the economy and gender disparities (ibid).

CPACC staff member Terry Kendrick is the author of "The Montana Women's Report." Many of the local public policy issues (affordable housing, education and healthcare) emerged in her report as women's issues. Ultimately, I focused much of my thesis on this report. This combination of multiple research sites, informants and mediums of information fits the methods generally common to contemporary political anthropology, what Gusterson coins polymorphous engagements. While Nader directs anthropological study to "major institutions, governments or otherwise" as sites of power, and Gusterson introduces new methodology in this study, neither specify how power is defined or what, within these sites, might be viewed as power. So, to articulate power anthropologically I draw on Foucault.

Though Foucault writes historical criticism, his insights are relevant to contemporary studies of power. I consider Foucault's methods of deconstructing power and his conclusions on the discursive nature of power applicable to current political anthropology. It is worth briefly explaining one of Foucault's most widely sited studies.

In The History of Sexuality, Foucault describes the relation of power to sex (in the 17th century). "Power's hold on sex is maintained through language, or rather through the act of discourse that creates, from the very fact that it is articulated, a rule of law" (Foucault, 1978: 83). Power emanates from discourse, rather than discourse being a product of power. He affirms this. "Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart" (Foucault, 1978: 101). Foucault's work focuses on the discourse around Victorian sexuality, or an historical understanding of bodily sex. His deconstruction of that discourse, to reveal its historic existence and proliferation into ways of knowing, the basis of power, becomes an incisive anthropological tool. He meant to fill some of the silence\(^5\) in the historical understanding of Victorian sexuality and sexual

\(^5\) Trouillot, Michel-Rolph 1995. In Trouillot's Silencing the Past he analyzes of how, inherent to the production of history, intentional and non-intentional selections and omissions, of the past, occur. He also

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
repression. In The History of Sexuality, Foucault simply reads the writings of 17th century institutes (medicine, psychiatry and the church) in order to document the proliferation of discourse surrounding sexuality. He then contrasts this proliferation with a more widely accepted notion of conservative Victorian sexuality. This method of deconstructing written language and policy was particularly helpful, as I eventually focused on a written document concerning policy.

While Foucault uses the analytical lens of history to focus on discourse surrounding sexuality, his theory could just as applicably describe any such humanly derived category of social expression. Foucault finds personages; the hysterization of women, onanism of children, the procreative couple and the perverse adult, in an historically developed "scientia sexualis." By studying the emerging fields of medicine, psychiatry and incarceration, Foucault recounts the emergence of a science of sexuality. This science codified confessions, the technique of the church that was also proliferating (especially around sins of sexuality and the growing vocabulary to express and repent for them). Truth became based on codifying the aberrant in personal testimony. Foucault's theory, (though he never refers to it as such) conceives power; the establishment of laws, forms of knowledge (even ways of knowing) and the language tied to knowledge, as emerging in historical context. For Foucault then, knowledge, or more simply truth, (and certainly law) must be described as an historical truth, rather than an innate or enduring Truth. The sense of humor throughout Foucault's writing reflects, in part, the understanding that this very theory entails its own deconstruction.

Foucault asserts that his view of power has broader implications then its specific relation to sex and its focus on the 17th century development of institutes. "In fact it is much more general; one frequently encounters it in political analyses of power, and it is deeply rooted in the history of the West" (Foucault, 1978: 83). By saying this, Foucault implies that his deconstruction of sex is simply a model for analyzing or describing the relation between the social and the institutional. And he has chosen as his wedge into this relation, law and the formation of law.

Power's hold on sex is maintained through language, or rather through the act of discourse that creates, from the very fact that it is articulated, a rule of law...the pure form of power resides in the function of the legislator, and its mode of action with regard to sex is of a juridico-discursive character (Foucault, 1983: 83).

Foucault asserts that this process of creating history does not occur randomly. The selections and omissions routinely can be shown to favor those in the position of histories creation.
It is important to note that Foucault defines power as residing in the "function of the legislator," or the creation of legislation, not in the legislator him/herself. And the way that power acts is "of a juridico-discursive character." In other words, power acts through the declaring of law in language. Discourse or cultural ways of knowing, including laws, make judgements. Again, Foucault's references (or informants, to speak anthropologically), consist primarily of juridico-discursive documents, legal documents. To further explain this definition of power, Foucault uses the analogy of the Panopticon.

The Panopticon is the architectural idea on which prisons were first based. All cells are built to face a central tower. The tower provides a clear view into each cell so that a guard, a watchful eye, can constantly monitor each prisoner. Foucault explains that the actual existence of the central tower, or the presence of a constant monitor do not constitute the true power of this arrangement. That power resides in the conditioning of prisoners to the feeling of being watched, and the self-monitoring consciousness that feeling ingrains.6 "In short, penal imprisonment, from the beginning of the nineteenth century, covered both the deprivation of liberty and the technical transformation of individual" (Foucault, 1984: 216).

Likewise, Foucault theorizes that the power of the 17th century's codification of sexuality was not primarily located in the codes or restrictions themselves but in individual's self assessment in comparison to these new notions of "normalization or pathologization."

A psychiatrization of perverse pleasure: the sexual instinct was isolated as a separate biological and psychical instinct; a clinical analysis was made of all the forms of anomalies by which it could be afflicted; it was assigned a role of normalization or pathologization with respect to all behavior; and finally, a corrective technology was sought for these anomalies (Foucault, 1978: 103).

This analogy simply explains the social ramifications of laws, or public policy (as well as spatial arrangement of society). Before, I claimed that Laura Nader did not define power, as she used it to direct studying up. That is not entirely true. She wrote that, "...citizens need to know something about the major institutions, governments or otherwise, that affect their lives." Therein, she places power in reference to

---

6 In *Discipline and Punish*, Foucault uses the development of the penal system as the most salient example of how the Western institutions he calls *disciplines* (schools, clinics, penitentiaries...) were constructed to function. Together the disciplines were a project of expanding the power of the developing state by changing how power operated. Previously small municipalities exerted their regionally located power (residual feudalism) by force or violence or the threat of such. As capitalism evolved so did the techniques of controlling greater populations (labor pools), techniques of power. "If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off in relation to the..."
structural sites. More importantly she is defining power simply as things that affect peoples lives. I interpret that as a much less verbose way of defining power (compared to Foucault), as the social ramifications resulting from law, or public policy. For my research, the connection between Nader and Foucault is the connection between direction and focus. Nader directs the study of power toward major institutions, government or otherwise, that affect peoples lives. I have chosen the Montana State Legislature. Foucault focuses the critique of power on the discourse surrounding law. My attempt to find and maintain that focus lead to the discourse of women's public policy.

While Foucault's ideas have been critical to my understanding of power, Foucault is also an historical anthropologist. Ana Maria Alonso introduces her ethnography *Thread of Blood: Colonialism, Revolution and Gender on Mexico's Northern Frontier* by describing herself in the archives of a Chihuahuan library reading. Her ethnography is a rhetorical interpretation of historical writings; newspaper clippings, personal journals, medical records, school records, government documents, military as well as church reports. Foucault is doing the same thing. He is reading and describing, in a similar archive, the proliferation of words, references and eventual codification of sexuality in literature and documents of 17th century institutions.

Nader and Foucault have helped to answer my original inquiry as to locating power and identifying how it is created and maintained. They have not sufficiently answered my question as to what end power operates. By 'to what end,' I mean what are the affects of power? This too, of course, has been theorized.

*In Envisioning Power: Ideologies of Dominance and Crisis*, Eric Wolf presents three case studies from his career as an ethnographer in order to compare how different cultures have constructed, maintained and changed ideologies in the presence of historically developing forms of socioeconomic power. For example, he recounts the changing belief system of pre-Aztec society (fragmentary groups from the Toltec empire) through war, death of local leadership and reemergence of the central Mexican valley (Tenochtitlan) as an highly agriculturally productive region. Alongside this ideological change, Wolf documents the solidification of the Aztec empire, centrally located (in Tenochtitlan) and centrally traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection* (Foucault, 1984: 210).
controlling the labor and economy of an expanded empire. Wolf's case studies are an effort to combine two historically competing views of power in anthropology.

Marx addressed the structural relations of power between the class of capitalists and the class of workers, while Foucault was concerned rather with the structural relations that govern "consciousness." I want to trace out the ways in which relations that command the economy and polity and those that shape ideation interact to render the world understandable and manageable (Wolf, 1999: 5-6).

Wolf explains both of these views as ways of designating power's role. Marx places power in the political/economic order. Foucault places power in ideology. While Wolf's own quest is to connect the two, or at least not view power as an either/or prospect. What is helpful in Wolf's effort is his definition(s) of power. He defines four "modalities" of power. Each definition is an answer to the question of what affect power has, or to what end power acts. The first two modalities speak of the affects of power within the individual and the affective power an individual has in relation to others. (All of Wolf's definitions of power illustrate his theory that power only exists in social relationships.) It is the third and forth modalities that connect Nader's notion of power in major institutions, governments and otherwise that affect people's lives, with Foucault's insistence that discourse transmits and produces power:

A third modality is power that controls the contexts in which people exhibit their capabilities and interact with others. This sense calls attention to the instrumentalities through which individuals or groups direct or circumscribe the actions of others within determinate settings. I refer to this mode as tactical or organizational power (Wolf, 1999: 5).

This definition reiterates Foucault's critique of discourse, making apparent some of the ways in which discourse transmits and produces power; by controlling the context(s) for people's capabilities and interactions, or by controlling the actions of others. The fourth modality is quite similar, only the contexts, capabilities or actions being controlled are expanded beyond the level of the individual or the group:

By this I mean the power manifest in relationships that not only operates within settings and domains but also organizes and orchestrates the settings themselves, and that specifies the direction and distribution of energy flows. In Marxian terms this refers to the power to deploy and allocate social labor. It is also the modality of power addressed by Michel Foucault when he spoke of "governance" to mean the exercise of "action upon action." These relations of power constitute structural power (ibid).

Wolf's notion that power exists in relationships prompts him to see his modalities of power as structuring social categories as well as imbuing different categories with varying degrees of power. He mentions social categories most common to anthropology; origin, gender, age, education, occupation, class,
partisanship. "Since these social categorizations involve variabilities in access to power, power equalities or differentials are at work in defining who can address whom, and from what symmetrical or asymmetrical position" (Wolf, 1999: 7). Power's affect is the determination of the equality or inequality (differentials) in any given relationship.

Theory simply offers different ways of understanding or interpreting research. I have chosen three theories of power that I feel work in concert to best interpret my fieldwork. Laura Nader broadly directs the study of power toward sites such as major institutions and governments, such as the Montana State Legislature. Foucault locates power in discourse. He shows how the language of law, medicine, psychiatry and incarceration created norms or roles for both individuals and for social interactions. That has meant a focus on public policy. And finally, Wolf illustrates how power (as discourse) affects individuals, the space they occupy and all of what he terms social interactions or social categorizations. In other words, the affect of power is the relationship between social categories (whether that is played out between individuals, groups, society or the space they occupy) and the equalities or differentials that are at work therein.
Chapter Two:
The Montana State Legislature as a site of social interaction

University of Montana political science professor James Lopach edited the most recent, and thorough text describing the branches of Montana's state government. Previously, there have been other descriptive works on the Montana State Legislature. Neil Lynch's *Montana's Legislature: through the years* aggrandizes the process of lawmaking from its territorial days until just before the 1972 Constitutional Convention. Where Lopach critiques the undemocratic proceedings of the legislature during the Anaconda Mining Company years, Lynch offers an equitable picture of the legislature. "The Legislature is a miner in diggers, a rancher in cowboy boots, a farmer with chaff in his hair, a doctor, a lawyer, and an Indian... in short, everything that is Montana" (Lynch, 1977: 4). An equitable picture, if gender is not considered. Post-1972 the booklet *Legislative Process in Montana* offers a more strictly democratic view of the legislature, without the caricature. "Legislators represent the full spectrum of political beliefs, and act to codify majority opinion into binding regulation and law" (Petit, Thomas and Goetz, 1974: 5).

The opening paragraph to the Montana Legislature section of Lopach's *We the People...* fairly well combines the theoretical definitions of power I offer, from Nader, Foucault and Wolf as well as restating my own motivation for studying, in some fashion, the legislature. Lopach's assessment regards the legislature as a powerful institution. It places much of that power in discourse, or in the making of law. And through laws, the legislature fulfills Wolf's notions of tactical or organizational power, as well as structural power, by regulating social interactions as licit, illicit, funded or unfunded.

The Montana Legislature, like any state legislative assembly, is the core institution in state government. State legislatures are embodiments of the idea of popular sovereignty in that they determine in large measure the shape and thrust of state governmental action. These popularly elected assemblies have the power to tax, to spend, and to enact substantive law. Often citizens fail to realize that state legislatures affect their lives in many ways. For example, most of the law regulating civil relations between people has the legislature as its source (Lopach, 1983: 61).

In an interview, Dr. Lopach responded to the idea of studying power in the legislature with a hypothesis of the relationship between culture and the legislature. "Montana political culture is changing to be more like that of Idaho or Wyoming, more Republican. In part this is due to migration. The legislature is empirically representative, so as Montana culture changes it will be reflected in the legislature" (Lopach,
4/3/02: interview). This sort of assessment couches power in broad partisan terms. Dr. Lopach focuses mostly on the cumulative 'character' of the legislature as either liberal, or conservative, numerically dominated by Democrats or Republicans. This partisanship is also the theme of the legislative section. Therein, the legislature is described according to rules and regulations, procedures and possible outcomes. Legislators, as people, are only unique, or affective, from one session to the next depending on their party affiliation. In one exception, Lopach categorizes legislators by occupation:

Montana's legislators are drawn disproportionately from three occupational groupings. In descending order in terms of numbers, they are farmers and ranchers, business people (merchants, managers, bankers, private contractors, and the like), and professionals, for example, doctors, lawyers, and teachers (Lopach, 1983: 95).

Earlier in the text, making the argument for public support of initiatives and referendums as being more representative, Lopach is more explicit about who dominates the legislature numerically:

Dominant ethnic, religious, social, and cultural segments in society gain disproportionate shares of legislative representation. Montana legislators, like those in other states, are mostly male, mostly older, nearly all better educated, and more white, Anglo-Saxon and protestant than the general population. They belong to the prestigious fraternal and community groups and are recruited from those occupations that allow extended absence from the workplace—farmers, ranchers, attorneys, insurance agents, and people in businesses where a colleague can "tend the store" (Lopach, 1983: 13).

But most of the legislature section of We the People ... is, in effect, a guide to the legislature, albeit more narrative than the rules and regulations handbook legislators receive prior to each biannual session. And power is continually situated in the partisan (im)balance operating atop the regulated process of lawmaking.

UM Professor Mike Laslovich (political science) equated power in the legislature with money during an interview. He felt that, to a large degree, power is to be found in the committees that deal with taxation and the greatest amount of appropriations. He even regarded the Budget Committee, a joint committee of the legislature and the executive branch, as wielding great power in the legislature. Money is particularly powerful because state law requires a balanced budget. A balanced budget, Dr. Laslovich contended, is a force underlying every issue at the legislative level. On a larger scale he also was interested

Montana is not the only state currently going through the inflamed partisan debate on redistricting. The time honored practice of gerrymandering seriously calls in to question the purely democratic idea of any "empirically representative" elected official. This notion has been dubbed the "one man one vote" policy in Montana as opposed to old districting practices based on area that earned the phrase "one cow one vote." An Annals of Law report in the December 8, 2003 New Yorker magazine by Jeffrey Toobin reveals the continual history of district manipulation at the National and State Legislative levels which seriously undermines the legitimacy of empirical representation (Toobin, 2003: 63).
in how much power, of any kind, can be attributed to any aspect of the Montana State Legislature. "The state's major tax base is not even its own. The federal government provides 60% of the state's funds, and I don't believe that it's without consequences" (Laslovich, 2/27/02: interview). He clearly thought that state policy, appropriations and political power have been in the hands of the east both historically, and currently. He disparaged the amount or kind of power any local legislator, or agenda, might possess, compared to national party platforms and federally mandated funds.

In contrast, Susan Byorth Fox (Legislative Services Division research analyst) sees her work in preparing the "2000 Census Population Report and Analysis" for the Montana Districting and Apportionment Commission as a key indicator of the shifting face of power in the state legislature. Power remains in the state, albeit geographically and demographically shifting within that context. Shifts in power, in the legislature, mirrors the large population shifts the state has experienced over the last census period. From 1990 to 2000, the total population of the state showed a +12% increase. As Byorth Fox points out, the majority of the counties east of the Continental Divide showed population decreases ranging from -1.49% in Treasure county to -19.51% in Garfield county. "The 2000 census makes it look like someone took the state by the eastern edge and shook everyone into the western counties, especially the corridor from Flathead down to Ravalli County" (including Lake and Missoula) (Fox, 6/14/02: interview).

Power is identified in partisanship, in processes, in economic determinations, in geographical regions (due to population and partisanship). Professor Dennis Swibold, a journalist suggests that issues raised in the legislature, or more specifically, bills considered, illustrate where power is located relative to the state legislature. "Since Anaconda, Montana Power and the big railroads left, the public sector has gotten larger. School teachers are the largest union in the state" (Swibold, 3/14/02: interview). The growth and activity within the public sector, combined with the idea that "parties aren't that important until you get to the election and then get elected (ibid)," informs his view that power lies in locally derived issues. "Local identity is a big issue and when push comes to shove they (legislators) vote local" (ibid).

So, the more widespread (the more localities or districts involved, hence the more legislative electorates) an issue is, the greater its representation in the legislature. This leads to "bread and butter issues" that are concerns throughout the state, such as school funding, which maintain a constant and large presence in the legislature. "A large portion of property taxes, about 60%, goes to education. And both of these, property
taxes and education are fairly typically important in western states, definitely in Montana" (Swibold, 3/14/02).

In addition, Swibold sees lobbyists, along with legislative staff, as increasingly powerful because term limits apply to legislators. Besides being reliable sources of information, veteran lawmakers represent experience, and the historical memory within the legislature. "In many ways, particular issues, lobbyists and legislative staff represent consistency within the legislature" (ibid).

Swibold is not the only person to find the issue of power embedded in the legislative term limit debate. Long time Missoulian State Bureau reporter Charles Johnson recently reported on new critiques of term limits. "Imposing term limits on Montana's lawmakers has been a mistake, depriving the part-time citizen Legislature of the institutional memory it needs to operate, the four top legislative leaders told state business leaders Thursday" (Johnson in Missoulian, 1/9/04; B1). The four legislators are Senate President Bob Keenan (R-Big Fork), House Speaker Doug Mood (R-Seeley Lake), Senate Minority Leader Jon Tester (D-Big Sandy) and House Minority Leader Dave Wanzenried (D-Missoula). All four criticize term limits for erasing legislative memory, reducing experience in the law making process, and causing many bills and issues to be "rehashed" by inexperienced legislators. As reported in the Missoulian, "Wanzenried said term limits have led to a shift of power from the Legislature 'to the executive and, frankly, to the lobbyists on the outside.' That isn't healthy," (ibid: B2). In this way, power is seen both within the legislature, and between government bodies, as largely based on experience and, presumably, the hierarchy that experience entails.

The form and location of power in the legislature mirrors the people's positions that make the assessment. Political scientists speak of partisanship, legislative structure and process. A research analyst considers district apportionment, and regional and population dynamics. A journalist speaks of issues relevant to communities. When these commentators credit power to people, elected positions, committees, regions, special interests are named, not social categories.

8 This assessment of the affects of term limits is common and a large part of the argument against such limits.
9 The parenthetical nomenclature following politician's names indicates their party affiliation (D signifying Democrats and R, Republicans), and their geographical district name. I have never seen, read or heard of any debate concerning the signification of politicians by the categories of party and location.
Finding bodies in the body politic

At first, Foucault's assessment of power as sheltered in "silence and secrecy" seems to contradict the state legislature as a site of power. The state legislature operates as a public forum. The Montana State Constitution, rewritten in 1972, mandates this feature in Article V, Section 10. "The sessions of the legislature and of the committees of the whole, all committee meetings, and all hearings shall be open to the public" (Lopach, 1983: 67). For those not able to attend, "...(the 1972 constitution also requires that a comprehensive public record be kept of all legislative proceedings" (ibid). Access proved easier than the literature warned. When former legislator, Vivian Brooke recounted her involvement with state politics, she was encouraged by the accessibility of politics in this rural state. Two points emerge from our conversation.

First, the accessibility of the Montana Legislature and the state's political apparatus characterize the state's identity as rural west. The 1972 Constitutional Convention ensured a number of unique elements (which I will discuss more thoroughly later) including public access to the legislature for citizens as non-professional legislators. It is "...rather easy to become a candidate for the Montana Legislature. Any registered voter eighteen years of age or older may file as a candidate if he or she has been a resident of the state for one year and a resident for at least six months of the county in which the legislative seat is located" (Lopach, 1989: 88). This spells access: individuals more likely to signify themselves with the language and understanding of region, issues, or often mentioned social categories in anthropology; class, ethnicity, gender... in addition to partisanship. As We the People of Montana continues, Lopach summarizes the nature of the non-professional legislature by providing a history of occupations and class legislators.

"Montana's legislatures have always been overwhelmingly white male congregations. Of the 2,909 people who have served in the Montana legislature through 1979, only fifty-seven have been women. Yet the number of women elected to serve has been on the increase in the last decade" (Lopach, 1983: 97). Lopach only refers to gender once.

Recent events concerning Montana's public records recalls Foucault's notion of power's secrecy and questions the openness of the state's operation. State news organizations have investigated citizen access to public records. The investigation has found that many records legally open to the public have been withheld when citizen requests have been made. The state is in the process of educating those who control the information about public access. ("Survey elicits changes" by Bob Anez in Missoulian article on Oct. 30, 2003: A1)
Montana's rural Western character is both unique and significant to any local research. The history of Montana politics and culture are related to the state's history of natural resource extraction. "(T)he story of a powerful corporation that left its impress on community life from the Rockies to the Andes and of the creative agency of men and women who built community and carved their own histories and futures in two isolated corners of the world... This study responds to the call for the engagement of history and ethnography in understanding the intersection of global processes and local life" (Finn, 1998 p. 1-2).11

Montana is rural, and its regionalism is functionally unique. The problems of rural schools, healthcare, land costs (and associated property taxes), reliance on diminishing natural resource extraction, income and emerging clean-up liabilities (and costs), in-migration of second home-owners and retirees that drive up costs of living but demand low-wage service and retail sector jobs all illustrate uniqueness in Montana's problems, policy and culture. Montana's rural character and regionalism, as a general analytical tool, is also expressed in We the People of Montana, in which Lopach defines the state as broken into three geographic regions of political culture, west of the Continental Divide, the highline and the southeast.

Outside the legislature, Vivian Brooke has worked to improve legal and social conditions for women. Locally, she is a long time supporter of Catholics for Choice, a member of the UM Women's Studies Steering Committee and a past supporter, in different capacities, for the Blue Mountain Clinic. In 1995 Brooke attended the United Nation's Conference on Women in Beijing. As a member of the house Judiciary Committee (during the 1989, 1991 and 1993 sessions), she heard "those bills" defining reproductive rights, or perhaps more accurately women's reproductive rights.

Vivian Brooke changed my view of the legislature when she began telling me stories about power that attributed it to people. She spoke of the rift she experienced between herself and the Catholic Church, of which she has long been an active member, over her activity in Catholics for Free Choice and her continual support of women's reproductive rights in the legislature (Grysan v State). After entering the state political arena, in part, due to its accessibility, Brooke recounts the dynamics of being a woman at the state capital. She did not bond with other female legislators, in the same way that she saw her male

---

11 This passage opens a telling of how the political, social and even family life of a Montana and Chilean community were wrought within the era and character of Montana's most renowned extractive empire, the Anaconda Company of Butte.
counterparts bonding. Women seldom attend the restaurants and bars, the informal sites, within the legislative session, in which men gathered. The suspicions that lawmaker's spouses entertain, about the intense ninety-day sessions away from home, cast blame on the women legislators for any infidelities, far more than the numerically dominant men. Brooke feels that the public access and openness, constitutionally attributed to the legislature, is not fulfilled in many forms of practice. In contrast to male legislators, she also has no trouble seeing gender in the legislature. None of the men I interviewed about the legislature mention gender, except occasional excitement over the "old boy network" dynamics that still permeate the Capital. Brooke affirmed those dynamics still exist, talking of a camaraderie that existed between men, but not women. This male dynamic spills outside the legislative buildings, through committees, into the hallways and even across party lines. Brooke describes en-bodies the legislature by describing the legislature as a social positioning of individuals who are lawmaking and power-wielding.

She also mentions gender inequity amongst legislators. As a former legislator, it concerns her more how that inequity translates into inequity in public policy affecting gender. For example, reproductive rights legislation, or prison reform.

From her three terms in the house and one in the senate, Brooke recalls one of her most fundamental accomplishments as her work to provide for a new women's prison. Women had been housed in an old dormitory at Warm Springs Mental Health Campus. Brooke visited the site, which the American Civil Liberties Union tried to get closed in 1991. She describes it as an "absolute fire hazard." "It was being operated far below any of the standards or relative funding compared to men's correctional facilities" (Brooke, 6/12/02: interview). Brooke recalls how the debate for a new facility during the 1991 legislative session was framed in two distinct ways. She helped research and write a bill (along with Susan Fox, former state senator Pat Regan, and the Montana ACLU) focusing on prison and prisoner needs. This bill was based, in part, on a state of the art, wall-less prison in Minnesota facilitated by Jackie Fleming. Fleming aided Susan Fox in studying and presenting ideas about prison structure and needs, particular to women, such as child visitation rooms and job training. Legislator Stan Stevens offered a counter-framing of the women's prison issue. Along with Kurt Chisolm of the Department of Corrections, Stevens was developing a proposal for a new women's prison as an economic development tool. Brooke recalls Steven's proposal ignored appropriate (safe) structure, living conditions, room for growth, location or child
visitation and job training while focusing on job creation. Eventually, Brooke's bill passed while Steven's proposal and subsequent amendments did not get out of committee. "That was the best committee I've ever served on. The members truly cared to look at the criteria and the needs the bill aimed to serve" (Brooke, 10/28/02: interview). In the end, a new facility was not built, rather a used building was purchased in Billings. "It wasn't anything like what we had envisioned back in 1989 and 1991 with a campus and varied facilities. But at least it got those women out of the fire trap" (ibid). "Where the legislature and communities really fall down is in providing intervention with first offenders and the kind of support that would prevent much of our economically related crime. Women have higher rates of conviction for crimes directly related to economic situation such as forgery and bad checks" (ibid).

These are examples of Wolf's tactical and structural modes of power. Legislative support (or lack of support) for social programs which affect the resources differentially available to people "...controls the contexts in which people exhibit their capabilities and interact with others" (Wolf, 1999: 5). This is precisely what Vivian Brooke is referring to when she speaks of her time on the Children and Family Committee (an interim committee largely "about women's economic issues"). "Education is intervention to social problems. When you fund or eliminate afterschool programs, extra-curricular activities and opportunities, you are helping to choose pathways for kids, either for potential success or potential criminal pathways. These same things also affect how much time parents have to work or, improve their own education. The interdependence of life has escaped people" (Brooke, 10/28/02: interview).

The legislature as ritual

A second major theme of power in the legislature is ritual. Anyone who reads legislative bills, the wording of our state constitution or sits in the Capital building's balcony, as committees of the whole convene, certainly recognizes the presence of the past in these processes and documents. At the 2001 legislative session, Harry Fritz arrived to address the committee of the whole, dressed as Abraham Lincoln.

12 The archaic language, use of titles and ritualized order remind me of our word 'testify.' From the Latin testis, a witness, and facere, to make, the word found its place in the Western legal setting when men would pledge their oaths with a hand to their testicles, apparently a more solemn promise than a bible could evoke at the time.
He treated the space, time and legislators as if it were the past. Over a year later, I had the chance to speak with him about serving as both a state representative and senator.

Dr. Fritz directed our first conversation toward the differences between what the legislature appears to be, mostly via the media, and what it actually is, professing the gap between the two. He estimates that what the media covers and portrays the legislature as, equates to a fraction of the "man-hours" that actually go in to lawmaking. He came away from his five terms at the capital believing that the public sees the legislative session as, a "ninety day hosted party." He sees 150 legislators working from morning until midnight, in and out of committees, trying to wade through upwards of 2000 bills. Of that work, Dr. Fritz recounts that "95% of that work is routine," such as being required to hear and vote on a bill stating "...gender neutral referrals in the legislature must be maintained and other such bizarre things that the media focuses on." "In the first four weeks of the session, watch the trial balloons go up that the media covers even though they don't stand a chance in hell in passing" (Fritz, 3/13/02: interview).

While he never used the word ritual to describe this process of approaching each bill, with the same encoded formality, it is clear, that as a former lawmaker, Fritz feels that a large portion of his time was spent in fulfilling the rules and regulations, set out in the past, to deal with bills, many of which concerned language or ideas alone, that would never pass or never be funded. In recalling his work as a legislator, Fritz represents a specific example of a broad theory of institutional power. In their article History, Structure and Ritual, John Kelly and Martha Kaplan, draw on Maurice Bloch to explain ritual as legitimation of traditional authority through "formal, repetitive, non-arguable means" (Kelly and Kaplan, 1990: 125).

Some societies have more, some fewer: "the amount of social structure, of the past in the present, of ritual communication, is correlated with the amount of institutionalized hierarchy and that is what it is about" (Bloch, 1989: 125).

The legislature also appears as a ritual in temporal and spatial arrangement. "At present, the Montana Legislature meets during regular session every two years which is not to exceed ninety legislative days in length" (Lopach, 1983: 68). While these parameters fluctuate over the years, even that fluctuation is produced through struggles for authority, or partisan expression. The issue of annual versus biennial sessions regularly comes up for committee debate, and has, at times, come to public referendum. In addition, special sessions during the interim require specific mandates. As Charles Johnson writes, about
the decision to spend Montana's $73 million cut of federal funds sent to cash starved states, "it takes 76 of
150 legislators to call themselves into special session, a task that has proved nearly impossible in the past.
It almost always takes a governor to call legislators into session" (Johnson in Missoulian, 06/15/03: B1).
As a long time legislative analyst, Johnson sees a good chance for the legislators to rally a majority of
support for a special session. Republican and Democrat leaders alike favor (in different ways) spending the
money, whereas Republican governor Martz does not. “There are 68 Democrats – 47 in the House and 21
in the Senate – and 82 Republicans. If all Democrats support calling a special session – and most if not all
probably will – they will need some Republican help to pull it off,” (ibid) according to Johnson.

If bipartisan authority trumps gubernatorial, that network of authority will coalesce briefly in
calling the special session. Johnson points to the division of parties, as voiced by their respective leaders.
“Senate Minority Leader Jon Tester, D-Big Sandy, said the money could be used to stop planned cuts in
welfare benefits for the 17,000 Montanans who participate in a program that provides cash assistance to the
poor. Senate President Bob Keenan, R-Bigfork, proposed giving some of the federal money to cut tuition
increases for university students and to lower property taxes” (ibid). While overtly this appears as a
struggle for party authority, the potential recipients at stake allude to a different struggle, one partially of
class, but more specifically of gender. The majority of Montana’s poor are women and the state’s property
owners, men.

Just such struggles for authority thread most anthropological interpretation of rituals. In Ritual, Politics and Power, David Kertzer discusses how this struggle for authority can alternatively be expressed
as ritual’s role in maintaining, or changing social structure. The authority to promote either is dependent
for its legitimacy on ritual, as authority only remains powerful with recognition (Kertzer, 1988: 59). In
other words, the legislature – seen as ritual - reifies or changes social structure through lawmaking. Or the
legislature can be seen as ritual because it functions as such. When the legislature refuses to support same
sex partner health insurance claims for government employees, the legitimacy of heterosexual relationships
are legitimized and homosexual relationships are reinforced as illegitimate. A more broadly affective
example might be the legislative deregulation of Montana power over the last decade, a decision which

13 Kertzer (1988: 159) borrows heavily from Durkheim who “identified ritual as a means of projecting the
secular sociopolitical structure onto the cosmological plane…” and removed the shell of distinction between
religious and secular ritual.
continues to have devastating social implications for households struggling to make ends meet. Deregulation is also a decision that reifies the view that only private companies can create socioeconomic good.

And the social structure likewise affects the legislature – as ritual – systematically through lobbying or public voting, but also through social discourse. Discourse out of which legislators do not impartially step when they are elected and take their places in the Capital to begin delivering, deliberating and voting on bills. This reiterates Dennis Swibolds assertion of legislators being driven by local issues. Lecturing on “Indian Women – Leadership Today”, Northern Cheyenne member and HD5 Representative Norma Bixby, D-Lame Deer, spoke of the ways in which the slowly growing number of Indians in the legislature (and government in general) are trying to educate the institution in the ways of Indian communication and leadership. She sums this effort as “fighting to keep peoples intact and represented, while promoting Indian ideas and culture” (Bixby, 2003). Rep. Bixby also applauds Rep. Jonathan Windy Boy’s, D-Box Elder, efforts to repeal Montana’s English only law (which did not pass out of committee this session). He frequently addresses the legislature in his native tongue in promotion of this integration of social discourse into the state structure, which itself is an illegal act under the current English only laws. Norma Bixby’s own bill to integrate “Indian ways of knowing” into the greater public by appropriating $120,000 for American Indian curriculum into public schools via legislative action failed, but continues to be the inspiration for her work.

Just as the legislature greatly (sometimes gravely) has social implications for low-income households, such economic/social categories attempt to wield power within the legislature or state government. Montana People’s Action/Indian People’s Action (MPA/IPA), “the state’s largest grass-roots advocacy organization and voice for people of low to moderate income” (Cohen in Missoulian, 06/28/03: B1), lead by executive director Janet Robideau, lobby both the legislature and executive branch on behalf of low income interests and socioeconomics. IPA/MPA just published a report detailing the health care issues of Montana’s 66,000 American Indians entitled, "Living Sicker, Dying Younger." Alongside the report, “…advocates for better Indian health care are calling on the state to invest more money in the state's Medicaid program so urban Indians living off reservations have a better chance at securing stable health
care" (Farrell in Missoulian, 10/30/03: B1). This call, from a grassroots organization, would require legislative changes.

Advocacy group actions and interim committees emerge from every legislative session, and allow lawmakers to connect with communities and local economies in the effort to study policy needs, problems and effects. Some of these become permanent, such as the Children, Families, Health and Human Services Interim Committee (on which Vivian Brooke had an integral role in developing). This provides a continual connection between legislative bill writing or research and the community or social group. But more conclusive to my study was what I repeatedly heard from the people I spoke with involved in the legislature.14

When discussing a bill or issue relevant to their time in the legislature, legislators never take long to personalize their stories. Their retelling of the bill’s life quickly moves outside committees, into hallways, hometowns and, most significantly, the relationships with other people that were formed, or utilized in the making of (or failure to make) law. Harry Fritz reemphasizes the committee commitments and specific policy issues on which legislators must focus most of their energy and time. “So you quickly learn who to trust on the different issues you don’t know much about and just vote the way they vote” (Fritz, 4/4/02: interview). At the end of every bill I discussed with former legislators, staff, lobbyists, or journalists my notebook reveals a list of names. These names are the ones I was instructed to contact to learn more of the story. In first imaging the legislature as a ritual I saw it as an analytically isolated site, within the larger social network that is Montana. Now, I see that the legislature itself is a network of temporary and shifting connections. The anthropologically weighty term, subject position (or fluidarity, which I will discuss in the next section), makes sense, with regard to the people I spoke with, not just as esoteric words in a text. The legislature becomes dispersed and defined by relationships, alliances built temporarily on partisanship, individual issues and perhaps gender.

I did not access all the contacts that were given me by the people I interviewed. Even so, there is something to be seen in the lists of contacts. Men list other men and women list other women. This is not without exception, but I notice the strength of the trend because of the few exceptions. Sifting through

14 John Norvell writes in his dissertation, “Race Mixture and the Meaning of Brazil: Race, Class, and Nation in the Zona Sul of Rio de Janeiro,” “…in discourses related to social categorization; I stopped
discussions with Harry Fritz, I find the names Dan Kemmis (former legislator, House Speaker and Missoula mayor), Mike Kadas (former legislator and current Missoula mayor), Mike Halligan (former state senator from Missoula term limited out), Tom Towe (former Billings legislator) and Chuck Johnson and Bob Anez (both journalists with long time connections to the state and legislative coverage). Whereas interviews with Vivian Brooke, Carol Williams and Mae Nan Ellingson overlap in their naming of allies such as Margerie Brown (dubbed by Mae Nan as “the mother of our Constitution”), current legislators Carol Juneau, D-Browning, Pat Regan, Silvia Sabo, Betty Fridan, Betty Bumper, Ann Mari Dusault and women’s organizations in general, such as the League of Women Voters, AAUW, GASP Gals and Montana Women’s Lobby.

The legislature appears as a ritual in its systematic rules and regulations, (a longish pamphlet about which each legislator is given prior to each session) but also in its reliance on human relationships. Where, according to David Kertzer, “ritual is used by contenders for power to gain influence at the expense of their competitors” (Kertzer, 1988: 54). And ritual is characterized by symbolic communication, such as maintaining or changing laws that represent larger social ideologies. Kertzer quotes Barbara Myerhoff to denote that, “rituals have significance far beyond the information transmitted. They may accomplish tasks, accompany routine and instrumental procedures, but they always go beyond these, endowing some larger meaning to activities they are associated with" (ibid).

This processual definition of ritual removes it from a traditional notion of “necessary association with supernatural beliefs or with ecclesiastical organizations” (Kertzer, 1988: 54). It broadens ritual, so that the secular, such as a state legislature, based on networks of relationship, more than a structuralist institution, may be described. Recall Laura Nader’s remarks, “Most members of complex societies and certainly most Americans do not know enough about, nor do they know how to cope with, the people, institutions, and organizations which most affect their lives…But first as we know, we have to describe the bureaucracy and its culture” (Nader, 1972: 294). But as we learn that the institutions and organizations, of which Nader speaks, are not isolated sites, it is necessary to describe or trace the social network that they are. In effect, the state legislature can no longer simply be recounted as the unfoldings of a ninety-day interviewing when I was no longer hearing anything new” (Norvell 2001 p. 11). This remains one of the best definitions of what “significant data” might be in cultural anthropology’s study of discourse.
session that takes place in Helena every other year. Nor can its power be based solely on the composition of each session's elected lawmakers.

Susan Halford offers this broad analysis of the modern state, as an introduction to her study, focusing on "the experience of women's initiatives in local government and implications for feminist perspectives on state institutions" (Halford, 1992: 159-60). She takes a state institution as a site to study power, as well as relying on discourse, in the form of women's initiatives, to demonstrate one aspect of that power. More specifically, Halford highlights a particular aspect of institutional power, its maleness, by looking at the experiences of challenges to that aspect, women's initiatives.

State policies and actions are not simply a reflex response to the functional needs of a system but rather should be seen as the outcome of specific social struggles. State institutions themselves are the result of social struggles. There have been some policies and laws which benefit women. But overall the modern state represents the institutionalization of male power arising from a history of social struggle (Halford, 1992: 159-160).

This is similar to Dennis Swibold's construction of power, in that it focuses on political issues, policy or initiatives. It is different because, instead of constructing power by observing the powerful issues, it focuses on how the traditionally less powerful, issues of resistance or challenges to authority, fare. Halford's project moves past an analysis of the modern state as the institutionalization of male power based, primarily, on the gender make up of the state. As such, it moves past the analysis in Laurie Zimorino's M.A. thesis.

*Is gender to women as bureaucracy is to men?*15

Laurie Zimorino's thesis "Women in the Montana Legislature 1941-93," professes a strong cause and effect correlation between gender and the Montana Legislature. She defines "women's culture" through a historical sketch of women's journals, political and domestic roles starting in the eastern U.S., moving westward with the frontier. She describes how women's roles were fortified, or changed through Christianity and ideology of the American petit bourgeoisie. Zimorino then tells how the engendering of this women's culture explains the slow emergence of women in politics, and the shape that emergence took - and continues to take. Her primary thesis is that, this women's culture primarily determines the policies.

---

15 This section title references Sherry B. Ortner's article "Is Female to Male as Nature is to Culture?"
and platforms of women who enter – in slowly increasing numbers – the political arena. She then sets about the task of demographically describing the women legislators of the east, so as to compare them to the women of the Montana Legislature, in order to prove that Montana women more or less fit the national picture.

The historical statistics of women in the national and Montana Legislature also demonstrate that women are virtually absent from nominative positions. This historical absence of women tells, without further explanation, of how gendered our lawmaking and lawmakers have been and continue to be at the level of political hierarchy (what Mike Laslovich in personal interview termed nominal power). Through questionnaire driven methodology, Zimorino claims that more women in the legislature would equate to radical changes in policy. Obvious interpretive flaws emerge when relying on questions such as, “please rank the following issues...,” or “was/were your relationship(s) with other women in the legislature important to you during your time in office?” Especially when lawmakers recount how much mail they rifle through during campaigns, and during sessions. Harry Fritz assures me that, as a legislator, your personal and district driven interests going in to a session largely had to be shelved, in order to focus on the specific committee issues assigned, and the health of the state as a whole. Vivian Brooke and Mae Nan Ellingson also recount how the bills they are most proud of sponsoring, and pushing through the legislature, were not necessarily conceived of before the session. And Ellingson (personal interview) concedes that she feels the strongest alliances in the legislature are still partisan, not gender driven.

The structure of the legislature places individual lawmakers in committees often not of their own choosing. House and Senate leaders make committee selections with an effort to balance party affiliation in each committee. According to Harry Fritz, a legislator’s seniority, experience and relationship with the party and its leaders affects committee appointment. He told me of campaigning in the university district on the issue of higher education or increased diversity only to find himself debating weed control issues or Department of Transportation appropriations.

In this light, a legislator’s policy issues do not appear to be conclusively driven by any one categorical affiliation, whether it be gender, partisanship or otherwise. Regardless of its strengths and weaknesses, Zimorino’s thesis stands in good company as a work on the topic of gender, written by and about women. I have never seen this explicitly stated in anthropology. The overwhelming trend of
research makes the point that gender is most often linked to women, and has been most often studied by women.

Trying to assess her own work, *Sex and Temperament*, Margaret Mead wrote, “I went into the field, in 1931, to study one problem, the conditioning of the social personalities of the two sexes” (Mead 1963: preface). Dr. Mead embarked on the study of gender before the word was part of the anthropological lexicon. Though, her concise definition and goal has a legacy of unbalanced pursuit. Gender studies are regularly regarded as a feminist project, and I am reminded of both the surprised response to my study and the assumption that gender means women. Nor, as post-modern ethnography is wont to de-essentialize virtually any analytical category, can women be a universal or even a regional category.

The project for many feminist post-structuralists is to explore the variety of forms of femininity and masculinity. The substantive focus is usually an investigation of the forms of representation of gender in cultural texts such as films, literature, magazines and pictures…there is a focus on language and subjectivity. Derrida’s concept of difference does not allow much conceptual space for power inequalities, while Foucault’s notion of discourse has power through knowledge at its heart. Feminist interventions attempt to criticize and rework rather than simply adopt these approaches... The deconstructionist emphasis takes as its project the breaking down of the unitary notion of ‘woman’ because of the essentialism it sees behind such a concept (Walby, 1992: 34-35).

Again, this transforms our understanding of the legislature, from an institution of power to a network of relationships, played out in a public ritual within which the relationships themselves are fluid. This fragmentation affirms the need for ethnography’s descriptive nature. It also encourages a focus on issues. Description can be advocacy, it must be a source of understanding, and greater understanding forms the base of any meaningful change or position of advocacy. This is a definition pursued within feminist anthropology.

In September of 2002, the University of Montana Law School hosted a conference to commemorate the 1972 Constitutional Convention. One of the major focuses of the conference was the...
Dignity clause included in the 1972 Constitution. It is this clause that declares equality for all people under state law. It is this clause that underlies the notion that laws and lawmaking (the legislature) will uphold and maintain equal rights for all individuals.

Individual dignity. The dignity of the human is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Article II (Declaration of Rights) Section 4 of Constitution of the State of Montana

Conference panelists and speakers presented the Dignity Clause as constantly being interpreted, reinterpreted or implemented in the act of lawmaking. This process is portrayed by the examples of legal battles and laws concerning sex and reproductive rights. Besides legislative implementation of the clause, Dr. Larry Elison (UM law professor) notes that Article II Section 4 has not been acted on by the judiciary in any meaningful way. Thus the Dignity Clause, the notion of individual equality, based on civil or political rights, on account of race, color, sex, culture, social origin or condition, or political or religious ideas, appears as a continual reworking of discourse, a continual process of interpretation. And the interpretation affects people. It is a mode of power, as both Wolf and Foucault explain it. Dr. Elison provides one example of this interpretive power. He cites the 1984 amendment to Article XII Section 3. That clause obligated the community, in the form of the legislature, to transform the idea of the Dignity Clause into social action.

The legislature shall provide such economic assistance and social and rehabilitative services as may be necessary for those inhabitants who, by reason of age, infirmities, or misfortune may have need for the aid of society.

Article XII Section 4 of Constitution of the State of Montana

The 1984 amendment changed the word "shall" to the word "may," removing obligation in favor of choice or option. This creates a rift between the claiming, or professing, of equal rights, and the obligation of the state to ensure such equality.

Article II recognizes many of the same social categories anthropologist have historically focused on in studying social relations, "race, color, sex, culture, social origin, or condition, or political or religious ideas." The article proscribes inequality around these social categories. Conversely, anthropology studies describing the border between public (normative) notions of honor and gendered positions with the private...
inequalities based on these same social categories. I offer this contrast to focus my study on social
inequality in the state legislature. To study social inequalities affected by legislation is to study the
modalities of power, defined by Wolf. It is to study the socially (and historically) powerful affects of
discourse, in the form of public policy, as described by Foucault. And it is to study a product of institutions
of power, as advocated by Nader. While there is power in professing equal rights, there is the greater
power in how, or if, those rights (or inequalities) are constituted and maintained through legislation.

*Fluidarity and the "Montana Women's Report"

Foucault connects the concept of resistance to power (that which is resisted). What is important in
his connection of resistance and power is how they are linked. Discourse or the reworking of discourse is
that link:

We must make allowances for the complex and unstable process whereby discourse can
be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a
point of resistance and a starting point for an opposing strategy. Discourse transmits and
produces power; it reinforces it, but also undermines and exposes it, renders it fragile and
makes it possible to thwart it (Foucault, 1978: 101).

In the same way, subjects depend on objects for definition or diametrical concepts depend upon their
opposite for existence. This also means that no new way of knowing, or no new discourse can be formed
that do not evolve out of past ways of knowing or past forms of discourse. Foucault is not alone in seeing
this relationship. In linguistics, all meaning has been viewed very similarly. "(A)s Bakhtin, also ensures
that any present meaning is always a reframing of the past, reworking things from past histories into the
present relationship" (Foley, 1997: 15). The anthropologist Judith Butler refocuses this idea on political
power. "There can be no pure opposition to power, only a recrafting of its terms from resources invariably
impure" (Nelson, 1999: 41). That is to say, there is nothing wholly new under the sun. When women's
initiatives are studied they will, for one, reflect power by identifying what power has not, or does not,
allow. As Wolf writes, power controls or constructs the realms of possibility, or at least legitimacy and
legality. In addition, women's issues will themselves not escape being some manner of reframing or
recrafting of power.

reconciliation's (and undermining) of those things, through lyric poetry in a Bedouin community.
The Montana Women's Lobby (MWL) and Women's Opportunity Resource and Development (WORD) are both non-profits organizations that, in part, study, advocate and lobby for women's issues; issues that fall primarily under the legislative umbrella of health and human services. MWL has functioned in the past as a clearinghouse for member organizations to collaborate both issue concerns and resources, in order to maintain a permanent, inclusively representative lobby at the legislature. The MWL has also been active in bill writing and interim research. MWL began in 1982 to counter the removal of the Women's Lobby office from the legislature, and as an effort to combat the 'new right' characterized by Reagan Republicanism. Their agenda included overlapping support for education, environment, Native American issues, labor, teachers union, low-income services and Equal Employment Opportunity to name a few.¹⁷

MWL is in the process of trying to realign that sort of coalition. I attended a MWL planning meeting during the summer of 2002. When the round table discussion turned to previous member organizations, and the issues that have been supported, they rang true to many of the health and human service concerns that Laurie Zimorino's thesis depicts as particular to "women's culture". But unlike her unified "women's culture" and a unified platform of issues, MWL exemplifies the diversity within the category women. As a lobbying coalition, the MWL supports an array of particular issues. This array is glimpsed in the member organizations ranging from YWCA, Business and Professional Women, Domestic Violence Coalition, nurses union, WEEL, Pride, League of Women Voters, Soroptomists, teachers union (MEA), CCC, NARAL, MAFE... None of the women in the room - I was the only male - are full time employees of MWL, nor do any of them belong as members, volunteers or organizers to just a single organization. Their roles change as the issues change, but they remain cohesive, or at least cooperative, in

¹⁷ My data on the MWL comes from attending an organizational meeting during the summer of 2002 at Montana State University in Bozeman.

¹⁸ Soon after I entered the meeting room on the Montana State University Bozeman campus, MWL co-founder Diane Sands directed the rearranging of tables and chairs quipping, "we're not big on symmetry here, in fact we don't like it much at all." A notable lack of hierarchy contrasted with my experience watching the MT Legislature in action. The State has been effectively deconstructed as a gender neutral site. Border Identities (Wilson and Donnan 1998) refutes the State as a site of cohesive power in general, while the work in Gender and Bureaucracy (Savage and Witz 1992) specifies this argument by describing and theoretically explaining a number of ways in which gender inequities imbue the State with its particular forms of power. I thought of Diana Sands comment when I read Sophie Watson's reflection, "feminist ideals of anti-élitism, self-realization, sisterhood and authority of personal experience clashed with a bureaucracy characterized by a system of rules, impersonality, a career-based employment structure and a hierarchy of authority" (Watson 1992: 191).
their activism for what they assuredly called women's issues. This is the issue-based identity that Diane Nelson dubs "fluidarity" in her ethnography of Guatemala.

I am arguing that all identity is formed through articulation, a notion that problematizes traditions of solidarity that lean on "solid" identities and clear-cut divisions between victim and victimizer. Taking the articulatory notion of identity seriously...I develop the concept of fluidarity as a practice of necessarily partial knowledge—both in the sense of taking the side of, and of being incomplete, vulnerable, and never completely fixed (Nelson, 1999: 41-42).

Not once did I attend a meeting or luncheon (such as the League of Women Voters) and not get asked to join as a member and join in the immediate discussion at hand. It caught me off-guard at first, not realizing the implication of participant observation. By the time I began writing this thesis, I was interning for the Center for Policy Analysis and Community Change in Missoula—an arm of WORD. I was thinking and writing about fluidarity and advocacy, while the people whose meetings and workplaces I attended were living these concepts.

Early in my participation with the Montana Feminist History Project I felt the pull of fluidarity on my positions of male-ness, white-ness, and other signifiers that I have perhaps not yet recognized. I participated in an oral history interview between House District 85 Representative Carol Juneau—a resident of Browning, MT. and member of the Blackfeet Reservation by marriage, though Hidatsa-Mandan by birth—and her niece, Linda Juneau. I thought the interview went well, and was surprised to later hear Linda recognize that my presence put Juneau in her public personality. The interview went badly because she spoke as a legislator not as an Indian woman activist, mentor and aunt. The simple fact that I was usually the only male in the room during much of my participation with this project rarely occurred to me.

Julia Kristeva has recognized in human sciences a deconstruction of the subject that has been carried to the point of making the concept unintelligible. She has effectively argued for moving analysis, particularly feminist critiques, away from any notion of a subject on toward the purely political. I see this reflected in the notion of fluidarity in that subjects coalesce around political/social ideology more than around a solid body or a personal ideology. I don't have the space to discuss further how this along with Marxism counter the notion of a metaphysically based self. Rather I am using these terms and ideas to mark the significance and relevancy of anthropologically studying political/policy discourse (these ideas come largely from Paul Smith's 1988 Discerning the Subject, and discussions with John Norvell).

Even in the small ways I have participated amongst and observed the people that make up such groups I am amazed at the amount of time and energy they give to their myriad tasks. Hugs open and close most meetings, social and family spheres overlap those of work. Janet Finn - UM assistant professor of social work, author, anthropologist, and advocate speaking at a recent peace rally in Missoula—recalled having decided years ago that these endeavors were not a job but a life's work. I see this sentiment daily in an environment where staff does not punch-in on time clocks much less punch-out.
The women involved have so much more history, commitment and knowledge about the topics and discussions at hand that I never imagined how I might be of any significant influence. Generally, organizational meetings of WORD, MWL or MT Women Vote consist of a number of the founding members; Judy Smith, Diane Sands, Terry Kendrick to name a few. Arguments concerning the researcher's position, influence or subjectivity are ongoing in cultural anthropology, often making up a significant portion of ethnographic introductions. I do not wish to further this discussion in this thesis. Perhaps the need to consider this element is reduced by choosing a written document for my project focus.

"The Montana Women's Report", the legal woman

Through meeting with MWL, feminist oral history interviews and finally sitting in on a few focus group meetings for the "Montana Women's Report" (the report), I carve my legislative focus to policy, specifically women's policy. I did not set out to delineate women's policy or issues as a window on gender in the Legislature. However, women's policy emerged through maintaining an interest in gender and in asking questions such as, where does gender appear in the legislature (in the making of state laws) with the constant reflection on gender as a focal point of power? Nowhere do I see or hear the label, men’s policy. Nowhere in the literature or in interviews do men appear to be struggling with (or sometimes even acknowledging) a gendered power differential in lawmaking, bureaucracy or the State.

Having mentioned my interest in this topic, and this form of power, to former legislator Harry Fritz, he directed me to read an essay written by former legislator Margaret Scherf serving around the time of the constitution's rewriting. Her essay overtly speaks of the bipartisan work, as well as the non-existence of any gendered political dynamics, during her term(s) as one of the few female legislators. Contrary to those claims, she makes numerous gendered statements. She was, "the first woman to represent our county in fifty years" (Scherf, 1992: 252). During an in-session gathering: "(t)he music began. The men believed that to a march, one marched. The ladies preferred to walk. The effect was lumpy" (ibid: 269). She also portrays gender spatially and socially in the legislative setting. "Now the wives come along, bring their knitting, sit on the leather lounges on either side of the House and listen to their husbands' speeches, take

21 A project of the University of Montana's Women's Studies Program and the K. Ross Toole Archives under the joint direction of Diane Sands and G.G. Weix.
them to task later for what they said or didn’t say" (ibid: 261). At the least, these quips recall the feminist critique, glossed as, ‘the personal being political’ and the anthropological Pandora’s box often termed ‘the informal.’ The former is ethnographically substantiated through the work in Gender and Bureaucracy (Savage and Witz, 1992), as well as the deconstruction of bodily jokes in Diane Nelson’s A Finger in the Wound (1999). The later represents the entire modern project of centering ethnography on discourse, rather than structure, or post-structuralism as Rosemary Pringle and Sophie Watson offer in their essay “Women’s Interests and the Post-Structuralist State.”

Discourses which construct ‘the state’ are an historical product, not structurally ‘given.’ The outcomes of particular policies will depend not purely on the limits placed by ‘structures’ but on the range of discursive struggles which define and constitute the state specific interests, from one moment to the next” (Pringle and Watson, 1992: 63).

Margaret Sherf does not acknowledge gender as an influence on, outcome of, or significant to her legislative experience, even as she illustrates some of its aspects in her essay. Feminist scholars regularly observe and analyze power acting in a gendered fashion.

‘Man/woman is one such nodal point which underlies the ‘humanization’ of a number of social practices since the eighteenth century. In the case of ‘woman’, there is an ensemble of practices and discourses that mutually reinforce and act on each other, making it possible to speak of a sex/gender system. ‘Men’ and ‘women’ and their ‘interests’ rest not on biological difference, reproductive relations or the sexual division of labour, but on the discursive practices that produce them (Pringle and Watson, 1992: 66).

As for the legislature’s role in the production of gender,

The state does not simply reflect gender inequalities but, through its practices, plays an important role in constituting them; simultaneously, gender practices become institutionalized in historically specific state forms. It is a two-way street (ibid: 64).

The report begins by illustrating what gender inequalities, through legislative practice, have been constituted and maintained. The report then uses those inequalities to attempt to change legislation. The report is an example of where women’s issues are being constructed or acknowledged. It articulates those issues. The report illustrates both some of the plurality represented by the category women, as well as tries to maintain that category, in an effort to alter social modes of power.

In this chapter, following the varied methodology and the three theories outlined in chapter one, I offer a deconstruction of the Montana State Legislature. This includes reviews of literature particular to the legislature and interviews with a variety of people involved in many aspects of the legislature. Specifically,
I identify a number of ways in which power is constituted through the social relations that make up the legislature. The legislature can be seen as a ritual (a struggle for authority) which is the culmination of many storied relationships. These relationships are seen as partisan, issue based, local, federally underwritten as well as gendered. Gender, specifically in the form of women's public policy, appears as one such way in which power is constituted. As the legislature must be viewed and described as a network of relationships, it is necessary to choose a point, or category of relationship, through which to begin any view or description. Focusing of gender in the form of women's public policy, allows the possibility of a new understanding of one mode of power operating within the legislative network, of power being produced by the legislature, and of efforts to change or reframe the legislature itself. Terry Kendrick's "Montana Women's Report 2002," along with ethnographic accounts by some of the people involved in articulating women's public policy, make up discourse essential to understanding current women's policy in Montana.
What discourse on women appears currently in the forming of Montana's public policy? Terry Kendrick researched and wrote the Montana Women's Report throughout the summer and fall of 2002, while working at WORD. Her goal was to publish the document before the 2003 Legislative session. "It is a tool for policy makers and community advocates for building a public policy agenda to improve the lives of Montana women and their families" (Kendrick, 2002: 4). The report does not simply recommend policy, it includes a significant history.

In focus groups and in the report's introduction, Kendrick explains her intentions. The report assesses Montana's past and present women's policy, as well as project policy goals and recommendations for the future. She presents aspects of women in the economy, healthcare, education and politics, within a timeframe. In the report's opening lines, Kendrick delineates twenty years of women's policy, activism and Montana culture. She demonstrates how this twenty-year retrospective is significant for Montana women's policy.

Over the past twenty years, women in Montana have challenged and changed the status quo. Through their work they have changed laws, institutional policies, and cultural beliefs that have defined women as less than equal. Ordinary citizens did extraordinary work to ensure that women's concerns such as domestic violence, child care, and access to reproductive health care are recognized as issues that affect our community and deserve a central place in public policy (Kendrick, 2002: 4).

Kendrick recognizes women as instrumental in altering 'organizational and structural power', as defined by Wolf. The status quo, laws, institutional policies, and cultural beliefs that have defined women as less than equal are a modality of power. "...(T)hat controls the contexts in which people exhibit their capabilities and interact with others. This sense calls attention to the instrumentalities through which individuals or groups direct or circumscribe the actions of others within determinate settings" (Wolf, 1999: 5).

The report acknowledges the 1972 Constitutional Convention as a significant event in women's public policy. The initial issues: domestic violence, child care and access to reproductive health care,
affect not just women, but communities. This links the politics of the body to the body politic. As Dr. Larry Elison interprets Article XII (Departments and Institutions) Section 3 of the Montana Constitution, a community shares an obligation to all citizens' dignity and human rights.

The history of policy in Montana has shown changes for women. Mae Nan Ellingson — the youngest member on the 1972 Constitutional Convention Committee — emphasized the importance of rewriting the state Constitution in considering the recent history of women's policy. Her activism in the women's liberation movement of the late 1960s, and as a member of GASP (Girls Against Smog and Pollution) in Missoula, motivated her to seek one of Missoula's eight seats at the Constitutional Convention. "There was a lot of behind the scenes work by women's groups in getting the Convention to happen. The League of Women Voters pushed the call for the Con-Con through volunteer efforts, including encouraging women to run for some of the seats" (Ellingson, 7/12/02: interview). Ellingson also feels that women's issues were central to crafting the Dignity and Privacy Clauses in the Constitution's Declaration of Rights (Article II Section(s) 4 and 10 respectively). Nineteen women participated in the one hundred member Convention. That rate of participation has not been rivaled in the legislature until the last session. The 2001 session included 7 female Senators and 27 female Representatives equaling 23% of the total legislature, or 14% and 27% respectively by house.

Kendrick presents a list of women's policy highlights from the last twenty years on the penultimate page of the report. She critiques past and current policy alongside past and current socioeconomic status of women. All but one of those achievements happened after 1980. In 1973, the newly ratified Constitution included "provisions protecting an individual's right to privacy, thereby paving the way to uphold reproductive freedom in Montana and defeat proposed anti-choice legislation."

Kendrick recounts the major milestones in women's policy since then:

• 1983 "Montana is the first state in the nation to pass comprehensive non-gender insurance legislation prohibiting discrimination in insurance rates and payout based on gender or marital status."

• 1985 "Marital rape and domestic violence become criminal offenses in Montana" (Kendrick, 2002: 26).

23 Reiterating this timeframe "The Montana Feminist History Project" set out to document through oral histories and personal accounts from upwards of fifty Montana (mostly) women whose activism in the fields from politics, business, law to midwifery have changed the social landscape of the state. The introductory letter to this project mentioned a thirty-year window on the past in four of its seven paragraphs. This oral history project documents Montana's feminist activism much more broadly than the report, as the report was written for a more focused audience.
Both of these policies, discursively and legally, open the sphere of marriage. This is done, in the first case, to uncover and correct unequal economic treatment of women. In the second case, the law opens that sphere in order to protect married women with the same (stricter) laws of deterrence as unmarried women.

- 1989 “Montana legislation establishes the Child Care Business Tax Credit.” In ‘90 “The legislature passes a resolution requesting gender and minority balance on all Governor appointed boards and commissions.”
- 1991 “Montana requires insurance companies to provide coverage for mammograms.”
- 1993 “The Montana Micro Business Act expands access to capital for micro businesses thereby increasing the start-up and expansion of women-owned businesses.”
- 1995 “Governor’s Advisory Board includes enrollment in post secondary education as a possible work activity in Montana’s welfare reform package.”
- 1997 “A portion of divorce fees in Montana is earmarked for a special revenue fund to finance social services for victims of domestic violence” (ibid: 26).

These policy accomplishments shape (Wolf’s) power that ‘controls the contexts in which people exhibit their capabilities and interact with others.’ Policy initiatives such as: 1) providing tax credit, 2) gender and minority balance in appointed boards and commissions, 3) access to capital for micro businesses and 4) including education as part of welfare all alter “power to deploy and allocate social labor,” (Wolf, 1999: 5). Wolf calls these aspects the structural mode of power. While some of these legislative triumphs do refer explicitly to women, such as the summaries of 1995 and 1997, the report makes explicit why, and how, such law can, or has changed the social status of women.

Prior to the report, a Montana Advisory Committee wrote Civil Rights in Montana: 1982 “...in order to fulfill its mandate to assess the situation of women, minorities and the handicapped...” A mandate emanating from the U.S. Commission on Civil Rights (Montana Advisory Committee, 1982: 1). At least five of the Committee’s nine members were women. The Media in MT: Its effects on minorities and women, released in 1976 by another Montana Advisory Committee to the U.S. Commission on Civil Rights stemmed from the Equal Employment Opportunity Acts of 1964 and 1972. These federal reports do not imply that the report was a “top down” result, however.

24 I am familiar with this phrase from UM assistant professor of history Pamela Voelkel as she used it to interpret different analyses of Latin American history which largely focuses on the relationship between the
Policies affecting women are rooted in local issues, and can be more accurately seen as a "bottom up" result. Former legislator Carol Williams recalled how Browning Representative (and Blackfeet tribal member), Carol Juneau, stood in front of the legislature and essentially dared anyone to vote against her bill (HB528) to remove the word “squaw” from Montana historical and geographical sites, as well as public education material. During that 1999 session, Norma Bixby (current legislator and Northern Cheyenne tribal member) stood in the balcony during the bill's reading as a similar gesture. While many women's policy issues covered in the report, and elsewhere, may be funded or mandated from a national or state level those issues have still been articulated in local, personal contexts. The Civil Rights in Montana report is a partial documentation of the origins of this process, reframed by the Montana Women's Report 2002.

The Game: recrafting of terms

During small focus group meetings, held in UM Women's Studies office and WORD offices, as well as in the final report, Terry Kendrick intends to do more than simply document a history of feminist activism or women's issues. She writes, "through their work they have changed laws, institutional policies, and cultural beliefs that have defined women as less than equal" (Kendrick, 2002: 4). This reflection and praise for past work serves primarily to reinforce the intent and methods of change directed to the future. The report is divided into four sections – Women and the Economy, Health, Education and Politics – each states the 'goal' and appropriate 'recommendations' in reaching it. In the first draft of the report, Terry Kendrick spoke of 'benchmarks', this word fell from the final text after focus group discussions. The word was replaced by a clear advocacy for broad change spanning institutes, policy, and culture.

State v. the peasants, indigenous, or historically agrarian classes. “Top down” refers to politico-social ideology emanating from the political or upper economic classes versus “bottom up” social change represented by revolution a in Latin American context. "Bottom up" social change also has been represented as politically and socially mobilizing subtler forms of resistance termed “weapons of the weak” by the historical theorist James Scott.

25 Recalling her time as a journalist in the late 1960's Caryl Rivers remembered a speech by one of the first high-ranking black journalists, Carl Rowan, about being shunned to the balcony of movie houses in his boyhood in the south. Caryl writes "as Rowan spoke, the white reporters -many of them involved in covering the civil rights movement- clucked in outrage. I remember wishing I had the nerve to yell, 'here I am, you sons of bitches segregated in the balcony. And this ain't Mississippi!'" (Rivers 1980: 49). She uses this recollection to express the experience that women have often followed other, so called, minorities in gaining civil rights and that those gains have come through the work by the minorities concerned. A "bottom up" interpretation of change and power.

39
It is a tool for policy makers and community advocates for building a public policy agenda to improve the lives of Montana women and their families. It is up to us to make sure that at the end of the next decade more Montana women have the economic, educational and political resources they need to be economically self-sufficient, to live healthy lives and to live in communities where they are safe from violence (ibid: 4).

Kendrick defines the report's audience. She also establishes the categories of analysis; economics, health, education and politics, the concatenation of which runs unfalteringly throughout the report. 'Montana women and their families' are mentioned together. This expands of the category women. The impact of policy on women regularly includes the family, if not community. This extends the cultural body of woman into and around the bodies of her family, especially her children, thereby extending women's policy into much broader political issues. Conversely the designated 'next decade' aims for self-sufficiency. This term elicited the most concern and debate in frequent focus meetings that helped shape the report's final writing.

“Self-sufficiency” emphasizes personal capability over victimization, positive community position over social drain, a certain level of socioeconomic status and a future, more than just day-to-day basic needs. This rhetoric extends women into the community by including in self-sufficiency the goal of 'healthy lives' which are 'safe from violence.' This idea of self-sufficiency distinguishes between women as individuals and women as affecting the community, the region and the state. The term highlights individual rights and needs of women, the inequalities they still face, and the ways that attention to these things can and will change the community and culture in Montana.

Attention to language as advocacy, and specific timeframes, by decade, mark a significant difference between the report and its predecessor, Civil Rights in Montana, written in 1982. While the latter provided statistics on discrimination in schools, workplace and politics as well as contemporary laws, and civil rights policy, aimed at countering that discrimination. The attention to language and obvious advocacy of the report are absent in the 1982 document (though as with any form of discourse, it is not rhetorically neutral in regard to gender or power). The focus on language and advocacy in the report reiterates the ways resistance is an inherent part of any social site of power, and any human relationship. Again, this is the link, made by Foucault, between power and resistance.

26 I don’t use the word game to make light of the report or those involved with it. Rather I am borrowing the reference from the language of meetings I attended and the offices of women’s organizations, in which

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
We must make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power, it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it (Foucault, 1978: 101).

By promoting policy, and taking part in the very system (the legislature, lawmaking) they wish to change, women involved in the report’s research and writing, acknowledge that change does not involve creating new structures. Rather, new discourse can usurp, inform, or restructure the present. At times, this means replacing the notion of women being “thrust” — as a body not in control, a body acted upon or victimized — into the workforce, with the language and connected notion of self-sufficiency. By situating the rhetorical “woman” as an acting subject, as opposed to an object to be acted upon, the report attempts to take possession of language and by changing its meanings or implications, changing not only what that language signifies but actual social positions. The report acknowledges these strategies and attempts to enact them, favoring advocacy or fluidity over mere analysis.

For example, Kendrick promotes categories of analysis, debate, and change in women’s policy — that reflect distinct sections: economy, health, education and politics. All of these categories are near equivalents of Standing House and Senate Committees (House; Business and Labor, Human Services, Education, and Local Government and Senate; Business and Labor, Public Health, Welfare and Safety, Education and Cultural Resources and Local Government) (www.leg.state.mt.us). The report adds to these categories a synergy, or again what Maria Ana Alonso calls a ‘concatenation of categories’. This reflects

the Legislative process and session was often referred to as the “Helena game.”

27 Judy Smith has spend many years lobbying and working as a feminist activist in and around the legislative process. She spoke to me at length about how, working with the number of people and complexity that the legislative level represents, it is naïve to believe that many of the structures, rules and regulations or ways of organizing could or should be changed to represent a more gender equal system. Judy contradicted some of the seventies feminist notions that bureaucracy and western governmental systems are inherently patriarchal or masculine. She acknowledged that men in gross disproportion to women have occupied those systems and that the continued inclusion of women will alter characteristics of those systems. As for having to alter her identity when working in the legislative environment, Judy felt that the issues she advocates take precedence over the personal (dress, demeanor...) in that arena.

28 This is reminiscent of the “Vagina Monologues” performed yearly on the UM campus and sponsored by many of the same women’s organizations affiliated with the creation and goals of the report.

29 Ana Alonso, Maria 1995 Thread of Blood. Throughout this text Ana Alonso portrays the synergy of ethnicity, class, gender, occupation and even age as she describes the social positions of Mexico’s Revolution era Northern frontier.

30 Ana Alonso, Maria 1995 Thread of Blood. Throughout this text Ana Alonso portrays the synergy of ethnicity, class, gender, occupation and even age as she describes the social positions of Mexico’s Revolution era Northern frontier.
authorship. The last focus group I attended, held at WORD’s offices, included staff from women’s organizations representing all four of these categories. Like most such meetings, this too exemplified the multiple connections women’s organizations maintain. This meeting also dismissed formality and hierarchy for round-table discussion, during which everyone was encouraged to speak or to question. Participants included women from the YWCA, UM Women’s Studies, WORD, Indian People’s Action, nursing school and city planning. The group paid particular attention to the semantic possibility of conveying an understanding of categories interfacing at many points. The group struggled to semantically express the idea that categories are interdependent, problems and benefits of any one can not be separated from the others. “Synergy” conveys potential mutual benefit for women across economics, health, education, and politics that policy is intended to provide.

For example, consider poverty. Mid October 2002, as state elections loomed, the last forum concerning the report casually convened in the WORD offices. Judy Smith became concerned with the use of the word poverty in setting out the report’s over-riding goals (then still referred to as benchmarks). She was lobbying at the national level to get state bonus money for the accomplishment of welfare improvement. Poverty loomed too large, and vague, to be productive as a standard of measure. Judy explained:

We can’t set a measure of getting women or people out of poverty. It’s frankly unrealistic in any reasonable timeframe and any potential bonus won’t be reached. We need to set benchmarks as relative to the actual depth of poverty versus the median and try just to achieve an improvement.

Judy also saw an additional consideration surrounding the semantic quality of the word poverty. It was not broad enough. Poverty measures economic status alone. The report strove to identify a poverty constituted by a lack of any, or all, of the resources included in its four sections; economics, health, education and politics. Rural lack of health care facilities, lost educational opportunities or disenfranchisement from policy-making, and policy-makers, all spelled poverty. Language was important. Poverty would be downplayed and self-sufficiency adopted.
It is easy to trade poverty for self-sufficiency in a written text. It is more difficult to express the idea of inextricable categories, in separate sections of a written text, without losing or weakening their inextricability. Kendrick undertakes that effort in the report. "While this report analyzes women’s experience in four categories, the categories are not distinct and separate; each influences the other" (Kendrick, 2002: 4).

The table of contents and sections are laid out definitively. Headings and subheadings punctuate the narrative and (re)assert that none of the issues stand alone. Tables, data and charts documenting the variables of women’s place in the economy, health, education and politics come from sentiments expressed in the meetings I attended. What does it mean to eat and be sheltered well, when you are sick without the means to be treated? Food, roof, health, emotional stability, physical security, happiness even; remove just one and the others pale. The report carries this sentiment through a narrative that connects the data, goals and recommendations. “This report paints a picture of what life is like for women in Montana in 2002 – rural and urban women, white and Native American women” (Kendrick, 2002: 4). In addition to including children and sometimes family, the category women transcends borders of race and geopolitical space. In other places, age divides the category women, respecting different policy needs, or socioeconomic experiences and needs.

Kendrick embraces advocacy, in the report, with feminist “claims that the state is male because it adopts the standpoint of men, or the male view of the world, which it then calls objectivity” (Witz and Savage, 1992: 36). Photographs depict women in groups, women mothering alone, conducting business and pursuing education. Every photo contains a child and women. In addition to promoting policy, and attempts to represent the status of Montana women, the report signifies women: by race, age and spatial diversity, but linked in their economic, health, educational and political inequality. Women encompass not

---

31 A number of ethnographic works have been guided by the same theory of text creation, if it can be called that. After reading Michael Taussig’s *Mimesis and Alterity* (1993) and *Shamanism...*(1987) it was no surprise to learn of his teaching stints in media studies. He has gone a long way in making ethnographic text more broadly representative, even experiential.

32 Judith Williamson (1994: 241) writes of photography and the representation of family, “which offers us ‘memories’ of social life through TV and news photos, is paralleled in microcosm by this dominance of one version of family history, which represses much lived experience.” Her essay emphasizes the selective and essentializing qualities of photography especially as the lens has been aimed at images of family.
just themselves but their children and families. And equality with men, in the categories on which report focuses, is repeatedly the goal, attainable through legislation, through the power of the state.

A part of the report quoted on the first page of this chapter needs to be stressed. Terry Kendrick acknowledges that "ordinary citizens did extraordinary work" in furthering women's public policy. But, it is not ordinary citizens who authored this report. The report claims to represent the lives of women in Montana. In doing so, Kendrick evokes the feminist driven techniques of representation through experiential knowledge, or making the personal political. The kind of advocacy, as policy, represented by the example of Carol Juneau arguing for the "squaw bill." But Terry Kendrick, and the other women who participated in the research and writing of the report, are not, by and large, the women depicted in the report. Nor are the women being represented taking direct part in authoring the report. In this way, Kendrick and Judy Smith, both long time legislative lobbyists, policy authors, professionals and activists cross the divide between those who have power and those who do not. They are in a unique position. They identify with women's inequity, as well as the modes of power that control the contexts in which people exhibit their capabilities and interact with others, the discursive sites in which inequality is shaped or reshaped, the domains that organize or orchestrate the setting and allocations of social labor, the major institutions, governments or otherwise that affect peoples lives (to paraphrase and meld Wolf, Foucault and Nader).

**Women and the Economy in Montana**

*The valuing of work*

The economic section of the report, in part, equates a family’s economic security with out of home, paycheck garnering jobs:

In Montana and across the country, women are contributing more to their family’s economic security than ever before. In 1990, 56% of Montana women aged 16 and over were in the workforce. By 2000, the percentage had grown to 66% (Kendrick, 2002: 6).

First, these statistics represent women moving into the workforce, and signify the changing of traditional roles. Second, this assessment denotes the vision of equality for women in the state economy based on
equal access to wage-earning opportunities (jobs, small businesses, job training...) and equal presence in the wage economy.

Just twenty years ago, the Civil Rights report describes women as homemakers. The home represents the traditional, secure place for women, especially in their roles as mothers. Statistically, women’s movement from the home to the workforce appears slow. The Civil Rights report defines adult women as those over 18 years old, and finds "...that nearly half of these adult women were employed outside of the home" (State of Montana, Dept. of Labor and Industry, Women's Bureau, 1980: 5). In comparison, the report's claims that "56% of Montana women aged 16 and over," does not appear as radically different. The change from “nearly half” to 56% seems especially scant since the category of women has been enlarged by two years, to include 16 to 18 years old. By contrast, the significant change in women entering the workforce appears within the last ten years, as illustrated by the report (from 56% to 66%). The report fails to explain why. Though, the following three policies could be credited as contributing factors.

1990 The legislature passes a resolution requesting gender and minority balance on all Governor appointed boards and commissions.
1993 The Montana Micro Business Act expands access to capital for micro-businesses thereby increasing the start-up and expansion of women-owned businesses.
1994 Governor’s Advisory Board includes enrollment in post secondary education as a possible work activity in Montana’s welfare reform package (Kendrick, 2002: 26).

Since the report was written to advance policy, I highlight past policy contributing to the advancement of women’s issues. The three examples of legislation address key issues of gender equity in the workforce. The first, in the public sector, confronts a lack of representation. The second has led to better access to resources, thus economic opportunities for women. The 1994 legislation aims for equity regarding acquired skills, training, or preparedness, therefore improving women’s qualification in the work force, especially professional and career opportunities.

Enhancing women's place in the work force is paradoxical. On a rhetorical level, both documents struggle with the dichotomy between women in the workforce and the value of women as homemakers or mothers. On the one hand, equal access and opportunities stress education and skills, as well as Equal Employment Opportunity legislation and equal pay. Equal pay remains the one keystone of this debate where no legislative action has occurred. Terry Kendrick provides U.S. Census data to inform the legislative recommendations that follow.
On average, women in Montana in 1980 made 55 cents for every dollar a man made (national average 63 cents); by the year 2000 women made 68 cents for every dollar a man made (national average 73 cents). In 2000, women in Montana had to work an average of 52 hours a week to earn as much as a man makes in 40 hours, or 624 more hours a year (Kendrick, 2002: 6).

Conduct a pay-equity study of local and state government employees to evaluate Montana's performance on equal pay for equal work (Kendrick, 2002: 7).

Conduct a pay-equity study of Montana's three largest private sector employers (ibid: 7).

The report falls short as an economic assessment of women's status in Montana. The U.S. Census data illustrates pay discrepancy but, it does not divide pay rates by job or career. Nor does it account for experience, education, years of employment or other such factors. The report leaves that work to the legislature or a legislatively appointed research committee. These omissions do not diminish the legitimacy of the policy recommendations. But, they make the report's research appear selective and incomplete. The report, again, appears as overtly policy driven. Preconceived policy directs the research or helps to select research that substantiates those preconceptions.

At the time of the Civil Rights report, the emphasis was getting women into the workforce and off the crutch of welfare. The workplace should be equally open to women, but some women were seen as moving into that workplace solely out of necessity, not choice, and they were ill-prepared to do so. The Women's Bureau report identifies five percent of Montana women as “displaced homemakers,” that is, women thrust suddenly and unexpectedly into the job market because of the death of a spouse or dissolution of a marriage. These women are considered as particularly disadvantaged, because many lack job skills (Montana Advisory Committee, 1982: 12).

The Civil Rights report encourages policy to increase equality in the workplace, equal access to jobs and educational or training opportunities, as part of welfare primarily targeting women. Homemaking, or being a mother, is seen as an economic disadvantage. The policy recommendations intend to move women out of this disadvantage through job parity. Therefore, welfare makes women temporarily dependent on the state (with welfare providing education or training) as opposed to women's continued dependence on low paying jobs or men, in the form of marriage.

Relying on U.S. Census data for the state, Kendrick illustrates how wage-earning women are largely underemployed, and underpaid, compared to their male coworkers. For Kendrick welfare for women (especially mothers), is an opportunity, or an economic stabilizer, allowing them to move towards
self-sufficiency. This self-sufficiency encompasses more than the most immediate, largely undervalued, employment. For this argument, Kendrick relies on census data for men and women earning “less than $20,000” (44% and 68% respectively), as these are the possible candidates for welfare. But, that same census data reveals that the greatest disparity in percentage of wage earners between men and women occurs in the higher earning brackets of “$30,000 to 49,999” (23% and 12% respectively) and “$50,000 to 99,999 (11% and 2% respectively). The report also ignores the top bracket, in which men and women appear closest to being on par, “$100,000 or more” (3% and 2%) (Kendrick, 2002: 7).

With such clear statewide disparity, this section, titled “Equal Pay for Equal Work?,” probably does not need to rely on national perception polls to make the point that women are still underpaid, compared to men.

Despite federal and state laws that ban discrimination in employment and pay, the wage gap between women and men is still significant. While education and experience may account for some of the wage gap, sex discrimination and the concentration of women in a range of jobs that has been undervalued and underpaid are also factors. Nearly 75% of women and 66% of men in this country believe that women are paid less than men are for the same work (ibid: 7).

The failure of federal and state agencies to bring about pay equity for women is not actually illustrated within the report, besides one national opinion poll cited. Nor does the report elucidate the range of jobs to which it refers. As noted in the education section, the report seeks to increase the number of women in professions, which are regarded as higher paying and male dominated, such as technology, medicine, law and business. This strategy ignores the very comparison of earnings presented within the report. As mentioned above, the greatest gaps in earning are revealed in the middle incomes, not the lowest or highest ends. In addition, a pay equity study for a number of key sectors would have made a much stronger argument for pay equity.

Promoting pay equity, alongside increasing the number of women in the higher paying jobs, can paradoxically devalue low paid jobs traditionally associated with women. Such jobs continue to be significant in the areas of policy, such as health and human services. The last focus group I attended, concerning the report, included a nursing school instructor, social workers (from the YWCA) and educators. Many of the women featured as part of the Feminist Oral History Project affected change but not as highly paid professionals. Dolly Browder fought for the legalization of midwifery, as a midwife, against the legal suit of a local doctor. Norma Bixby credits her movement into the political arena to her
career and lifelong passion for education. She sees herself as simply a teacher. The GASP women were largely wives of academics and politicians. Vivian Brooke entered the legislature after studying social work at Carroll College, raising four children in the process. As Terry Kendrick, herself a lifelong nonprofit organizer states "...ordinary citizens did extraordinary work..."

Even when the report equates economic security to the workforce (or to earnings in general), it maintains parallel support for men to assist with childrearing, home management or other non-market valued domestic labor. Feminist scholarship has long quantified, qualified and rallied the economic security inherent to, and dependent on, the roles of non-money earning women.33

Both reports rhetorically value the position of homemakers and mothers. Whereas homemaking, or motherhood are not in a wage-earning context, homemaking is largely valued in spirit, or sentiment. The only economic valuation of homemaking is the inverse relationship between women staying at home to care for children and their lifetime earnings. Since years of missed work equal less lifetime wages or salary, women’s retirement or social security benefits are less. The value (societal or economic) of raising children, with a stay at home parent, versus working parents, is never breached. Children, family and working or careers are not cast as mutually exclusive. In fact, the assumption of children (and family), as part of the category women, leads directly to childcare policy and issues (which will be discussed later).

Also, the report establishes the analytical group of women working at 16 years old. This strengthens the synergy of women in the economy with issues such as education – since some of the workforce still attends high school – teen pregnancy, sex education, part-time as well as full-time employment. Not only are working mothers included, but also working daughters, propelling the nuclear family into the debate. This serves to increase the population of women in the analytical group, thus

33 "In Marx’s notion of commodity fetishism, the thing being exchanged covers over and hides the human relations of production embedded therein" (Nelson, 1999: 124). But Marx did not ever get much closer to a notion of those human relations. “Recent critiques, however, have pointed out that what is missing in both the structuralist/semiotic and Marxist type of analysis is the social actor” (Moore, 1994: 74). Both of these statements represent the entryway into the feminist critique that points out the absence of women from Marx. More so, the critique puts women, as non-wage laborers, as the massive human pool of available labor that sustains the very possibility of wage labor and hence Capitalist development. A similar critique overturned the archaeological paradigm of “Man the Hunter.” “Women the Gatherer” took shape as gender made its way into archaeology. Hunter/gatherer subsistence upheld by women’s gatherer rather than the less predictable boom and bust hunting by men. Studies such as Rita P. Wright’s “Women’s Labor and Pottery Production in Prehistory” (Conkey and Gero, 1991: Ch7.) show a surprising absence of division of labor between the sexes.

48
encouraging a broader coalition of support for the issues and concerns presented. One immediate result of this position is present in the creation of Montana’s Fair Share lobby. Judy Smith and Terry Kendrick are both principle coordinators of this nominally non-partisan economic lobby. The aim of Fair Share, as Smith explained to me, has been to coordinate all possible statewide groups with an interest in the allocation of Department of Health and Human Services funding. With the 2003 legislative session Fair Share attempted to build a larger voice in support of maintaining the Department of Health and Human Services budget. This coordination of groups mimics the rhetorical strategy within the report of synergizing women with children, women with teen adults (16-18 years old) or women with the family in general.

Part of this synergy relies on the presentation, by Kendrick, of gender and age as flexible. At times, persons less than 18 years old qualify as children. “In 1990, 39% of Montana female heads of household with children under 18 lived in poverty” (Kendrick, 2002: 8). Throughout the economic section, she refers to “children” or a “child” without specifying age. And these children factor heavily in the report’s calculations of child care costs and needs. Later, in the health section, these children become “teens,” “teen mothers” or “Native American girls,” coincidental with their becoming pregnant.

Pregnancy rates for Native American teens have also decreased by about 33% since 1992. However, 5 out of 10 Native American girls between the ages of 15 and 19 will give birth...Less than one-third of teen mothers ever complete high school (ibid: 18).

The report portrays the teenage child/woman as a shifting position. The liminal woman fluctuates between roles as both caregiver, and child necessitating care, within the fixture of state. This makes the process of adulthood appear as a transitional ritual, a ritual without a clear beginning or end, acting on age, sexuality, gender, and economics (at least). In addition, the state distinguishes age as a fluctuating position. In the Montana Constitution’s Declaration of Rights (Article II) “persons not adults” are first defined then made malleable within the creation of law:

Section 14. Adult rights. A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish an age of not more than 19 as the legal age for consuming or possessing alcoholic beverages.

Section 15. Rights of persons not adults. The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this Article unless specifically precluded by laws which enhance the protection of such persons.44

---

44 Both of these sections are taken from Lopach’s We the People.... The legal drinking age has in fact been amended to 21 years of age in Montana.
This fluctuation, on the part of the law, as well as the report, produces a mode of power that allows for varying control of an individual based on age. For example, the report makes numerous recommendations for, and critiques of, the welfare system. Both historically and currently welfare issues include children.

In the 1960s and 1970s, the welfare system’s leading program, Aid for Families with Dependent Children (AFDC), provided federal cash support to needy women and their children and to some two-parent families. Ninety percent of the Montana families on AFDC were women and their children (Kendrick, 2002: 8).

Montana’s welfare reform program, Families Achieving Independence in Montana (FAIM), is one of the least restrictive in the country due to the policy advocacy and organizing work of women’s groups and allies (ibid: 9).

This aligns women and children. And children are part of a family’s welfare consideration until the age of eighteen. Thus, the report contains a critique of child support collection and its impact on women, an issue, which also hinges on children’s dependency on parents until the age of eighteen. Still, when women in the workforce are considered, women’s age decreases to sixteen years old.

Divided work, devalued work

The report quickly moves beyond citing of total number of women in the workforce, to economic divisions of work that they predominantly fill:

...women are still likely to work in traditionally female-dominated jobs such as cashier, waitress, retail sales, teacher, and administrative assistant (Kendrick, 2002: 6).

Wages remain low for these pink-collar jobs, advancement is insignificant, and opportunities to maintain self-sufficiency few. Women pool in low-wage jobs. 35

Thus, “women and their children make up the majority of those living in poverty in this state (ibid: 6).” The report walks an important line of language here and elsewhere. Historically, ethnographers have considered subjects as subordinated, or disenfranchised, which can essentialize those studied into positions of non-agency, false consciousness or victimization. 36 The report illustrates the social issues that overwhelmingly affect women, while not victimizing them. Kendrick illustrates quantitatively unequal

---

35 U.S. Census data is reproduced to visually show this pooling on page 7 of the Report.
36 This sort of labeling has begun to lose its place in ethnographic texts because, I sense, the discomfort such language maintains for a field well aware of its colonial heritage.
social positions and realities, while avoiding words associated with negative personal attributes for the subjects.³⁷

The report avoids presenting "poverty" as degrading. Rather, the report directs responsibility for poverty toward the larger community of state level. Montana is visually and verbally ranked against the other states.

Montana Poverty Rankings

2nd in the nation for children living in poverty

3rd in the nation for people living in poverty

7th in the nation for female heads of household living in poverty (State Rankings 2002: a statistical view of the 50 United States in Kendrick, 2002: 8).

While these statements inculcate the state or community in children's, thus women's, welfare, it counters a main premise of self-sufficiency as defined within the report.

A more accurate way of determining how many people live in poverty is to use the Self-Sufficiency Standard, developed by Dr. Diana Pierce, professor of Social Work at the University of Washington. This method calculates how much money working adults need to meet their basic needs. The Standard defines the amount of income necessary to meet basic needs (including paying taxes) without the need for public subsidies, such as public housing, food stamps, Medicaid child care or food from food banks (Kendrick, 2002: 9).

The report includes a sample of an adult annual budget from Rosebud County. This indicates that self-sufficiency is based on very local economic factors and makes comparisons between Montana and other states seem unnecessary, if not distracting. Later Kendrick recommends "Adopt the Self-Sufficiency Standard as a way of measuring economic self-sufficiency and determining eligibility for public assistance and work support programs" (ibid: 11). The Self-Sufficiency Standard was developed in the field of social work. Looking to social work for policy solution is legitimized, even as social work qualifies as a traditional female dominated job, the type of job the report tries to guide women away from.

Another example within the report places both blame and solution to women's economic inequity outside the category women.

³⁷ Toril Moi's critiques the possibility of an original feminist language. She writes, "there is no space uncontaminated by patriarchy from which women can speak... there is simply nowhere else to go" (Moi, 1985: 81). So expressing experientially specific, or different reality becomes an attempt to shift the relationships between signified and signifier. Much of the Report is not an attempt at all or nothing revolution, but a change from within the social-political network.
Nationally, a woman's income drops an average of 30% in the first year after a divorce. More than $34 billion in potential child support income goes unpaid each year and almost 66% of single mothers receive no child support (The Center on Budget Policy and Priorities in Kendrick, 2002: 11)

Pass a Child Support Assurance (CSA) program to ensure that the government's failure to collect child support does not result in a family living in poverty (Kendrick, 2002: 11)

The Missoulian, for December 5, 2003, assesses the importance of child support enforcement, in the context of decreasing family reliance on welfare, and the results of overall welfare reform, in a "Missoulian Editorial" entitled "Crackdown on deadbeats pays off." The editorial finds gender and marital status at the center of welfare issues. "Everybody knows full well that welfare reform and other changes in the social safety net have been just awful for poor people. Especially hard hit are single mothers" (Missoulian, 12/5/2003: B4). The author notes the improvement in poverty rates, as well as illustrating the discrepancy between how poverty affects men and women:

In 2001, the number of women with custody of children living in poverty dropped to 2.8 million, down from 4.2 million in 1993...Nearly a million and a half fewer families living in poverty. The percentage of these families living in poverty was down to 25 percent, compared to 37 percent in 1993. Poverty rates for single men with custody of their children remained about the same, at about 15 percent over that same period. Only one in six single parents with child custody is a man, however (ibid: B4).

The reduction in poverty levels is credited to child support collection improvement, which is, in turn, attributed to legislation and social discourse. "Clearly, the combination of laws and social stigmatizing of deadbeat parents has had a good effect" (ibid: B4). The article makes no effort to localize the issue, or investigate the guidelines of poverty.

Again, a nation versus state rhetoric within the report is tenable in assessing or promoting regionally specific policy. It appears that macro comparisons attend to a concern for audience. Meanwhile, much of the report and the organizations it evolved out of, focuses on Montana family’s economic positions vis-à-vis the state living wage, cost of living, and how these change in respect to each other, within the state or region.38 “Low wages, geographic isolation, and the lack of economic opportunities are the key contributing factors to poverty in Montana" (Kendrick, 2002: 11). The continual rhetorical movement between state and nation, within the report may represent the author's approval of Federal funding and

38 This certainly represents the ideology of the work done at WORD as well as the work I've been involved in at CPACC concerning housing as an asset in the rural west. See Halliday, Deborah 2003 in references.
support for state issues, so unlike the individual states' rights iconography of the rural west's past. It also maintains broad coalition women subjects:

Women in Montana share the economic concerns of women across the country: equal pay for equal work, health care costs, the need for affordable housing and child care, and how to meet the challenge of balancing work and family (ibid: 6).

Again, children are signified as an unconditional concern of social policy. Children's economic, health and educational needs are not questioned, and provide a strong sympathetic justification for women's policy. This is accomplished by continually stating the link between women and children. When women are found in poverty, so are children. When women live homeless so do children. And as the Self-Sufficiency Standard reveals, the amount a parent, or more specifically a mother, needs to earn depends, in part, on children.

Expanding definitional poverty and welfare

As I continue to make clear, the report rhetorically expands the definition of poverty as the first move in approaching self-sufficiency. In no uncertain terms, "poverty is the lack of means to take care of basic needs-housing, food, clothing, health care, and education" (Kendrick, 2002: 8). Thus, policy points accompany the new language of poverty. Policy solutions entail shifting to the adoption of a self-sufficiency standard.

Kendrick critiques both the Federal Poverty guidelines and state programs as the first toward self-sufficiency. Federal guidelines estimate the parameters of poverty, and hence, the "number of people living in poverty is as much as three times lower than the actual number of people in poverty" (ibid: 8). Unlike a self-sufficiency standard, poverty guidelines do "not account for differences in expenses, i.e., whether a family has child care costs, medical costs or geographic differences in the cost of living" (ibid: 8). To illustrate this need for regional sensitivity, the report includes boxed statistical indices of Montana's economic standing compared to other states. Even more sensitive, community, city or county studies are being undertaken or at least proposed. Kendrick strongly criticizes the federal welfare reforms, without

---

39 It's beyond the scope of this thesis to expand on this well documented theme. A number of the sources I have used reiterate the notion of western individualism, including We the People of Montana (James Lopach ed.) and Montana Heritage (Robert Swartout, Jr. and Harry Fritz eds.).

40 In particular, CPACC is encouraging and participating in this sort of analysis of Missoula and the growing and economically (and geographically) connected Bitterroot Valley.
mention of partisanship. The Aid for Families with Dependent Children (AFDC) of the 1960s and 1970s provided federal money to "needy women and their children... Ninety percent of the Montana families on AFDC were women and their children" (Kendrick, 2002: 8). In spite of the fact that Montana recipients stayed on this aid less than two years on average, and in spite of the decrease in the aid they received (compounded by ever rising inflation), in "... 1996 federal legislation abolished AFDC" (ibid: 9). Pointing out the temporary and decreasing benefits of welfare is an effort, within the report, to counter the "welfare myth" of women having children to extend or increase benefits. I had never thought of this myth as gendered. In fact, the critique of welfare I am most familiar with leans more heavily on race. Along similar lines that myth describes minority families having children simply to increase or extend welfare benefits. Myth or otherwise, the report uses welfare statistics to reinforce the focus on women. If 90% of Montana recipients of such aid being women and their children did not already constitute this as a women's issue, then the new reforms make it more so:

The current program is called Temporary Assistance for Needy Families (TANF). The stated goal of TANF is to get people off welfare and into jobs. Yet the program restricts states from supporting more than 20% of their TANF case loads in vocational education, and permits states to divert large amounts of TANF money away from work-related programs such as job training, job-search assistance, and education (ibid: 9).

The idea is to quickly get people (mostly women) into jobs. Jobs that do not require or encourage further education. Minimum wage jobs that do not promote to self-sufficiency. Women already hold these low wage jobs. Montana's version of TANF appears more conducive to long term self-sufficiency than most state programs, as the report defines it:

Montana's welfare reform program, Families Achieving Independence in Montana (FAIM), is one of the least restrictive in the country due to the policy advocacy and organizing work of women's groups and allies. FAIM is built on waivers that allow a flexible definition of work activities that includes participation in post-secondary education and family strengthening activities (ibid: 9).

This achievement appears as one of the bright spots in public policy for women within the report. It also appears as a small bastion of progressive policy in the face of federal welfare reform. The current administration is turning back to a tradition of women as homemakers and pink-collar employees. Marriage and unskilled labor appear atop the discourse of this administration's platform on welfare. Within such a federally unsupportive policy context, FAIM's 2001 evaluation "showed that the majority of families who left welfare to take a job earn low wages (less than $7 per hour) and that those jobs do not pay

54
benefits" (Kendrick 2002: 9). In addition, the number of FAIM enrollee's to enter post-secondary education dropped from 178 to 33 (1996-2000) (ibid: 9).

In an example of how groups or social relationships, outside the legislature and the legislative session, bare on the lawmaking process, state officials and advocates for the poor have launched a study of more than 1,000 families whose TANF funding ended, due to legislative reductions during the 2003 legislative session. Officials are conducting phone interviews, trying to account for those people, and make an assessment of their situation, since losing their benefits. "My interpretation of that drop-off is just people are at that hopeless stage," said Mary Caferro, a lobbyist with the low-income group Working for Equality and Economic Liberation" (Underwood, Graham in Missoulian, 1/25/04: B1). WEEL is an arm of WORD. A more in-depth assessment of the situation involves the combination of women and children.

Naomi Thornton, director of the nonprofit Futures program in Missoula, which helps teenage parents complete their education, said many of her clients are dropping out of the program because a requirement of 120 hours of work-related activity a month doesn't seem to be worth the less than $300 they'll receive. "They're not having any income," Thornton said. "So, we're concerned what are the choices they might make just to survive." That worry is echoed by the director of one of the state's few residential programs for teen mothers who says her clients are also passing up TANF money and taking chances instead. "What I see in some cases is them living with abusive partners, leaving their babies with them, with people they wouldn't normally leave them with," said Gypsy Ray of Mountain Home Montana in Missoula. Social workers and participants say the financial situation of those who continue to get TANF aid also has worsened. More than 80 of the recipients are single parents - primarily mothers (ibid: B8).

And for the families who do (or are eligible to) stay on TANF, the Federal policy shortfalls do not approach the Self-Sufficiency Standard, developed by Dr Diana Pierce, which "defines the amount of income necessary to meet basic needs (including paying taxes) without the need for public subsidies" (Kendrick, 2002: 9). In the case of welfare, the influence of federal policy, over state policy, recount Dr. Mike Laslovich's view of power, in regard to the state legislature. That is, state legislation has very little power in the context of federal policy and federal funding (or lack thereof).
From minimum wage to living wage

Concomitant with the Self-Sufficiency Standard, as a movement away from poverty, Kendrick makes a semantic move from the establishment of a minimum wage to a living wage. This effort also follows the logic of local analysis, as opposed to national or broad and contextually insensitive analysis.

A living wage is a wage that allows a family to meet basic needs without using public assistance and provides for some ability to deal with emergencies and plan ahead. For a single adult, the amount is $20,500 a year (Kendrick, 2002: 7).

The report’s rhetorical shift to a living wage, in addition to making economic analysis regional, removes the wage discussion from the employer’s perspective and onto the employee’s needs. This shift highlights the community, or social, benefits of a new conception of living wage. The issue concerns women. Figures in the report demonstrate that service and retail are the fastest growing job sectors in Montana. Women disproportionately fill these positions. These jobs continue to pay below a living wage, while easily meeting current minimum wage requirements.

Policy that shifts the responsibility of self-sufficiency, based on a living wage, onto the employer is ironic, because part of the individualist ideology of the rural west includes support for private and commercial business, over state apparatus. Now, in the issue of a living wage and women’s policy, those businesses, as wage paying employers, are asked to sustain the community. Instead of spending state taxes to ensure “health care costs, the need for affordable housing (or ability to afford it) and childcare, and how to meet the challenge of balancing work and family” businesses/employers, who have capitalized on the state’s welcome (in the form of legislation for corporate tax breaks), must contribute directly to these social needs. In doing this, Kendrick blames employers for women’s economic status, not on the personal attributes of the women. Low-wage jobs are implicated in the perpetuation of women as “undervalued and underpaid” (Kendrick, 2002: 7).

The report moves to the long-term consequences of a minimum wage, further strengthening this argument, as well as linking low wages with women’s policy. Minimum wages are outpaced by inflation. With the criticism so strongly against a minimum wage, it is confusing to look back and find that one of the report’s first recommendations supports minimum wage legislation. "Support the fair minimum wage act of 2003, increasing the federal minimum wage from $5.15/hour to $6.65/hour" (Kendrick, 2002: 7). This counters the more holistic argument of a living wage and a local assessment of self-sufficiency, instead of
federal guidelines for poverty (or federal minimum wage). These contradictions can only be rectified within the larger goal of the report, if they are seen as possible planned stepping stones, given that the report was written as a plan for the next decade.

Whether the current minimum wage or the adopted federal minimum wage, the report argues that women who spend a lifetime earning such wages face greater financial struggles – and produce larger social welfare burdens – as they retire on insufficient social security. This does not seem to be particular to women at first. But, this retirement disparity is compounded by the increased expenses elder citizens face. This is especially true for retirees who have not owned a home, due to never earning a living wage that would have afforded a mortgage.

Here again, age, in the form of retirees and social security concerns, appears as a women's policy concern. Women live longer, thus requiring more years of social security. Living longer entails more possible expenses, as individual's health deteriorates and care expenses increase. This mirrors, in some respects, the special care needs that age implies for children. Women have more difficulty in meeting these varied and increasing expenses than men, as their lifetime earnings are less.

In the United States the average woman age 65 and over lives six years longer than the average man. She struggles to make ends meet on an annual income of $16,000, compared with an income of over $29,000 for men in the same age group.

Forty percent of women over age 65 are poor or almost poor; for men, the number is less than 13%. A woman's retirement income is also lower because she likely did not receive a pension, was paid less than the average man, and took time off to raise a family. As a result, she receives lower Social Security benefits (Older Women's League in Kendrick, 2002: 11).

The absence of Montana specific information undermines the guiding principle of the report. And in a departure from the consistent side-by-side presentation of policy recommendations and research concerning women's status (or the reverse, specific research included for each policy recommendation), no recommendations are made concerning older women. Instead, basic changes in Self-Sufficiency Standard, the aforementioned Child Support Assurance program, and a few other changes aimed at lifelong economic well being are ostensibly intended to aid the elderly.

Expand private/public asset building strategies such as Individual Development Accounts and Family Development Accounts that match an individual's savings for home ownership, education, and business assistance.
Fund Montana’s low-income housing trust fund established in 2001 (Kendrick, 2002: 11).

And, in fact, Kendrick uses the issue of aging to overlap many concerns of gender equality, such as pay equity, housing, and welfare.

Engendering age

In the United States the average woman age 65 and over lives six years longer than the average man (Kendrick, 2002: 11).

This summarizes the cursory look usually given age as engendered. But this narrow view scarcely accounts for the increased health concerns associated with the elderly. Nor does it offer even the vaguest glimpse at quality of life. The report immediately ties aging to social well being and to women.

She struggles to make ends meet on an annual income of $16,000, compared with an income of over $29,000 for men in the same age group. Forty percent of women over age 65 are poor or almost poor; for men the number is less than 13% (ibid: 11).

Kendrick presents a completely different picture of age than is usually implied when life expectancy is compared between men and women. In that picture, women are portrayed as lucky, or physically blessed. The report recounts the various ways in which women’s status makes aging a more complex issue, particularly an issue of inequity. The challenges of simply getting older are not the same for women as for men, when statistics are employed.

A woman’s retirement income is also lower because she likely did not receive a pension, was paid less than the average man, and took time off to raise a family. As a result, she receives lower Social Security benefits (ibid: 11).

This reiterates pay-equity concerns, forecasting the effects of wage disparity into women’s future and implicating this disparity as contributing to the state burden, in the form of welfare and the national burden, in the form of Social Security. As the baby boomer population retires, Social Security is gaining momentum as a national issue but is not widely expressed, as within the report, as particular to women.

The issue of aging to reemphasizes the link between women and family. The dimension is added that that link, women and raising a family, is not monetarily valued, is not wage earning work. Through reemphasis such as this, Kendrick maintains the philosophy established in the introduction. A philosophy

58

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
of synergism of categories, or overlap of the causes of women's status and implies synergistic benefits from policy solutions.

Women and their children make up the majority of federal welfare cases, as mentioned. Welfare is changing to force these recipients into unskilled jobs, in a push to simply get them off social support. This implies that the work they already do, as parents, is valued less than minimum wage or higher education. A lifetime of low wages, if they are thrust into the growing service and retail sectors, follows women into their retirement. Whereas, if women are not forced to work, their years spent raising or having a family diminishes the income on which their retirement will be based and their possible savings. All the while, medical and prescription medicine expenses rise. Another of the statistics highlighted in the report confirms the undervalued work of mothering.

Nationally, a woman's income drops an average of 30% in the first year after a divorce. More than $34 billion in potential child support income goes unpaid each year and almost 66% of single mothers receive no child support (Kendrick, 2002: 11).

The section's recommendations are best summarized with the policy outlook on child support. Child support appears as an area in which women are linked with children as unpaid work. It is also an area in which some social welfare costs might be successfully recouped with an investment at the state and/or federal level to better structure and enforce child support collection system. In other words, discussing children, poverty and now age as women's issues, and attending to them via policy, makes good long-term fiscal and community sense. Following a logic of immediate investment for long-term benefit, Kendrick calls for increased allowance of welfare dollars for education, job training, even Individual and Family Development Accounts to promote the savings needed for homeownership. Again, the recommendations combine short and long term policy, based on the idea of gender equality, but working from the place of historically (and currently) gendered economic disparity.

Interviewing affordable housing recipients as a part of interning with CPACC I have repeatedly heard insight that the welfare system expects an individual to be completely depleted before qualifying for assistance. Once an individual receives support, any amount of savings or accumulation is penalized by a disproportionately large reduction in benefits. The approach is cited by recipients as the cause for welfare's inability to make people self-sufficient over the long-term. I am also aware from these interviews and from homeWORD's homeownership center that the report's policy recommendations come as much from experience, and contact with low-income families and women as from census data.
Housing as a family and community asset & Women as family

Terry Kendrick authored the report while working for WORD, primarily a low income housing advocacy non-profit. And homeownership, or other affordable housing options, constitute a major part of self-sufficiency and long term stability within the report.

A key element of building economic security is home ownership. However, the increasing disparity between what Montana women earn and what housing costs means that owning a home is not feasible for many women (Kendrick, 2002: 10).

Page ten of the report displays the largest photograph in the document. Fifteen bodies squeeze together on the front stoop of a home. Thirteen women, one man and a young girl all smile at the camera. Is this an affordable housing project, an advocacy group meeting, friends...? As with the other visual images in the report, no description or explanation is provided. Having interned at CPACC, and being familiar with the modes of work encouraged at WORD, I am quick to interpret such an image as portraying group unity and collaborative work, though no caption or signs of labor exist in the photo.

The economic security of homeownership refers to that of both the individual homeowner, as well as the community at large. Benefits include the quantifiable; equity, positive credit, jobs in building, property taxes to name a few. Qualitative social benefits also result; stable residents, less crime, continuity in school, thus increased academic performance. "Safe, affordable housing has long been acknowledged as the American dream come true. Access to quality housing is linked to children flourishing in school, increased health of families, and a higher quality workforce" (Halliday, 2003: 4). During interviews I conducted for CPACC, with women living in Missoula's affordable housing, resulted in adding to that list, improved health, mental peace and stability, increased job performance and the development of personal relationships in the community.

These benefits of homeownership fall to women at lower rates.

Sixty-nine percent of Montanans own their own homes, according to the 2000 U.S. Census report. National data shows that the rate of home ownership is only 56% for single women and 47% for female heads of household with children (McAuley Institute in Kendrick, 2002: 10).

42 Housing built and run by Missoula homeWORD’s female staff.
43 Much of the current debate surrounding the November 2003 Missoula city council elections centers on growth, housing, and the solutions the city should pursue. At the top of that debate are in-fill, and density bonuses that are widely attributed to zoning legislation created and backed by the now disbanded Missoula New Party. The ties between the former New Party, affordable housing legislation and WORD are still present in the people who continue to study and promote city growth and development, and a number of the individuals running for seats on the city council.
There is a national versus regional (or state) disconnect in the data presented by the report. Overall homeownership is cited for Montana, but data for single women and female heads of household with children expand to the national level. Again, this counters the locally based definition of Self-Sufficiency promoted as a guiding concept within the report. As the gap widens between housing costs and personal income—as all indicators point to—these figures will predictably become more disparate for women who already pool at the bottom of the income brackets. That is the prospect the report offers of the housing market and women. The "Status Report on Women and Housing" authored by the McAuley Institute, which Terry Kendrick cites, as a reference for the housing portion of the report’s economy section, offers a more optimistic trend.

Women and minorities, are becoming homeowners at higher rates than the total population. In the 1990s, HUD data show women’s rate of homeownership increasing at twice the rate of the rest of the population. This has been possible because of many new mortgage products offering zero or low down payments, individual development accounts to incentivize savings, credit counseling and other public and private programs (McAuley Institute, 3/12/2003: 2-3).

The McAuley report also finds that the rate of women, as heads of household, continues to increase. That report also makes the rhetorical move to link women to minorities for analysis. This link continues to be common in social and cultural studies and is carried out in places by the report, which I will briefly discuss later in this thesis.

The report offers recommendations for housing policy that acknowledge the factors mentioned by the McAuley report, as driving the increase in homeownership by women. When the recommendations are made in the report, concerning housing, they are an example of policy that focuses on immediate state investment.

- Expand private/public asset building strategies such as Individual Development Accounts and Family Development Accounts that match an individual’s savings for home ownership, education, and business assistance.
- Fund Montana’s low-income housing trust fund established in 2001 (Kendrick, 2002: 11).

These investments are aimed at reducing future and perpetual dependency by individuals, in this case women and their families, on state resources. A low-income housing trust fund, Development Accounts,
along with many of the low-income housing growth policies, researched and recommended by WORD and CPACC\(^\text{44}\), are (hypothetical) examples of invest now and save later public policy, in the form of a more self-sufficient community.

**Working mothers and childcare**

As illustrated, policy for more self-sufficient individuals, reductions in long-term reliance on state aid, and children are all linked to women's status. Childcare perhaps best epitomizes all of these connections as women's issues. The issue of childcare presents concerns about affordability for parents, particularly women, as well as feasibility for childcare providers, who are predominantly women as well.

One of the biggest challenges of childcare provision is that parents cannot afford to pay more for childcare and childcare providers cannot afford to charge less (Kendrick, 2002: 12).

Kendrick finds women on both sides of the childcare issue. First, children are linked to mothers. Thus, as mother’s attempt to enter or reenter the workforce, or seek education and training, the responsibility of childcare falls to them. The report proceeds with the conclusions that women in the economy spell benefits to individuals as well as communities, as those individuals reach self-sufficiency.

The policy investment of childcare needs to be two tiered to move toward the above conclusion. "Access to safe, affordable child care is critical to working women in Montana. Sixty-five percent of children under six years of age in Montana have both parents working. This compares with 59% nationally" (Children's Defense Fund in Kendrick, 2002: 12).\(^\text{45}\) Childcare, as critical to working women in Montana, in this passage, depends on the associations throughout the report of women and children. There is nothing in particular which on its own connects those children with women. Here, the report lacks state statistics on women as heads of household, and their childcare needs and challenges.

Secondly, when childcare providers are portrayed, then the issue becomes much more pointedly about women. To begin with, Montana needs more childcare providers.

In 2002 there were 20,116 slots available for licensed and registered child care in Montana. The Montana Department of Health and Human Services estimates that at least

\(^{44}\) See Halliday, Deborah 2003. *You Can't Eat The View: The Loss of Housing Affordability in the West.*

\(^{45}\) Later the report equates tuition at the University of Montana with childcare for a 4-year-old. This prioritizes childcare as it is explained that parents have a much greater ability to afford this expense when a child has reached college age as opposed to the lower income levels seen in young parents with childcare aged kids.
twice that many children need some type of child care, whether that is full-day or after-school care (Kendrick, 2002: 12).

This means the need for more childcare facilities and childcare workers. Childcare becomes specifically gendered regarding the actual childcare workers. These workers are primarily women. Women are again linked with children, even children not their own. Women as childcare workers represent a prime example of low wage work and the associated social costs of such jobs. "Child care workers in Montana earn an average of $5.92 an hour. Low wages and high turnover have a negative impact on the quality of child care for Montana’s children" (Montana Department of Labor and Industry in Kendrick, 2002: 12). The recommendations addressing this issue restate the need for women to move out of low wage jobs by redefining the position of childcare itself. "Montana recognizes the importance of child care workers as professionals and primary providers of the skills and abilities children need to succeed in learning" (Kendrick, 2002: 13).

This is the first time the report advocates raising the status of a position filled by women, as opposed to simply moving women into new, better paid positions.

Along with equating childcare and tuition costs (see footnote 45) this language furthers the significance of childcare as part of the public education system, for both child and employee. This move ties children, families (as women’s issues) to employment, wage equity, and a reevaluation of job parity as well as education. As policy, this stance engages the state in childcare at the family level and to directly aid childcare businesses.

On this page of the report, Kendrick introduces the term Annual Affordability Shortfall for childcare. In spite of formatting it to be boldly declarative, the phrase goes undefined. That and the data are offset by the photo of woman and infant in a room with a few neatly stacked toys in the background and the edge of, perhaps, a Christmas tree in the foreground. What falls between these images and text is the explicit argument for how an affordable, socially revamped childcare system will benefit the community of

---

46 I am again reminded of Judith Williamsons essay "Family, Education, Photography" dealing with photography, camera technology and the family. Photos historically have become a way of recording domestic happiness and economic well being. Family and child create a photo album, a personal history that becomes at times a source of memory, riddled with silences and punctuated by eventfulness and happiness. In the report the photos strongly retell of the link between woman, as mother, and child.
taxpayers. Children are left as inherently important to community. Their welfare is a community responsibility without further economic or moral arguments.47

The business of women and ethnicity

Kendrick begins discussing women as business owners within a policy of state support for childcare providers as businesses. This is the first section recounting only positive statistics of women in Montana. All the indicators are increases in percent of women owned businesses, number of employers, employment and sales figures, as well as a rise of the state itself to "being one of the top ten states for fastest growth in women-owned firms" (Kendrick, 2002: 14). These accolades offer a surprise in a state accustomed to harvesting last and near last rankings in most economic, population, education and other indices.

The irony of the section comes with the box of figures delineating the percent each sector of women-owned businesses encompass in the state. Seventy-three percent of all women owned business is either service (55%) or retail (18%). These two sectors are highlighted earlier as the culprits in the low-wage, unskilled, undereducated, female glutted sector of the workforce.

The report interjects Native American women into the conversation here and throughout the report. Here these Montana women are seen as "3rd in the nation in growth of businesses owned by Native American women." And "Native American women account for 8% of all women-owned firms in Montana" (ibid: 15). Are Native Americans being created as a subset of women? Or are women's issues being linked to needs and issues of Native Americans, in an alliance of the categories of gender and ethnicity? Listening to the dialog in the creation of the report—which included Native American women—I realized the simplicity of those assumptions. Including Native Americans in the discussion entails a concern for the population most affected by past and current social policy. It includes Native American concerns, which appear in many instances as similar to women's, without usurping Native American

47 I know from working at CPACC that many supporters of progressive social policy cringe at having to justify how aid to those in need will benefit those without need. This for one, (re)places the policy in strict economic terms. By not falling back on that technique and language the report has put confidence and support behind the human face of need, experiential evidence and stuck to gender as a lens.
identity. This strategy reinforces the legitimacy of women's policy, founded on the idea of equality, by challenging current policy as also ethnically inequitable. On an historical level, this connection reifies the fact that women have approached, and moved toward, social equality and civil rights from the stance and arguments of ethnic minorities. 

Carol Williams recounted the presentation of Carol Juneau's "Squaw bill" to remove the word squaw from Montana landmarks and educational texts. Other women legislators acted as co-sponsors. "The bill's presentation came as a challenge to any white man to dare a vote against," (Williams, 6/18/02: interview). Carol Williams saw this as an instance of women supporting women, and the power possible as women's voices and the Native American voice gains strength in the political forum. Carol Williams, as an U.S. Senator's wife, helped bring Soviet women to the U.S. at the height of the Cold War and Cuban missile crisis. This was part of her involvement with the women's activist group Peace Links, which she co-founded during the early 1980s.

It was an effort to reregister priorities that women had. (President Ronald) Reagan was overrunning those priorities with the nuclear/military dialog and Reagan era economics. We just wanted to sit down with Soviet women from all walks of life and talk about what issues concerned them and us. To see what we might have in common or might learn from each other (Williams, 6/18/02: interview).

She recounted how tremendous the response to this effort, at linking women across ethnicity and political borders, turned out to be. Peace Links began receiving bags of mail from women in the United States and the Soviet Union, most of who were excited about the possibility of participating in the proposed dialog. Her involvement, in that politically charged venture, affirms her perspective on how strong the connection between women and ethnicity can or has been. Carol Williams' current work includes co-founding Montana Kids First with her daughter. The organization aims to raise awareness of where money legislated for children goes, and how it is spent. "The state budget is not reflecting children's needs" (ibid). The project will also raise money for candidates to the legislature who will vote for education, childcare

In the course of the interviews I have done with women Legislators and working with this report I strongly agree with GG Weix that the borders of gender and Native American could constitute a thesis of its own. I have certainly been influenced by GG in thinking about how focusing on the conditions of those with the most to gain when analyzing policy can produce the most radical change. I have not been able to reconcile this within the general idea of studying up. The report shows how gendered policy has included ethnicity or at least mingled those borders but I am unaware of how Native Americans conceive of or include gender in their social understanding.

This has been thoroughly critiqued elsewhere as the notion of a "51% minority."

65
and children's health programs. In the summer of 2002, Carol Williams organized bringing a group of Russian women to Montana primarily to learn about our state government. During an outing to the Flathead Valley, which included a meeting with state representative Joey Jayne (HD 73), Williams explained how her efforts with the Kids First program were decidedly nonpartisan. She intended to canvas all lawmakers concerning the issues of children and education, and support any and all who took those issues as their priority.

These goals are reminiscent of Vivian Brooke's ideas about where resources should go to address the drug, alcohol, crime and prison growth issues in the state. They are both programs of prevention. Terry Kendrick addresses the relationship between education and the economy within the report's assessment of women in business.

The connection between sections of the report is seen again between the economy and education as a policy recommendation. "Development of entrepreneurship curricula that improves economic literacy for girls and young women" (Kendrick, 2002: 15). These recommendations, also, often use the word "equality." Here it removes the possibility of seeing policy and social support as a crutch to aid disadvantaged or less capable women. It maintains the argument that women's status is about social and economic disenfranchisement not inability. Additional recommendations all resonate with Eric Wolf's modality of power that acts by controlling the capacity and the structures of labor. He certainly would include educational facilities, opportunities, access to technology and capital as examples of capacities and structures.

Ensure that women-owned businesses have the technological infrastructure and information they need to compete in technology-based fields.

Maintain efforts to expand women's access to capital for start-up and expanding businesses (Kendrick, 2002: 15).

As part of welfare reform, education is a timely example of how women's issues, in the state of Montana, may be significant beyond the borders of state. This example also illustrates the experiential knowledge, that drives so much of the women's policy agenda, as defined in the report. Welfare reform is the subject of an article in the January 8, 2004 Missoulian entitled "Missoula activist joins Baucus' staff," written by staff reporter Ginny Merriam. "(U.S. Senator Max) Baucus is the top Democrat - the minority party in the Senate - on the Senate Finance Committee, which has jurisdiction over the welfare program.
That position entitles him to extra staff who are dedicated solely to the Finance Committee and work as expert advisers and policy developers" (Merriam in Missoulian, 1/8/04: A9). The article is about his hiring of Kate Kahan, the former executive director of Working for Equality and Economic Liberation (WEEL), an arm of Missoula-based nonprofit WORD. As such, Kahan has been hired to bring her knowledge and work, with the very issues Terry Kendrick has written about in the report, to the national level of welfare reform:

Kahan hopes to bring the successes of Montana's progressive welfare reform work to the new incarnation of the federal welfare program, called Temporary Assistance to Needy Families, or TANF. The 1996 program expired Sept. 30 and is operating on an extension passed by Congress that will take it through spring.

"So many of us are touched by poverty, living in Montana, because of the wages we have," she said from Washington. "There is unique, valuable knowledge that Montana brings to the Finance Committee."

Montana has been a leader in such policies as allowing people on welfare to pursue a postsecondary education to increase their earning power, which WEEL has advocated. Kahan and WEEL have also worked at making childcare money a part of the equation. "We've learned a lot about giving people the opportunity to move out of poverty," she said... Years of data show that education helps people permanently break the cycle of poverty...Kahan's work can help shape a new federal welfare program that promotes it. Now there is "just a dribble" of money for postsecondary education help.

"It could make all the difference in the world for the rest of the country," she said (ibid: A1 and A9).

Kahan exemplifies the notion of experiential knowledge, as her path to WEEL and now Washington D.C. has been one of moving out of poverty through education. Her experience reiterates the image of children linked to women.

Kahan, 30, is a University of Montana graduate who is herself a former welfare recipient and is mother of an 11-year-old son. A Montana resident for 17 years, she drew welfare and worked while earning her degree in Women's Studies, graduating in 1999. She has 10 years' experience in social justice work and worked for the Women's Center at UM while in school. She has been director of WEEL just more than four years and has won national awards for her work (ibid: A9).

Baucus' hiring of Kahan is not entirely due to the senator's search for new staff. WEEL and WORD have been trying, for years, to communicate with members of Congress about welfare reform and other women's policy issues. Director of CPACC, Judy Smith has been a part of that process which will not end with Kahan's hiring.

Kahan, Smith and others have been engaging the powers in Washington in the need for postsecondary education help and other policies that move people off welfare permanently, Smith said. "We hope the conversation continues," Smith said (ibid: A9).
The "Women and the Economy in Montana" section of the report, which I have been discussing, discursively links many economic issues to women. It illustrates how those issues affect women's economic status by controlling capacities, opportunities and resources. And in the form of goals and recommendations, the report proposes to change policies that affect women's economic status. This is done by discursively creating an alliance of women. And it is done by discursively creating the issues as ones of unfulfilled equality. This involves power in at least two ways. Theoretically both Foucault and Wolf find power to be existent in the formation and maintenance of inequality. Therefore, a struggle to bring equality to women economically entails a struggle for power. On a second level of critique concerning equality, Nader has identified major institutions, governments and otherwise that affect peoples lives, such as state government. And the Montana State Constitution in the Declaration of Rights defines equal protection of the laws as a basic human right to be upheld by both public and private institutions.

But nothing in the economy section of the report categorizes women's issues or the subsequent policy as exclusively women's. Children and families are often included. While poverty, minimum wage, living wage, self-sufficiency standards, welfare reforms, low-income housing, the expenses of growing older are shown, within the report, to affect women at higher rates and at times with greater severity, they affect men in Montana as well. In the report's second section, "Montana Women's Health" women's issues and policies become more exclusive.

**Bodies: the intersection of health and gender**

In the health section bodies appear. That's not to say that the women, mothers, children and families previously in the report are body-less. The difference is, in the health section, these same subjects are presented and evaluated based on their physical interface with society.

The report presents this interface as situational. In some instances, women's bodies justify policy that would increase state support for women's health care needs, women's bodies. At other times, policy recommendations lean toward greater autonomy for women regarding their bodies. These two positions are not solidified in regard to the individual throughout their lifetime either. Age and medical/physical condition repeatedly determine the policy recommendations surrounding women's bodies.
Foucault demonstrated how specifically developed knowledge of the body determined social notions of sexuality and of the body itself. In Foucault's work knowledge has social affects, knowledge is a mode of power. Within the health section, the report, again, promotes the notion of social equality to determine policy. In turn, policy will then help to configure greater social equality, particularly for women. This relationship between changes in social status and policy, and vice versa, aligns with the larger history of women in public policy.

The impact of cultural change on public policy has lead to creation of the specific notion of political and legal rights that define an individual (Conway, Ahern, Steuenamburg, 1995: 5).

As the health section reiterates, the “specific notion of political and legal rights that define an individual” presume equality. The report’s health section, in part, presents and evaluates a physical notion of equality or in anthropological terms, embodies equality.

Physical bodies become most tangible in the report’s section on health subtitled, “Taking Our Temperature.” This section begins positively, recounting successes and improvements in policy directed at women’s health.

In the past twenty years Montanans have witnessed positive changes in women’s health: increases in community health education services, access to clinics devoted to women’s reproductive health and 1983 legislation banning gender discrimination in insurance coverage, public awareness of women’s health risks (breast cancer, ovarian cancer and heart disease) (Kendrick, 2002: 16).

Rhetorically, stating an improvement in education implies a historic ignorance or lack of education, concerning women’s health, just as increased clinic access implies a previous lack of services and space devoted to women’s health, reproductive health, and cancer or disease of reproductive organs signifies sex. They signify sex in both of its physical definitions. First by signifying women with a reproductive role, and then, by defining the anatomy specific to that role.

Foucault found four unified figures of knowledge in the sexual discourse of the 18th Century. The first was the “hysterization of women’s bodies.”

A threefold process whereby the feminine body was analyzed...as being thoroughly saturated with sexuality; whereby it was integrated into the sphere of medical practices, by reason of a pathology intrinsic to it; whereby, finally, it was placed in organic

---

50 Sex [L. sexus] 1. either of the two divisions of organisms distinguished as male and female...4. sexual intercourse. (Webster’s 1987).
communication with the social body (whose regulated fecundity it was supposed to ensure), the family (of which it had to be a substantial and functional element), and the life of children (which it produced and had to guarantee, by virtue of a biologico-moral responsibility lasting through the entire period of the children's education): the Mother, with her negative image of "nervous woman," constituted the most visible form of this hysterization (Foucault, 1978: 103).

Vestiges of all three processes have appeared in my study of the state legislature. Former legislator Vivian Brooke explained the atmosphere of strained relations that saturated the Capital, as many legislator's spouses feared the adulterous sexuality present (or perceived to be so) in that time and space. In our interview, she made it clear that, however (in)valid, the onus of this fear was connected with the female legislators. Meaning, they were the ones "thoroughly saturated with sexuality."

The female body is still being integrated into the sphere of medical practices. The report aims to promote this process, as I will discuss. On a national level this can be seen in an article from the *Washington Post* reprinted in the March 25, 2003 *Missoulian* entitled "Women reluctant to discuss sex problems with doctors." In addition to reluctance, the study reported reasons that women are hesitant to seek medical advice related to sex. "The two major factors keeping them from doing so were embarrassment and a sense that the doctor would not be able to help" (*Missoulian*, 3/25/2003: C3). Both emotional/social deterrence and technical inadequacy amount to incomplete integration of women into the medical field.31

The report continually projects women as inextricable from the categories of family and children. And the image of the nervous woman, constituting hysterization, is still seen subtly but often. In a cartoon caricature of Montana's 23rd legislature, in 1929, the only female lawmaker was described as well received. She surprisingly did not propose any "wild" legislation (Masterson 1929). In this year's session, it has been easy to note that when print news covers heated or emotional legislation, especially that surrounding health and human services, women do the crying. In an article full of budget figures and bill numbers the Senate dealt with early in the session, reporter Ericka Schneck Smith noted the emotional reaction of only two of the many lawmakers mentioned in conjunction with the bills. "By that time, both she and Sen. Debbie Shea, D-Butte, were in tears" (Schneck Smith in *Missoulian*, 8/9/2003: A8). I stopped cutting such

31 One of the "Vagina Monologues" recounts both the emotional and physical discomforts of a woman's visit to the ob/gyn. The monologue litanies the ways in which this medical procedure could be vastly improved to integrate or (more humanly) care for women.
things out of the paper when their accumulation in a folder made obvious that crying in the legislature is for women.

*Where are women's bodies in relation to health care?*

Most of the report treats Montana women, or women's policy in Montana, as homogenously affected, or homogenously affective. The health section diverges from this assessment by dividing the state geopolitically, and hence, the concerns of women depending on their location within the state.

Women living in rural eastern Montana may have to drive more than 80 miles to reach a physician's office.

Native Americans not living on their respective tribal reservations are not covered by insurance at another Indian Health Service site. Indian People's Action estimates that 90% of Montana's urban Indian population is not covered by health insurance (Kendrick, 2002: 16).

Access presents itself in two ways. First, women are rural. Their bodies exist in places like eastern Montana, where the issue of access is based on the existence of actual facilities, or lack of facilities. And in fact, the report makes a large portion of the argument for more places of women's health care on the positioning of women's bodies in rural areas. This includes the attention put on conditions within a woman's body (such as breast and ovarian cancer) as well as conditions targeting that body.

Lack of access and lack of choices may well deter rural women from seeking assistance to leave domestic violence situations or getting preventive health care or appropriate treatment for a health problem (ibid: 17).

Second, un-engendered (by the report) Native Americans are found, bodily, to be in urban areas. For them, the lack of facilities is not at issue. The issue of access is not about a lack of facilities. Their bodies are not able to access the facilities due to the reservation boundary encircling their insurance. Thus

52 In a rare positive note to this year's legislative session and budget concerns the Montana Bureau of Business and Economic Research made recent claim (Bob Anez in Missoulian 1/28/2003 p. B1) that tourism should lead to an increase of 2% in economic growth over the next fiscal year. Much of that tourism relies on the same rural-ness inculcated in the states (women's) health care issues. "The last best place" revels in images of rural wilderness, small towns, natural expanses, pow-wows, hunting/fishing, and its inhabitants, cowboys, Indians, outdoor recreationals, grizzly bears and bison. These all serve as imagic capital for local economies, in spite of their current non-existance, near extinction, glamorization or being undermined/mined by the business climate they support. A walk through any small business district or frequent craft markets/fairs will reveal how thoroughly the local market depends on these images. There are probably more images of wolves, bison and grizzlies on three blocks of Missoula's Higgins street than live creatures in the entire state.
that boundary encircles their ability to be treated for health concerns, effectively encircling their body's functioning. This economic blocking of bodies from health care extends, minus the tribal boundary, to all of Montana's uninsured citizens. But again, these citizens quickly become women. As “83% of uninsured are in working families” and families are highlighted by mothers and their children (Kemfrick, 2002: 16). And this too has to do with place or space, where people live on the landscape. Montanans are rural.

The majority of Montanans work in firms with fewer than 25 people, and many of these firms do not provide health insurance. Of firms with less than 10 employees, only 26% provide health insurance (ibid: 16).

The report’s goals and recommendations concerning health care access do not find solutions in promoting larger businesses, thus better insurance coverage. That would contradict the earlier support for promotion of small, women owned business. Instead the aim is to solve the fractioning effects of rural-ness by creating “a health insurance pool for owners and employees of small business” (ibid: 17). This recalls the earlier support for small business. In addition to a pool that would co-align small business in accessing insurance, the report recommends perforating reservation boundaries “to allow portability of health care coverage for Native Americans” (ibid: 17).33 The common counter argument to greater socialization of insurance and health care claims that such a move will reduce access and choices. Health care as a women’s issue finds these things already reduced (the report refers to this as a “health care crisis”) and sees social policy as a way to increase them.

Where women’s bodies ail and the measure of prevention

Montana seems to rank at the very top or bottom of every comparative state statistic available.

The Montana Women’s Report points to the places the body experiences ill health in this state. A singular box filled with large, bold statements finds “Montana Ranks”

1st in the nation in deaths by liver cancer
2nd in the nation for deaths by ovarian cancer
2nd in the nation for female deaths by breast cancer
3rd in the nation for deaths by heart disease
8th in the nation for alcohol consumption (Kendrick, 2002: 17).54

---

33 This recommendation poses an interesting interpretation on the themes of self-determination and reifying Native American identity that guide much of the policy and language I have read. Both of these themes, and language are incorporated in housing and education discussions presented by the on-line publications of “Indian Country Today” and the “Native American Indian Housing Commission.”

54 Though the last statistic does not say so, I have assumed this is a per capita measure. Montana’s small population would make this rank as total statewide consumption nearly impossible to believe.
The statistics for ovarian and breast cancer are significant as women's issues not solely because they afflict the female body. Their deadliness or medical treat-ability are quantitatively linked to health care access.

In 2000 cancer ranked as the second leading cause of death in the U.S. for all ages and for both men and women. In fact, men died slightly more frequently from cancers than women (CA: A Cancer Journal for Clinicians Jan/Feb 2003: 17). But when reproductive cancers are addressed, a different picture of gender and parity emerges. Of cancer victims, women are more likely to die of reproductive cancers than men are. And women experience more reproductive cancers, deadly or not, starting much earlier in life. Prostate and testicular cancer are the most common in men, with prostate being by far the more so. The five-year survival rate of prostate and testicular cancer has risen from 67% to 97% and 79% to 95% respectively (1974 to 1998). While testicular cancer does not even gain listing within the top male cancers, prostate is found to affect men almost exclusively after the age of sixty. Regular testing is not recommended until after fifty years of age. With testicular cancer self-examination is considered a reliable first detection method. A blood screen routinely detects prostate cancer. Both cancers exhibit obvious and identifiable symptoms (CA: A Cancer Journal for Clinicians Jan/Feb 2003).

For women, breast, cervical and ovarian cancer all show up in the top five leading cancers. Breast and cervical cancer commonly begins manifesting by age 20, with ovarian at age 30. Ovarian cancer has shown the greatest increase in five year survival rate (same time frame) but still only reached 53%, up from 37%. Breast cancer and cervical went from 75-86% and 69-71%. Much of survival rate depends on early detection, before a cancer has metastasized beyond the organ of origin. Self-examinations for breast cancer continue to be an affective detection module. Cervical cancer is easily detected with regular Pap smears.

"It is thought that the Pap smear has reduced the death rate from this disease by 70% since it was

---

55 I have certainly heard the discussion of baseline physical differences between males and females and the cultural discourse signifying that difference abounds. And it seems obvious that any physical differences between sexes is greatly overshadowed by cultural practices when it comes to assigning cause to disease. Rates of breast and ovarian cancer have been linked with everything from deodorant/anti-perspirant to hormonally treated dairy cows. Tobacco is inculcated in most cancers. Male reproductive cancers are attributed to far fewer cultural practices in the literature, sometimes appearing as wholly genetic. The scope of this analysis could be broad, I will stick to an overview of detection and treatment that follows most closely the concern and policy put forth in the report.

73
introduced in 1941" (health.yahoo.com).¹⁶ Ovarian cancer, while the most deadly and frequent of female reproductive cancers, has no listing for early detection or obvious symptoms (CA: A Cancer Journal for Clinicians Jan/Feb 2003):

- It is the most common cause of death from gynecological cancer.
- Five-year survival rates approach 95% when confined to the ovary.
- Only 26% of ovarian cancers are detected when confined to the ovary.
- The five-year survival rate for advanced ovarian cancer is 29% (O'Rourke and Mahon, Jan/Feb 2003: 42).

In short:

Ovarian cancer is disproportionately deadly for a number of reasons. First, symptoms are vague and non-specific, so women and their physicians frequently attribute them to more common conditions. By the time the cancer is diagnosed, the tumor has often spread beyond the ovaries... Second, because no cost-effective screening test for ovarian cancer exists, more than 50% of women with ovarian cancer are diagnosed in the advanced stages of the disease (health.yahoo.com).

At this point, if we care about health care for reproductive cancers, then women appear to have the greater need for medical facilities, as well as education for women and oncology in general. In discussing this with my wife, an oncology nurse at St. Patrick’s Hospital in Missoula, she acknowledged the sentiment, expressed earlier, of women feeling reluctant to approach physicians about sexually related health concerns. So the concern is not about whether a disease like cancer should affect men and women equally (diseases are commonly broken for comparison into traditional racial categories as well). It’s about how such health concerns do not affect men and women equally, and asking if any of that disparity can be tied to social practices rather than biological.

Gender enters the health concern of alcohol consumption in this state as well. Though the report does not put forth the connection, alcohol related automobile deaths in the state are high. Men die in these incidents disproportionately to women. Yet, drunk driving issues and policy agenda are inseparable from the proliferation of advertisements sponsored by MADD in the last two decades. This year’s legislature again failed to pass an open container law, leaving Montana among the short list of states without such a law. The Senate’s version of an open container bill, SB39, passed but was killed when it reached the House, due to debate over specifics.

¹⁶ health.yahoo.com/health/encyclopedia/000893/0.html. This website is reviewed by staff at the Department of Oncology, John Hopkins School of Medicine. My wife has been trained and works as an oncology nurse and found this information to the most clearly representative of her experience and understanding of these cancers.
Previously, the report presented age as a gendered category in focusing on the economic disparity of the elderly, who turned out to be mostly women. The same equation of age and gender is made in presenting health concerns. Health care for the elderly are predominantly concerns for women. The report finds that in 2002, 15% of Montana’s women are over 65, and by 2025 these women will make up 20% of the population. While children and women, as mothers, all frequently find themselves in the conversation of families and family care, the elderly do not. Care of our society’s elderly has clearly moved out of the nuclear family and become socialized. The nation’s Social Security has solidified a top spot within political platforms. The report acknowledges this movement.

The aging need increased sources for chronic health problems and increased availability of at-home health care, as well as increased access to assisted living (Kendrick, 2002: 17). Health care for the elderly concerns access and resources (or spatial relationships). The fractioning (from nuclear to extended) of family includes the synergy of women and the elderly.

“Nationally, 79% of the residents in assisted living facilities are women (ibid: 17).” At times throughout the report, family has been the centerpiece of analysis. The definition of family has not been a rigid one, appearing as single moms, two parent families with one, both or no parent working, and a varying number of children. Anthropologically, these variations would still all be considered “households.” As care for the aging enters the discussion, a perception of the family as extended emerges. The report statistically finds younger family members, or friends, providing unpaid, “informal care giving” to seniors. Women, as the elderly, not only necessitate most of the health care for the aging, they also provide it.

“Nearly three-fourths of those providing care to seniors are women” (ibid: 17). And as illustrated above, these seniors (79%) are mostly women. The framing of this debate appears very similar to that of mothering and childcare. The “typical caregiver is a married women in her mid-forties. She is employed full time and spends an average of 18 hours a week providing care to an aging relative” (ibid: 17). This

57 The homes mentioned are clearly not family homes. Working with CPACC I have seen the national and regional trend for young people moving away from their parents as well as elderly homeowners moving to new non-family surrounded locations in retirement. Both of these movements tend to leave the elderly in homes without the prospect of familial care at a time when, as seen, their income drops and health care needs/expenses rise. The AARP is dealing with these dynamics as they focus on affordability policy such as ADUs (accessory dwelling units) often refereed to as “granny apartments.”
seems analogous to Woman the Gatherer subsistence practices and the common undervaluing of women's work.\textsuperscript{58}

To say that this informal caregiving, or in-home caregiving, is unpaid only exposes part of the burden. Most of this informal care costs families money. The Joint Appropriations Subcommittee on Health and Human Services of the 2003 state legislature heard testimony from a packed room of people concerning the issue of in-home health care costs and expenditure.

But budget cuts to in-home health care aides and reductions proposed for personal care assistants in the fiscal 2004-05 budget threaten those services. Proposed Medicaid reductions and other service cuts threaten the quality of life people living in nursing homes, community homes and at home have come to rely on (Farrell in Missoulian, 1/25/03: A2).

The report makes clear that those affected as care recipients are women. Another Missoulian article (1/12/03: G1) covered the growth of technology and health care jobs. Although these are predicted to be the fastest growing jobs, health care positions were represented as low-wage, especially at the levels of home health aide (for which little specific education is required), and filled predominantly by women. This provides another example of synergizing healthcare, education and the economy in women's policy.

Choice and the Privacy Clause

Individual dignity. The dignity of the human is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas (Article II (Declaration of rights) Section 4 of Constitution of the State of Montana).

Right of privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest (ibid: Section 10).

In the report, issues of individual health care needs, disease, aging and the informal caregiving (and the notion of the extended family) are ones of access, resources or state intervention (in the form of appropriations). Other women's health issues and policy focus on autonomy, privacy and human rights. In addition to recommendations concerning reproductive freedom and teen-pregnancy, an unforeseen but

\textsuperscript{58} I have a hard time, aesthetically, with differentiating this statement from simply putting a price tag on everything. In other words, does this commodify both goods and relations, the material and the social? At
timely recommendation appears. "Allow insurance coverage to same-sex partners" (Kendrick 2002: 17).
Missoula has been a focal point in this issue since two women challenged the University of Montana for not providing insurance coverage to same-sex domestic partners. The subsequent alleged arson attack on their home greatly ignited the debate over same-sex insurance, domestic partnership rights and hate crime legislation. The quick outlook shows that none of this legislation fared well. A recap of human rights bills introduced to the 2003 state legislature found dead, bills supporting extension of hate crimes to sexual orientation, gender or disability, elimination of sexual conduct with a person of the same sex as deviant and extension of health benefits to unwed domestic partners (Missoula State Bureau; Allison Farrell, Charles S. Johnson, Jennifer McKee and Courtney Lowery in Missoulian 3/2/2003: B6). In spite of the bills’ failure, proponents often claimed success in the extent to which these issues emerged on the regional political radar and expressed great hope for their future.

I attended a series of lectures commemorating the 30th anniversary of the state’s Constitutional Convention during the early autumn of 2002. The lectures and following panel discussions on the privacy and dignity clauses unearthed some of the underlying social and legal grounds on which these human rights bills are being defended. Privacy and dignity, as legal definitions, became intertwined with philosophical notions of basic human rights. Privacy as a term seemed secondary to tangible examples such as private property, freedom of bodily and spiritual space. Almost all of the legal precedence involved sex. Montana state law, with the "Katz" case, finally defended consensual homosexual sex. This case involved two people and a phone booth, simultaneously establishing the right to homosexual sex and privacy as the protection of persons, not places. The philosophical recognition of sovereignty of individuals (bodies) and not property alone removes a certain amount of economic categorization of human rights. As UM professor of law, Bari Burke, kept looking through legal history for the “coherent core of privacy” the moral, cultural judgements and subjectivity of law was exposed.

Professor Larry Elison found these subjectivities in the formation of the dignity clause. He reflected on the history of the Constitutional Convention, its influences and the discourse surrounding it, settling on a statement of the uniqueness of both privacy and dignity expressed within the document. He

the very least it walks the line between making a unique gender analysis and simply adding gender to an economic model.
39 Professor Burke teaches, among other things, seminars in Law and Gender as well as Law and Sexuality.
also hinted at the ramifications of those clauses. These ramifications that will not be seen until cases and
bills such as those discussed above are pushed before the state judiciary branch. He likened these
possibilities to the outcome of Roe v. Wade on law and public policy.

The privacy and dignity clauses provide much of the legal ground under many of the health issues
the report claims as women’s. Privacy and dignity of the individual body remain at the heart of claiming,
promoting or defending health issues such as reproductive freedom including abortion, contraceptive
choice, partner choice as well as domestic violence.

Young women, young mothers

The report begins discussing reproductive freedom with the issue of teens. Teens have certainly
found the freedom to reproduce, as the report’s statistics reveal. The report primarily focuses on the drop
in teen pregnancy. “Since 1981 the teen birth rate has dropped 33% in Montana. Two-thirds of teen births
are to young women aged 18 and 19” (Kendrick, 2002: 18). This is reported as a positive aspect of teen
pregnancy, because older, not younger, high school aged teens that are becoming mothers. These are
women in a liminal age range under the definitions of public policy. As the following goals and
recommendations make clear, the decrease in teen pregnancy, and an upward shift in age range for teen
pregnancies, reflects the success of early, publicly sponsored sexual education. This education includes
access to information, as well as sexual health care facilities and contraception. The report represents this
as gendered in two ways. Most obviously, it is young women who get pregnant. Second, because
pregnancy compounds the difficult economic situation in which the report finds Montana women. That is,
“Teen parents are less likely to finish their education, more likely to raise their families in poverty. Less
than one-third of teen mothers ever complete high school” (ibid: 18). Again, missed education, low-wage
jobs, and the ramifications of poverty become a socio-economic burden, reaching both into and beyond the
individual’s life. Therefore, the report policies advocate prevention through education (as the report states
is effective), and support for continued education, when and if young women become young mothers.60 By

60 This policy stance faces rigid challenges in the form of the current federal administration’s policy on sex.
These opposing policies include restricted sex education focused on abstinence only advocacy and no effort
to require insurance to cover contraceptives. Montana HB 526 made an effort to change the later expressed
in its defense by Rep. Christine Kaufmann, D-Helena, “We expect our health insurance to cover our basic
health care needs. This is a basic health care need of women in their childbearing years” (Missoulian,
supporting education and increased facilities, the report argues for reproductive freedom in both ideological terms and in economic terms. The economic health of women, and hence the community, continually underlies nearly every section of the report.

*Whose body shall be legislated*

Abortion accounts for a surprisingly brief section of the report's analysis of health care issues. Abortion is presented simply to reaffirm that, "Montana does not have legal restrictions denying women abortion services" (Kendrick, 2002: 18). But a lack of restrictions does not mean complete freedom.

According to the report, because abortion and other reproductive health concerns involve medical facilities, freedom should include access to these facilities. The language does not equate freedom of choice or access with encouragement for abortions. "Better information and access to contraceptives, and nonsurgical abortions may be contributing factors to a decrease in the number of surgical abortions (3,471 in 1980 to 2,441 in 2002)" (Montana Vital Statistics in Kendrick, 2002: 18).

Of course, the same right to bodily freedom or bodily rights that are claimed by pro-choice are equally claimed by pro-life. The difference lies in whose body has the primary right, mother or unborn child. Thus, pushing a debate concerning the definition of a living body, bodily rights and age. Currently that is taking the form of legislation concerning fetus age, and fetal pain (or administration of pain killers) at the state and national level. Such legislation results in the right to life of a fetus increasing as it grows.

2/13/03 p. B1). My wife reminded me that Planned Parenthood has made it affordable for many women to receive not only contraceptives but also regular gynecological exams, sexual education and support. This federally funded organization has already been cut from foreign aid packages. The battles to minimize the discrimination and violence surrounding users (mostly women) of Planned Parenthood and other reproductive specific clinics has been hard fought. "A measure backed by the House... would make it a crime to obstruct people entering or leaving a health care facility, which supporters said would help prevent harassment and intimidation by anti-abortion protesters (Curt Woodward Missoulian 2/23/03 p. A11)."

The eight-foot bubble of protection measures out the definition of privacy as a bodily right. The sort of intimidation and discrimination the bill proposes to combat goes beyond just abortion, as the article notes that "fewer than 10% of patients at facilities like Missoula's Blue Mountain Clinic and Planned Parenthood are there to get abortions." It is of no small gender note that in her life of feminist activism Judy Smith helped found the Blue Mountain Clinic, as well as the policies of reproductive freedom it, in part, represents, such as her spearheading of Roe v. Wade.

I recall a letter to the Missoulian interpreting all feminists and pro-choice supporters as people who have had or wish to have abortions. I offer this letter's view in the way Diane Nelson offers jokes in her ethnography *A Finger in the Wound*. Nelson, in part, sees jokes as a simplified profession of social understanding. While the profession may be highly polarized it can still be informative.
along with a consequent decrease in woman’s choices, thus freedoms. Women’s policy continually includes the child within the sphere of women. Comparatively, anti-abortion rhetoric usurps this child, and places it within its own sphere of privacy and in need of human rights protection. Language embodied in the report tries to depolarize the abortion debate (away from Pro-Life v. Pro-Choice). Those slogans are conspicuously absent from the report. Ostensibly, that absence is intentional and aimed at making the issue of women’s reproductive freedom less polarized and less partisan, than has historically been the case with abortion legislation. Abortion is an issue around which both sides of the debate claim to be defining women’s issues. A letter to the editor of the Missoulian makes this quite clear, effectively countering the report’s effort to claim this particular women’s issues and the alliance of women’s issues in general.

I am responding to an article entitled "Women of Action" (Missoulian, Nov. 30). This Montana Feminist History Project was a collaboration among the UM Anthropology Department, Women’s Studies, the Mansfield Library and community residents. Sixty histories were recorded from a diverse sampling of geographic, political and racial backgrounds, along with Women’s Advocacy groups.

I take exception to the exclusion of conservative women activists, who have worked very hard to save the unborn baby in such groups as Eagle Forum, Christian Coalition, Right to Life and Concerned Women for America. We have lobbied our Montana state and National legislators consistently over many years and have been compassionate regarding the unborn baby and the mother-to-be (Women Activists "Conservatives working to end abortion" in Missoulian, 1/7/2004: A7).

In a similar fashion, both sides of the contraception debate have claimed discrimination. As a women’s health care policy, insurance companies are encouraged to provide contraception coverage; both a freedom issue and as a tie to sexual education, disease prevention and the socio-economically detrimental individual and community effects of not doing so. This could be interpreted as a further implementation of the non-gender insurance legislation passed in 1983. "Denying women contraceptive coverage while paying for other drugs is gender discrimination" (Farrell in Missoulian, 2/13/2002: B1). The opponents to Christine Kaufmann’s HB 526 claim discrimination in the form of religion. They claim that the legislation

---

62 Nowhere have I read or heard of where the father’s rights might enter. Child support laws make it nominally clear that the father has responsibility, thus attachment to a child, after birth. But none of the abortion debate seems to focus on any of the pre-birth right or responsibility of fathers in connection to the fetus. This contrasts with the involvement and connection between fetus and father promoted by childbirth practitioners. Having just become a parent I have been interested but unsurprised to learn how this relationship has just emerged in the last generation. Our midwife, Dolly Browder, epitomized this change in her teaching and historical perspective of birthing. In visiting with other recent fathers and mothers, in spending 9 months trying to internalize the sensations of pregnancy, and in being as intimately involved in the birth of our daughter as possible I remain certain that this process separates males and females in a physical way that no gender equality can bridge.
would require Catholic insurers or hospitals to promote or support contraception. Cost analysis is argued on both sides of this policy, with proponents favoring the long view and opponents the short.

*Un-targeting women's bodies*

Most of the women's health policy in the report essentially establishes the bubble of privacy around women's bodies and recommends the resources to care for that private entity. Domestic violence policy uses that bubble, and those resources, as a true encapsulation of privacy, restating the sovereignty of an individual's body to not be violated or acted upon un-consensually, and to be aided when such violence does occur. 63 Within the report this is also defined as a women's issue.

The report repeats the words “violence,” “assault,” and “domestic violence.” The usage of these terms maintains the distance between these acts against women and any notion of sexuality. It also maintains blame and responsibility on the assailant not the victim. And the victims are women. “Montana Domestic Violence Statistics” lists “97% of the victims are women” (Montana Board of Crime Control in Kendrick, 2002: 19). The report keeps the focus on Montana while trying to demonstrate the severity of reported domestic violence in 2001.

More than 14,000 calls were made to domestic violence crisis lines.

More than 6,000 women received direct and related assistance.

Approximately 2,500 women and their children stayed in shelters across the state (ibid: 19).

These statistics maintain a focus on prevention and supportive resources. Each statistic mentions a resource. And the side-by-side claim that “only about one-fifth of all rapes are reported and only one-fourth of all physical assaults are reported,” leads to policy recommending more resources (ibid: 19). Recommending resources is not the only way the report overlaps domestic violence and the economic status of women.

Poverty is introduced as part of domestic violence in two ways. First, women in poverty have less capability to access what resources do exist; “such as education and job opportunities, adequate childcare

---

63 This claiming involves the kind of language and ideology represented, again, by the “Vagina Monologues.” The Monologue titled “My Short Skirt” exemplifies women claiming not only their bodies but also their right to self-expression without the fear of violence.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
and lack of safe confidential shelter services" (Kendrick, 2002: 19). Secondly, “lower-income and less educated women are more likely to be the victims of intimate partner abuse” (ibid: 19). All of these references to social standing and social resources reinforce the difference between the body as a private entity and it’s protection as public, community or social responsibility. The dual notion of the body as private and as necessitating protection has different ramifications. The Montana legislature recently voted in favor of a statement that the state has a “compelling interest in the unborn fetus.” This recalls professor Elison’s statements on the dignity clause including the involvement of community in upholding a standard of dignity. This overlaps in the current legislative debate over bills to restrict or rewrite strip club laws. On the one hand, the moral argument (defined as such by those making it) seems to align community enforcement of dignity, religious piety characterizing “strip clubs as either home-breakers and breeding grounds for sexual violence.” On the other, dancers and club owners wield the argument of bodily freedom, even artistic expression, in claiming the same venues as, “clean, regulated businesses that offer good jobs and legal entertainment” (Gouras in Missoulian, 2/14/03: A2). All of these examples resound with the feminist slogan of making, or acknowledging the "personal as political."

The report recommends further socializing prevention, support mechanisms and facilities for domestic violence. This is not entirely new policy, it is simply an extension of the amount the state and communities have already funded, and understood domestic violence as a social, not private, issue. Laws already provide for the apprehension, prosecution and incarceration of domestic violence offenders. Laws provide for the defense of victims. The report advocates broadening and funding legislation to make more of the domestic violence intervention engage prevention and victim treatment. The report’s policy recommendation also moves this social support spatially into rural areas that encompass an economic differential. "For rural women the problem of domestic violence is intensified by increased rates of poverty" (Kendrick, 2002: 19). The report utilizes language that places blame on the conditions common to rural-ness, not on the individuals in that space. And the policy discourse does not aim to change laws, rather expand their scope, meaning better funding.

64 None of the strip club bills had made it out of committee as of this writing. And it is notable that most of the moral stance bills, or bills not directly dealing with revenue and appropriations are debated early in the session. I have not seen reportage of a single, strip club, same-sex marriage, public decency or marijuana legalization bill since the mid-session break. I do not intend this list to be a grouping of like issues in any way, except their absence from the session’s second half.
Statistics fill this section of the report. Part of the report’s discursive power is the cumulative power of statistical repetitiveness. Repeated use of figures, with attention to the overlapping categories (domestic violence and women, rural-ness, poverty, Native Americans, the economy) help to express the severity of the issue in a text devoid of personal accounts. Photos are the closest the report comes to portraying any single individual. As mentioned, personal accounts, have been recent, affective traditions in policy, lobbying and journalism, especially concerning health and human service issues. The report’s section on healthcare marks the longest span of pages in the report without a photo. This section contains the only language describing women as victims.

Age, again overlaps with the category of women when the discussion moves from domestic violence to rape and sexual assault. Age, in this case, implies education. The report presents victims of sexual assault as school aged young women, especially college students. This is reflected in the promotion of education as a continued policy for reducing such crimes.

The incidence of reported rapes in Montana nearly doubled between 1990 and 2000. Again, this may in part be due to increased public awareness that rape is a crime, the increase in victims’ assistance programs, and better prosecution of the crime (Kendrick, 2002: 20).

Appropriately, in Missoula, much of the education surrounding sexual assault and intervention takes place on the University of Montana campus. The “Vagina Monologues” have been performed annually for the last 4 years and are primarily a campus phenomenon across the country. “Love Without Fear” week, surrounding Valentines Day, aims to reflect on victims of domestic violence and is sponsored by YWCA, UM Women’s Center, Student Assault Recovery Services and the Crime Victim Advocate Program. April is Sexual Assault Awareness Month. And the recent addition of a Women’s Studies program to the school has led to continued efforts to educate the campus and community about women’s issues. Yet, it remains difficult to ignore the image of educational institutions as virtual havens of sexual assault and victimization. Recently, UM President George Dennison wrote a long guest column in the Missoulian defending the schools “obligation to maintain freedom of opinion and expression on the campus” (Dennison in Missoulian, 2/13/03: B5). The letter was in response to charges that he and the

---

65 The advertisements for this include apparent sponsorship by the YWCA, from which Missoula staff members actively participated in the reviews and comments about the report, and the Curry Health Center located on the UM campus. The grant came from Violence Against Women Office, an arm of the US Dept. of Justice.
university should ban performances such as the “Vagina Monologues,” under the general premise that they promoted women’s sexuality in a way that leads to the victimization they aim to prevent. Dennison kept to a very politically safe line in simply underlining the promotion of freedom, “to learn from discussion and” debate of conflicting viewpoints (ibid: B5). He did so, in spite of the events promotion by the same organizations that deal with sexual assault and women’s health care; the same organizations that sponsor “Love Without Fear” week and who experientially support these educational events as tools in preventing violence to women, not just as discussions of viewpoints.

The overlap of age moves to older women as the definition of abuse toward women expands to include “emotional and psychological abuse, financial victimization and physical abuse” (Kendrick, 2002: 20). This type of overlap, again, serves to broaden the category of women thus broadening the base of support for policy. It also broadens the social scope policy must engage. Recommendations include support spanning federal programs, such as the Violence Against Women Act to “conflict resolution and violence prevention curricula in all Montana schools.” This entails both properly training individuals in these programs and funding locations for responding to the victims. The breadth of this policy is seen in the goal for this section.

Every Montana woman is safe from violence in intimate relationship, in her home, and on the streets of her community. Montana communities have appropriate services for women who are victims of domestic violence and sexual assault (ibid: 20).

Thus the privacy and dignity of a woman’s body moves with her, from her personal encounters to her movement throughout the communities of Montana.

In acknowledgement of these efforts, it would be wrong to read the report policy as solely recommendations for social support and funding. The policy should be seen as both recommendations and a history of the support women have already created and continue to create for themselves. And in fact, the recommendations in this section reflect back on legislation already in place or historically made law. Many of those recommendations include language encouraging; support for, expansion of, or maintenance of existing services. The legislation of those services is clearly spelled out.

Support the reauthorization of the federal Violence Against Women Act…

66 Anthropology presents strong arguments for the social character of human physical interaction. Studies focusing on the “elevator syndrome,” or body kinesthetics such as in The Dance of Life illustrate the effects of culture on the very ways humans move in relation to one another. This has definite implications in discussing the learn-ability or teach-ability of physical violence or non-violence.
Maintain Montana's law that provides for victims of domestic violence...

Maintain Montana's strong commitment to reproductive freedom...

Expand diabetes prevention and reduction programs... (Kendrick, 2002: 18-20)

This contrasts with the first section's recommendations for the economy. Therein the language reflects mostly new efforts aimed at improving women's economic status. Fewer standing pieces of legislature are mentioned. The verb usage in the first section illustrates this. The recommendations look to; develop, incorporate, conduct, fund, adopt or invest in new ventures. It appears more women specific policy has been incorporated into Montana's health care than business sector.

*Women helping women and experiential knowledge*

In addition to content, the form of the report says a number of important things about how women are depicted, defined or redefined in Montana public policy. Every section of the report concludes with a column of appropriate goals and recommendations for policy to address the concerns of the preceding section. Equality for women in comparison to men is the leitmotif of nearly all the goals.

Recommendations follow. They are meant to be the steps necessary to achieve the goal for each section. The division, within the economy section of the report, covering job and pay equity provides a clear example.

Goal: Montana working women have equal opportunity to gain economic self-sufficiency.

Recommendations: Conduct a pay-equity study of local and state government employees to evaluate Montana's performance on equal pay for equal work (Kendrick, 2002: 7)

The report's goals and recommendations differ from the attempted objectivity of the "Civil Rights in Montana: 1982" commissioned by the federal government. Goals are singular statements that reiterate, in the terms particular to each section of the report, the equality of women. At times, these statements are made so simply as to seem irrefutable, as is illustrated by the passages above. Such statements assign no direct blame, nor do they victimize or leave real room for debate. Therefore, they largely avoid predetermined partisanship, leave the greatest room for inclusion of allies and seemingly little space for contradiction.

85
Every single Recommendation proposes legislative change. Each section of the report progresses through a narrative of generalities about women's social positions and statistical groupings within the category of women. The Recommendations then carve into specific social sites. As for example the pay-equity studies, funding of Montana's low-income housing trust fund and adoption of the Self-Sufficiency standard illustrate. And as I have mentioned, Terry Kendrick pointedly wrote and published this report for presentation before the 2003 legislative session. She then spent most of that session lobbying at the legislative session for Fair Share.

Terry Kendrick and Judy Smith recently co-founded and immersed themselves in Fair Share. Facing the dire state budget of 2003, Fair Share is made up of disparate state organizations concerned with health and human services. Collaboratively, they have aligned to offer mutual support in lobbying to keep Montana's Health and Human Services budget intact. The effort professes a non-partisan, non-competitive (internally) voice and has used personal stories, and profiles of human costs in defending its agenda. This is a tactic that emerged, in part, alongside women in journalism. Women took the “pink collar beats” of family, health, children, domestic life and politicized them incorporating public policy and hard new elements instead of the traditional “fluff sob story” (Daugherty, 2002: 75). In the early '90's, more than half of the major dailies created children or family beats as a result of the success, worthiness, strength and attention women journalists brought to these issues. Examples include uncovering homelessness and the crack-cocaine epidemic. “Today people are not moved by bare facts but are interested in knowing and understanding people's feelings and reasonings...they want to look at the social phenomena hidden behind the facts” (Lopez, 2001: 100). The Missoulian printed a series entitled “Balancing Act” as a pre-legislative (2003 session) introduction to the Health and Human Services concerns. The stories focused on profiles of individuals, including somber photographs of women and men who depend on those services for their health, if not life.

This technique of presentation comes from a reliance on experiential truth that women are bringing to policy formation. In other words, the experience of being paid less as a woman in the workforce informs the voice that encourages public policy to study pay-equity. Tying women's equality to pay, or measuring that equality with pay, as the barometer, has been in the policy spotlight for at least the
twenty years that the report aims to overview and build from. However, that gauge is only a part of the report’s assessment of women in the Montana economy.

Interspersed between the goals and recommendations, the report recovers the past and current statistics of women in Montana, as well as advocating decisions for the future. Terry Kendrick, and those who aided in researching and writing the report, acknowledge themselves as activists, if not feminists. In part, they use collaboration and interdisciplinary approaches to define themselves as such. Kendrick opens the report with a partial acknowledgement of this:

This project has been a collaborative effort. Many people contributed ideas and information on which issues should be addressed, how progress should be measured, and which recommendations were most important for Montana. I give my heartfelt thanks to members of Montana Women Vote, my co-workers at CPACC and WORD, and friends and colleagues from the community who helped with the content, editing, and design of this report (Kendrick, 2002: 5).

A strong example of women’s coalition or collaboration in policy creation comes mid-report. “Legislation passed in 1993 provided capital for twelve statewide loan funds to assist microbusinesses” (Kendrick, 2002: 14). Two advocacy groups were at the helm of this legislation, Montana Women’s Capital Fund and Women’s Economic Development Group. “This dedication of resources to provide technical assistance and loan funds has contributed to Montana being one of the top 10 states for fastest growth in women-owned firms” (ibid: 14). Here the report directly correlates legislation with benefits to women.

Collaboration also can be seen in Terry Kendrick’s use of sources, such as the McAuley Institute:

McAuley Institute is a national, nonprofit housing organization founded by the Sisters of Mercy. McAuley provides state-of-the-art technical assistance and financial resources to grassroots organizations that work to expand housing and economic opportunities for low-income women and their families. McAuley is staffed by experienced community development professionals. Nearly all of the initiatives McAuley supports involve multiple partners - including churches and other faith-based congregations, community-based groups, banks and corporations, government agencies, universities, hospitals and civic associations (www.mcauley.org).

Advocacy of a socialized market system, as opposed to a completely free market follows the feminist critique of Marx as not seeing the gender in the inherent inequality of Capitalism. Feminist critiques of Marx and Capitalism have been advanced in the last few decades in anthropology. There is not space in this thesis for a thorough review of such critiques but they appear in many of the references and authors I have used herein, including; Henrietta Moore, Debbora Battaglia, Sherry Ortner, Judith Williamson and Diane Nelson to name a few.
This description, from the McAuley website, reflects the same concerns and activist (nonprofit) approaches as the WORD and CPACC mission statements quoted in the first chapter of this thesis. Although WORD proclaims its collaborative efforts (as exampled by the acknowledgements at the opening of the report) those efforts appear to be currently unidirectional. WORD projects, and more pertinently the report, often include outside organizations or individuals with connections to outside organizations such as the YWCA, members from the Montana Women’s Lobby, city planners or Montana People’s Action/Indian People’s Action. But the WORD staff has been conspicuously absent from many of the other statewide women’s organizations meetings and conferences I attended. This includes the League of Women Voters and Montana Women’s Lobby, the latter of which has the sole purpose of being an umbrella group to coordinate and reinforce the relationships between statewide women’s groups.

This solo approach by WORD can be seen in the references Terry Kendrick used in researching and writing the report. Many of those references are national, such as the U.S. Census, The Center on Budget Policy and Priorities, State Rankings 2002, National Center on Elder Abuse. Many of them are not Montana based; The McAuley Institute, Chicago Women’s Trade, The Digest of Educational Statistics or Center for Policy Alternatives. Some are Montana based such as Montana Job Gap Study, Montana FAIM Evaluation Report, Self-Sufficiency Standard Report for Montana 2002 or Montana Office of Rural Health to name a few. There are many absent, which I have repeatedly been told are obvious oversights, and leave serious gaps in the academic validity of the research. At the least, they pull the report away from the stated focus of being Montana specific. No references are given for resources at the University of Montana, despite higher education being lauded as integral to improving the status of women within the report. The university has a growing Women’s Studies program, which hosted a focus group meeting for Terry Kendrick early in the writing and research process, but had no further or apparent input on the report. There are many resources at the University which appear to be researching similar issues as the report. For example, Steve Seninger is a researcher at the UM’s Bureau of Business and Economic Research and the director of the Kids Count project. His research concerning the rate of uninsured kids in Montana was recently featured in the Missoulian and appears to overlap the concerns of the report as the report continually places children’s needs within the category of women (Betsy Cohen in Missoulian, 11/5/2003: B1).

88

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
This diverges from the adherence to local alliances and personal experience, which support and motivate articulation of many women's issues and the activist who have promoted those issues. Vivian Brooke's motive for running for the state legislature came from involvement in local activist groups, such as Catholics for Free Choice and League of Women Voters. Her legislative fight for a new women's prison came from her alliance with long time state legislator Pat Reegan (D-Billings), as well as personal visits to the old women's facility. Mae Nan Ellingson also ran for her position on the 1972 Constitutional Convention due to involvement in local activism with GASP and the League of Women Voters. Later, she helped form the first Women's Law Caucus as one of only seven women (of about seventy-five students total) in the UM law school. And having been an Indian educator her adult life, lawmaker Norma Bixby continues her effort to improve Native American schools as well as statewide education about Native American history and culture.
Chapter Four: Women in Education and Politics

Education; from learning to earning

The Montana Women's Report's section devoted to women in education, ultimately, reiterates the document's continued theme of economic equality. That is, there's a constant economic valuing of the different sections within the report which constitute women's status in Montana.

Education is critical to women's economic self-sufficiency. Women ages 25 to 34 with a bachelor's degree or higher earn about 60% more than women with only a high school education (Kendrick, 2002: 21).

Last summer I had the opportunity to interview Mae Nan Ellingson. We met in a large, lush conference room fashioned in dark leather, dark stained wood and shelves of unwieldy law texts that occupies the top floor of Missoula's Millennial Building. Ellingson prepared for her career with the law firm Dorsey and Whitney along a path of higher education and early activism. As a political science major at the University of Montana she focused her study on partisanship in the legislature. During the course of this study, her understanding of partisanship changed, as did her life. The Vietnam War both claimed her husband's life and changed her involvement in politics from primarily scholastic to activist. Ellingson's involvement in student protests melded with her activism as a GASP (Girls Against Smog and Pollution) gal helping to drive the environmental movement in Missoula, the legacy of which still underlies much of the city's political attitudes and undoubtedly its cultural ones.

Ellingson helped advance the call made by the League of Women Voters in support of the 1972 Constitutional Convention (Con-Con) to rewrite Montana's constitution. She sought and won one of Missoula's eight seats at the convention, the youngest member and one of 19 women. Ellingson later was elected as a legislator and recalls how the activity of women in and behind the Con-con helped change the face of the legislature, in which very few women had previously participated. Ellingson also recalled a fellow Con-con delegate, Margerie Brown, as the "mother" of our state constitution. It is hard to keep Ellingson's education, activism and early political career separated, as they all overlap in time and motivations. Ellingson entered the UM graduate law school as a way of following her belief that changes necessary in the social life she saw around her must also be supported in the legal system. One of seven
women in the law school at the time (there were about 75 total students), Ellingson helped start the 
Women's Law Caucus as a vehicle of moral, social and economic support. Along with her female 
classmates, she shared doubts about being able to find jobs, as women, once they graduated. But mostly, 
the WLC helped her get through a program in which she did not recognize much other support. 

The education section of the report begins by recounting the “closing gap” in education between 
men and women in the past two decades. Montana achieved one of the highest high school graduation rates 
in the nation for women, 88%, by 2000. This again is linked to self-sufficiency, as illustrated by the 
increase in earnings, quoted above. But, the report moves past simple parity in numbers of graduates. 

Montana students rank high in their proficiency in reading and math. Girls' scores in 
math and science through high school have reached near parity with boys' scores. While 
this is good news for women and girls, these rankings mask the difficulties and 
limitations of Montana's education system in meeting the needs for at-risk students and 
eliminating sex-segregation in education and career opportunities for girls and young 
women (Kendrick, 2002: 21). 

This dilemma sets the agenda for the report's section on education. The statistics illustrate the 
capabilities and progress women have made in reducing gender discrimination in education, while 
explaining continued inequality in organization, curriculum and social environment within the system. 

As the quote above reveals, the report first takes on the issue of parity in curriculum and 
affordability. Math and science are exposed as the academic bar against which educational success must be 
measured. This appears as women successfully entering social areas that have been traditionally occupied 
by men. Some feminist critique finds this movement to be an assimilation of women into the historically 
male educational system, as opposed to the creation of parity based on equalizing the value of women’s 
unique aptitudes and attributes. As such, math and science remain throughout this section of the report as 
the benchmark. The report makes no sustained challenge to the subjects traditionally used in measuring 

68 Zdenek Salzmann summarizes Noam Chomsky's linguistic theory of an innate human grammar in his 
book Language, Culture and Society (1998). The idea has great implications for educational theory and 
makes no mention of gender as a category influencing the innate grammar, essentially the ability to learn. 
Language has long been paralleled with math and science as ways of thinking and for the similarities in 
acquisition and aptitude. Combining these two understandings dismisses the possibility of sex determining 
an individual's ability to think rationally, and learn math or science more easily than other ways of thinking. 
"The capacity of all normal children, regardless of ethnic background, to acquire any one of the several 
thousand national languages with the same degree of mastery and according to approximately the same 
timetable is a strong indication that speech is innate throughout the human species and that all languages 
are simply variations on a common basic structural theme" (Salzmann 1998: 129). 

91
proficiency. The statistics of women's success in the fields of art, humanities, writing, performance... are not given. This, in many ways, aligns with the report's earlier economic focus of moving women into higher paying technical, medical, engineering and other traditionally male professions. These professions often culminate after years of education in math and science.

The decision to maintain a focus on the core curriculum of math and science involves economics. Later in the section on education, math and science curricula are portrayed as the path to good paying jobs. These jobs continue to be held largely by men. First, the report shows that this is not to be blamed on women's failure to succeed in education. "In 1981 women received 45% of bachelor's degrees awarded in the state. By 2000 the percentage grew to 53%" (Kendrick, 2002: 21). The report does not directly indicate the causes for this increase. Nevertheless, the argument would be more effective if a cause and effect relationship were attempted within the report, such as the 1995 governor's authorizing of enrollment in post-secondary education as part of welfare reform.

Next, simply earning degrees does not equate to life-long, economic parity or even self-sufficiency. The report denotes the continued under-representation of women within higher education and employment thereafter:

Although women earn more than half of all degrees, they are much less likely than men to earn bachelor's degrees in computer science, engineering, physical sciences, or mathematics. This gap takes on more significance in the labor market. Salaries are among the highest in the fields of mathematics/computer science and engineering-fields in which women are underrepresented (ibid: 21).

Even so, report supports the importance of the fields in which women make up the majority to the "health and well-being of communities" (ibid: 21). The picture seems ironic. The report illustrates the problems for women in education and other human services, then shows that women continue to "graduate with degrees in Education and Social Work" (ibid: 21). Almost all the women I have encountered engaged in the making of the report, and those who work around the very issues it highlights, are working in non-profit, social work, social services, education or related fields. It mirrors the trend of women composing the majority of health care workers yet struggling with health care needs.69 But these fields continue to pay

---

69 During the writing of this thesis my wife is one of seven nurses on her floor alone who are pregnant or have just given birth. They are all members of a nurses union. Yet the hospital has recently dismantled its daycare facilities and has no child care support or benefits for employees. The hospital also just hired another male president over a female candidate.
low wages. And as seen, even within these fields, women pool at the lower administrative levels. The end result vividly appears as gendered economics.

The median wage for a woman with a bachelor's degree in 1998 was about $15,000 less than for a man with a bachelor's degree (Kendrick, 2002: 21).

The report recounts similar results in vocational training and job placement. The subheading for this piece, "Still Sex-Segregated After All These Years" implies the history of roles considered "traditionally female" (ibid: 22). The statistics illustrate the gender effects still present in this sector of education and the workforce:

Nationally, 77% of all employed women work in only 20 out of 440 occupations. Vocational training offers opportunities for women to learn the skills to compete for jobs in the higher paying trades and technology fields. In Montana, women constitute less than 15% of employees in these occupations (ibid: 22).

Again, rhetorically focusing on national status of women does not make the best sense when the "Montana Women's Report" claims to be supporting localized solutions and is aimed at the state legislature. This particular statistic came from Chicago Women in Trades, an unlikely source that further illustrates the absence of local resources utilized within the report.

While vocational training offers the opportunity, the report reiterates the ideology underlying women's occupational inequality and the recommendations aimed at addressing that ideology. The filling of "traditional female" programs and jobs can not be seen as "independent choices made by young women who enroll" (ibid: 22):

The National Women's Law Center maintains that sex segregation in vocational training programs is not a result of independent choices made by the young women who enroll. The patterns are a result of biased educational counseling from academic advisors, insufficient information to students on the economic consequences of their career choice, and sexual harassment of young women who enroll in nontraditional training programs (ibid: 22).

Statistics, ideology, policy. The report continues this format of portraying the place of women, explaining the causes and recommending the avenues of change. Here those changes, in the form of policy recommendations, again involve young women having access and information about "a full array of educational choices and are not channeled into sex-segregated occupations."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
The education section of the report reiterates age as significant to the categorization of women. With education, "young women," emerge where before the report spoke of children and kids. This is a shift from addressing those individuals, marked by age and gender, as needing protection and resources funneled through parents, in the form of welfare or healthcare, to addressing their need for resources, increased access and changed ideology as coming directly from the state, via public education.

**Sex-segregation, moving past assimilation**

Whereas women appear to be segregated from particular degrees and hence jobs that equate to self-sufficiency, the report finds Native Americans segregated much earlier in the process.

Native Americans are approximately 7% of the population in Montana. Native American students make up 13% of the school enrollment but account for 25% of the drop out rate. Only 60% of Native American students in the state finish high school. Females represent 48% of the school enrollment and 43% of those who drop out (Kendrick, 2002: 21).

Bringing Native American's place in education into the analysis explains a large part of what the report began by calling "at risk populations." In doing so, the statistics repeat the policy credo that, in order to cause the most change the people with the most to gain should be targeted for change. The economic outcome of Native American's education rates is not pursued. The implication is to substantiate that theory of change. Self-sufficiency will best be achieved with policy and social service input at the earliest possible stages, and maintained through the educational process. Prizing education as a tool to self-sufficiency, in this way, upholds education as a solution to a lifetime dependency on social services and thus long-term burdens on those services.

Besides epitomizing those with the most to gain, Native American's present solutions to the actual problems within education. At first, as illustrated by touting math and science, the report approaches education as innately beneficial and simply in need of continued de-segregation. In other words, education is fine, women and Native Americans just need to be assimilated into the system more equally. That argument does not hold with the report. As stated above, assimilation must include equal access and information.

94
Form should follow content. As women, and as Native Americans, enter the educational system and remain in that system through its upper echelons, the form of that system must change. This type of policy upholds assimilation only if assimilation has a component of compromise. Here the report takes the example of Tribal Colleges.

These colleges combine education with cultural relevance and serve geographically isolated populations that may have no other access to higher education. There are seven tribal colleges in Montana and 32 tribal colleges nationwide. 85% of all students in tribal colleges are at or below the poverty line. Nationally, 64% of students in tribal colleges are women and the average age is 31 (Kendrick, 2002: 22).

The different demographic illustrated within tribal colleges can not be seen as separate from the different form the educational system takes. Northern Cheyenne member, Rep. Norma Bixby, spoke recently about Indian women and leadership. As a legislator, she recounted her struggle to learn how to participate in a political arena that does not recognize, and in fact excludes, organizational practices and ways of socially relating that she feels are part of her identity as a Native American and as a woman. She juxtaposed her efforts to learn aggressive and competitive speaking and behavior in order to assimilate with the broader methods of assimilation implemented at the avant-garde Crow Indian Reservation Tribal College, founded by Janine Pretty-on-top. The college teaches 25% of its classes in Crow language and emphasizes Crow cultural values while preparing students to enter accredited four year universities in, of course, math and science. She explained the difference as one of assimilation with respect for self-determination and “fighting to keep peoples intact, while promoting Indian ideas and customs” (Bixby, 2003: lecture).

In moving that philosophy off the reservation, Norma imagined the implications of Indian languages’ inclusion in public school curriculum, as well as in the legislature, actual funding to back up the feel good language of HB528 (Carol Juneau’s Squaw bill), funding for teaching of Indian heritage in public schools and the hiring of Native American teachers in Montana public schools. Before the half-way point of the 2003 session, three bills to do just these things were killed. “HB495 by Bixby, would have

---

I thank Judy Smith for discussing with me the notion of compromise present between most factions of the legislature, especially partisanship and the notion of compromise she envisions and believes has been the creed and practice of women’s policy. The former notion amounts to “bludgeoning you until you accept their ideas” while the later involves “sitting face to face with someone whom you disagree with and talking about how their needs and your needs can both be met.” Judy also mentioned how this must include “policy backed by data, not just ideology flying around as truth.” In writing this thesis I have tried to include enough quotes from the report to illustrate how the report uses both ideological language and data.
appropriated $120,000 for American Indian studies curriculum in Montana's public schools; HB422 by Rep. Carol Juneau, D-Browning, would have given hiring preference to Indians in school districts on reservations or with high Indian enrollment; HB382 by Jonathan Windy Boy, D-Box Elder, would have repealed Montana's "English only" law which designates that the state's primary language is English." (Farrell, Johnson, McKee and Lowery in Missoulian, 3/2/03 p. B5). Bixby, as a lifelong educator, believes that these forms of assimilation will create an educational environment in which Native American students thrive and social barriers between Natives and non-Natives will begin to diminish, as "mutual ethnic education is imperative to improving relationships." She had the same prognosis for the legislature, claiming that as more Native Americans enter the legislature it too will change. "We're trying to teach these legislators," she said, adding "I hope you heard the word 'we'" (Bixby, 2003: lecture). This was in reference to her sense of collaboration over hierarchy.

The effort to improve Indian education in all public schools did not fair well at the legislature in 2003. But at the outset of 2004, the Montana Indian Education Association added it's critique of statewide public education to a lawsuit currently being heard in the state District Court in Helena.

It's been 32 years since the framers of the 1972 Montana Constitution committed the state to educate all public school students on the unique cultural heritage of Montana's Indians. Since then, both Indian and white lawmakers have repeatedly tried to force the state to implement Article X, Section 1, Subsection 2 of the constitution. But to no avail, say lawyers for the Montana Indian Education Association. The only mandatory Indian education classes for teachers, adopted in 1973, were abandoned by 1979. A committee established in 1999 by the Legislature ultimately led nowhere. And subsequent Indian education programs developed by the state Office of Public Instruction, the Board of Public Education, the Office of the Commissioner of Higher Education and the Board of Regents were stymied when both the 2001 and 2003 Legislatures refused to fund them.

All schools have to do now to meet the constitutional requirement is to merely check "yes" or "no" on a state form indicating their district's compliance with what's formally called the Indian Education For All Act (Farrell, Allison in Missoulian, 1/24/02: B1).

This is a test of the constitution before the judiciary, identical to what Dr. Larry Elison proposed was needed to test the significance of the privacy clause. This suit may have the power to define what Indian education for all means. As Steve Doherty (Great Falls attorney who authored the suit on behalf of MIEA) says, "nobody knows what it means. It could mean having a Thanksgiving Day program that includes a reference to Indians" (ibid: B1). More specifically, in Doherty's words, the suit looks to make the act specific, meaningful and funded.
This language, brimming with promise, has been stripped of practical meaning and application by over three decades of neglect, and in some instances, outright hostility by the state's legislative and executive branches. The state has altogether failed to provide any funding for the Indian education article, and thus has clearly run afoul of the constitution. The Indian education article means what it says, but means nothing at all if not implemented, and implementation needs funding (ibid: B1).

In general, this type of suit illustrates a way in which social relationships or groups can, and do, have an affect on the legislature. It is a way in which struggles for power or authority (as discussed in ritual), in part, take place outside the site or system in which that struggle is generally seen to take place.

This model of assimilation accompanied by appropriate changes in content and form appeals to the experience of women as well. I have observed the emphasis on collaboration, job sharing and non-hierarchy within women's organizations, and coalition between them. In fact, my use of these words, collaboration, job sharing, non-hierarchy, synergism, coalition, alliance...reflect their common usage within women's organizations and the report.

Education provides a vehicle to represent how changes in content and form are part of achieving women's equality. As Wolf's definition illustrates, these changes in content and form signify changes in power. The female faculty I have taken classes from and worked with maintain a network of communication, overlapping departments, academic and non-academic pursuits to an extent I have not recognized elsewhere. More concretely, these women have aligned their gender with new curriculum. Many of the course offerings that explicitly entail the study of gender are linked to female faculty members; Gender and Law, Sexuality and Law, Women and Islam, Feminism in English Literature to name a few. All of this is made explicit in the introduction to the Women's Studies Program at UM:

Women's Studies, an interdisciplinary program founded in 1971, encourages the production, discussion, and dissemination of knowledge about women's experiences, oppressions, and achievements, in Montana, the U.S., and the world. In the last decade this focus has broadened to include study of the social and cultural construction of

---

71 The academic discussions in these classes regularly intersected with methodological notions of collaboration, subjectivity, advocacy and interdisciplinary approaches. John Berger writes in his introduction to David Levi Strauss's *Between The Eyes: Essays on Photography and Politics* (2003), "To take in what is happening, an interdisciplinary vision is necessary in order to connect the "fields" which are institutionally kept separate. And any such vision is bound to be (in the original sense of the word) political. The precondition for thinking politically on a global scale is to see the unity of the unnecessary suffering taking place. This is the starting point" (Berger, 2003: 13). This aptly describes the thinking and social arrangements I have seen working with and observing female faculty and women's organizations. In light of this, it always interesting to hear Franz Boas revered, once again, for his interdisciplinary approach to anthropology in introductory texts or lay reviews of the field, as anthropology continues a course of fraction and specialization.

---

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
gender, sex, and sexualities. By fostering awareness of cultural and international diversity, as well as of the circulations of power mediated by race, class, age and sexual orientation, Women's Studies encourages students to think critically and to envision justice for all peoples.

The program is administered by the director in consultation with the Women's Studies Steering Committee, an interdisciplinary group of faculty with teaching and research interests in women and gender.

Students may choose an option in Women's Studies within the Liberal Studies major or may complete the Women's and Gender Studies minor. They also may select any of a wide range of courses cross-listed with departments in the humanities, social sciences, natural sciences, law, education, and other disciplines (Office of the Registrar, 2003-2004: 153).

But this category of educators still represents a minority.

When it comes to careers in education, women also occupy the lower salaried positions.

Two-thirds of K-12 teachers in Montana are women. Women make up 70% of school librarians, guidance counselors, and school psychologists. In contrast, 75% of all principals in the state are male and 64% of program directors and coordinators are men (Kendrick, 2002: 23).

This inequality reaches all levels of education.

In 1995, women represented 35% of full-time higher education faculty in this country, an increase of only 6% since 1987. As of 1997 women represented 33% of higher education faculty in Montana. Statewide, women make up 24% of tenured faculty, men make up 76% (ibid: 23).

Again, reading these numbers gave me no surprise having often heard these same insights from the female faculty that I have taken courses with in graduate school. And it is, in part, their experiential awareness of this that helps solidify and motivate their relationships.

The report mentions sexual harassment and discrimination in education. As a student, I remember talking with a class about the openness and accessibility I had enjoyed with faculty on campus. I was immediately countered by a majority of my female peers, posing the possibility that my experience was, in no small way, related to my gender, my physical self. These same peers have both directly and offhandedly made reference to the barriers to student-faculty relationships, and hence educational opportunities, they experience as a result of generally (male) sexualized campus atmosphere.

Though the report does not present specific example of sexual harassment and discrimination in education they can be readily seen. Video camera's found in a girls locker room in Powell County,\(^{72}\) stronger legislation around investigation of sexual conduct charges in schools surrounding a number of

male teachers’ arrest in Indiana, and the incidents of college campus sexual assault already discussed all speak poorly for the success of assimilation of women into education, belied only by enrollment numbers.

The report recommends solutions that encompass the ideological:

Explore innovative and collaborative strategies to ensure that Native American students finish their high school (Kendrick, 2002: 22).

But the report also returns to economic solutions:

Increase efforts to attract and retain high quality teachers by increasing teachers salaries.

Increase state funding of higher education to ensure post secondary education is affordable to all Montanans (ibid: 23).

And lest these solutions sound non-gendered, the report found women predominantly graduating with education degrees. Hence, those will be the people poised to benefit from the increased salaries. The report has also repeatedly found women at the bottom of Montana’s economic picture and most in jeopardy of not being able to afford rising (public) higher education. Although the report often cites the state as a site of analysis, it also promotes the notion of “community.” This language choice is itself an educational tool, in turning the discussion of policy from one of geopolitical scope (state, city, county) to one of sociopolitical awareness. And in a similar way, the report acts as an educational tool by prefacing the language of “reducing sex-segregation” over gaining or achieving parity. This deconstructs the history of segregation favoring men, as opposed to seeing that history as a lack within women.

As Mae Nan Ellingson, Norma Bixby and the report illustrate, changes in education surrounding women’s issues have come from the work of women in education, facing those issues. Ellingson helped foster the support necessary for women, like herself, to crack into and successfully move through the venues of higher education so traditionally male. Norma represents the effort to transform education in basic ways that will make that system supportive of all individuals, seemingly regardless of gender, ethnicity or economics. The report, besides its inherent value as an educational tool, expresses the voices and experiences of women, such as these two, into the public policy arena.

Making the personal political

The culture of each public policy issue includes all of the thinking about the issue, the language used to discuss the issue, and the values and beliefs that are relevant to the issue (Conway, Ahern and Steuemagel 1995: 8).

The section of the report entitled "Women in Politics: Have We Hit the Glass Ceiling?" opens by moving further into the past than the two decades that thread the report's narrative. This move profiles Montana as leading the cusp of history and change in women's politics, nationally.

Women in Montana won the right to vote in 1914, six years before the 19th Amendment was added to the U.S. Constitution in 1920. Montana was the first state in the nation to elect a woman to Congress in 1916 (Kendrick, 2002: 24).

How does simply including women in the political system change the politics therein, and particularly gender them? Laurie Zimorino attempts to answer this question in her thesis, finally claiming that women bring the concerns "inherent" to their traditional roles as wives, mothers, domestic laborers... to policy.

The report makes a similar claim.

Women legislators give top priority to women's rights policies by a margin of 2 to 1. Chances are nearly 3 to 1 that they are more likely to work on issues related to children and families as compared to men legislators (Center for Women in Politics at Rutgers University in Kendrick, 2002: 24).

The difference is that Zimorino's thesis sets the origin of women's issues in the upper-class, educated, predominantly white culture of the pre-19th Amendment. And those issues are presented as culturally implicit to women. In contrast, the report locates women's issues among the economic, health, education and political data of the last twenty years. Within this more recent timeframe, the report focuses primarily on Montana's population struggling economically, under-educated, under-employed and short on social services. And that is the key difference. Zimorino's thesis says women bring women's issues to the legislature because those issues, naturally, under the rubric of culture, concerned them. The report portrays women's issues as those which have differentially affected women (controlled capacities and social structures) and created for them economic and social inequality. Nevertheless, children and family surface within both analyses. In addition the report puts a persona to its glimpse at women's political history.

While Jeanette Rankin paved the way for women serving in the U.S. Congress, women are still underrepresented in public offices (Kendrick, 2002: 24).
Rankin's image is still significant, if not volatile, political capital in the state of Montana and particularly in Missoula. The city's Jeanette Rankin Peace Center sponsors frequent political discussions, community gatherings and recently has been the organizational center for most of Missoula's peace demonstrations. The persona of an historical woman has become the label for a highly politicized ideology of global peace and global economics. A visit to the Jeanette Rankin Peace Center gift shop reveals this alignment. The shop almost exclusively sells fair trade crafts from around the world. The Center also printed anti-war posters to distribute free with the intent of filling Missoula's yards with messages of protest and peace.\(^7\)

The report includes the early and avant-garde history of Montana women entering state level politics for another, less encouraging reason. The last two decades reveal a tremendous lag in political equity for women. In the eighty-six years since Jeanette Rankin's election, "the number of women in the U.S. Congress increased from 3% in 1980 to 13.6% in 2002" (Kendrick, 2002: 24).

This disparity certainly presents politics as a women's concern. Even more so do the views of women's interest in politics at the electorate level. Following population distribution, women make up half the electorate. But just as in education and the workforce, women pool in the "pink collar" positions of administration and organizational support:

Women are the majority of poll watchers, election judges, and ballot counters in every community (ibid: 24).

Kendrick expresses faith that women, as physical entrants in politics, will equate to women's ideology increasing in policy making. As if reiterating Laurie Zimorino’s thesis, the report concludes, "In order to ensure that women's needs and concerns are addressed in the decision-making arena, more women need to run for and hold public office" (ibid: 24). No mention is made of partisanship, socio-economic or ethnic categories. Physical women will simply attend to needs and concerns (ideologies) linked to being a woman. Here, much like some of women's health care concerns, sex and gender are indistinct. This represents a unification of the category women that anthropology has consistently deconstructed. The report also, as has been demonstrated, deconstructs women based on age, race, education levels and

\(^7\) There have been many reports of those signs being vandalized throughout the city. Jeanette Rankin's name, nor the Peace Center will soon escape (in fact the Center continues to promote it's message) the associations and the rifts of supporting peace.
economic status. But the unity of the category women that the report promotes, exemplified by the section on politics is produced by the synergism of issues of equality for women, as measured by variables in economic, health, education and politics.

The promotion of women physically into policy making also implies, as has been the project of the entire report, that current policy does not attend to women equally, sufficiently or at all. Laws have either been written with gender bias or have not been written because of gender bias. In addition to the data present in the report, this notion of subjective lawmaking has substantial support.

Feminists reject this gender-blind view of state institutions on both empirical and theoretical grounds. Historical and contemporary analysis of state policies and practices demonstrates beyond question that these have had – and continue to have – gendered implications on a day-to-day basis, in everyday life. For example, policies on childcare, employment, policing and taxation all have different implications for men and women, reinforcing gender roles which are not only distinct but are also unequal (Halford, 1992: 156-57).

This paragraph could read as the political conclusion to the entire report. As well, it summarizes how understanding women’s issues and status, is a way of understanding the power that public policy holds (as Foucault expresses it, "the pure form of power resides in the function of the legislator"). In other words, the affects of power represent the true, socially significant, form of power.

Women’s organization’s such as WORD focus on making the personal political by following a bottom-up approach to policy formation. I have been involved in at least two efforts to contact members of a community for whom policy would be recommended or development pursued. In both instances, the explicit idea was to recruit these community members to help plan the development or direct the ideas within policy.

This appears in stark contrast to the operating, or suggested operating of the current legislature. In the 2003 legislature, special weekly summits were decided upon early in the session. The object was to bring together leaders from the parties to have roundtable discussions, to move past partisanship. After the first summit, long time legislative newspaper commentator Chuck Johnson found this to be too cumbersome. He first chronicled the oppositional attitude still in place, unrelinquished hierarchy and the continued delivering of platforms rather than interactive dialogue. Johnson’s recommendation favours
smaller gatherings, whittling down participation to an even fewer number of men, those in the highest ranking legislative seats.\textsuperscript{75}

As Johnson looks up, for streamlined solutions, the report effort is reflected in some of the final recommendations for women in politics.

Conduct women's campaign schools in local communities to provide women the information and skills they need to run for office.

Explore electoral reform that encourages full participation of the electorate, such as public financing of campaigns, same-day voter registration and on-line voting (Kendrick, 2002: 24).

The theme is apparent in the repeated words, "encourage, increase, explore..." This represents wholly new legislation. And the location of intervention remains local as well as overlapping with education.

Montana Women Vote, another non-profit arm of WORD, is highlighted at the end of this section. MWV represents a non-partisan effort to simply get women registered to vote and to encourage them to the polls. This effort assumes that the presence of women will result in the presence of support for women's issues. More generally, the effort signifies a belief in participatory government or politics.

I think it is inaccurate to say that 'the state is male' but it is accurate to say that up to now the state has been male if by that we mean that until recently public power has been wielded largely by men and in the interest of men...The possibility of altering that fact may now lie within our grasp (Eisenstein 1985 quoted in Watson, 1992: 199).

The report ends this last section with three charts chronicling the numbers and percentages of women in Montana's elected offices. The percentages of women increase as the positions become more local and nominatively less powerful, ranging from 0% in U.S. Congress to 42% of Justice of the Peace (for 2000). In the legislature, women made up 20% of state representatives and 16% of senators in 2000. In the 2003 session women Senators accounted for only 6%, while women representatives rose to 25% (Kendrick, 2002: 25).\textsuperscript{76} The increase in numbers from 1980 are apparent but still low. The narrative ends on a guarded high note.

\textsuperscript{75} Johnson, Charles S. in Missoulian 2/23/03 p. A1. As insightful as Johnson's reporting can be, he rarely moves out of an economic framework, and rarely does he focus on bills outside of revenue or appropriations. "Legislators in high-stakes money game" exemplify his headlines (Missoulian 1/26/03: B1).

\textsuperscript{76} Generally lawmakers move from being Reps. to Senators if they continue to run for office. Thus the Senate is regarded as the more experienced of the houses. Senators also hold more political power in that each Senate district encompasses two House districts. Former House and Senate lawmaker Harry Fritz

103
In 2002, women were elected to take three of the top elected offices in the state: Governor, Chief Justice, and Superintendent of Public Schools (ibid: 25).

I have heard widespread talk of regret that Judy Martz is a woman, that her bad politics and poor performance will unfortunately be associated with her womanhood. WORD released a governor's report card that failed Martz in nearly every category, with a high grade of C- in environment, that many of the report card's creators still found laughable. The report card was presented by Montana Women Vote and WEEL. "A newly formed women's political group gave Gov. Judy Martz an F grade Thursday for her support of women's issues. 'I know this report card is harsh,' said Mary Cafiero, a spokeswoman for the poverty-rights group Working for Equality and Economic Liberation. 'But so are the impacts of the (budget) cuts on children" (McKee, Jennifer in Missoulian, 11/21/03: B3).

Maintaining the effectiveness of political inclusion, in changing the legal definition and support of women, the report ends with policy highlights of the last thirty years. This reiterates the report's opening:

Montana women have worked together through community organizations, advocacy groups and political affiliation to change public policy to better the lives of women and their families (ibid: 26).

Again, the reliance for unity within the category women as expressed in the report has precedence in feminist scholarship, including anthropologist Diane Nelson's coining of the word fluidarity. That unification generally is built on issues, or more specifically, public policy:

Many changes in women's lives are either a direct or indirect result of public policy, and many changes in how public policy is made, including which issues should be the subject of public policy, are linked to cultural changes in women's lives (Conway, Ahern, Steuernagel, 1995: 2).

The policy highlights include law affecting all of the policy categories the report has carved out as sections; Montana Women and the economy, health care, education and politics. This and the endnotes (citing sources from the U.S. Census to Vital Statistics) remind readers that the report has been an effort to build ideology and public policy from data. The "Montana Women's Report" offers policy goals and recommendations to achieve those goals based on the statistical status of women. Ultimately the political

impressed on me the respect and greater relative power that Senators represented and enjoyed in the Legislature. He upheld this with the frequency with which Senate bills easily pass the House without much amendment or debate whereas House bills came under greater scrutiny and revision once passed to the Senate.
section of the report focuses on encouraging and supporting women in local and state offices as well as policy making capacities. An interview with Terry Kendrick reveals a paradox in these goals. Many of the women, including Kendrick, who are seemingly most prepared to fill political offices and legislative roles have, and continue to eschew entering the formal political institution. Instead they opt to continue their work in the non-profit sector.

**Interview with Terry Kendrick**

Terry Kendrick spent most of the 2003 Legislative session in Helena. She distributed the Montana Women's Report to most of the women legislators before the sessions began. Though directly pushing forward the goals and recommendations of the report were not her primary activity during that session. She spent most of her time working with the Coalition Against Domestic Violence and with Judy Smith coordinating the efforts of Fair Share. She saw a number of women's issues emerge in the session.

Some women's issues got play as mainstream issues. Child care and domestic violence were both primarily couched in economic development. It was unfortunate that the Republicans rolled back the budget to 2002 spending levels which cut all child care programs. So child care got re-funded by money that would have gone to TANF and low income women and families. In many ways this pitted women's issues against one another in the fight for money instead of having them work in concert (Kendrick 1/23/04: interview).

The report is a project in building and explaining women's issues as synergistic and then developing policies which are mutually supportive of women's issues.

Kendrick also saw the issue of domestic violence gain attention because it is so invasive. "No Republican man doesn't know someone affected. So it's been legitimized" (ibid). She is heartened by new policy affecting Child Protective Services which is aimed at keeping children with their mothers in the event of domestic abuse. "It's been common for CPS to take away kids who have been exposed to domestic violence. Then you have women who have both been beaten and had her kids taken away. This has been a great discourager for women to report domestic violence" (ibid). This change in policy involved, in part, a rhetorical redefining of domestic violence. Previously the law defined the "primary" offender as simply the first person to hit or strike their partner. Now the law focuses on the "predominant" abuser. Kendrick believes this will help in identifying the partner who has actually been the abuser and who has been the victim.
Another glancing success for women's issues was the defeat of anti-choice advocates. While being encouraged by the outcome of some of these women's issues, Kendrick blamed herself for not pushing the agenda of the report more aggressively. "I didn't do a good job of distributing the report before the session. By next session, I would like to get women legislators together and talk about what can be done to achieve certain goals over the next three sessions. Then we can set a timetable and work back to incrementally achieve them" (ibid). Kendrick also thinks it will be important to get more input from organizations which deal with women's issues in order to reflect on the stances the report takes. This will help to best assess which issues are of the most importance. It will also allow the efforts at change to be better coordinated. She mentioned organizations such as, Montana Women Vote, AAUW, BPW and Coalition Against Domestic and Sexual Violence. She also hopes to introduce the report to the new governor and familiarize the executive branch with the efforts and focus of women's issues.

As for changes within the report, Kendrick simply will continue to keep that data updated and expanded in places where the data wasn't available. She referred to including specific information about the number of women in particular occupations (number of women lawyers...) within the economics section. Along these lines of change, Kendrick sees the need for a focus group of hard critique from women and women's groups concerning the report. A critique which has not yet happened. She believes the report needs a larger section on older women. "As baby boomers age it is and will put a huge strain on our system. Women are experiencing the double burden of an older relative in need of care and a child in college at the same time" (Kendrick 1/23/04: interview).

Kendrick also thought more emphasis on Native American issues would strengthen the report or more importantly strengthen the changes the report is aimed at creating. She reiterated "an ideology central to feminism." Helping people who are doing the worst will have the most affect and will permeate the entire culture. "Everybody benefits when everyone is doing well" (ibid). And focusing on Native Americans helps to keep efforts at the state level as ten percent of the Montana's population are Native American. Kendrick defend the idea of change moving from the local on up. She believes that changes in state policy can be challenges to the federal level. The state can also pass resolutions that directly encourage Congress to pass universal health care, for example. She also sees the potential for a coalition of the west around issues which are important to states like Montana.
As for women in the legislature itself, Kendrick sees a continued cultural obstacle. "Women legislators are generally older so they no longer are raising children or they don't have kids. Culturally men can leave a family for three months to be in the legislature whereas women still can't or don't justify it. And women feel the sense that they need to know all about the economy and all the issues in the legislature before entering it. But it's not true. Whereas men seem to just go for it and realize they'll learn once they're there" (ibid).

The morning of my interview with Kendrick the Missoulian printed an article introducing Carol Williams intentions to run for the state Senate in the next elections. She epitomized the view Kendrick has of women entering the legislature after raising children and having a personal, if not career, concern with women's issues.

Her resume covers a dozen plus board memberships, all about children: Missoula Boys and Girls Club, Montana Every Child By Two Immunization Program, Montana Kids First Political Action Committee, Montana Healthy Mothers Healthy Babies, and more.

On Thursday, Williams said she wants to take that advocacy to the Montana Legislature as a Democrat from the Newly created Senate District 46. 'Montana needs to change,' she said. 'We need to focus on the future, not on the next two years' (Devlin, Sherry in Missoulian 1/23/04: B1).

As for herself entering the legislature, Kendrick looks more immediately to possibly being a staff person within the legislature. She would not have considered running for the legislature a few years ago but no longer rules it out. Kendrick also mentioned other women who felt the same way. Many of those women have to overcome a long standing feminist belief about entering politics. "Feminists have been afraid of entering a system that they fear will change them more than they will change. They feel they have to maintain their autonomy" (Kendrick 1/23/04: interview).
Chapter Five: Conclusion

How does an anthropologist study power? I began by focusing on institutions of power. In particular I reviewed literature in political anthropology as a guide to studying the modes power in the Montana State Legislature. I interviewed some of the people who occupy that institute, legislators, lobbyists, political scientists, journalists and then a number of feminist activists (many of whom served in or around the legislature and policy making). In doing so, a notion of power, residing in institutions gave way to the more anthropological notion of power existing through relationships and social categories such as race, ethnicity, religion and (for my study) gender. The feminist activists I interviewed led me to the Montana Women Report. I have used this report as a primary document through which I viewed the legislature, gender and power. In particular, I have studied how public policy constitutes the creation, maintenance, or changes in power. I have critiqued rhetorically that document, anthropologically, to understand the contested nature of its vocabulary that is particular to gender, to those who have power, and those who do not. I have tried to understand how that language has been used, or shaped, to achieve political ends. Drawing on Foucault's work in deconstructing the historical creation of western institutions, I have read and described references and attempts to codify the category of 'women' in Montana public policy. In other words, I have ethnographically read the Montana Women's Report. In the context of my interviews, and study of the legislature, I have focused on the report as it portrays relationships between gendered legislation (as a form of discourse) and socioeconomic reality and attempts to reshape discourse as a means to change socioeconomic, as well as gendered, reality through legislation.

The report also provides a look at the historical process of creation of knowledge. The category of women, the way women are defined and define themselves, in Montana and elsewhere, is, like any other form of knowledge, constantly being maintained through reiteration of discourse or changed through altering and challenging discourse. Those historical changes in knowledge, as Foucault explains, mark historical changes in power. The Montana Women's Report is an historical document it constitutes a step in the process of the changing discourse about women. The report also historically documents an aspect of existing public policy. Just as Susan Halford found an aspect of power to be "maleness" by studying the success or failure of women's initiatives, the report records the gendered affects and consequences (power by Wolf's definition) recent and current Montana public policy has for women.
Finally, the "Montana Women's Report" provides an example of how legislative power is a social struggle existing, in large part, outside the confines of a ninety day session, the Capital building and even the elected lawmakers. Those things begin to appear as instrumentalities of power rather than power itself. This critique adds a comparative understanding to the workings of Montana's non-professional lawmakers in a rural western legislature. The kind of comparative understandings favored in political anthropology.

Ethnographic description often seems unable to escape a cause and effect model of culture, especially as linear time continues to organize our ways of thinking and explaining. As I have read, and then drawn on Foucault, it is tempting to see his work as explaining such a relationship. Sexual discourse proliferated out of Victorian ethos. The same has been said of Weber's *The Protestant Ethic and the Spirit of Capitalism*. Economic/systemic effects arise out of religious/ethical causes. I do not wish to present my understanding or description of discourse, law and the moral category of gender as such. Nor, did Weber mean to draw a directional and isolated conclusion rather, "a complex of elements associated in historical reality which we unite into a conceptual whole from the standpoint of their cultural significance...This point of view is, further, by no means the only possible one from which the historical phenomena we are investigating can be analyzed. Other standpoints would, for this as for every historical phenomenon, yield other characteristics as the essential ones" (Weber 2001: 13-14). This should simply reinforce the ethnographic tool of description of social relationships (or historical ones) rather than assignment of cause and effect.

In doing this, I have tried to let the Montana Women's Report speak for itself by quoting essential language and content to present. Then, I have critiqued the report from my position of having worked with, or interviewed, some of the key authors of, and influences on, the report as well as people involved in the legislative process at varying levels. In addition, I have continually tried to use the report and my critique, to reflect on the larger question of how power, in the form of gender, operates at the political level. In doing so, I have continually reemphasized the understanding of power common to political anthropology and the writings of Foucault and Wolf. Wolf's notion of power as affects and Foucault's understanding of discourse as the source of power offer direct insight into the process of critiquing the "Montana Women's Report." The report, as I have demonstrated, is an attempt to both show affects, in the form of the economic, healthcare, educational and political status of Montana women in 2002 (and to some degree,
historically) as well as use discourse, in the form of policy to change that status. As such, the report is attempting to change power, to change social affects. Because this is a project of proposing and supporting future public policy at the legislative level, whether the report will ultimately be powerful, affect change, or more likely, to what degree the report and it's network of support and alliances will do this, is left to be seen. But critiquing the report allows a view of the current and historical social affects or status of women. In other words, examining the report offers an evaluation of the gendered affects of power historically and currently in Montana.

I would like to offer two analogies that help illustrate what I have done by ethnographically documenting the report. First, I have thought of my critique of the report as being akin to the archaeological process. I have taken an artifact of public policy creation and contextualized it. This has included documenting sources of information, significance of language, history of policy, possible theoretical concepts from which policy has evolved, identities of individuals and groups involved in policy creation and research and in some cases those individuals or groups own stories and ideas behind the issues. The second analogy offers an illustration of how I continually have tried to conceive power, and particularly how the contents of the report constitute a view of power. Laura Nader's definition of power, in her call to study up, amounts to major institutions, governments and otherwise, that affect peoples lives. This definition can be equated to a storm, and if the storm is looked at and evaluated structurally, its power would be conceived of in terms of internal wind velocities, speed of movement, temperatures, pressures and the like. By moving through definitions of power offered by Foucault and Wolf, the same storm's power would be conceived of in terms of its affects; property damage, destruction of human life, property and nature, or perhaps benefits of increased groundwater, stream flows, snow pack or the like. In fact, Wolf's whole agenda in defining power is to not analyze it as a "Leviathan." Similarly, Foucault deconstructs the notion of power as residing in institutions or laws, and finds it instead in the knowledge those things create in individuals, knowledge upon which individuals daily operate and understand the world.

I chose to study the Montana State Legislature because of its unique position as a rural western non-professional legislature and because of the limited amount of academic evaluation (or otherwise) that exists on this division of government. I found the legislature to be a network of relationships extending
well outside the legislative sessions, Helena, or the legislators themselves. The connections within this
network are largely issue based. The report focuses on a number of common and relevant issues within the
legislature. The report also provides a look at possible ways in which the struggle for authority: the
maintenance or change in power takes place. I wanted to see how discourse, the manipulation of language
and meaning produces power, whether that is maintaining, changing or creating it anew. In general, doing
this fulfills Nader's call to study up as a process of descriptive ethnography. It fulfills her assertion that
"citizens should have access to decision-makers, institutions of government and so on. This implies that
citizens need to know something about the major institutions, governments or otherwise, that affect their
lives."

Nader's notion of studying up included advocacy for informing people in a quest for better
decision making. I share this motivation and belief in ethnography. So in concluding, I think it is
important to offer what is perhaps the easiest of critiques of the "Montana Women's Report." I would like
to briefly discuss a few things the report does not do, say or accomplish. The omissions I am focusing on
should all be seen as suggestions toward a better report. A report that would better fulfill the stated intent
of the author(s) of the 2002 report.

First, the report would benefit from presenting more research specific to Montana and using for
that research more Montana or local resources. In this thesis, I provided the example of utilizing resources
from the University of Montana, such as Steve Seninger's research at the UM's Bureau of Business and
Economic Research and his Kids Count project. Another example would be to provide a more local
evaluation of sexual assault, which appear in both the health care section and the education section. The
University of Montana (as will all college and university campuses as a result of women's led public policy)
publishes a yearly "Campus Security Report" which gives detailed on campus crime statistics including
sexual assault. UM Curry Health Center also has a Sexual Assault Recovery Center, which could be a
resource for similar information. Using this type of specific and local data would not only maintain the
focus on Montana instead of the report's reliance on national statistics, but it would further synergize the
issues of healthcare and education. In general, using university or academic resources would underscore
the rhetorical support for education the report professes. Except the Center for Women in Politics at
Rutgers University, the report does not use a single university resource even in evaluating Montana women
in education. Though I know that Native American women were present at a number of the focus groups used to help write the report, no Native American groups are cited as resources. Not surprisingly, Terry Kendrick promotes affordable housing as a keystone to women’s self-sufficiency. But as a keystone, housing is not clearly enough presented as such in spite of the fact that the report came out of WORD. Besides WORD’s ongoing work to promote and provide affordable housing in Missoula, CPACC is in the process of releasing a series of research driven policy reports about affordable housing in the west. These are just a few examples of how the report could strengthen it’s own agenda of attention to local status and local policy by using local resources. Calling on local resources to be engaged in the research for such a report would also ultimately broaden the coalition of support for the issues therein. This is a technique that Terry Kendrick is quite familiar with, as illustrated by her ongoing work in forming and running FAIR Share lobby, along with Judy Smith.

The Self-Sufficiency Standard based on local socioeconomic factors is the major theme for supporting women’s needs in Montana. Yet the term self-sufficiency is largely absent from most of the report except in the economics section. In that section, as well as in focus groups self-sufficiency was defined as equality in all the categories present in the report; economics, healthcare, education and politics. To better illustrate the breadth of self-sufficiency, it should be the narrative thread throughout the report.

Lastly, personal accounts are omitted from the report. In a few places, the report includes hypothetical examples of the economic situation a woman, mother or family might face. For example, the report includes an example of how the Self-Sufficiency Standard would calculate a living wage for "a Montana family with two working adults and two children living in Rosebud County... (Kendrick 2002: 9)." But nowhere does an actual family from Rosebud County appear. Personal accounts have been an effective policy tool, evolving largely out of women’s efforts in journalism and equal rights movements over the last few decades. The photographic images within the report hint at such accounts. WORD’s continually use personal accounts as a tool to shape their project goals and processes (from building new affordable housing to CPACC’s research on affordable housing in the west). As noted, personal accounts have been a staple of lobbying efforts at the legislature as well as local journalistic coverage of health and human service issues. Without them in the report the statistics become less affective as they pile up. Reading the report I am left wondering who these women, children and families are.
Recommendations and further critiques of the report will continue to be important as the policy therein is aimed at the next decade. Throughout the writing of this thesis I was challenged with the immediacy of my subject matter. I found discussion and evolution of the issues within the report almost on a daily basis. Norma Bixby spoke on public radio just yesterday, January 12, 2004, about a recent appropriation of $50,000 to fund study and promotion of Indian education issues on and off the reservation. She reiterated the need to better understand individuals (in this case students) based on cultural categorization such as their Native American identity (most notably language) and to allow those understandings to shape curriculum, educational content and form.

Foremost, this thesis has been an attempt to document the Montana legislature. As Tom Poor instructed me, that means narrowing the focus of research to some particular aspect of that site, the legislature. It has been an attempt to bring the distinct perspective anthropology offers to a branch of state government that has been largely undocumented outside of journalism and political science. In so doing, this thesis is a part of the project Laura Nader set out as describing bureaucracy and its culture to improve citizens understanding of major institutions, governments and otherwise that affect people's lives.
References


Becker, Margorie 1995 *Setting the Virgin on Fire*, University of California Press, Berkeley, CA.


Bixby, Norma 2003 "Indian Women - Leadership Today" lecture at University of Montana.


Brooke, Vivian 6/12/02 and 10/28/02. Personal interview.


Ellingson, Mae Nan 7/12/02. Personal interview.


Finn, Janet 1998 *Tracing the Veins*, University of California Press, Berkeley.


Fox, Susan Byorth 6/14/02. Personal interview.


Halford, Susan 1992 "Feminist change in a patriarchal organization: the experience of women's initiatives in local government and implications for feminist perspectives on state institutions" in Gender and Bureaucracy, Mike Savage and Anne Witz (eds.) Blackwell Publishers, Oxford.

Halliday, Deborah 2003. You Can't Eat The View: The Loss of Housing Affordability in the West. Center for Policy Analysis and Community Change, Missoula Montana a project for Rural Collaborative, Park City, Utah.

health.yahoo.com/health/encyclopedia


Laslovich, Mike 2/27/02. Personal interview.


Lopach, James 4/3/02. Personal interview.

Lopach, James J. (ed.) 1983 We the People of Montana..., Mountain Press Publishing Co., Missoula, MT.


Masterson, James W. 1929 Montana's Twenty-first Legislative Assembly Who's Who, Montana Standard, Butte, MT.

McCarty, Catherine Calk 1983. Blue Grass and Big Sky. Stockman House Limited, Phoenix, AZ.
Mead, Margaret 1963 *Sex and Temperament*, Morrow Quill Paperbacks, New York.


*Missoulian*, Mike McInally (ed.) Missoula, MT.


Moore, Henrietta 1994 *A Passion for Difference*, Indiana University Press, Bloomington, IN.


Office of the Registrar, *University of Montana 2003-2004 Catalog*

O'Rourke, Jennifer; Mahon, Suzanne “A Comprehensive Look at the Early Detection of Ovarian Cancer,” in *Clinical Journal of Oncology Nursing* V7 Jan/Feb 2003, Oncology Nursing Society, PA.


Sady, Rachel “District Leaders, A Political Ethnography” PoLaR May 1994 p. 86.


Savage, Mike and Witz, Anne (eds.) 1992 *Gender and Bureaucracy*, Blackwell Publishers, Oxford.


Smith, Paul 1988 *Discerning the Subject*, University of Minnesota Press, Minneapolis.


Swibold, Dennis 3/14/02. Personal interview.


Williams, Carol 6/18/02. Personal interview.


