

Human value, human rights and gender equality in Timor-Leste

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Gender equality and its feminist rationale are based on individual human rights while in customary or communal societies everyone's status and rights are relational to others in their community. Communities are made up of 'partible' persons or 'dividuals' without individual interests or rights. Women or men cannot have equal rights and their privileges depend upon their social status. While the idea of the partible person in customary societies has been challenged by the long-term influences of colonialism, Christianity and capitalism, it does go some way to explaining the lack of traction for gender equality in customary societies.¹

The island of Timor is a bridge between the Malay and Melanesian worlds, meaning the original languages and cultures in Timor reflect both forms of sociality. This diversity and the mixing of matrilineal and patrilineal ethnolinguistic groups makes understanding gender relations in Timor-Leste more complex. External influences make this more so. Centuries of Portuguese colonialism and Catholic proselytising was abruptly replaced by a brutal 24-year military occupation by neighbouring Indonesia (1975-1999), which was immediately followed by the interventions of UN peacekeepers and the international aid sector. Each regime imposed gender values and relations with little recognition of what previously existed because of an assumption of cultural superiority.

In my research, I have sought to discover how the gender relations of the indigenous societies of Timor shifted and adapted to foreign influences over the centuries, and how they resist or absorb the more recently introduced imperative of gender equality. 'Traditional' or customary societies are perceived as incompatible with introduced, modern ideas of citizenship, democracy and equality, yet, "the complex entanglement of social relations based in precolonial systems with those of colonialism, Western

education, new economic forms and Christian adherence belies this simplistic division into intrinsic and introduced".²

Violence against women or sanctioned relational behaviour?

A Melanesian woman is imagined as acting in terms of the interests of others rather than her own individual ones.³ Strathern explains that Melanesian women were willing and even connive "to go against their own interests" because of their outlook as a partible person embodying "the interests of others".⁴ This provides insight into women all around the world tolerating domestic violence; limiting their individual welfare for the sake of keeping families together and not creating further discord in extended families or clan groups. There are other reasons too, but this is a central concern. Domestic or gendered violence can be explained in this complex way everywhere in the world, but particularly in customary societies where individual rights cannot be assumed, such as in Timor-Leste.

Indigenous gift exchange or trading in women?

In customary Timorese society marriage exchange and relations between the families or clans of the bride and groom are regulated by practices referred to as *barlake*, which today feature in an estimated half of all marriages.⁵ A series of gift exchanges which signify the formal transfer of a bride spiritually to the clan house of her husband's family, often defined in western terms as dowry and bride price, are described by feminists as dehumanizing to the level of a purchased object or a commodity manifesting in the control and abuse of women.⁶ Today, *barlake* is often blamed for the high levels

of domestic violence in Timor-Leste. In pre-1975 Portuguese Timor condemnation of *barlake* was not from feminists, but the Catholic Church. Using a similar rationale, they preached that the human soul transcended the material world and that a soul and a gift could never be equal or exchanged.⁷ One of the major issues in the debate over *barlake* is the nature of the gifts exchanged and whether they can be considered a payment for the bride.

Writing about Melanesian society in Papua New Guinea, Strathern describes similar exchange practices that mediate gender relations where gifts embody the labour and personhood of the maker. Exchange gifts are not mere material, like a commodity, but the embodiment of those offering it. Keane explores the ontological assumptions that underpin the conflicting understandings of ritual gift exchanges in nearby Eastern Indonesia.⁸ He argues that westerners see exchanges as immoral, akin to slavery, because they assume that the people and 'things' exchanged in these practices are equal, based on their own culture of capitalism and "the alienating effects of commodity exchange". Yet gifts should never be construed as a payment, but are a symbol of the person offering it.

Writing about Timor-Leste, Silva takes this one step further, arguing that those unable to provide the gifts cannot achieve full personhood and therefore can be treated much like slaves. Husbands unable to provide the required gifts to their bride's family are expected to reside with their wife's family and labour for them in perpetuity.⁹ This explains why women in customary societies support *barlake* as their only claim to personhood or human value, with rights to recourse if they are treated unfairly or abused in husband's household.¹⁰ This can be construed as a local customary version of a regime of human rights based on 'citizenship' of a clan society, although status remains relational. The dark side of this is the treatment of those unable to gain status as slaves, which has a long history in Timor. The informal adoption of poor children among extended families who are treated like indentured servants has resulted in contemporary cases of the physical abuse of children.¹¹

The local Timorese women's movement members are the only ones fully equipped to work in this 'gap' between cultures

because they are the only ones who know how to navigate between the modern and customary. These are the women who oversaw the inclusion of the gender equality clause in the constitution and the introduction of the domestic violence law with the collaboration of international feminists. These acts of solidarity are the foundation on which to build gender equality.

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Notes

- 1 Macintyre, M. 2017. 'Introduction: Flux and change in Melanesian gender relations', in Macintyre, M. & Spark, C. (eds) *Transformations of Gender in Melanesia*. Canberra: ANU Press, pp.1-21.
- 2 Ibid., p.5.
- 3 Ibid., p.6.
- 4 Strathern, M. 1988. *The gender of the gift. Problems with women and problems with society in Melanesia*. Berkeley, University of California Press.
- 5 Niner, S. 2012. 'Barlake: an exploration of marriage practices and issues of women's status in Timor-Leste', *Local-Global: Identity, Security, Community* 11:138-153. Globalism Research Centre, RMIT: Melbourne
- 6 Rubin, G. 1975. 'The Traffic in Women: Notes on the "Political Economy" of Sex', in Linda Nicholson (ed.) 1997. *The Second Wave: A Reader in Feminist Theory*. Routledge, pp.27-62.
- 7 Silva, K. 2018. 'Marriage Prestations, Gift Making and Identity in Urban East Timor', *Oceania* 88(1):127-147.
- 8 Keane, W. 2007. *Christian Moderns: Freedom and fetish in the mission encounter*. University of California, pp.197-222.
- 9 Hicks, D. 2012. 'Barlake: Compatibility, resilience and adaptation: The Barlake of Timor-Leste', *Local-Global: Identity, Security, Community* 11:124-137. Globalism Research Centre, RMIT: Melbourne.
- 10 Ibid., Niner 2012.
- 11 Niner, S. 2017. 'Reflection on the special gender stream: 2017 Timor-Leste Studies Association Conference', *Austrian Journal of South-East Asian Studies* 10(2):275-279.

Within this changing political climate, several women's organisations were established in East Timor. Drawing upon the opportunities provided by political developments in Indonesia and the associated capacity for civil action, these organisations facilitated a number of public forums for East Timorese women to come together to share their experiences of violence and suffering. As my interviewees described, these gatherings were a source of inspiration for many of the participants, and proved critical in both affirming and deepening their commitment to independence. They were also demonstrative of a pronounced shift in the nature of opposition to Indonesian military occupation. Combined with a spirit of shared survival and resistance, international attention to the brutality of Indonesian rule after the Santa Cruz massacre and the changing political climate in Indonesia, paved the way for East Timor's transition to independence. My examination of women's experiences of the changing, and increasingly international, dimensions of the East Timorese resistance sheds new light upon the intersections between the local and the global in East Timor's independence struggle, as well as the gendered dynamics of agency, violence and resistance.

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Notes

- 1 Fernandes, C. 2011. *The Independence of East Timor: Multi-Dimensional Perspectives: Occupation, Resistance, and International Political Activism*. Sussex Academic Press.
- 2 Loney, H. 2018. *In Women's Words: Violence and Everyday Life during the Indonesian Occupation of East Timor, 1975-1999*. Eastbourne: Sussex Academic Press.
- 3 Webster, D. 2013. 'Languages of Human Rights in Timor-Leste', *Asia Pacific Perspectives* 11(1):5-21.
- 4 See CAVR. 2013. 'Part 3: History of the Conflict', *Chega! The Final Report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR)*, Vol. 1. Jakarta: KPG in cooperation with STP-CAVR. <http://chegareport.net/Chega%20All%20Volumes.pdf>
- 5 See '11: The Santa Cruz Massacre', in Pinto, C. & Jardine, M. 1997. *East Timor's Unfinished Struggle: Inside the East Timorese Resistance*. Toronto: Canadian Cataloguing in Publication Data, pp.188-99; and 'Chapter 7: The Santa Cruz Massacre', in Rei, N. 2007. *Resistance: A Childhood Fighting for East Timor*. St. Lucia: University of Queensland Press, pp.48-53.
- 6 See Aspinall, E. & Fealy, G. (eds) 2010. *Soeharto's New Order and its Legacy: Essays in Honour of Harold Crouch*. Acton: ANU E Press.

Right: The grave and memorial of Sebastião Gomes. Photo: Vanessa Hearman.

