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# Beyond Equal Rights

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## **Beyond Equal Rights**

*A theoretical discussion illustrated with two cases*

*Susanne Thorbek<sup>1</sup>*

The paper discusses equal rights strategies in a historical and theoretical perspective

The paroles of the French Revolution liberté, égalité and fraternité are taken as the historical starting point for the Rights strategies.

Two questions are discussed:

1. the question of universalism
2. the question of individuals as thought constructions, without bodies that matter

Two cases from development discourse are used to illustrate the points:

women's abilities to create new life  
and women's possibilities of satisfying men's sexual desires  
(family planning and prostitution).

The paper ends by calling for reflections and caution before feminists choose a Rights strategy but argues also that it is impossible to be against equal rights.

### **Beyond Equal Rights -**

#### **A theoretical discussion illustrated with two cases**

The struggle for equal rights has its roots and legitimisation from several hundred years of Western history, and the ideals of civilisation-are maybe best summarised in the words of the French Revolution (1789) liberté, égalité, fraternité. At the time of the French and American revolutions these ideals were only seen as relevant for men, whites and those with some property- that is not for other "races", for women or for workers. Notions and scientific concepts of evolution, of sex, race and class developed simultaneously with and after the formulations of the high goals of civilisation or Western culture.

In this paper I want to show how the notions and concepts of race, class and sex

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were interwoven and dependent on each other (not as in Harding, 1991, who formulated a matrix with three independent axes). However the main aim of the paper is to discuss the uneasy alliances and the tensions between the high goals of liberty, equality and fraternity and the concepts of sex race and class as these were developed in the "civilised" western nations.

I will discuss two main problems:

1. the question of universalism: the ideas of the Enlightenment and the scientific discourses of evolution and sexuality.
2. the question of individuals as thought constructions, without bodies that matter.

To support my argument I will take two examples of development discourse today and try to show how the notion of (especially) race and sex is working in these.

I will start by illustrating the interconnection between western notions of sex and race with the following engraving (it is not about class though, the soldiers on the ships are invisible).



The engraving depicts Amerigo Vespucci's (1451-1512) discovery of America. (Made by Van der Straet approx.1600) and it nicely combines a number of features. The white male is the master of the seas and of the land. He stands erect and firm and symbolises power and energy. Energy is shown in the billowing sails of the galleons and the streamer where the wind seems to take the opposite

direction. The master is a symbol of civilisation he carries the insignia of power, the standard of their Catholic Majesties of Spain, surmounted by the symbol of church, a cross and of science, the astrolabe.

Sex or gender is likewise highly visible. Vespucci said about the New World: the people "lived according to nature" and went naked and unashamed: "the women remained attractive after childbirth, were libidinous, and enlarged the penises of their lovers with magic potents", (Honour quoted in Hall, 1992)

The native woman, erotically aroused, inclines towards Vespucci from her hammock, inviting him to her and to the fruitful land. The posture connotes the image of creation by Michelangelo indicating the new prosperous land open to Europe in America as the land is named after the explorer.

Thus no imperial power or trouble - but in the background another story is told. Where the elements (earth, water and air) meet, a feast is going on. Cannibals, gathered around a fire, are eating the spit-roasted leg of a human being. Thus the anxiety, the vulnerability of the supreme white male is exposed by the native women (as they seem to be).

The engraving combines notions of empire, science, Christianity and white male mastery with primitive natives, sexual fantasy and lust but also with the dangers, the vulnerability called forth by this female dominated wild and threatening world.

The splitting in the stereotypes of women and wild people are visible: both desire and danger?

Or in Anne McClintock's words:

...the scene so neatly gendered, represents a splitting and displacement of a crisis that is, properly speaking, male. The gendering of America as simultaneously naked and passive *and* riotously violent and cannibalistic represent a doubling within the conqueror, disavowed and displaced onto a feminised scene (Anne McClintock, 1995: 27).

This story is of course old. It is from a time when Europe was not really a very used term, Christendom was rather the word, created through the Middle Ages, when Islamic rulers encircled Europe to the South and East and ruled in part of it. Thus going west was the only way of expansion after the defeat of the crusades. The later discourses on race and gender have ancestors here.

At this time the debate on (what we would now term) equal rights took place as well, but in terms of Christendom. The Jesuit priest, Las Casas (1454-1566), a champion of the Indians, argued before the emperor: "All men, however barbarous and bestial, necessarily possess the faculty of Reason" and are able to accept the grace of God. Partly as a result of such officially conducted debates

Indians were not used as slaves, and the trade in Africans was initiated (Hall 1992: 302-309).

However, it was after the Enlightenment, the French and American revolutions in the eighteenth century that the discourses on equal rights and of race and gender developed and under strong influence from struggles about slavery in America and the colonial expansion from Europe to the rest of the world. In the nineteenth century when modernity and science became dominant the discourses<sup>2</sup> were established in forms we can recognise today, as universal human rights and the scientific concepts of race, sex and class.

### **Question one - equal rights - universal rights?**

Among the main themes of belief in the Enlightenment - indeed what gave it its the revolutionary character - were the following three:

The belief in reason, rationality and science. The idea of rationalism: a process of rational thought, based upon clear, innate ideas independent of experience, which can be demonstrated to any thinking person (as set out by Descartes)

Universalism- the idea that reason and science could be applied to any and every situation, and that the principles were the same in every situation.

Progress-the idea that the natural and social condition of human beings could be improved by the application of science and reason and would result in an ever-increasing level of happiness and well-being (Hamilton, 1992: 21).

All three ideas have been strongly criticised in this century by the Frankfurter school (Max Horkheimer and Theodor W. Adorno), by Michel Foucault and Jacques Derrida both building on Nietzsche, by feminists (Joan Scott and Sandra Harding) and by post-colonial scholars (Gayatri C. Spivak, Homi K. Bhabha).

The innate ideas of reason seems hard to demonstrate; the universalism is put in doubt by the oppression of women and colonial people not to mention wars, and the progress which science, natural or social, should lead to, seems hardly convincing today.

It is however worth to pursue the interplay between the high ideals of the Enlightenment and their political interpretations in the parole of liberty, equality and fraternity, and the cultural and scientific notions of gender and race in our history.

The ideas or notions of race and gender developed in science in Western Europe and USA and they were central to institutional practices both in the metropolises

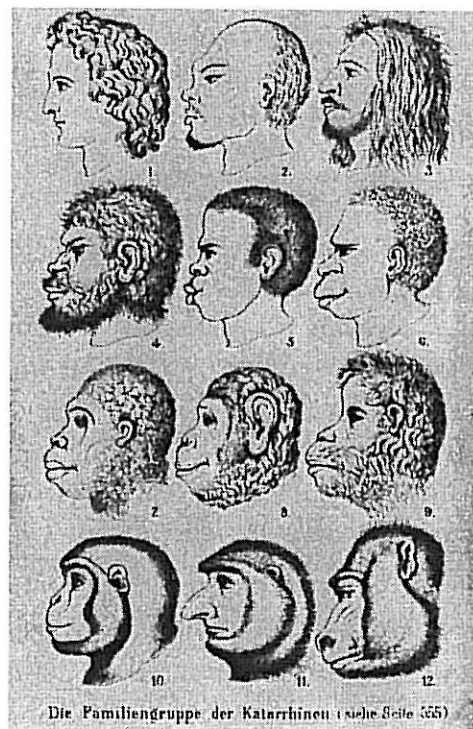
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<sup>2</sup>. I am using discourse in the sense of Foucault as an interplay of power and knowledge, of culture (including science) and institutions not in the everyday sense of "a coherent or rational body of speech or writing, a speech or a sermon" (Penguin Dictionary of Sociology).

and the colonies.

Two big discourses run through the nineteenth century in Europe and the Americas. The first discourse discusses evolution or history. They stem partly from older figures of thought, e.g. Hegel had steps in human history beginning with wild life, going through higher human levels to nearly God-like. Christendom signified the latter, the image of warrior women, the Amazones, the first. For Hegel development of the state and sexuality in the individual were closely connected. (Bachhofen, Morgan and Engels followed this scheme of evolution although with different sometimes even opposing valuations of the stages of evolution).

However, in biology Darwin (1845-1912) made a scientific theory of the evolutionary history of nature and this was partly by himself, much by others (Herbert Spencer f. inst.) transferred to human society. The "Family of man" was a common figure



The other discourse concerned sexuality- not as in the mentioned authors in great historical lines but the scientific study of sexuality in the individual human being. As Foucault (1988) showed, the nineteenth century, remembered as so repressive of sexuality (Victorianism), studied, prescribed, proscribed, talked about sexuality more than ever in social science, biology, medicine, psychoanalysis, public hygiene, pedagogy and daily life.

The links between these two discourses were the fear of degeneracy, misogynics. This degeneracy had many sources internal and external: masturbation especially



in children, homosexuality, women's illnesses from hysteria to the catch all illness of neurasthenia and of course the hybridisation, the bastards from mixed sexual relations (other races, other classes).

The fear of degeneracy was fuelled by the contradiction between Darwin's statement of the survival of the fittest and the facts of life as they could be seen. The fittest who should multiply were obviously the hard working, saving and honest middle class people but those who actually multiplied were the degenerate aristocracy or the "primitive" workers or poor people, and other races, (see S. Lindquist 1993: 155)

Scientific racism was developed in USA and Europe shortly after the abolishment of slavery. Physical features were measured and psychological features studied and they were linked. Nancy Leys and Sander L. Gilman (1993) show that scientific racism developed together with the modern idiom of science, the "paper", with empirical material and the lack of explicit value-judgements (moral, claims to the human ideals of equality or Christian values) and the lack of a personal positioning of the author. Interestingly the critique of scientific racism came from highly learned scholars from the other races, the blacks: Jews and Negroes. No women.

In his work "Difference and Pathology, stereotypes of sexuality, race and madness" (1985), Sander L. Gilman describes the sexualisation of black women and of women more generally in the nineteenth century Europe, mostly Vienna and Paris. In the chapter called "The Hottentot and the Prostitute: Toward an Iconography of Female Sexuality", he shows how scholars with very little if any empirical evidence and a burning desire of studying genitals and sexuality in women drew vast conclusions in science, conclusions which were transmitted to or in accordance with stereotypes in the cultural environment, popular literature, the arts and high literature.

He quotes among others a Dictionary of Medical Science (1819) on

the sexual nature of black females in terms of accepted medical discourse. Their "voluptuousness" is developed to a degree of lasciviousness unknown in our climate, for their sexual organs are much more developed than that of whites. (Quoted from Gilman, 1985: 85)

The author (J. J. Virey) uses as proof the sexual parts of the Hottentot woman, the information about them is taken from Cuviers. His information is mainly from the exhibition of a young Hottentot woman, Saartje Baartman, in different cities of Europe and the later dissection of her sexual parts, which were exhibited - until a few years ago - in Musee de l'homme in Paris. The enlarged labium minor that is still well known in parts of Africa and created through initiation ceremonies by the girls fired the white men's fantasies.



The iconography of prostitutes was shaped in the image of the black woman. Medical scholars as Lombroso (with G. Ferrero, 1893) and A J B Parent - Duchatelet (1836) analysed prostitutes as an atavistic sub-class of women similar to the black Hottentot in their body-form (protuding back, a bit fat) and their genitals. They saw her as "being similar to Hottentots and women living in Asylums" (Gilman, 1995: 98). The black woman thus became a symbol of illegitimate lust and promiscuity in paintings and pictures (Manet: Olymphia, Nana) and in literature. (Zola: Nana).



The prostitute as the Hottentot was seen as promiscuous and lustful, images, which were praised by some, despised by others - as is still the case in common sense. But the black women were seen as sexual more than anything else.

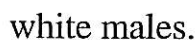
This of course fitted the European tradition from Hegel and Schopenhauer to see Africa as a continent with promiscuous sexuality, as a "swamp" in Bachofen's words.

The idea that the undisciplined, free-floating and promiscuous sexuality was special to a sub-class of women was not shared by all. Freud was one of those scholars who thought all women had such desires if they were not tamed by education and training. Thus he wrote (Three Essays on the Theory of Sexuality 1905):

In this respect children behave in the same kind of way as the average uncultivated woman in whom the same polymorphous perverse disposition persists.....Prostitutes exploit the same polymorphous, that is, infantile disposition. (quoted from Gilman 1995: 39).

As Stoler (1995) remarks, to write about sexual desire between a parent and a child was scandalous, but to do it with a servant was unspeakable.

Thus the lines of class, race and women's sexualisation are interwoven. In fact working people were often compared to the dark races in the colonies- they were all constructed as the "Other" and tended to mix into each other in the images of



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the Western World was a cornerstone in creating and maintaining the empires of European countries.

In order to create and reproduce the image of white superiority and of civilisation, women as Ladies, courtship, and politeness were seen as important (Vron Ware, 1992, Stoler, 1995). Thus the "cultivating" of European women, and their sexuality. If European women were to be seen as especially well treated at a time where they did not have voting rights, could not inherit property and were minors in relation to their husbands some markers of their superiority had to be developed and one important feature was that, in the colonies, they did not work.



This had repercussions however because for instance British soldiers were not paid a wage, which could support such a lady and the British government came very close to organising and legalising brothels in the colonies shortly before campaigns for public hygiene (and punishment of prostitutes in England) were instituted (Ware 1992, Walkowitch, 1996)

While the notions of race and gender (and class) might have certain usefulness for the colonisers in the colonies, distinguishing them as superior in relations to the population living there, it created a lot of problems, vulnerability and insecurity among the whites and not so white populations.

Since affairs, concubinage, non-legalised or legalistic marriages crossing the race lines were common (Hyam, 1992) the offspring of these and even children of whites, who grew up in the colonies was another matter. Who were truly whites and who were degenerate? Ann Laura Stoler has in a discussion of Foucault's relevance for this question debated this in her book entitled: "Race and the Education of Desire" (1995).

The new views on sexuality, as depending on the cultivating, the discipline and the self-knowledge of the individual, which the bourgeoisie instituted in distinction from the "blue blood" of the aristocracy, really raised problems not easily solved and resulted in much debate, changing drawing of borderlines and much fear of degeneration.

The idea of superiority of the Western imperial powers was built on the universal claims to knowledge of the Enlightenment and on the refinement, self-knowledge and control of feelings and desire.

Since men, and especially men in the colonies, did not exhibit such an education of desire to any recognisable degree it became very much the function of white women to symbolise the Western superiority. Thus the whole discourse on universalism and the superior refinement of the white women became a legitimisation of the subjection of other races, poor people and of women themselves.

The scientific notions and concepts shared with the general culture of imperial powers were mainly based on stereotypes of "The Others", which as stereotypes usually do were split between desire, lust, fascination and disgust and deference. Thus modern science, nearly exclusively a white, male privilege in Europe and USA defined concepts of race, gender and sexuality, which excluded both other races and most women and the workers and poor as not human in the full sense of the word.

This science was created in societies, which claimed that their own civilisation was superior - not because of its weaponry, but mainly because of its universal ideas of equality, liberty and brotherhood. It was the feelings and the manners of those who adhered to these ideas which were the marker of this superior civilisation, not least those of its women. The beautiful ideals of the Enlightenment became arguments for the repression of people in the colonies and subordination of women at home.

Of course there were protests from many areas from people who interpreted these ideals differently, both in metropolises and colonies and movements of many kinds. Still the dominant discourse claimed that the universal ideas of human rights and their implementation to behavioural codes were a main reason for subduing the "others".

Hannah Arendt has a point in "The Origins of Totalitarianism" (1952), when she argues that "the metropolitan politics of race and the racial politics of imperialism both derived from the similar notion that the "rights of man" were only inheritable by those deemed worthy of them"(quote of summary by Stoler, 1995: 58).

I have argued so far that gender, race, class are interdependent and overlapping categories, which have had immense impact through the last centuries on the ways the Enlightenment tradition of equal human value and equal human rights have been interpreted and institutionalised.

They have sometimes been contradictory in their interpretation but sometimes the discourse on equality and universalism has been instrumental in denying Others - women and Other people their rights. In the male gaze women took on an immense importance: they became the symbol and prove of the superior civilisation of the western powers.

Thus arguments for equal rights should not be easily accepted by feminists, and the idealisation of western women as models, their values as universal are unacceptable. Feminist should consider carefully whether they want to choose strategies of universal equal rights. To use equal rights strategies as universally valid may well lead to the repression of "Others", which is so painful in our history.

### **Question two- individuals as thought constructions without bodies that matter**

This question is of course taken from Judith Butlers book: "Bodies that matter" (1993). Her aim in this work is to understand how social constructions of gender works. She is critical of the view that what is socially constructed is more easy to change than other categories. Comparing Foucault and Freud, she shows that gender is socially constructed in a way, which is so to say bodily; a fundamental category determining the ways in which our bodies are perceived or in Hall's summary: "how the body has served to function as the signifier of the condensation of subjectivities in the individual (Hall, 1996: 11). The body is thus constructed in a fundamentally gendered way and such constructions are hard to change. As I understand her, the main strategy for change is mimicry, the abeing and making fun of the discourses at work. Not all may share Butler's views, but social constructivism and de-construction is widely shared among feminists. Indeed the very term we use, gender, is chosen to signify the social and historical construction of sex.

If this point is accepted, it is very doubtful that similar strategies all over the globe, such as equal rights strategies will do in a struggle to improve women's lot. Indeed by overlooking the differences in constructions of gender in different

contexts and the possible power bases of women as well as their wishes global strategies may very well function as women as symbols of civilisation did in a former age. (See C. T. Mohanthy, 1991, for this critique of Zeds series of women in the Third World).

Thomas Laqueur is another well-known social constructivist. He writes up against among other Gaile Rubin and her famous sex/gender dichotomy. He argues how sex and also our bodies are social constructions, constructions which mean that bodies and desire, pregnancy and orgasm changed radically from women as small men in the middle ages to women as different from men in modernity- and changed before and mostly independent of empirical knowledge.

"But I want to show on the basis of historical evidence that almost everything one wants to *say* about sex-however sex is understood-already has a claim in it about gender. Sex, in both the one -sex and two-sex worlds, is situational; it is explicable only within the context of battles over gender and power." (Laqueur, 1992: 11).

Laqueur relates to a bit of his own background, among this a practise in a hospital where he was observing doctors who worked at an operation. He left in the evening and the next morning the patient was dead," a fact that seemed of an entirely different order than ... the history of representation that constitutes this book". "There are less personal reasons as well for wanting to maintain in my writing a distinction between the body and the body as discursively constituted " (Laqueur, 1992: 14/15).

Thus constructed through discourses and regimes of truth as the body may be, and inscribed in gendered power relations, the body is very much "there" for the individual person. Pain and suffering, illness and death as well as joy and "jouissance" are experienced in terms of the body.

One of the features of the female body, which has so far been unique, is the ability of women to create life with - in fact- very little help from men. This ability may be discursively constructed in several ways, valued, despised, used to keep women out of power or bring them into it. But for the single woman it is a fact of life as other bodily functions are.

This difference between men and women's bodies seems significant. A similar argument cannot be used in the case of race - since in this area no significant bodily differences has been shown- even if studies are incredibly many (V. Stolcke, 1993)

Gyantry C. Spivak, the re-known American/Indian de-constructivist argues along similar lines in "French Feminism in an international frame". She discuss a Sudanese analysis of circumcision and French feminists as Kristeva in the same article and in the end she argues for the body as maybe the place where a truly



common constituency can take its common point of departure, as something which women all over the worlds can share an interest in:

I emphasise discontinuity, heterogeneity, as I speak of such a sex analysis, because this work cannot by itself obliterate the problems of race and class.... It might, one hopes, promote a sense of our common, yet history - specific lot. It ties together the terrified child held down by her grandmother as the blood runs down her groin and the liberated heterosexual woman..... the dowried bride - a body for burning - and the female wage-slave-a body for maximum exploitation.... Here is a theme that can liberate my colleague from Sudan and a theme the old washerwomen by the river could understand (Spivak 1988,153).

Thus the body is important even for the most ardent social constructivist or de-constructivist. Not the body as an essence. According to Laqueur as soon as we talk about it all sorts of power relations smuggle in through the discourses we have. Still there seems to be quite strong tensions between experiences, which are bodily related and discourses and regimes of truth in different contexts.

Experiences are representations as soon as we relate them but they are not *only* created discursively, they have other foundations as well in the body of each and the tensions created through this double anchoring of experiences seem to me to be a most promising site to start enquires.

The question of equal rights as a feminist strategy is thus problematic on account of the universalistic tendencies, but it is also problematic in the sense that as a general rule, as laws given by the state, supposed to protect women from abuse, national laws, equal rights hardly ever take the actual experiences or the bodies at stake seriously. The tensions and interplay between our bodies and experiences and the discourses in which we try and often give up understanding them seems a promising point of departure, glossed over when it comes to international struggles for equal rights or human rights and thus at best such universals do not reach people- at worst they may become feminist imperialism.

Carole Pateman has in her book "The Sexual Contract" (1988) discussed what I read as a critique of such strategies. She argues that liberal society is built on social contract: this was the myth created by the Enlightenment thinkers and later scholars. Before there was the wild, primitive life - each man the enemy of others (not in Rousseau's story though). But through agreement or through force (Hume), they changed their society and created social contracts, that is what we see today as the state, law and so on.

Behind these manifest rules lies the myth of the social contract as the idea of orderly rule and ordered relationships between people and between people and governments. But Pateman argues that another idea, the idea of the sexual contract also lies behind rules and laws of our societies. This contract is hidden

and silent today but was explicit when the myths were formulated. It is visible in the rules, which has governed marriage, laws, which have now changed after 300 years of struggle. It is however still visible where prostitution (the right of men to access to women's bodies) is at stake, it is visible in the laws governing surrogate mothers, and, I would argue, in the family planning, which have been such a central part of international development discourse and policies.

Pateman is mostly interested in the myths related to persons and property in persons and she argues that whereas men became free, women became or continued to be subjugated. In all the stories (except Hume's) marriage and patriarchy (i.e. the father as the ruler in the home) was assumed and this institution just carried through to the new civilised society.

Men's domination over women, and the right of men to enjoy sexual access to women is at issue in the making of the original pact. The social contract is a story of freedom; the sexual contract is a story of subjection. Men's freedom and women's subjection are created through the original contract.... Civil freedom is not universal. Civil freedom is masculine attribute and depends upon patriarchal rights" (Pateman, 1988:2)

Pateman also argues against the concept of gender - because gender posits women as bodiless, as individuals very much like men, The lack of recognition of what she argues is the case: that precisely where women's bodies are at stake the idea of the social contract as a contract between free and equal individuals or these and the state, breaks down. Where women's bodies are central the social contracts can hardly function.

To use the language of gender reinforces the language of the civil, the public and the individual, language that depends on the repression of the sexual contract (Pateman 1988:225).... For feminists to argue for the elimination of nature, biology, sex in favour of "the individual" is to play the patriarchal game and to join in a much wider onslaught on nature...Nature is represented not only by women but also, for example, by land, indigenous peoples, the descendants of slaves (Pateman, 1988, 226).

Pateman argues that instead of social contracts and rights "free men and women must willingly agree to uphold the social conditions of their autonomy. That is to say they must agree to uphold limits"(Pateman 1988,232).

I find Pateman's arguments useful, because I agree that women's liberation cannot *only* and probably not mainly be a question of equal rights, but the actual relations in every-day life are important. In development discourse the point is to support women in those relations and to strengthen them if possible in ways they want. Neither the market nor probably the state can do much - in any case changes will depend very much on women's own efforts, their power bases, their activities and the ways they understand their experiences.

I also find that if we look at the areas where women's bodies are central, she is right in claiming that the social contract, the equal or the human rights, breaks down and the sexual contract, men's or the state's access to or control with women's bodies become very visible.

In the following, I will discuss two cases of global relations where women's bodies are focus points. The first, family planning or population control has been central in development discourse, the area where agencies first became active in everything concerning women directly and where they are still very active.

The other is prostitution, especially international prostitution, which on the contrary has been a real non-topic in development discourse.

### **Women's bodies: Pregnancy and children**

In this area of bio-politics, three different concepts have been used: We started out with *family planning*, then followed *population control* and now we have *women's reproductive rights* as well.

These three concepts of course express three different perspectives on women's ability to create new life.

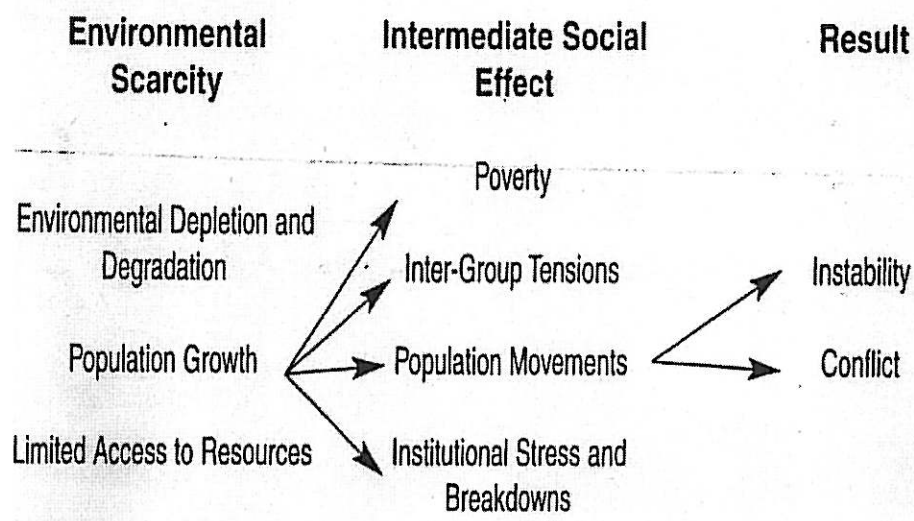
Women's bodies are clearly central here and seem to need regulation from others. In *family planning* the help should come from the family, husbands, maybe older women, and at the Cairo conference these points of view were mainly argued by Catholics, Muslims and the Moral Majority from USA.

The second term *population control* expresses rather the states' or the international powers' interests in controlling women's bodies and their procreative abilities. This view was not very strongly articulated at the Cairo conference, but has been and is quite strongly expressed by the Western countries in other contexts.

*Women's reproductive rights* was the main aim of feminists at the Cairo conference and their points were and are very much expressed in terms of women's human rights to control their own bodies.

The perspective of population control and population growth as a security issue is today strongly formulated by mainstream American policy makers. Betsy Hartman has analysed the discourse in (Environment and Urbanization, 1998).

The argument runs as follows:



Thus population growth leads to environmental degradation or population growth and/or environmental degradation leads to poverty and poverty to instability, unrest, rebellion and migration.

As Betsy Hartman rightly points out all intermediate or maybe fundamental factors are left out. Could growing poverty have something to do with the Structural Adjustment or re-structuring policies of the IMF and the World Bank? Could it have anything to do with trade policies and international movements of capital? Could environmental degradation have anything to do with the transnational firms' production arrangements? With the military stationed in different countries not to speak of wars?

We have seen the population control approach in practise in India (changed now?) (Greer, 1984), in Indonesia, in Sri Lanka (Thorbek, 1994). Forced sterilisation and abortions, overdoses of contraceptive drugs, Depo-Provera, which are often used in the first months of a pregnancy also with great risks for the baby.

The most publicised case is of course the policy of one (and a half) child-policy in China with its forced or pressured abortions. However this policy has been criticised at an NGO Human Rights conference in Vienna but hardly in other forums when Human Rights in China have been debated. It fits all too well with the thinking of the Western policy-makers that the state should control women's fertility.

In fact the (then) Danish Minister for Development, Poul Nielson, paraphrased the arguments, which B. Hartman criticised on the Danish radio in May 1999, and stated in this connection that the one-child policy was *China's gift to humanity*.

The first ideas, means and proposals for controlling pregnancies (that is official, outside folk-customs) were explicitly aimed at women, the poor and other races as Greer (1984) shows in her chapter on Eugenics:



Eugenics is the study of agencies under social control that may improve or impair the social qualities of future generations whether physically or mentally, (from the cover of *Eugenics Review*, quoted from Greer, 1984:259)

The threat of course came from other races, the poor and later those with low IQ. Modern and in other aspects sensible men as Bernhard Shaw and Bertrand Russell supported eugenics and the main icon of thinking runs from Darwin and Malthus to modern family planning, Greer shows.

The fear of the growth of the numbers of the poor, the workers, the misfits and the attempts by part of the middle-class to control it, turned out however to be quite well accepted by the poor in Europe, the working class and to be beneficial for them. Thus the arguments for control of pregnancies turned out to become forgotten and changed and the proposed means to be accepted to such a degree that it is mandatory today to have few kids in Western Europe. No normal family budget can cover more than a few children.

The race issue is however still very much alive. Poul Nielson could in no way argue for a forced one-child policy in Denmark, it would cause a rebellion, and he would probably himself find it unethical, but for women of other races, it is not just *ok*, but very good.

Thus one could argue in line with Pateman that a Rights approach to women's fertility hardly would be effective.

One could argue too that Rights even accepted at an international conference would not help women much for many reasons. One of the reasons is that quite a few women and quite a few cultures see children as Gods blessing and enjoy them.

However, many women may wish to regulate their pregnancies. Is the best strategy to reach these, the Rights strategy?

I doubt this. One reason is the already discussed - the race (and class and sex) bias involved, but also because the rights strategies in principle evades the difficult problems that women's bodies are different, the tensions between women's bodies and the discourses in which they are interpreted are not explored.

Thus acceptance of other forms of control of pregnancies (old or new) is glossed over and so are the wishes of the women involved.

The rights strategies often lead to confrontations and this may be good, helpful or unavoidable but from a feminist perspective only useful when and where women are eager to organise and struggle for their interests as the case has been in several European countries and USA on the question of legal abortions. If however this is not the case confrontation may mean public concern about ways

of abortion of spacing children which have had a shadowy life but been helpful to numbers of women.

## **WOMEN'S BODIES: PROSTITUTION**

Prostitution has increased over the last 20-30 years, not least global or international prostitution where men go from richer to poorer countries in search of sexual satisfaction and women go the other way in search of money. This is in a sense hardly surprising since military and other big male work places in foreign countries has grown, tourism has exploded and migration in general has increased.

On account of the sexual and international division of labour few options are open for women who migrate beside the sex-industry and domestic work. Few kinds of work are open to women in the domestic labour markets where chances of earning well are higher.

While family planning or population control is a main theme in development debates prostitution is a non-topic. The increasing immigration of women to Western Europe has however caused some concern.

The Rights of the women who are sex-workers are of little interest to policymakers. NGOs mainly in Holland and Thailand has through a hard struggle got the proposal for a new Treaty in the EU (Ministerial Conference, 1997) formulated in ways which see the women as the victims and the Traders (or smugglers of humans and or the brothel owners) as the culprits. But still the rights of these women are hard to find. The best, which is proposed for the women, is to offer them witness protection as long as the trial is on and decent treatment by police and juridical system in this period. Only under very special circumstances can they ask for humanitarian asylum.

The vocabulary in the business of prostitution is very rich; so many terms are employed to name it. *Prostitution* is denigratory and interestingly enough originally meant a person, who transgress the borders between the private and the public sphere (Zatz, 1997)

*Sex-workers* has been argued to be a better fitting term since from the woman's point we are talking of a kind of work. The term implies too that women who work with satisfying men's sexual needs (or which other needs may be there) deploy their own sexuality and emotions from their sexual parts and from their "partners" in the trade as Zatz (1997) argued. This term has been applied for instance by the International Whores' congresses, and also fits their demands for legitimisation of the trade. Furthermore, it has been used in a study of "The Sex Sector" as it actually exist in Asia (Lim 1998).

In later years the term *Trade in Women* has been argued for stressing the responsibility of the traders: the brothel owners, those who arrange travels and

papers, or post-bride agencies (Skrobanek, 1999).

Prostitution is in most countries not really legal and not really illegal; but the prostitutes are condemned and despised in most. Measures to eradicate prostitution whether they are aimed at the women (as in most cases) the men (customers) or the traders will probably all hit the women. Indeed it is the non-legal status of the work, which create a situation where prostitutes are without rights all together. They are not protected by the police against rape, robbery or violence (indeed quite a few reports point to policemen who misuse their position to rape and humiliate the women in the trade).

The male customers are only in very few cases loosing their reputation, not to talk about civil rights or sanctioned in other ways of course.

It is however a very peculiar situation where the illegitimation of women working as prostitutes is argued for in terms of their *protection*. It is because prostitution has a strong and bad impact on the women of the trade that it should be prohibited. The counter argument is that a great deal of the dangers and the damages on prostitutes do not stem from their work as much as from their life on the margins of legality. The old notion of women and sex, race and class seems highly relevant in the field of prostitution today.

The ease with which men from richer countries use and denigrate the women from poorer countries is astonishing. "Since I am here (in Bangkok) I must at least try it". Often the women working at the brothels, clinics, hotels are in fact children and thus paedophiles are only one aspect of child prostitution, many "normal" men chose girls instead of women in the sites for prostitution. (Lim, 1998) Often they argue quite explicitly that the women are poor and they give a kind of development aid, which benefit both parties.

The ease with which men from Europe (and other countries) accept and believe that the women in a foreign country really love them is astonishing as well. For some of these men this is however followed by much complaints about the women's need for money, asking for gifts, dependants who need support and so on (Seabrook, 1996). In fact these complaints are very much in line with Zola's picture of the prostitutes and the men at the turn of the century in the novel "Nana".

As R. Bishop and L.S. Robinson points out, the modern customers are, however, most intensely involved in questions of money in the sex business: endlessly talking about money and prices, attempting to get something for nothing as the ultimate success.

Last but not least the whole deployment of military (and the organisation of their leisure), the institutionalising of the tourist industry in the last 30-40 years has been done without a thought of the women, who has been such an important part

of this arrangement - and still is because prostitution is a non-issue in development discourse (Truong, 1990).

Pateman's arguments are also pertinent here: men's access to women's bodies is given, men are just so that they must have their (great it seems) sexual needs satisfied and prostitution is thus necessary and beneficial to society as a whole.

It seems that women's bodies are central in two areas in modern society: as those who create life and those who satisfy men's sexual desires. In both cases human or just civil rights of women are glossed over. In the case of prostitution, there are not even tensions between different discourses, on equality, liberty and fraternity and the sexual contract. Here the sexual contract is dominant.

### **Conclusion**

I have argued here that the discourse on liberty, equality and brotherhood which is so manifest today have since the French revolution existed in tension with another discourse about evolution and race, sex, class. At times the discourse on liberty, equality and brotherhood has been the main reason for subduing other races as in the after-slavery situation in USA and in the colonies of Europe, at other times both have existed simultaneously and partly or wholly in contradiction to each other.

I have argued too that the language and practice of the high ideals from the revolutions do not take bodies into account and with C. Pateman that especially where women's body differ from men's, rights become a very problematic term, which in most cases do not apply as the case is when it comes to women's ability to create new life and men's "right of access" to a woman's body.

Thus I have argued the choice of equal rights strategies should not be easily made by feminists.

However to argue that we cannot accept or will not work with equal and human rights is not a feasible option either. Who can in earnest claim that they do not accept equal rights for men and women, for different peoples, for rich and poor?

Such a position is impossible on ethical and on political grounds.

This rejection of taken fixed positions in the discourse is in line with many arguments on a more theoretical level about dichotomies. To take the opposite stand in a dichotomy, for instance when women's motherhood is used as argument for suppression of women to argue that motherhood is a main argument for women's power do in fact reinforce the dichotomy that women are mainly mothers and this should have decisive political influence. The dichotomy is thus reinforced only the valuation of motherhood is shifted. G. C. Spivak (1988) among others argues for a pendling between positions instead of closing oneself into the dichotomy.



If we look at actual changes in discourses I think that the processes of change have been rather messy. In Europe and partly in the US we can see that a science, ideology-politics, which aimed at controlling the poor, the coloured and the misfits, was changed into a means for women from exactly these groups to control their pregnancies as they saw it most beneficial, from the first movements for contraceptive means and abortions (in Denmark led by among others a trade union) to the women's movements for abortion on demand which mobilised women in great numbers (but in the US also called forth a countermovement).

Likewise in the questions of prostitution different groups and different scholars (e.g., Skrobanek 1997, Lim 1999) have worked from the perspective of the women involved both at academic levels and through NGO's. In some cases the point of departure have been a human rights perspective, in others not. But the actual work has been concerned with the bodies, lives and perspectives of women involved. In the field of family planning a similar situation exists.

Hall (Morley et al eds. 1996) has argued that discourses pressures us into taking predescribed positions and this does not help much; the point is to see how discourses can be challenged. He has found some sentences by Gramsci about changes in ideologies (a concept which share the interplay between power and knowledge with the concept of discourse but has the unfortunate implication that it is possible not to subscribe to a discourse and know the truth through science)

Gramsci wrote:

What matters is the criticism to which such an ideological complex is subjected...This makes possible a process of differentiation and change in the relative weight that the elements of old ideologies used to posses...what was previously secondary and subordinate...becomes the nucleus of a new ideological complex (Hall 1996:434)

Thus ways and means to challenge the still living discourse on sex, race and class are not easily spelled out. The struggle both in science, culture and practical politics is rather messy with few clear lines. It seems that from the point of departure of the concrete lives and bodies of women and the tensions in these with the discourses, which dominate our thinking today something can be won.

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