Paper: Introduction to Political Theory

Lesson: Concepts: Gender

Lesson Developer: Bishnu Satapathy

College/ Department: Shivaji College/ Political Science, University of Delhi

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I. Introduction

'Gender' and 'sex' are often used interchangeably in everyday language. But a distinction has to be made between the two which is very crucial to social and political theory. The term gender is used to refer to social and cultural distinctions between males and females whereas the term sex is used to denote biological differences between men and women. Gender is a social construct and thus is based on stereotypes of feminine masculine behavior. The feminist perspective has attempted to demonstrate the social roles which are assigned to males and females differently for the purpose of women exploitation and subjugation. The fundamental basis of gender-equality is the belief that sexual differences have neither social nor political significance. Since the 1960s, due to a number of factors such as developments in the fields of science and technology and a growing feminist movement, some steps have been taken to reduce gender based inequality. But they turn out to be very inadequate as would be evident from an estimate of the United Nations that women worldwide contribute 66% of the hours worked, and earn about 10% of the world's earning and own only 1% of the world's property (UNDP Report, 2002).

Mary Wollstonecraft

Mary Wollstonecraft's publication of her book titled, 'A Vindication of the Rights of Women' is a milestone in feminist movement (1792). But the emergence of the women's suffrage movement, popularly known as the 'first wave of feminism' in the 1840s and the1850s, made feminist ideas reach a wider audience. In the early 20th century women suffrage was achieved in most of the western countries following which women's movement lost its hold on its central goal and organizing principle. Subsequently, the second wave of feminism emerged in the 1960s and expressed the more radical and sometimes revolutionary demands of the growing women's liberation movements. Three

contrasting feminist trends can be identified here such as the liberal feminists, the reformist or socialist feminists and the radical feminists. The liberal feminists like Wollstonecraft and Betty Friedan have understood female subordination in terms of the unequal distribution of rights and opportunities. This form of feminism is also known as "equal rights feminism". The focus of this feminism is to bring about some changes in the domain of the public sphere in regard to their orientation towards women. The reformist or socialist feminists, on the other hand, have highlighted the nexus between women subordination and the capitalist mode of production. They insist on drawing the attention to the economic significance of women and would like to transform the society by undertaking some measures to uplift the condition of women. The radical feminists emerged from the second wave of feminism in the 1960s. According to them gender divisions are the most fundamental and politically significant cleavages in the society. They argue that all societies- both historical as well as the contemporary ones- are characterized by patriarchy. Thus they emphasized upon the need of a sexual revolution which would, in particular, reshuffle the personal, domestic and the family life. It was these feminists who gave the slogan that "the personal is the political" which became very popular later on.

II. Gender-dimension of Rights

Prior to a discussion on the Gender dimension of rights it may be very helpful to consider how feminists support the idea that justice from a 'group' perspective as groups or communities play a crucial role in shaping one's perspectives on justice. In feminists' perspective social or political systems based on the individual perspective of justice are highly biased as they are shaped by the dominant individual male and not by women or other marginalized groups. Such political and social systems of domination can distort society so severely that none of the theories of justice will prove acceptable. It is in this backdrop that it can be safely argued that these systems of oppression need to be overturned first and foremost if a just society is to be built where women as well as other such marginalized groups have any meaningful rights. The gravity of this daunting task can be judged from the ideological nature of the hegemony which is very

complex and subtle. A consistent, long-drawn and comprehensive struggle in the realm of ideas is, thus, necessary to counter and dismantle it effectively. The structures of domination are such that more often than not women walk into the trap of their own subjugation and exploitation quite helplessly, on most of the occasions their being unaware of such a phenomenon. So strong is the indoctrination by different mediums-family, society, religious institutions; productions in the realm of culture such as literature, films, theatre, dance, drama, music, painting, etc. that powerful or dominant ideas rule the roost and appear as natural or matter of fact . What is ironical is the fact of projecting women as 'Shakti' and 'Mother Goddess' while willfully manipulating such images to keep the flood-gates of their exploitation wide open. A 'Goddess' is, and quite understandably so, above all human needs and desires. She is so complete in all respects that she has everything to give/offer to others and absolutely in no need to take anything from anyone. With a 'Divine Halo' around her She finds herself, ironically, in a complete 'denial mode'- a complete negation of herself and her very identity. In an attempt to catch that 'public imagination', live up to that 'ideal' –all created by the patriarchic structures of domination- to be an ideal daughter, sister, lover, mother, etc. she is ever willing to make all kinds of sacrifices and often prepared even to die before her death. In view of all this the feminists rightly argue that demand for greater resources or merely distributing resources in some kind of 'equal' fashion will not be enough to secure justice. Equal citizenship rights for both men and women turn out to be empty and look attractive only on paper. To be involved politically is, certainly, a time consuming process. Due to their being over-burdened in bearing responsibilities for domestic labour women have little time for political activities. Consequently, they cannot make use of the equal value of political liberties. This kind of equality is beyond their reach in a gender-structured society. Susan Moller Okin(1989) argues that Rawls' vision of the original position contains many implicit assumptions which tends to go on to reinforce the existing inequality of women in the gendered-structure of social institutions, despite its occasional claims to gender neutrality. Rawls' characterization of parties to the original positions as heads of families and as members of the paid work

force suggests an implicit assumption that the parties are the male heads. Okin is critical of the social structure of gender relations and the nature of family which would certainly raise issues of justice. As domestic labour is performed mainly by women, women's inequality in other spheres is virtually assured. Another important argument in this regard is that the primary goods for the social basis of self-esteem are less sure for girls than for boys. According to Okin (1987) the consequence is that in a gender-structured society the distant standpoint of women cannot be adequately taken into account by male philosophers, whose moral reasoning abstracts altogether from gender.

III. Iris Marion Young's Critique of Universal Citizenship

Iris Marion Young (1989) argues that the ideal of 'universal citizenship' contains three meanings of universality. She also goes on to show how the first meaning stands in tension with the other two meanings of universality. The first meaning is universality as inclusion of all in citizenship status and in participation in public life. The second one is universality as a focus on the common good which is defined in terms of what citizens share rather than what divides them. The third meaning of universality is universality as equal treatment, defined as same treatment, without regard to group differences. As per Young's argument a genuine commitment to universality in the first sense will require a conception of differentiated citizenship both with respect to deliberation about the common good and with respect to allocation of rights. Her target of attack is the republican tradition as according to her contemporary republicans emphasize on what citizens have in common. This point of view does not take into consideration the fact of different social groups having different needs, cultures, histories,   experiences and

perceptions of social relations. Such diversities, in turn, influence their interpretation of the meanings and consequences of policy proposals, and the form of their political reasoning. It is also important to note here that these varied interpretations are not due to their antagonistic self interests. Rather, these groups have differing interpretations even when they seek to promote justice. That is why a genuine commitment to the inclusion of all in public deliberation requires that differences be not suppressed but acknowledged and respected. This can be done in the best possible way by establishing special forms of representation for disadvantaged groups. Such arrangements do ensure that these groups have the resources needed to organize themselves, and their perspectives are seriously considered in public decisions. The essence of universal citizenship projects the public embodying generality as opposed to particularity and as commonness against difference. Thus the attempt to realize such ideal will tend to exclude or put at a disadvantage some groups even when formally they have an equal citizenship status. Homogeneity becomes a requirement of public participation. When the public is projected as universal and there is a concomitant identification of particularity with privacy, all citizens are expected to assume the same impartial general point of view. But Marion Young is opposed to such a view i.e. the notion of universal citizenship. She contends that societies have certain privileged groups and some oppressed groups. In such a situation if particular affiliations are left behind to adopt a general point of view it would mean that the interests of the privileged will dominate. In place of universal citizenship Marion Young proposes 'a group differentiated citizenship' and a heterogeneous public. Marion Young is in favour of a provision of special rights for a minority culture so as to protect it from domination of the larger community. She feels that such arrangements can be accepted within a liberal theory so as to ensure equality of circumstances between them. But it needs to be emphasized here that liberalism is committed to support such special rights for a culture on the condition that they are not available for a culture against its own members. As in liberal notion individuals have the right to decide for themselves which aspects of their cultural heritage are worthy of being passed on to the next generation.

It is also absolutely justified from the liberal perspective to argue that individuals should be free and capable to question and even revise the traditional practices of their community in case such practices are considered to be irrelevant and unworthy.

It would be unreasonable to assign rights to individuals alone as individuals are incomplete without the cultural resources that communities provide them. But it is also not proper to buy peace between the communities at the expense of individuals. In view of this it may be suggested to consider community rights as conditional rights. However it needs to be kept in mind here that these cultural rights should not override the core rights, such as the right to life, freedom, equality, and the right to assert rights.

IV. Girl-child: the Most Vulnerable in Gender Discrimination

The vulnerability of the girl-child is clearly evident from the fact of her being placed on the margin where her position, very precariously, hangs in the balance between protecting human rights and promoting culture. For any attempt to empower her in a meaningful way it is required, first and foremost, to move the girl-child from the margin to the centre of equality. Such a task is very delicate and ticklish as it requires a full consideration of the girl child's intersecting identities as well as the cultural context in which she lives. The GRACE (Gender, Race, Age, Culture and Experience) model can prove to be immensely helpful in this regard. This model is based on the premise that Gender, Race, Age and Culture intersect to inform the girl-child's particular Experience of the world. Hence what is important here is to acknowledge her intersecting identity. Her experiences are traditionally negative due to being characterized by disadvantage, marginalization and discrimination in relation with other members of her society. In view of this the GRACE model can be proposed as the method of analysis to demarginalise the girl-child and empower her. Rights cannot be understood in a vacuum. It is necessary to relate rights to the cultural contexts that such rights are placed in. So the specific rights that the girl-child lacks may not be the same in different cultural contexts. The link between culture and the girl-child's lacking certain rights is a characteristic feature in all cultures. Many cultural practices, quite disrespectful and demeaning to women, such as

female infanticide, female feticide, Devdasi, etc. result in marginalization of the girl-child because of the intersection of her gender, age, race and culture. In view of this any meaningful solution to this problem lies in a thorough analysis of the intersectionality. The social construction of the girl-child is shaped by the intersectionality of various categories of identity. One's identity is basically formed by one's culture, social context and geographical environment. It is seen that people, very often, define and identify themselves by their nationality. But self identification can also be through ethnicity and religion or a combination of all of these. In fact it is a case of all people having multiple identities. Some of these identities may secure positions of privilege. While on the contrary, if an identity stems from membership in a minority group or a group traditionally disadvantaged there can be oppression and discrimination. The situation gets worse and becomes compounded when an individual is simultaneously a member of many minority groups. As a result of this complicated process an individual experiences discrimination from identification with each of the groups at the same time (A. K. Wing and Tyler Murray Smith, 2003).

Intersectionality refers to the notion of 'multiple identities', which has been analyzed earlier. It refers to two or more categories of identity which overlap to present a thorough picture of one's identity (Kimberle Crenshaw, Regina Austin, 1989). The complexity of one's identity is directly related to the number of the various categories of intersecting identity. In case of the girl-child she is readily identified by the categories of gender and age. Race and religion are two other key aspects of identity. The importance of these two categories of identity varies with culture and context. So when they are added to gender and age it becomes much more complex. Class or social standing can also be added as other key aspects of identity. Last but not the least the status of the girl-child within the family unit must also be given due consideration. The important point to be noted here is that the multiple and intersecting identities of the girl-child, varying with culture and context, are always necessary in the analysis of equality rights for the girl-child.

It may be worthwhile here to consider some international human rights instruments which prescribe the human rights of children. The Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child are some such examples which fall short of the needs of the girl-child without an intersectionality analysis to rights promotion and protection. The girl-child has her right to substantive equality as against mere formal equality. For realizing this girl-child's intersecting identity and the cultural context she lives in must be taken into consideration.

The theory that human rights apply equally to all persons constitutes the core of the international human rights system. The problem that arises here is that the broader and more general these rights become in their application the lesser becomes the access of the particular or minority communities to such rights. The different categories of identity of people can be broadly divided into categories that are inherent at birth, such as race and gender and others that are developed from circumstances in one's life, such as religion, class and geographical location. Individuals can claim membership in a whole range of categories at any given time. Considering time, location and context, membership in any of these categories could be more beneficial than others. It is important to note here that a commitment to equal treatment for rights holders is very basic to the realization and full enjoyment of human rights. Substantive equality and not mere formal equality is what is demanded by this equal treatment. Donna Greschner argues that any 'substantive method must look at the impact of a particular law on people's circumstances, both on those to whom the law applies and on those who are excluded' (Greschner, 2001). But despite these commitments and realizations the fact remains that girl-children are disproportionately subjected to inequality. It should not be forgotten that in an attempt to protect and promote the cultures of the world and the traditional practices associated with them human rights instruments also promote the inequality of the girl-child. Because amidst diversity of cultures, there is a striking similarity in terms of the negative manner in which each culture perceives and treats the girl-child. Some examples of human rights instruments promoting culture are the International Covenant Economic, Social and Cultural Rights (Arts. 1(i) and 15(i) (a));

the International Covenant on Civil and Political Rights (Art. 27); and the United Nations Convention on the Rights of the Child (Art. 31(2)).

What is required here is to maintain a delicate balance between the protection and promotion of culture on the one hand and the protection and promotion of rights for the girl-child on the other. Negotiating such a balance is the real challenge here. The way out of this impasse is not a thorough reconstruction of human rights principles but on the contrary, it pleads for a visionary step that reconciles or reinterprets these rights, so that the rights of the girl-child are not subordinate to culture. As far as the provision of certain rights is concerned international consensus is not a problem. The real obstacle here is in the area of application of these rights. Culture and context influence the way in which these rights are applied. In view of all this the GRACE model, which has already been discussed in the preceding pages, is an appropriate analytical method for interpreting and applying international law tools in a manner that is reflecting of the intersecting identity of the girl-child. Such an approach is responsive to the cultural context in which the girl-child is located. Thus it helps in balancing the rights of the girl-child with the protection and promotion of cultural values. It is based on a recognition that the intersecting identities of gender, race, age and culture impact upon the girl-child's experience of the world (Jewel Amoah, 2007).

V. Cultural Practices and Rights of the Girl-child

Cultural and traditional practices can be modified without bringing any harm to culture and tradition. This is possible in view of the fact that such practices need to be distinguished from the cultural values underlying them. (UN Eco and Soc Council, Commission on Human Rights, 2002). Thus it is never going to be problematic to modify harmful or problematic cultural practices with changing times. The underlying cultural value remains unaffected by such acts.. Culture cannot be something which is universal as its parameters may be shaped or conditioned, to a great extent, by time as well as geography. Culture can not afford to be necessarily rigid or fixed as it may have to move across borders and languages. Change is the very essence of life which can hardly be

avoided. Consequently, traditional practices are also subject to change with the passage of time. Recognition of this importance of change in the context of human rights could help in acknowledging that rigid adherence to culture and tradition may be at the root of the problem of denial of girl-child's rights. Culture and traditional practices need to be kept relevant to the changing times and circumstances. It must be ensured that culture must not be used as a ploy to prevent change or transformation. The historic oppression of women and their universal, cross-cultural subordination must be recognized and necessary steps be taken to deal with such anomalies. (Berta Esperanza Hernandez-Truyol, 1996). It must be insisted here that traditional practices need to undergo a process of review and analysis by duly contextualizing them, because such an analysis helps to determine whether substantial change is, in fact, necessary. If harmful traditional practices, even after their recognition to be so, continue to hold good the reason lies in the misplaced priority. It is very unfortunate, indeed, to notice that a greater importance is attached to the maintenance of culture and tradition than to the protection of the rights of a vulnerable minority. For an objective assessment of the impact of culture on the girl-child it is necessary to give due consideration to both the sections of people- those within and outside the culture. It is so because to rely on either side solely would be lopsided, biased as well as handicapped. Every side has got its own strengths and weaknesses. The members of a cultural group, due to a certain degree of devotion in their culture, lack certain objectivity. One identifies with one's culture so much so that analyzing one's culture is like doing a self analysis. On the other hand, those who are not part of a culture lack in terms of knowledge, familiarity and also do not have the contextual background to observe and understand the particular nuances of a given culture and its traditional practices. For a valid and reliable assessment of cultural practices it must be conducted from the perspective of both 'insiders' as well as 'outsiders'. In other words, a proper evaluation of culture and tradition against a modern conception of human rights is not possible without input coming from a cross-section of representatives.

The international community's concern for human rights includes the development and realization of group and individual rights. It is not limited to a general theory of rights. UN Convention on the Rights of the Child (CRC) can be sited as an example where children have been considered as one such particular group whose rights have been identified by the international community warranting action and attention. But it must not be forgotten here that children are not a homogeneous monolithic group. Both children as well as their needs vary depending on the varied nature of different cultural contexts. As has already been discussed earlier, children rights in general and the rights of the girl-child in particular cannot be properly examined and understood outside the cultural context in which they occur. However, the main purpose behind setting up of international standards is, in some way, to ensure that there is minimal variation between cultures in terms of the exercise of a right. But when transposed into reality such an ideal of international standards turns out to be a lofty goal which may be difficult to be achieved. Thus human rights standards and norms are universal in terms of their general formulation. But their actual application and exact content has to take cognizance of cultural diversity (Welshman Ncube, 1998). There is a multitude of ways in which rights can be interpreted and applied and because of such differences there are also variations in the standard of treatment of children. All this can be traced to the existence of the multitude of cultures in the international community. So there is often significant disagreement from one culture to another regarding whether or not a particular act or practice is in the best interests of the child. The point which needs to be emphasized here is that since there is recognition of various cultures by the international community it must also allow the various interpretations of rights that these cultures will offer. The disagreement on interpretations does not necessarily make one cultural interpretation more correct than another. Since enjoyment of rights as well as denial of rights determines identification or group association the girl-child is clearly identified and identifiable by what she is denied: power, privilege and decision-making capacity-all of which are inherently caught up in her age and gender, and even her race and class as well.

These categories of identity, as mentioned above, are categories over which the girl-child has no control because of the fact that she is either born into them, or they are thrust upon her. The fact that the girl-child will eventually grow into womanhood, age is the only category of all the categories of identity which is guaranteed not to be permanent. Even the girl-child's, and later the woman's, ability to change the changeable categories of her identity such as religion and class is dependent upon a whole host of societal factors. The extent of power and decision-making capacity, which is allotted to the girl-child, is dictated by such societal factors. Women or girl-children will only be able to make their own choices in a manner so as to improve their class or social standing provided their power and decision- making capacity increase.

Socio-economic factors are at the very root of shaping the various categories of identity and the ways in which they interact. This shaping, which creates the social context, serves as a lens through which to view or interpret the ways in which categories of identity intersect (and are formed) in various cultures (Janet Kabeneri-Macharia, 1998). It is essentially the defining force of culture that is responsible for the emphasis given to identity categories. Thus the girl-child is defined by the surrounding culture and social context. What is very disturbing here is the fact that many aspects of the girl-child's identity are determined for her by others or they are dictated by cultural norms and ideologies, in the making or amendment of which she has absolutely no role. Thus the people who are behind the creation and promotion of culture and social context do not share the same identity as that of the girl-child. This fact of her marginalization and vulnerability vis-à-vis other members of her society is, very often, internalized by her as the social construction of herself as 'unequal'. This sets the context of how she comes to develop in the world. Very unfortunately this marginalized status of the girl-child will be how she comes to be identified and this identity is solidified and carried on throughout womanhood. Inequalities during girl-hood provide the basis of discrimination during womanhood (Ladan Askari, 1998).

Culture does play an important role in determining individual identities and group affiliations but at the same time culture, itself, is also determined by the relationship between identities. The marginalization, vulnerability and powerlessness of the girl-child, in her relationships with other members of her society, are all culturally determined. It is also important to keep in mind here that it is much more than simple powerlessness. Because it does not mean only lack of the full enjoyment of rights and benefits for the girl-child but it also means that she is powerless to remedy or redress this deficit or lacuna.

VI. End Notes

Regarding certain minimum standards of human rights protection and entitlement being made available to all human beings there is a strong belief by some scholars that such claims can not be discounted. But that is no solution as there is still a problem to establish international standards since there is the realization that values and priorities differ from country to country, as well as between cultures within the same countries. It may still be argued that despite these differences the minimal standards reflect the lowest common denominator of human rights entitlements across the board. But even then the problem does not end there as culture and social context often operate to diminish these international standards. The girl-child's marginalization, being a universal phenomenon, bears ample testimony to this fact. Even in cases where a slight attention is paid to those on the margins, the focus is usually on adult females leaving the girl-child high and dry. She continues to linger on the outer fringes. The core issues of human rights miss the girl-child thoroughly. If this scenario is to be changed now, there is a need for a realignment of human rights and other priorities. This can only be possible by bringing a change in the position that the girl-child holds in society today.

The fact of Children, all over the world, being subjected to cultural beliefs and practices of their parents, has become a universal phenomenon. But it needs to be realized that a child cannot be subjected to the parent's cultural background when his/her life is directly in danger. In fact it is the child's right to live which should be the foremost consideration

(Michele Wen Chen Wu, 2003). As discussed earlier the girl-child's identity is a composite of her individual identities as well as by their intersection. This complexity needs to be understood so as to minimize a girl child's vulnerability to the harmful effects of human rights violations that are often embedded in cultural practices.

 The Universalist and the cultural relativist are two basic positions in the conflict between culture and human rights. In view of the extreme positions taken by both these schools an effective analysis must aim at combining elements of universalists as well as cultural relativists. For the universalists, all human beings are entitled to the same standard of rights. Thus they find the girl-child to be vulnerable and subject to harm when they are denied such rights. For the cultural relativists, on the other hand, the criticism of cultural practices believed to be harmful to the girl-child may have its own set of cultural biases when that criticism comes from outside that culture. Since the culture of a girl-child, its values and beliefs determine an aspect of her identity it can be argued that it does not do the girl-child any good to condemn her culture from outside. On the contrary, it would represent an attack on one aspect of the girl-child's identity.

It would be wrong to denote that the girl-child experiences oppression or discrimination on only one of the grounds such as age, gender, race, class etc. at any given time. Rather, it is the consideration of intersectionality of these categories of the girl-child's identity which must find an important place in any method of analysis to assess and reduce the discriminatory impact experienced by her. Despite special recognition of child rights by the international community as evidenced by the UN Convention on the Rights of Children and the African Charter on the Rights and Welfare of the Child, they fail to meet the objective of protecting the girl-child and thus prove to be utterly inadequate. It is due to the fact that the so-called international protection for the girl-child does not address her intersecting identities. In any law or policy involving the girl-child the intersection of these identities must be considered. So there is no need of a re-drafting or creation of new international provisions. An intersectionality analysis, based on the consideration of the various components of the girl-child's identity and their intersection, is the only need of the hour.

The key to eradicating the practices considered to be harmful to the rights of the girl-child lies in engaging both those who propagate such practices and those who oppose them in a concerted and sincere dialogue so as to find an amicable solution to promote and protect human rights as well as culture. A comprehensive understanding of the girl-child with all her problems is at the centre of the discussion and is a critical component of the dialogue. In a meaningful dialogue such as this in an environment of mutual respect, good-will and appreciation; securing human rights and equality for the girl-child can never be a distant dream. It is in this context that the GRACE model, already discussed at length, recognizing a full appreciation of the intersection of gender, race, age, culture and the impact that they have on the girl-child's experience of the world, is of prime importance.

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