

**Women, Individual Rights and Cultural Relativity:
Power and Difference in Human Rights Debates**

by

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Abstract

When talking about human rights, anthropologists often find it difficult to reconcile an apparent conflict between individual and collective rights, and cultural relativity and universalism. The argument in this paper mediates these dichotomies, especially with respect to women's rights. It concludes that the concept of cultural relativity, developed by anthropologists to induce respect for difference, is appropriated, simplified and deployed by despotic states, politicians, patriarchs, and sometimes by well-meaning scholars to rationalize and excuse human rights abuses against women, and suggests that anthropologists take the lead in making cultural relativity a liberating rather than a constraining concept.

About the Author

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Women, Individual Rights and Cultural Relativity: Power and Difference in Human Rights Debates¹

When anthropologists discuss human rights, several pairs of apparently opposite principles quickly surface, namely political and civil versus cultural, social, and economic rights, individual versus collective rights, and cultural relativity versus universal human rights. I will try to mediate these dichotomies, especially the latter two, and will do so by talking about women's rights as human rights.² It should be understood that even though I'm focusing on women, much of what I say also applies to indigenous peoples, ethnic groups, and other so-called minorities.³

Let me begin with several case studies. I have a long-time anthropological research agenda in Poland (Nagengast 1982; 1990; 1991), with my most recent fieldwork spanning 1994-1996. Focusing on a process that I call "Learning Capitalist Culture," I gathered data in two farming villages, a factory, and a community of small business entrepreneurs. I shall draw my first case from this research.

After Poles dismantled their "socialist" political economy in 1991, newly elected policy makers, on the advice of the World Bank, other NGOs, and potential new investors, privatized many state-owned and operated factories throughout the country. In the interests of rationalizing production and making their products more competitive on the world market into which the economy was quickly incorporated, managers were instructed to, among other things, cut back the number of workers. In most enterprises, all part-time positions were eliminated. This affected far more women than men since women held the preponderance of part-time positions. At other enterprises, virtually *all* women were laid off before *any* men, on the implicit principle that women's wages were simply a supplement to men's. Factory managers, backed by government officials, justified the outcome of their actions by pointing out that many women wanted to be restored to full-time housekeeping and that after fifty years of communism, Poland is returning to its *traditional* Catholic roots. Indeed the Marian cult, centered on Mary as the loving wife of Joseph and the mother of Jesus, is extremely popular with women and men. It promotes the ideal of woman as wife and mother dedicated to family, food preparation, and household maintenance (Hauser, Heyns, and Mansbridge 1993). The romantic vision of glamorous housewife, with a sparkling home and spotless, happy children, appears in rapidly proliferating T.V. advertisements as well as homilies from the pulpit. The reality is, however, that most Polish women need to work but find fewer and fewer options (Pine 1994). The number of women in Parliament and other positions of power is decreasing. In the "traditional"--that is non-communist division of labor--men have jobs and women have babies, as one former woman worker who had been involuntarily returned to her rural household sardonically put it. The Church, extremely influential in Poland (though somewhat less so after the initial period of the transition), persuaded the legislature to drastically restrict birth control and abortions and to pass other legislation that emphasizes the kinds of family values that subsume women to men. Said one young married worker with two small children when I asked if he was planning on buying a washing machine now that they are more readily available: "Why should I? That's what women are for!"

Women mobilize in their own defense--there is a women's center in Warsaw, for example, and many women oppose both official and unofficial policy that simultaneously celebrates and denigrates them.⁴ Although the economy appears on the surface to be booming, the benefits of capitalism are not equally distributed by any means. Rural and working class women who face declining opportunities for economic independence, renewed overt sexism and increasing domestic violence have an uphill

struggle.⁵ Prostitution and trafficking in women--rare or unknown ten years ago--are among many visible manifestations of increasing gender inequality.⁶

Then there is the Tchamba woman, Fauziya Kasindja, from Togo.⁷ Kasindja fled Togo in 1994 at age 17 to avoid the imposition of a marriage she did not want and to escape genital surgery. As many as 80 million women worldwide are subject to these surgeries. The practice may be as simple as nicking the clitoris, but in more dramatic versions, it entails cutting away a woman's or more likely a child's external genitalia, including the clitoris. In its most drastic and most widespread form, the *labia minora* and *majora* are also removed and the wound is sutured such that only a very small opening remains for the purpose of urination, menstruation, and intercourse. For childbirth, the incision is cut open and in due course sewn up again. Not only are all of the above often excruciating, the incidence of long-term infection and other medical difficulties is very high. Women suffer decades of discomfort, pain or even death (Gruenbaum 1997, Hayter 1996, Hicks 1993; Lightfoot-Klein 1989; Slack 1988; Toubia 1993).

Fauziya Kasindja's parents had managed to protect her and her sisters from the extreme form of this practice, but when her father died, Kasindja came under the tutelage of her father's brother and his wife. Kasindja's uncle and aunt took a more "traditional" view of culture than had her own parents--perhaps because the uncle was the political leader of the community and had a stake in so doing. Kasindja had to leave school -- "We don't think girls should be too civilized," said the aunt (New York Times, Sept. 11, 1996, p. B8). The surgery, which was to be done by a midwife, was to be followed soon thereafter by an arranged marriage to a man of 45 who already had three wives.⁸ Fauziya Kasindja gained international prominence when she was imprisoned in the United States for two years pending the outcome of deportation hearings for entering illegally in order to escape her fate. In May 1996, through the efforts of many worldwide women's organizations, she was granted asylum in the US because of her "well-founded fear of persecution" - forced genital surgery - should she be compelled to return to Togo.⁹ Though her aunt was unsympathetic to Kasindja's plight, her uncle was interested in discussing the possibility of eliminating the surgeries in the future. The issue of women's rights has become a topic of discussion among the Tchamba people, making Fauziya Kasindja a collaborator in changing the imaginary and, in the long term, perhaps the cultural practices of her people.

Another situation concerns the Taleban¹⁰ movement in Afghanistan. The Taleban, one of many political groups engaged in civil war for over a decade, emerged in October of 1996 as victorious over two-thirds of the country. It immediately banned women and girls from schools at all levels in the areas under its control as well as from all employment and public service. This affected as many as 40,000 women, many of whom are now destitute. The Taleban further mandated that all women conceal their bodies in an all-encompassing garment called a burqa or chadori. The burqa is worn by conservative rural women, but the Taleban has imposed it on all women of all classes, professions, and ethnic groups under their jurisdiction, rural and urban alike. In early 1997, the Taleban decreed that all house windows must be painted black so that no man will accidentally see a woman. "Women tempt men, they are evil," says a spokesperson.¹¹

Further, women are forbidden to leave their homes unless accompanied by a close male relative. The Taleban justifies its actions by reference to the Koran and "traditional" Islamic practices. Penalties to women of all classes and social groups, including foreigners, who challenge these edicts or appear in public without a male relative in attendance, include arrest and sometimes beatings, or in the case of foreigners, deportation. Feminist groups in Afghanistan have documented numerous cases of

women attacked by roving bands of Taleban guards and beaten, kicked, and clubbed because a bit of hair has peeked out or because they have briefly exposed an ankle (Amnesty International 1997). Several women have been stoned to death for adultery and in mid-1997 a woman was stoned to death for trying to escape the country in the company of a man to whom she was not related. The majority of Islamic spokespersons from around the world, even the government of Iran, have officially condemned the Taleban's treatment of women, calling it "uncompassionate and un-Islamic" ((King-Irani 1996: 12). Indeed the Taleban seizes on the passages in the Koran which belittle women while ignoring those that advocate respect.¹²

Now let me tell you about Roop Kanwar, a woman of Rajput ancestry from the province of Rajasthan in central India.¹³ According to Rajput custom, Roop Kanwar's parents had arranged her marriage when she was 16.¹⁴ She was an 18-year-old university student living in the home of her in-laws when her husband, an unemployed university graduate, died in 1987. A short time later in a long outlawed custom known as sati, Roop Kanwar was burned alive on her husband's funeral pyre as thousands of spectators celebrated what they regarded as a joyous occasion. Observers do not agree as to whether she went to her death of her own accord or under pressure from her in-laws; she might have been drugged.

Roop Kanwar's death by burning was a *cause celebre* in India and abroad. Rajput spokespersons defended sati as an ancient ethnic custom that is part of their cultural heritage and that they are fully within their rights practicing it. Women's groups throughout India and national human rights organizations mounted a number of demonstrations and protests; the Prime Minister condemned sati and the government passed yet another law officially outlawing it. Eventually the state arrested Kanwar's father-in-law and five other members of her affinal family for their role in her death. In time Kanwar became a symbol for Rajput nationalists, who erected a shrine to her which has since become a place of pilgrimage. Further, they branded human rights activists, both within the country and abroad, as cultural imperialists who wanted only to impose inappropriate western norms. They especially singled out Indian feminists who were critical of sati as immoral individuals who were out to denigrate their culture and who are devoid of cultural pride. In the end, the conflict was framed by all parties in terms of the rights of ethnic communities to their traditional practices versus the right of the state to establish national norms.

How are we to understand the fate of individual Polish or Afghani women, or that of Fauziya Kasindja or Roop Kanwar, in terms of the basic human rights inscribed in the Universal Declaration of Human Rights? How are anthropologists to understand them in terms of the cultural rights of *groups* to practice chosen lifeways without outside interference? And finally, does cultural relativity, once regarded as the core principle of anthropology, still have relevance for us?

Cultural relativity, as exemplified by Franz Boas and his students in the 1920s, was intended to stimulate respect for all peoples, thereby defending them from ethnocide and genocide. According to the Boasian school, people learn the customs and rules of their societies through the joint processes of socialization and enculturation, which presumably do not change over time in the absence of outside interference. Thus, anthropologists were enjoined to teach students that all customs had to be understood in context, respected, and not interfered with. This version of cultural relativity, essentializing and totalizing to be sure but still progressive for its time, was incorporated into the 1947 American Anthropological Association statement on relativity which *opposed* the Universal Declaration of Human Rights, then under discussion in the United Nations.

Anthropological opposition notwithstanding, the Universal Declaration was adopted by the UN in 1948. Amongst other things, it guarantees free speech, assembly, religion, and the basic necessities of life, like food and housing; it says that everyone has the right to work, to equal and fair pay for equal work, and that all have the right to be free from slavery, torture, and cruel, inhuman and degrading treatment. The basic premises are that a) people do not have to do or be anything in particular in order to enjoy human rights but that they are extended equally to all people everywhere by virtue of shared humanity; they are in other words rights rather than entitlements; b) the state is responsible for both insuring and defending the rights of all people and peoples within its borders, and c) there is a higher international order that supersedes the national state.

The provisions of the Universal Declaration entered into international law in the 1970s when two enabling covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and two Optional Protocols were endorsed by a sufficient number of member states of the United Nations. In the decades since, more than two dozen other human rights treaties have made the protection of certain basic human rights part of evolving standards of international law, even for states which have not formally endorsed them.

Yet there are ongoing controversies. Most western legal scholars agree that the civil and political rights enshrined in the ICCPR--freedom of speech, assembly, freedom from torture and slavery and so forth--can be realized immediately and that all states have the obligation to extend them to everyone without delay. However, many of the same scholars argue that the rights contained in the ICESCR--the rights to social security, fair and equal pay for equal work, adequate food and health care--can only be implemented gradually as resources permit (Nickel 1988; Donnelly 1993; Weissbrodt 1988). Rarely have resources permitted, however, since this is a profoundly political issue having to do with the redistribution of resources. Those that have or control most of the resources do not usually give them up easily. Many member states of the United Nations have ratified both the ICCPR and the ICESCR but make little progress towards implementing the latter. Legal scholars also contend that human rights are by definition individual rights (Donnelly 1993). Collective rights, however defensible, are not and cannot be the same as *human* rights (Howard 1992). This is far from a monolithic view, of course, and the untheorized liberal individualism that underlies it has not gone uncriticized (Felice 1996; McDonald 1992). In spite of certain disagreements, the *idea*, if not the practice, of universal human rights has become part of worldwide consciousness since 1948, including presumably that of many anthropologists, but the *content* remains under discussion.

Even some of what was once thought settled, i.e. prohibitions against torture and cruel, inhuman and degrading treatment, are under increasing attack, and this is the crux of the matter in terms of my topic--they are under attack in the name of cultural relativity and collective or group rights. I'll give three examples. First, where once politicians might have denied that their police treated people unfairly and inhumanely, a spokesperson for the government of Singapore now asserts that "good government may well require. . . detention without trial to deal with military rebels or religious or other extremists; curbs on press freedoms to avoid fanning racial tensions or exacerbating social divisions; and draconian laws to break the power of entrenched interests in order to, for instance, establish land reforms" (Kausikan 1996: 226). The second example is from Israel where the authorities uses torture, which they euphemistically term "moderate pressure," as a means of interrogating as many as 800 Palestinians a year. Israeli spokespersons justified this to the UN Committee on Torture recently by claiming that,

“No one will ever know where and when the next suicide bomb is going to strike” (BBC Broadcast, May 16 1998). There are two highly debatable implications buried in this statement. One is that an individual Palestinian’s right to be free of torture is trumped by the state’s obligation to prevent harm to Jewish Israelis, and the second is that any Palestinian is likely to be a terrorist. The third example is from Turkey. Several years ago, the Turkish ambassador to the United States told me, by way of defending the documented physical abuse of tens of thousands of Turkish prisoners, many of them Kurds accused of separatism, that “people here are accustomed to strong measures. It is their culture. They expect to be beaten” (see also Nagengast 1994). These official invocations of radically different others in Singapore, Israel and Turkey illustrate what is coming to be called “Asia’s different standard of human rights” (Steiner and Alston 1996:226-255).¹⁵ The “Asian” view, in brief, is that westerners do not appreciate the central role traditional communitarian practices have in culture and the relative unimportance of individuals who sometimes must be sacrificed in the name of the collective good (Ghai 1996: 237).

While it is certainly the case that not all rights covered by the Universal Declaration are equal--the right to leisure cannot be compared with the right to be free of torture or slavery--certain rights are recognized in the United Nations as core rights (non-derogable in legal parlance). That is, they are regarded as so essential that they can never be violated, even in times of war or national emergency. These are genocide, murder, torture, slavery, and certain rights of conscience, including freedom of religion. Yet, in addition to the situations I’ve already detailed, Amnesty International tells us of hundreds of thousands of people worldwide who are subject to torture, rape, disappearances, mutilation, and death or imprisonment for peaceful expressions of alternative political or religious views, or for their ethnic identity. We also know of slavery, sexual servitude, forced prostitution, and ethnic cleansing that, if not perpetrated by the state, occurs with impunity (Amnesty International 1997). Yet, human rights violating states increasingly defend even non-derogable human rights violations--beatings, whippings and general mistreatment, even beheading, amputation, stoning and burying people in pits and bulldozing debris over them, all of which constitute torture or cruel, inhuman or degrading treatment--by drawing on that basic concept of anthropology, *cultural relativity*. Any criticism is read as Eurocentric and yet another an imposition of inappropriate western Enlightenment ideas about liberal individualism.

Recently, I’ve heard Europeans and Americans--some of them anthropologists or students of anthropology, all people of good will--echo these arguments and agree that if it is “the custom,” then “traditional” practices should not be criticized and that it is not “our” place to impose our western derived values on “them.” These statements were especially prevalent but not confined to 1994 when an American youth was sentenced to a public caning for vandalism in Singapore. Human rights organizations point out that many Singaporeans die or suffer permanent disfigurement as a result of these canings, which are administered across the back and are the punishment for over 30 crimes. Nonetheless, the majority of Americans supported this punishment on the grounds that “when in Rome...” The implication, of course, is that any such caning, regardless of to whom it is allotted or what the outcome is, is justifiable because it is traditional.

What, if anything, are anthropologists to do? Certainly charges of cultural imperialism from the developing world can chill the anthropological soul, though some are less chilled than others.¹⁶ As the ideas and ideals of modernity have waned over the past decade, the particularism of post-modern theory and the politics of multiculturalism have shaken our belief in the existence of unifying universals, including universal human rights. Multiculturalism demands equal standing and asserts the moral

equivalence of all cultural practices, preventing some anthropologists from involving themselves in the emerging discussion about human rights in anthropology because to do so appears to disrespect the cultural practices of others.¹⁷ I'm not prepared to discard cultural relativism altogether because the very reasons it developed as one of the central ideas of anthropology have far from disappeared, namely the persistence of racism, classism, sexism, anti-Semitism, homophobia, and the like. However, I find the facile seductiveness of the cultural relativity argument, the de-politicizing of the label "tradition," and the confounding of the state with nations, cultures and communities insupportable. Post-modern angst and the more repressive aspects of identity politics seem in some cases to have taken the profession backward even while appearing on the surface to have moved us past the essentializing and totalizing images of the past. So, with this in mind, I am going to argue for a mediated and partial but still rather unfashionable universalism.

First, this business of draconian means necessary to maintain good government is a red herring. Politicians who invoke group rights and *culture* to justify the beatings and imprisonment of dissidents first reify culture and then confound it with peoples, nations and states. "A" culture is not a thing, but rather an historically and socially situated set of practices, never inert or static, but an always fragmented and changing product of negotiation and struggle. As such those practices are subject to re-negotiation as a result of new struggles, for example, Tchamba and Afghani women's battle to redefine their rights in the face of new political realities. The problem arises when politicians transform the historically contingent and politically dominant into a set of "implacable eternal verities" (Rao 1995:173), criticism of which they read as Eurocentric.

A "people/s", on the other hand, might be called a nation if they can make the argument stick that they share the same language, the same version of history, the same set of beliefs about the nature of the world, and if they lay claim to specific territory. If the Rajput ethnic nationalists who wish to assert they are a nation can defend their claim against counter claims they may even aspire to statehood. That a putative Rajput nation, however, uses the sacrifice of women as a symbol of that potentiality is intolerable.

A state is rather different; it is both a political organization and an idea (Abrams 1988). States try to efface difference among constituent "cultures", "peoples" and "nations" by creating the illusion of a single homogeneous unit that coincides with its physical boundaries. Thus the state strives to make statistical majority (or political and economic dominance) the norm, deviation from which may be stigmatized or punished by forced assimilation or even by beatings, imprisonment, torture or death. Any state's purpose in committing or allowing human rights abuses is to both create and enforce political, ethnic or religious homogeneity, to forestall opposition, or to keep existing figures in power.¹⁸ That is the motivation of the Israeli state in suppressing Palestinian autonomy, it is the reason that the Turkish state is eager to tamp down its Kurdish minority, it surely explains Singapore's eagerness to avoid giving a press platform to "rebels or religious extremists."

Cultures, peoples, nations, and states are all internally differentiated, cut by class inequalities (perhaps caste), and always by gender. There are dominant and subordinate sectors, there are factions, there are power blocs, there is contestation. I wonder how many Rajput women are ethnic nationalists? How many of *them* support sati? Do most Polish women *really* want to be defined in terms of their reproductive functions? There is nothing that we can call *a* homogeneous culture, or *a* nation that will be damaged if any aspect of it is challenged by dissidents or criticized by human rights organizations. Yet that is the message that despots put before us.

Other areas in which cultural relativity is invoked may be more difficult for anthropologists. These include so-called “cultural practices, customs and traditions” having to do with household, the division of labor, domestic arrangements, marriage and residence patterns, sexuality, and health practices. Historically no larger group has suffered greater physical, psychological, and symbolic violence in the name of culture and tradition than women. They often eat only after men and boys have finished and often do not have enough to eat, they are paid less for their labor power than men. They suffer a great variety of other penalties, including domestic violence and differential infanticide and abortion (Amnesty International 1992; Peters and Wolper 1995, Cook 1994).

Some states mandate second-class legal status for women. In both Chile and Argentina, for example, adultery is a crime for women but not for men. In Indonesia, Malaysia, Iraq, and China, among others, laws decree differential status for women in access to education, employment, and other public sectors, including in some cases health care and less than equal protection before the law. This is justified by appeal to custom, tradition, and imputed biological difference--that women are less sexual than men, for example, and therefore their adultery is less excusable (Cook 1994). The legal apparatuses of other states may outlaw physical, sexual, and psychological violence towards women, but they implicitly condone or tolerate it in the so-called private spaces of family and household, as contrasted with the public arena in which civil and political rights are realized. In other words, legislators may agree that marital battering and rape, dowry violence, widow burning, and genital surgeries are regrettable or even criminal, but they stress that these are private acts committed against private individuals and therefore cannot be called human rights abuses (Hayter 1996). I disagree. International human rights law holds states responsible for both creating and enforcing laws that protect everyone, all the time. States do not always so create and enforce, of course, but that is a goal to work towards. Human rights are evolving standards and represent both attainments and aspirations.

One of the many human rights treaties under discussion in the global community is the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). The articles of CEDAW and the 1993 Declaration Against All Forms of Violence Against Women adopted in Beijing are intended to overcome legal and illegal discrimination and violence in both the public and private arenas. Critics of CEDAW--many of them spokespersons for the same states in which beatings and torture of dissidents are condoned--claim that the concept of women’s rights stresses individual rights over community values. Women’s rights, they say, are inappropriate because women are the core of the community and must maintain *the* culture. CEDAW, if implemented, they say, will lead to *inappropriate* sexual freedom for women, the decline of *the* (reified) traditional family, the demise of *the* (reified) culture (Mayer 1995: 104-131).

Politicians who assert or imply that women are “the guardian angels of culture” and that therefore international human rights standards are an attack on cultural integrity intend these remarks mostly for internal consumption though they also deploy them effectively in international fora where they intimidate western diplomats who have learned to be sensitive to charges of cultural imperialism (Rao 1995:168-9). Through mandated clothing, expected demeanor, and body embellishments, as well as legislation that purports to protect them, women are designated as the repositories of cultural meanings that, ironically, also imply confinement to the private, domestic sphere *and* second-class status. Thus the primary identification of women with the family and home as reproducers and caretakers, in a highly problematic separation of public and private spheres of life, further contributes to women’s secondary status in the very realm in which their lives are debated and decided--that so-called public sphere to

which they may be denied full access. I for one am deeply suspicious of demands for cultural relativity that come from politicians whose very existence depends on the approval of their own governments or from patriarchal elites who stand to benefit from the continued oppression of women.

I suppose the most critical question to ask is whether women--Polish, Afghani, Tchamba or Rajput, or women who suffer domestic violence or forced removal from the public sphere, women who are paid less for their labor power than men--whether these and all other women have the right as individuals *or* a category of human being, to invoke the principles of universal human rights on their own behalf. Do they have the right, in other words, to resist cultural practices that deprive them of rights enjoyed by men, or which cause them psychological or bodily harm? Do *all* women have to object to such customs in order for them to be regarded as human rights abuses? If not all, then how many?

This is where academics who support the rights of groups to live lives in keeping with their cultural mores on ancestral lands sometimes flounder. Here is where we come up against the rights of Roop Kanwar and Fauziya Kasindja as individuals versus the rights of the Rajput or Tchamba people. Of course peoples have the right to speak the language of their parents and to inhabit their ancestral lands. They may even have the right, under some circumstances, to be governed by customary law, if they so choose. If individuals, however, are not free to choose whether they are in or out of the collectivity, not free to support or oppose its dictates, then the notion of group rights becomes vacuous.

As for multiculturalism, Dr. Mahnaz Afkhami, director of the *Sisterhood is Global* Institute, a women's human rights organization that includes members from 70 countries, notes that westerners who are trying to be sensitive and culturally aware are often patronizing. They "can go too far," as we see among those women who say that female circumcision [genital surgeries] is just another cultural practice. This cultural relativism is an example of arrogance. It is as if Western feminists are saying, "okay, a whole set of norms apply to us and our culture, and a whole other set of norms apply to these other cultures" (Afkhami 1996:17).

What about development? Some critics of women's rights as human rights assert that gender discrimination and violence affects relatively small numbers of women compared to those who suffer poverty, malnutrition, and environmental degradation as a result of the colonialism of the past and the capitalist expansion of the present. In this view, the right to development in which peoples and groups choose the kind, direction, and rate of their *own* development takes precedence over the liberal emphasis on the rights of individuals (Hyndman 1992). Thus, the argument continues, women as well as men will benefit from sustainable development and only then can opposition to traditional practices, like forced marriage, sexual servitude, domestic violence, and differential health care, be entertained (Dawit and Mekuria 1993). Poverty and inequality along the dimensions of class, caste, and ethnicity in addition to gender *are* endemic worldwide but they are intensifying everywhere rather than decreasing. The increase in inequality is largely the result of structural adjustment and the further penetration of capitalist (rather than locally controlled) development. It seems disingenuous to me, not to mention patronizing, to ask millions of women to await the cessation of their pain and degradation and to ignore the deaths of sisters and mothers until or unless other goals are met. (I'm reminded that some civil rights leaders said similar things to feminists in the United States in the 1960s and 1970s). We need to wage struggles on many fronts simultaneously rather than succumb to divisive rhetoric. Group rights to long-term, locally controlled development or even autonomy or sovereignty with their implications for the alleviation of poverty are critically important and must be advanced. However, they should not and cannot be given pride of place over the integrity of the person.

So what are essential rights, the rights that define human integrity? My list is as follows (and it partially intersects with what the UN regards as core or non-derogable rights). First priority is sheer survival, physical and emotional. Individual people cannot be sacrificed in order to insure another's survival, or the survival of some essentialized group. That's what leads to massive disappearances as well as to both genocide and ethnocide. After survival come bodily integrity and the right to protection from injury and disease; then human dignity and fundamental freedoms. Essential to these priorities is the notion of individual and collective freedoms--with the stipulation that an individual's rights are protected only to the extent that they do not jeopardize the survival, health, dignity, or equally basic freedoms of others.

And what should we say to well-meaning cultural relativists, whether from the modernist or post-modern school? We need to *politicize* this position by asking about the status of the person or group who asserts that human rights are relative. I paraphrase Arati Rao (1995:174) who asks *who* claims that men and women have different rights as a matter of cultural principle or tradition? Then, we need to ask in *whose name* is the assertion that human rights are relative advanced? Next, in whose interest are these cultural principles? *Who benefits* from them? And finally, to what degree do *women* have a say in the formulation and perpetuation of cultural rules and customs that demean them or accord them fewer advantages than men?

Some women activists contend that it is not "culture" that lies at the root of the problems faced by women worldwide, but lack of education about concepts of equality and lack of access to and experience with political and economic power (King-Irani 1996). It is, of course, the case that many women in Togo and elsewhere in West and North Africa and Western Asia support genital surgeries as a source of women's solidarity and resent the blandishments of insensitive western women who, perhaps inadvertently, portray them as uncivilized or mindless victims.¹⁹ Further, to not have the operation or, in other parts of the world, to not wear the veil or to not remain in the domestic sphere, might make it difficult to obtain a spouse, a disastrous fate where there are few or no economic roles for single women (Gruenbaum 1997). However as Rhoda Howard observes, "Capitalist development undermines the status of...women, putting control of the national economy into elite male hands and control of the family into the hands of its male members... The tasks of achieving women's rights is *not* synonymous with the task of integrating women into development; the latter requires more efficient use of female labor power, while the former requires the political empowerment of women" (Howard 1995: 301). Thus while locally-controlled development, the alleviation of poverty and the kind of educational shortfalls that prevent women from perceiving or realizing alternatives remain critically important, women also need to advance political claims against the family, the kin-group, and the state.

That women should take the lead and continue to set the pace in solving what they define as women's rights in their own groups, in their own countries is not at issue. Of course they should. Women all over the world, joined by progressive men, aim to discover *which* human rights concepts, symbols, and images are most relevant in their own societies and how they can best combat abuses. They are asking whose interests are served by traditions and customs that control women's autonomy, sexuality, production and reproduction. They want to know what the implications are for them and their society if they continue to be allocated less food, medical care, educational opportunities, and political offices than men. Whose interests are served when women suffer disproportionately from the contradictions of global expansion of capitalism development that diminish rather than enhance life's possibilities?

Some women voluntarily seek breast implants and forego education; others may believe that they should have permission from husbands, father, brothers or sons before seeking medical care; some may believe that they should be beaten or even that they “asked” to be raped. Some women undergo genital excisions voluntarily but most are performed on children who are not in a position to choose otherwise.²⁰ Victims of sati go their funeral pyre without perceiving any alternatives, perhaps drugged. Finally, significant numbers of women and girls never have any opportunity to exercise alternatives to any of these because they will suffer the dire consequences of having made the wrong choice.

When anyone speaks of “culture relativity” as a justification for violating the survival, the bodily integrity or the basic humanity of others, whether that person is a man or a woman, a member of a feminist group or the established power bloc, a religious practitioner, or a government spokesperson, it would behoove us to inquire about the overall political, social, and economic as well as the cultural context in which those violations occur. Fauziya Kasindja as an individual is a survivor of human rights abuses, but other rural women in Togo still suffer the indignities that accompany their oppression there. They are not able to realize “their” group or individual rights.

We must constantly remind ourselves that there can never be “a” culture that is not mediated by multiple axes of inequality which must themselves be mapped against the larger economic, political and social conditions of a state. Genital surgeries are outlawed in Togo but the law is not enforced, probably because women without it would, in the short run, be left without economic or social alternatives. The Indian government does not enforce bans on sati perhaps because of its rallying power for separatists that undercuts the legitimacy of the state. The Taleban’s version of Islam may have as much or more to do with its *political* agenda than with a specific version of religious tradition. That women return to the household in Poland serves the short-term needs of capitalist development there.

Women in Togo, Afghanistan, Poland, and India should not be isolated and left to struggle alone in the name of a misguided cultural relativity. Through global media attention, a new imaginary has already penetrated the imagination of the residents of Togo and India and adds to the potential for action there. The worldwide publicity accorded to Fauziya Kasindja opened a dialogue about genital surgeries in Togo; Polish feminists use international networks as they seek to change their world. Shortly after the Taleban success in parts of Afghanistan, the major source of information about what was happening to women there was a woman’s organization in Kabul with access to the Internet and thus to the rest of the world. Globalization has its merits.

To sum up, I’ve argued that the concept of cultural relativity, developed by anthropologists to induce respect for difference, is appropriated, simplified, bastardized, and deployed by despotic states, politicians, patriarchs, and sometimes by well-meaning friends and scholars to rationalize and excuse human rights abuses. Anthropologists should take the lead in making cultural relativity a liberating and not a constraining concept. To do so, we need to recapture and re-deploy it in the interests of exploring both long- and short-term strategies capable of addressing human violations committed in the name of custom and the community.

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ENDNOTES

¹ A shorter version of this paper was presented orally in April 1998 at the Society for Applied Anthropology Meetings in Puerto Rico in the plenary session, Power, Difference, and Human Rights organized by Carlos Velez-Ibanez and Carole Nagengast.

² I address the similar issues in a larger framework in “Women, Minorities, and Indigenous Peoples, Universalism and Cultural Relativity,” in *Universal Human Rights versus Cultural Relativity*, A Special Issue of *Journal of Anthropological Research*, edited by Terence Turner and Carole Nagengast, Vol. 53: No. 3:349-370.

³ The peoples described as “minorities” often find the label paternalistic, with its connotations of “minor,” but the term and definition remain in general usage in both the United Nations and in social science literature. With apologies to those so offended, I’ll retain it here as a shorthand for “categorical difference.”

⁴ Much of what are regarded as standard feminist achievements in Western Europe and the United States are scorned by Polish women as irrelevant to their struggles. Western feminists are stereotypically taken as anti-men, anti-fashion, and anti-family (see Nanette Funk, “Feminism East and West.” In *Gender Politics and Post-Communism: Reflections from Eastern Europe and the Former Soviet Union*, edited by Nanette Funk and Magda Mueller. New York and London: Routledge, 1993).

⁵ Women’s organizations have mounted a major campaign against domestic violence, but spousal and child abuse seem to be increasing dramatically. Although accurate statistics are difficult to find, Polish courts recorded a 33 percent rise in the number of domestic violence cases in 1995 alone, suggesting, if nothing else, that women are reporting incidents more often (See *New York Times*, Friday May 8, 1998, pp. A1, A8).

⁶ Trafficking in women has become a major issue throughout Eastern and Central Europe and Russia and has been widely covered in the US press.

⁷ Most of the data about Fauziya Kasindja is taken from a New York Times article (11 September 1996, p. B7) and various circulars issued by the women’s human rights organization *Equality Now*, 250 W. 57th, New York, New York, 10019.

⁸ The man later claimed he was only 28 but did admit to 3 wives (New York Times 1996, p. B8).

⁹ This was a landmark legal case, for it was the first time that such a ‘customary practice’ as genital surgery was deemed adequate reason to grant asylum status under U.S. immigration law.

¹⁰ One sees both Taliban and Taleban in the press. Taleban is apparently the way it is spelled in Afghanistan.

¹¹ The so-called traditional practices of the Taleban are not confined to women, though women as a group suffer grievously from them. Men who shave their beards or cut their hair are also subject to fines or imprisonment. Accused sodomists, code for gay men, have been buried alive by having walls of earth and concrete bulldozed onto them. The authorities have amputated the hands of dozens of alleged thieves, reportedly after trials which only last minutes and decisions of which have no appeal. Men and women accused of adultery have been stoned (See Amnesty International Annual Report, 1997: 63-65). Further, the families of murder victims have been set against the convicted felons in staged spectacles watched by tens of thousands. The family member is expected to cut the throat of the alleged murderer with a dagger while the multitudes are enjoined to chant slogans in rituals reminiscent of Foucault's regicide (*Discipline and Punish*, New York: Pantheon, 1977). By June 1998, the time of this writing, there had been several such public displays. The Taleban justify all these actions as consistent with Islamic Law, a position disputed by dissidents within and without the country. These events are widely covered by the international press.

¹² There is a large literature on women and Islam. See, for example, Nadia Hijab, *Womanpower: The Arab Debate on Women at Work*, Cambridge: Cambridge University Press, 1988; Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, translated by Mary Jo Lakeland, Reading MA: Addison-Wesley, 1991; Ann Elizabeth Mayer, *Islam and Human Rights*, Boulder CO: Westview, 1991.

¹³ These data on Roop Kanwar are drawn from R. Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity and the Discourse of Rights," in *Human Rights of Women*, edited by Rebecca J. Cook, Philadelphia: University of Pennsylvania Press, 1994; and Elizabeth Zechenter "In the Name of Culture: Cultural Relativism and the Abuse of the Individual," in Special Issue of *Journal of Anthropological Research: Universal Human Rights versus Cultural Relativity*, edited by Terence Turner and Carole Nagengast, Vol. 53, No. 3: 319-348, 1997.

¹⁴ Child marriage is very common in Rajasthan, especially in villages. Child brides sometimes end up as domestic servants in the households of their husbands while awaiting the onset of puberty (*New York Times*, May 11, 1998, A1.)

¹⁵ Turkey and Israel may object to being placed in "Asia" but in fact their stance on human rights is indistinguishable from that of other states in Asia which elaborate this view.

¹⁶ In 1993 the AAA formed a Commission for Human Rights which became a Permanent Committee of the Association in 1996. I am a member of that Committee and was also a member of the earlier Commission. See Terence Turner, "Human Rights, Human Difference: Anthropology's Contribution to an Emancipatory Cultural Politics," in Special Issue of *Journal of Anthropological Research: Universal Human Rights versus Cultural Relativity*, edited by Terence Turner and Carole Nagengast, Vol. 53, No. 3: 273-292, 1997, for a description of the theoretical bases for the Committee and a discussion of its charge.

¹⁷ Another theoretical trajectory in anthropology, arguably more scientific (or at least scientific) than post-modernism caution colleagues about the pitfalls of “subjectivism,” or advocacy implied in a concern with human rights and social justice. See the debate between Nancy Scheper Hughes and Roy D’Andrade entitled “Objectivity and Militancy: A Debate,” in *Current Anthropology* 16 (3) 399-440, 1995.

¹⁸ I elaborate theories of the state in Carole Nagengast, “Violence, Terror, and the Crisis of the State,” *Annual Review of Anthropology* 23:109-36, 1994.

¹⁹ A book and film, *Warrior Marks*, by Alice Walker (New York: Harcourt Brace, 1993) about genital surgeries has been widely read as disrespectful, exoticizing, and representing African women as dramatically dissimilar to North American women. Many African women take much of the publicity around genital surgeries as anti-woman and actually retarding reform (see Seble Dawit and Salem Mekuria, “The West Just Doesn’t Get It,” *New York Times*, December 7, 1993, A27).

²⁰ There are a number of women’s groups throughout western Africa and the circum-Mediterranean that actively educate women about the dangers of genital surgeries and counsel them about alternatives. See, for example, the journal *Awaken* which publishes in French, Arabic and English. Among organizations dedicated to education about genital surgeries, it lists those centered in Djibouti, Kenya, Mali, Nigeria, and Senegal. There are also organizations in Europe, North American and Canada. *Awaken*, edited by Suad Bashir Yusuf, is available from *Equality Now*, 250 W. 57th St., #826, New York, New York 10019.