

# Myths and Ideologies of Gender Equality and Rights

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## Introduction

My motivation for writing this paper has to do with an increasing uneasiness regarding the notion of 'equality' in feminist contexts, and indeed with the increasing triumphalism of global feminist discourse. The UN Convention for Elimination of all forms of Discrimination Against Women (CEDAW) was adopted in 1979, having since then been ratified by more than 150 countries, and a series of recent UN conferences - on Human Rights in Vienna 1993, on population in Cairo 1994, the Social Summit in Copenhagen 1995, and the Fourth World Conference on Women in Beijing 1995 - have all been hailed as victories for women's issues. Things are moving forward; gender equality - in terms of elimination of gender discrimination - and women's rights - in terms of, among other things, sexual and reproductive rights as included in the Beijing Declaration, are in the process of becoming generally accepted norms on a global scale. Exit now, at long last, the patriarchal world order and universal subordination of women, against which the new women's movement, from the 1970'es onwards, has so tirelessly struggled? For a feminist this should be a case for celebration and jubilation - then why do I feel uneasy? What is lacking or misconceived in these global notions of gender equality and women's rights?

This paper is an attempt to find out. One caveat of course is that all this talking of equality and rights seems to fit only too

nicely into a neo-liberalist way of thinking: No clashes at all with expanding market economy - not at the formal, verbal level, that is. Looking at actual economic *practice* you see a different picture. In spite of all this triumphalist *talking* about gender equality and rights, what actually *happens* are increasing polarizations between rich and poor, and among the poor a majority are women. Feminization of poverty on a global scale matches unequal income distribution even in a rich and very gender-conscious country like Denmark. Laws against gender discrimination are prescribing equal pay, and almost 50% of persons active in the Danish labour market are women - but nevertheless men, on the whole, are commanding an income about 50% *higher* than women, average annual male income in 1989 being DKK 180.600, average female income DKK 111,600 (Møller Jensen and Larsen 1992: 12). For obvious reasons of course: More men, fewer women are in the highest income brackets; more women, fewer men in the lowest ones. Women in Denmark by now are outnumbering men when entering higher education; and as a general rule the girls have higher marks than the boys; they are performing better academically. Nevertheless more men than women leave university with a degree, and more men than women get into top positions in public and private hierarchies. Why? Women tend to have other priorities - social relations, family life, children - priorities which put them at odds with the priorities of market society, where men seem to fit in more smoothly (cf. Arnfred 1996c). Of course, the issue is more complicated than this, and exploring these complications could be the topic of another paper. The point that I want to make in this context is that in spite of the talking about gender equality and rights, *in actual fact* on a global scale economic gender *disparities* are increasing, economically.

What I'll do in this paper is not to explore facts about gender divisions, but rather to investigate foundations for our thinking about gender equality and rights, as well as possibilities of thinking differently about gender. Thinking differently in order to be able to point to different courses of political action. Courses of action which at the outset will have to take issue with neo-liberal embracement of unfettered market forces.

In this endeavour of establishing different lines of thinking I will apply a kind of comparative method, juxtaposing the global-feminist conceptions of 'equality and rights' with other

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conceptions of gender power, gender identity and gender struggle. My material will be drawn from diverse sources: Partly from Mozambique, where I lived and worked for a number of years in the early 1980'es, doing research on behalf of the national Mozambican Women's Organization, the OMM; and partly from Greek mythology. The point will be to show conceptualizations of gender behind and beyond the general Western/European (and global feminist) notions, showing the establishment of present categories as a *historical* creation, rather than as an established and given fact. At the same time, by pointing to other ways of conceptualizing gender, I want to create positions, as it were, from where to question the global-feminist notions of gender equality and rights. Are they as all-encompassing as they seem? Or would there be ways of thinking differently about the same issues, pointing to different lines of action?

### **Mozambique: Male and female gender power**

One of the things that struck me while working in Mozambique was peasant women's defence of the female initiation rites. I have written about this elsewhere (Arnfred 1988, 1990, 1996b). The female initiation rites, as seen by the OMM, were woman oppressive, inducing women to passivity and submission; thus they were to be demolished the sooner the better in the name of the struggle for women's liberation. The very same rituals, as seen by the peasant women themselves, however, were considered essential to female identity and power *vis à vis* men; thus the women struggled to maintain their rites, in the face of political ban issued by Frelimo (the ruling party) and the OMM.

The easy way to deal with this contradiction was to see the rural peasant women as traditional, backward and ignorant, not knowing their own good. This was the way it was seen by Frelimo and the OMM; *they* were the ones who knew the long term, strategic interests of the peasant women: abolishment of traditional rituals, integration in wage work and national production, modernization. From my Danish background in the New Women's Movement (which was thinking along very similar lines) I would have shared this point of view, if it had not been for the extraordinary eloquence and political awareness

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of the very same peasant women who were most fiercely defending the initiation rites. I met these women in Cabo Delgado, a northern province of Mozambique, and the centre of the pre-Independence liberation struggle against Portuguese colonialism. The women had all in one way or another been active in the struggle, they knew what to gain from changed gender relations, and they knew what to lose. They did not want to let go of their initiation rites, which they considered central to their identity and power as women. Of course they did not express themselves in this way. They just wanted to continue performing their rites, and so they did, defying the Frelimo ban. I felt obliged to respect these women, and to try to make sense of what they said and did. I could not dismiss them as backward and ignorant, because they weren't.

A possible next question is the following: Which *kind* of power were these women struggling to defend? How does it differ from male power? Ifi Amadiume, investigating male/female power structures in her native village in Igboland, Western Nigeria, has asked these kinds of questions, identifying thereby a dual power structure: Gender struggle in this context is *not* about facilitating women's access to male gender hierarchies (which is how gender struggle is conceived in Western feminism) but rather about defending and consolidating a female power base. Ifi Amadiume discusses this in a historical perspective: "While European women have struggled to gain power in their formal political structures, colonial imposition of European systems in Africa has undermined the traditional empowering structures of African women's socio-cultural systems. (...) It was Christianity, Western education and the secular European state system in Africa which in less than 100 years forced wide-sweeping radical changes through the colonial imposition of a male-biased ruling system" (Amadiume 1995: 37). Traditionally, according to Amadiume "African women had autonomous organisations, structures or systems of self-rule that they needed to defend. Their histories are consequently full of experiences of struggle against processes leading to a gradual loss of this tradition" (Amadiume 1995: 35).

Seen in this light, what I encountered in Cabo Delgado were exactly this kind of struggle against 'processes leading to a gradual loss of this tradition of autonomous organizations' - *in casu* the initiation rites. The Cabo Delgado women were

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struggling to maintain their rituals. Not because they wanted to return to their pre-war lives as peasant women; their world view had been enhanced during the war; they were keen on changes. But they were not too keen on the *kind* of changes they were witnessing at the point in time when I met them, eight years after Independence and the end of the liberation war. The balance of power between women and men was tilting in favour of men. In spite of Frelimo slogans of women being indispensable for the revolution - as said by Samora Machel in a famous quote: *A libertação da mulher é uma necessidade da revolução, garantia da sua continuidade, condição do seu triunfo*.<sup>1</sup> - Frelimo politics conceptualized women's emancipation as being a matter of wage labour and female access to male terrain, symbolized by a Soviet-type female tractor driver.

Ifi Amadiume is referring to Kamene Okonjo, who has put what she sees as 'African' as against 'Western' political systems in rather crude terms as 'dual-sex' as opposed to 'single-sex', the idea being that the African dual-sex systems where, as she puts it, "each sex manages its own affairs and women's interests are represented at all levels" (Okonjo 1976: 45) in the course of colonization and Christianization gradually are replaced by single-sex systems, in which "women can achieve distinction and recognition only by taking on the roles of men in the public life and performing them well" (Okonjo 1976: 45). Talking about 'African' vs 'Western' sexual systems is inaccurate and ahistorical, and represents a kind of dichotomous thinking which should be avoided. Nevertheless I find the conceptualization of a possible dual-sex system useful, because it introduces an idea of *gendered* systems of power, as different from the colonial/missionary/socialist conception of women's emancipation as equality on presumed gender neutral terms.

Frelimo's political thinking was a mixture of socialist ideas and Protestant morality (cf. Arnfred 1990), the corresponding practice greatly inspired by Eastern European/Soviet editions of modernity. The positive images of femininity in these contexts are the devoted wife and mother, and the female worker,

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<sup>1</sup> "Women's emancipation is a necessity for the revolution, a guarantee of its continuation and a condition for its triumph" - Frelimo president Samora Machel in his opening address to the first OMM conference, 1973.

comrade of the man. The negative image is the prostitute, the whore: Female sexuality not in wedlock and not commanded by a man is dangerous and evil. In Frelimo-thinking a single woman, who was neither daughter, wife or widow would easily be considered a 'prostitute', ie. someone who is putting social order and stability at risk<sup>2</sup>. The Frelimo ban on female initiation rites was a continuation of the colonial and missionary attitude: On one hand they saw the rites as women-oppressive, and on the other, they saw them as repugnant and obscene, dealing as they were with female sexuality. Seen from my point of view, however, informed by my discussions with the Cabo Delgado women, the female initiation rites were about a ritual transition from childhood to adulthood, female adulthood in northern Mozambique including development and training of sexual potentials. In the course of the rituals at the threshold to adulthood it would be the task of the older women to make sure that the initiates having been through the rites were fully educated and experienced women, competent in sexual terms as well as in regarding women's work and household matters. Sexual proficiency seemed to be considered like we would do skiing or riding a bicycle: a capability which you have to learn by training; nobody would expect you to be a champion at your first attempt (cf. Arnfred 1996b). The context of the initiation rites was a women-only setting, older women commanding the younger one, men allowed only on terms set by the older women. Claire Robertson, studying women in Kenya, sees the initiation rites as key to the strength of women's associations: "Gerontocratic organization for women was extremely important and reluctantly surrendered" (Robertson 1996: 620). Seen in the light of a dual-sex system, the initiation rites emerge as a manifestation and celebration of female shared identities and female gender power *vis a vis* men.

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<sup>2</sup> In a famous speech in Xai Xai, March 1982, Samora Machel was talking among other things about prostitutes: "A prostitute may get hold of your husband. Her sole preoccupation is chasing men..." (Xai Xai speech, *Revista Tempo* no. 600, suplemento, p 33).

## **Greek mythology: Gender neutral is always male**

One aspect of concern in this context is the treacherous notion of 'gender neutrality'. In a single-sex context presumed gender neutral power will always turn out to be male. This point was brought home to me very clearly when some years ago I was watching a staging of the *Oresteia* - a mythological tragedy trilogy by Aeschylus. Considering that Greek thinking was influential in framing the Renaissance and later the Enlightenment ways of thinking, which in their turn have both been decisive for what we see today as the thinking of Modernity, including Socialism - by providing an analysis and interpretation of gender conceptions in the *Oresteia* I want to point to what I see as one set of historical roots of European single-sex conceptions.

The *Oresteia* is often hailed as the founding myth of democracy. In the final scene a jury of twelve citizens from Athens is given the authority to decide the fate of Orestes: if he should be condemned guilty or not for the murder of his mother, Clytemnestra. Decisively helped by the vote of Athena, who invents and arranges the jury, Orestes is told not guilty. Athena is a woman, but not a normal one: She never had a mother; already adult and in full suit of armour she emerged from the forehead of Zeus.

The tragedy trilogy tells the story of the violent gender struggle, upon which the emerging 'gender neutral' equality and democracy in the final scene is built.

Greek king Agamemnon returns to his home after having been away for years in the campaign of Troy. Before going, in order to bolster his luck in this endeavour, he killed and sacrificed his and Clytemnestra's adolescent daughter Iphigenia. Now at his return - bringing with him a slave and mistress, Cassandra - Clytemnestra wants to kill him, and so she does. Their son, Orestes, feels obliged by Apollo, son of Zeus, to kill his mother, thus revenging the death of his father.

The real story of the three plays, however, is about the struggle of mother-law versus father-law. Clytemnestra, supported by the Erinyes - a band of goddesses of vengeance making up the

chorus in parts of the play - defends the principles of mother-law. The Erinnyes haunt Orestes for having committed what is in their view the worst crime of all: killing his own mother. To them the ties of kinship, connections through the womb, are most important. Killing one's husband is a lesser crime. Apollo is of a different opinion. In his vision of law and the order of things, the husband and father is the important person; even for procreation the father is decisive, the mother just provides a shelter for the fathers germ, a shelter which is not even indispensable: look at Athena, who was born by her father alone.

Apollo puts it like this:

The mother of what is called her child is not its parent, / but only the nurse of the newly implanted germ. / The begetter is the parent, whereas she, as a stranger for a stranger, / does not preserve the sprout, except God shall blight its birth. / And I will offer thee a sure proof of what I say: / Fatherhood there may be, when mother there is none. / Here at hand is a witness, the child of Olympian Zeus - / and not so much as nursed in the darkness of the womb, / but such a scion as no goddess could bring forth (Aeschylus: *Eumenides*, *Oresteia* part III, lines 663 ff).

Parts of the last play, after the death of Clytemnestra, is a verbal fight between Apollo and the Erinnyes, also called the Furies. A *furie* in Danish is an angry woman, who thinks herself more frightening than she is. In the fight with Apollo, however, the Erinnyes/Furies are frightful indeed, filled with the rage of vengeance, and not to be neglected. Apollo, like Orestes, has a tough time. He is supported decisively by Athena, the traitor of her sex (as I see it). Without her intervention, the outcome of the story would have been different. Athena takes side with Apollo/Orestes. She arranges the (all male) jury and casts her own vote in favour of Orestes. Listen to her:

My office it is now to give final judgement; / and this, my vote, I shall add to Orestes' side. / For mother have I none that gave me birth, / and in all things, save wedlock, I am for the male with all my soul, / and am entirely on the

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father's side. (Aeschylus: *Eumenides*, *Oresteia* part III, lines 734 ff).

Furthermore, where Apollo had quarrelled with the Erinnyes, Athena cleverly appeases them, persuading them to give up their claim of punishment for Orestes and to accept the vote of the jury. In return she'll ensure that they'll always be honoured. The fearful Erinnyes are transformed into peaceful and docile Eumenides<sup>3</sup>. Mother-law is taken off the agenda, being replaced with women on a pedestal. In the interpretation of German producer Peter Stein with the Russian Theatre Confederation, shown in Copenhagen last year, the Erinnyes are a horde of horrible witches, wild with grey hair flowing in all directions and great grey overcoats. In the final scene, however, the once so fearful Erinnyes are appeased and embellished, with beautiful purple coats replacing the witchy grey. They are honoured, beautified - and silenced, in Peter Stein's edition very manifestly so, as they are being wrapped up, head to foot, face and all, in beautiful purple material. Athena goes on talking about law, justice and reconciliation in gender neutral terms. In actual fact the acclaimed reconciliation of the *Oresteia*-trilogy means erasing female power, effacing gender struggle, and silencing women. The new apparently gender neutral law is the law of the father. Gender neutrality in actual fact being "the phallus erected where once there was the umbilical cord" as put by Luce Irigaray in concluding her interpretation of the *Oresteia* (Irigaray 1991: 38).

An inherent problem of this story of gender struggle is that it is frequently *not* seen as such. Rather it is interpreted (although not by Peter Stein and not by Irigaray) as a tale of the origins of democracy - sidelining the fact that this democracy is all male, established on a myth of male procreation (Apollo's view) and arranged by a woman born adult by a man: Athena. Peter Stein's interpretation of the *Oresteia* as a story of repressed gender struggle is, as I see it, much more to the point. And gender struggle not only between women and men, but between two kinds of women: Clytemnestra and Athena. In the female figures of Clytemnestra and Athena passion, motherlove and hate are opposed to rationality and negotiation.

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<sup>3</sup> Eumenides translated from Greek means 'the benevolent ones'.

Clytemnestra is of the old order: she is a passionate woman<sup>4</sup>. In Agamemnon's absence - for years she thought him dead - she has taken a lover, Aegisthus, Agamemnon's cousin (whose father was killed by Agamemnon's father, his brother). Furthermore Clytemnestra is a mother, furious and sorrowful for the death of her daughter, Iphigenia. Trying to persuade Orestes not to kill her, she reminds him, that as a baby he lived by her:

Hold, my son! Have pity, child, upon this breast / at which  
full oft, sleeping the while, / with toothless gums thou didst  
suck the milk that nourished thee. (Aeschylus: The libation-  
bearers, *Oresteia* part II, lines 896 ff).

Clytemnestra represents and commands female power. After her death she appears as a ghost summoning the Erinyes to carry out their task: taking vengeance on mother-murderer Orestes.

Athena doesn't go for female powers; as a male brain-child she takes sides with men, using her talents to promote male power. Athena the passionless, doesn't opt for marriage (cf. the quote above, *Oresteia* part III, lines 734 ff.); she is not a mother. She identifies with men. Athena, in disturbing ways, is a modern woman.

The stories from ancient Greece figure as master-metaphors of Western culture. But not necessarily elsewhere. The point of placing the story of Orestes - or rather the story of Clytemnestra and Athena - in the context of a discussion of gender 'equality' is twofold:

First, in order to point to the possible flaws of the concept of 'equality': Whose equality with whom, on what basis? Is it equality as similarity, or is it equality as power balance? In the latter case, what about female power? In present day global society male power is visible and obvious, but female?

Secondly, the story points to explicit Western hangs-up regarding gender. All this about seemingly gender neutral equality - as exemplified in Athena's all male 'democratic' jury

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<sup>4</sup> In her interpretation of the *Oresteia* Irigaray emphasizes Clytemnestra's passion versus Athena's desinterestedness in lovemaking (Irigaray 1991: 36-37)

- is a legacy of Western culture. People elsewhere may - and do - envisage and conceptualize sex, gender and gender balance / gender equality differently, using different images and different metaphors. A major problem, as I see it, of studies of gender and development is that these basic questions about the conceptual basis of gender 'equality' and about the possible existence of *female power*, as something different from male power, are not even asked.

## **Myths of gender equality in development discourse**

A prevailing myth in Western thinking on gender is that gender equality is a product of modernity. Maybe not automatically; specific political action may be required. But modernity is seen as a *precondition* - a necessary precondition - for the establishment of gender equality. Without development and modernity, no betterment for women. Pre-modern societies, ruled by customary law, are seen as hierarchical, gender segregated and woman oppressive. Modern societies and modern law are seen as based on principles of equality and no segregation, thus providing the basis for women's emancipation. Women's oppression is a thing of the past, women's liberation a thing of the future.

This line of thinking runs as an undercurrent in most development writing on gender, including in the documents from the UN Fourth World Conference on Women, Beijing 1995. Here it is stated that

- accelerated economic growth, *although necessary for social development*, does not in itself improve the quality of life of the population.
- the popular participation of women in key decision making as full and equal partners with men has *not yet* been achieved.
- feminization of poverty is *a result of malfunctions*: Widespread economic recession and political instability (UN 1995: 12-13, emphasis added, SA).

That is: Social development is based on economic growth, and gender equality as an aspect of social development is a question of time and effort ('not yet'). Feminization of poverty is not a

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*consequence* of global market economy, as certain critics might think, but a result of malfunctions.

In liberal thinking market forces are seen as spearheading liberation, including women's lib, as put by Naila Kabeer: "Both economists and modernizing theorists ascribed a liberating potential to the market: it was seen as the arena where universalistic criteria applied and where individuals were impersonally rewarded on the basis of objective results rather than good intentions, patronage networks or ascribed characteristics such as sex, caste or race. (...) Modernization would lead to the spread of liberal, egalitarian values which would help to undermine old, authoritarian structures within the family" (Kabeer 1994: 18). That is: Gender equality will be achieved through market forces and ultimately through women's economic independence of individual men.

Interestingly, the socialist blueprint for women's liberation is very similar. Here the working class replace market forces, but the basic line of thinking is the same: Universalistic criteria and egalitarian values will replace authoritarian family structures when women enter the working class as wage labourers on equal footing with men. Equality in the family will be achieved through women's economic independence of individual men.

In development discourse the 'efficiency argument' has proved decisive (Moser 1993: 57). Not only do women need development, following the above line of argument about economic growth and development as preconditions for gender equality. *Development also needs women!* Previous approaches based on 'victimology'-thinking of the type: 'Poor oppressed women must be helped', where women were seen as passive recipients of 'development' - have been replaced by efficiency-thinking, seeing women as *agents*, active rational economic agents just like men: 'Economic man' of liberal theory being extended to 'economic woman'.

Making sure that women are integrated in all aspects of development - the so-called 'mainstreaming' of gender issues - has nothing to do with charity. It simply is, economically, a very good idea! "No country can afford to underutilize and underequip more than half of its human resources" (World Bank 1990: 62). One problem is that this mainstreaming currently and

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increasingly takes place in a *terminology* of power relations and agenda setting - in development discourse = GAD - while the *actual institutional practice* is integration of women in the ongoing process of development = WID - on male and market terms<sup>5</sup>. Priya A. Kurian, writing on gender aspects of World Bank politics has this to say: "In 1987 the Bank set up a Women in Development division [...] This was followed in 1990 by a decentralization effort that placed a coordinator for Women in Development in each of the Bank's four regional complexes [...]. The most recent reorganization in 1993 resulted in renaming the WID division as Gender Analysis and Policy (GAP), with a new focus on Gender and Development (GAD). [...] The guidelines and policies formulated by the Bank in 1984 have been revised during this last decade, with the revisions reflecting, at a minimum, some changes in the rhetoric deployed. Most notably, the Bank moved in 1993 to using the term 'gender' instead of women, although it remains to be seen how much else will change" (Kurian 1997: 140). And later: "In addition, the notion of gender as the Bank views it is clearly limited. Although the Bank uses the term 'gender' in identifying its women and development approach as 'gender and development', official Bank statements and appraisals tend to steer clear of grappling with the implications of using the term 'gender' (which includes the notion of gender-based power distribution) instead of 'women'. Gender, in Bank vocabulary, is synonymous with 'women' . [...] Women's empowerment thus, necessarily translates into furthering 'development'. Or, rather, economic development hinges on 'women's development'" (Kurian 1997: 158).

Razavi and Miller analysing gender mainstreaming efforts of the UNDP, the World Bank and ILO in 1995 reach a similar conclusion:

"A distinction has been made between an 'agenda-setting' and an 'integrationist' approach to mainstreaming; the former attempts to transform the thrust of development policy as it brings women's concerns into the mainstream,

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<sup>5</sup> WID - Women in Development - is commonly used as a name for liberal feminist thinking on integration of women in development. GAD - Gender and Development - emerged as a critique of WID, focusing more on gender relations as power relations, and talking not just of the integration of women in existing lines of development, but also of agenda-setting and empowerment (Young 1993: 134 ff).

while the latter attempts to integrate those concerns within the existing development activities without necessarily altering the agenda. The changes that have been introduced within the three multilateral institutions documented in this paper *fall within the confines of the incremental approach*" (Razavi and Miller 1995, emphasis added, SA).

The crux of the matter is, now as before, 'the efficiency argument'. According to Naila Kabeer: The WID world view "consistently privileged the domain of production, in which men were concentrated, over the domain of reproduction where women were assigned primary responsibility. (...) The WID objective was to demonstrate that in the marketplace women were as good as men: that men could be as good as women did not, in this context, appear to be an important consideration. Hence the overriding emphasis on women's capacity to display rational economic behaviour without any equivalent emphasis on men's potential for displaying 'feminine' qualities of caring and nurturing" (Kabeer 1994: 29). 'Gender equality' in development contexts - WID as well as GAD - is equality on *male* and *market* terms.

### **Gender equality in practice - visible and hidden aspects**

The visible aspects of gender politics based on 'efficiency' lines of thinking typically include income generating activities, credit schemes, and efforts aimed at improved access for women to paid employment. All *may* be useful and worthwhile from women's points of view. But apart from - maybe - easing the lives of women, what this type of projects is also doing is facilitating women's integration in market economy and promoting market relations through expansion of market forces.

The pretext of course is improvement of women's lives and meeting women's 'practical and strategic gender needs' (Moser 1993: 37 ff). But what about the practical and strategic gender needs of women wage workers in export-processing zones, the sex tourism industry or agrobusiness? How come that these women never appear in development programs and projects? The obvious answer is the nasty one: Because they are already

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integrated in market relations, and thus they don't pose a problem from a 'development' point of view.

Development projects, Pam Simmons points out, "do not question the basic sexual division of labour or the international division of labour, in both of which women are placed at the bottom. Nor do they suggest that women might be better off resisting producing goods for international markets over which they have no control. There may be considerable advantages for women in having their own source of income, but this cannot be divorced from the social and political relations within which they must work" (Simmons 1997: 247).

On a *global* scale the development notion of gender equality is blind to world market exploitation of women; on the scale of *women's daily lives*, this same notion of gender equality excludes aspects of women's lives and bodies that differ from those of men. Two sets of hidden aspects of gender equality, market style. The fact that women bear and suckle children is generally seen as a *handicap* and an *obstacle* to women's smooth integration in market relations, only very rarely it is considered a resource. And similarly women's unpaid labour: caring for children, cooking the food, looking after the sick and the disabled - is invisible from the market's point of view. What could be (and what was once?) a stronghold of female power: controlling the continuity of life and its regenerative forces (Marja-Liisa Swantz 1994: 105) is considered irrelevant and marginalized in a market context, and to the extent that women nevertheless pay attention to these aspects of their lives, they - the women - are scorned as traditional and backward.

## **Ideologies and concepts of women's human rights**

Of course it is important that the concept of 'human rights' by pressure from women's movements and groups at the recent UN conferences in Vienna, Cairo, Copenhagen and Beijing, has been extended to include 'women's human rights'. Human beings come in two editions, women and men, and of course it is absurd to have a concept of human rights that does not consider the possible different needs of men and women.

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This being said, the whole concept of 'rights' should be scrutinized. The concept of rights in the Beijing Documents as well as in the 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) - is *universalistic* and *individualistic*. Both are problematic in an African context, as argued by Anne Hellum: "The universalist position is closely related to centralist legal theory which is the dominant doctrinal position in Western legal science" (Hellum 1997: 6). And women's rights as individuals come into conflict with women's identities as members of extended family networks: "The African woman of today is not merely a member of an international community, a citizen of a nation-state, but is also a member of her extended family and indigenous primary group. It is a problematic relationship between this complex reality and the universalistic position assuming that individualistic values and principles always take precedence over communitarian values" (Hellum 1997: 10). This universalistic, individualistic concept of rights may fit nicely when related to the lives of middle class Western women; but it is problematic in the context of the lives of, for example, rural African women.

Looking first at the UN Women's Convention, its aim is to eliminate all discrimination against women. This obviously implies elimination of customary law, as customary law - taking its point of departure in an extended family structure and thus in inherent differences of gender and age - is discriminatory *per se*. Bottom-up research undertaken by the Women and Law in Southern Africa research project (WLSA) has shown, however, that certain aspects of customary law may be advantageous from women's points of view, because customary law takes its point of departure in human relationships and responsibilities and in feelings of *belonging*, not just in isolated individuals and property rights (Arnfred 1996a). Similarly Anne Hellum's research in Zimbabwe makes it clear that in certain situations women's need for protection and dignity, as well as the need to ensure that men accept their responsibility as husbands and fathers "is seen as more important than equality between autonomous individuals" (Hellum 1997: 19). Thus, as Hellum notes, there exists a contentious relationship between the UN Women's Convention and these aspects of customary law.

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Also in the Beijing Declaration, the central document resulting from the Fourth World Conference on Women, formulations on equality and rights are prominent. In the four pages of the declaration 'equality' is mentioned 18 times and 'rights' 17 times, but 'responsibility' only twice. *Rights* seem to be what men have got and what women want in equal measure; *responsibilities* what women have got and what men should share. One possible reaction is to acclaim the fact that responsibility is mentioned at all. This is the line of N'Dri Thér\_se Assié-Lumumba, who writes: "One element that received attention at the Beijing Conference was equality of responsibility, and this discourse promotes the view that *it is not enough* for women to have access to resources if they are overburdened by responsibility (...) *it is not enough* for women to have a wage job, if for the married worker or professional woman, once at home, the man does not contribute to household chores. *It is not enough* to create adult literacy programmes (...) if the division of labour makes it practically impossible for women to attend evening classes (...) *it is not enough* to say that a teenage girl who becomes pregnant is allowed by law to continue her education if she becomes the sole or main childcare provider (...) Equal rights must be coupled with equal responsibilities" (N'Dri Thér\_se Assié-Lumumba 1996: 11). Nevertheless, in the Beijing Declaration the focus is clearly on rights, responsibilities are barely mentioned.

The CEDAW and Beijing concepts of universalistic individual rights fit hand in glove with market forces. Upendra Baxi refers to a concept of trade-related human rights. "Globalization celebrates the script of trade-related human rights of conglomerates of late capitalism. It repudiates the vision of a just world order, putting in its place world free trade as the only legitimate ideology, which generates both *weariness* and *wariness* towards human rights discursivity. It reduces space of plurality and diversity in the imagination of human futures, rendering the local into the ghetto of a global marketplace" (Baxi 1996: 125). Again, as regarding the concept of 'equality', the concept of 'rights' is established on male and market terrain.

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## Beyond equality and rights?

As should be evident from the above, I find the prevalent notions of gender equality and rights unsatisfactory as analytical concepts, as they are hiding as much as they reveal, and they are also insufficient politically, cf. Thérèse Assié - Lumumba above: *It is not enough ...* Theoretically the challenge is to conceptualize equality on a broader basis, possibly with a point of departure in dual-sex notions of gendered power, and to develop a concept of rights which takes community, social relations and responsibilities into account. Politically the challenge is, I presume, to use the existing notions as far as possible as political tools against expanding male power, being aware, however of their limitations and taking care not to lose touch with women's daily lives and struggles. As said by Ataliah Molokomme in a recent Customary Law and Gender symposium in South Africa<sup>6</sup>, where the CEDAW/Beijing notions of gender equality and rights were being discussed: "This is only the beginning ..."

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