The Humanities in Human Rights: Critique, Language, Politics

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1658 Afterword
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I want to raise some questions in this essay about the impoverished way debates on the relation among gender, religion, and human rights are often framed. I approach this issue as an anthropologist who comes from a discipline that, whatever its flaws, thinks hard about social and cultural processes and what it is to be human; I also approach it as someone who has spent her academic life thinking about and studying the Muslim Middle East, a region that carries a heavy symbolic load in the Western imagination with respect to the relation between religion and women’s rights.

I’m going to talk about problems with the binaries that dominate the discussions, whether broadly in the media and scholarship in the West or specifically in key liberal thinkers such as Martha Nussbaum, author of an essay with a title similar to mine (“Gender, Religion, and Human Rights”) that appears in her book *Sex and Social Justice*, and Susan Moller Okin, author of the much-publicized essay “Is Multiculturalism Bad for Women?” I will argue that the terms in which these debates frame the relation between religion and women’s rights tend to exclude from consideration key aspects of ordinary life in much of the world. In particular, such framings are abstracted from the geopolitical and historical contexts in which all our lives proceed; are deeply secular and assume the superiority of liberal secularism for solving problems women face in different parts of the world, despite its peculiar understanding of religion; and are simplistic about the dynamics of human social life, whether in analyzing social systems or the social and cultural construction of subjectivity, which has serious implications for our understanding of rights and choice, two key elements in the liberal political discourse of women’s rights.

There is not enough space here to consider two of the common ways discussions of religion, gender, and human rights get framed. The first debate is about whether religion or certain religions are bad for and violate the human rights of women. Put slightly differently, some ask if religion or certain religions, “properly” interpreted or reformed, can be compatible with women’s human rights, if not the basis for them. The second debate is about whether we must uphold universal rights for human beings, and women in particular, or whether we must value cultural or religious differences even when they go against these universals. This is commonly posed as the contest between universalism and cultural relativism, in which accusations about the cultural particularism or imperial character of universalism are pitted against accusations that relativism abnegates ethical responsibility for human harm. More recently in the critical human rights community, this framing has been recast as a matter of how to balance individual and group rights (Kymlicka; Robbins and Stamatopoulou).

I want to focus on a third way the debate has been framed. Most secular liberal
feminists do not want to engage in the work of condemning particular religions as patriarchal; many feminists, even from within the traditions (who sometimes call themselves faith-based feminists), do not want to find themselves trying to rescue these religions as potentially liberating. Many now realize that the universal claims counterposed to relative cultural values have specific locations and histories. Instead, liberal-feminist thinkers try to place themselves above the fray and frame the issue as a legal and moral matter of adjudicating between two liberal goods or values. For example, as Okin paraphrases Nussbaum, the question is whether religious freedom should trump sex discrimination ("Reply" 127). This is presented either as a problem for multicultural democracies or as a problem for international regulation. In multicultural settings, liberal-feminist thinkers want to see liberalism as protecting religious freedom, but only insofar as religious practices do not contravene liberal principles. The problem, though not always explicitly stated, lies mostly with immigrants or minority religious groups. In international settings, the problem cases and examples are overwhelmingly drawn from the non-Christian nations, whose religions are already vilified and misunderstood.

I was alerted to the problem with non-Christian nations in liberal discourses of women’s human rights because Muslims seem to receive special attention. For example, Nussbaum worries about Muslim countries that have signed the 1966 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) but that have added reservations to it. Rarely mentioned in such discussions is that the United States Senate has also proposed reservations to CEDAW and that, unlike these Muslim countries, the United States has not even ratified CEDAW. However, my real worries about liberal-feminist discourses were triggered by the observation that transnational feminists had been complicit with those who offered women’s rights as an alibi for United States military intervention in Afghanistan (Abu-Lughod, ”Do Muslim Women”; Hirschkind and Mahmood). How can we think differently about Islam and women’s human rights?

Geopolitical Abstraction

Let me begin with the uncanny similarities between two sentences in texts written a century apart. These similarities are a clue to one of the key problems with the whole discussion of religion and women’s human rights: the abstraction from geopolitical contexts. Okin responds to one of her critics’ objections that she was not paying attention to the voices of Muslim women in her essay “Is Multiculturalism Bad for Women?” by quoting some Muslim feminists’ objections to the oppressiveness of their own religion. She retorts, “Am I the silencer of such voices, taking into account that hundreds of millions of women are rendered voiceless or virtually so by the male-dominated religions with which they live?” (“Reply” 123).

Compare this with some sentences in a volume based on proceedings of a Presbyterian women’s missionary conference held in Cairo, Egypt, in 1906. In the introduction to Our Moslem Sisters: A Cry of Need from Lands of Darkness Interpreted by Those Who Heard It, Annie Van Sommer, speaking on behalf of her fellow women missionaries, writes of Muslim women, “[T]hey will never cry for themselves, for they are down under the yoke of centuries of oppression, and their hearts have no hope of knowledge of anything better. And so to-day, we want to make our voices heard for them.” She precedes this with something telling: “And it seems to some of us that it needs the widespread love and pity of the women of our day in Christian lands to seek and save the suffering sinful needy women of Islam. You cannot know how great the need unless you are told; you will never go and find them until you hear their cry” (16).

Western women see themselves as voicing what Muslim women cannot or as amplifying...
the stifled voices of these others, whether in the service of Christian or liberal salvation. This finds many echoes in popular culture, including the subtitle of a popular book on Muslim women published in 1994 by the journalist Jan Goodwin that mixes metaphors of veiling and voice: *Muslim Women Lift the Veil of Silence on the Islamic World.*

Liberal feminists, like those who speak in the language of human rights, regularly brush aside with a wave of the hand the accusations of cultural imperialism or declare their willingness to accept such accusations in the service of the greater goods of gender justice or humanitarianism. But I don’t think this issue can be so easily sidestepped, not because these feminists have bad intentions or are politically incorrect, but because in abstracting the issues of gender and rights from the actual world we live in—where, among other things, Muslims stand in particular relation to Europeans and Americans—they ignore something fundamental to any argument about the relation between rights and religion.

How does this abstraction occur? First, liberal feminists ignore the placement of Islam and other religions in a larger imaginative geography with a long historical reach, one that preceded colonialism but was certainly heightened during the colonial period in the encounter between Christian European empires and the colonies they dominated (Burton; Mastnak; Said). The notion of religion as an all-enveloping cultural container, or even as opposed to secularism, shaped and was shaped by the expansion of Europe and its encounter—political and scholarly—with others, especially in the Muslim world (Masuzawa). Both religion and secularism, ironically, became the justificatory term of civilizing missions.

Second, secular liberal feminists like Okin and Nussbaum seem to artificially segment the world, imagining that the units being evaluated are nations or societies. In promoting her “human capabilities approach” to development, for example, Nussbaum states, “The question that should be asked when assessing quality of life in a country—and of course this is a central part of assessing the quality of its political arrangements—is, How well have the people of the country been enabled to perform the central human functions” (42). But nowhere does this question allow for the fact that many of the reasons people might not be enabled to perform central human functions reach well outside the country. These reasons can be found in the history of unequal relations between that country and others, in the terms of exchange that make certain nations rich at the expense of others, in the transnational ties that enrich and empower local elites, in the realities of foreign military occupation or foreign funding of local insurgencies, or in other ways that nations are made utterly incapable of arranging their own political and economic affairs. The implication of this construction is that we must blame the countries of the Third World for their failures to provide a full life for their citizens. And we must blame religions like Islam and Hinduism for violations of women’s rights in Pakistan, India, Afghanistan, Iran, and other countries, as if these religions were timeless traditions unaffected by the dynamics of reaction and response to changing internal and external conditions.

And even sophisticated feminist scholars, such as Rajeswari Sunder Rajan and the legal anthropologist Sally Engle Merry, who are thinking critically about the problem of women’s human rights somewhat underplay the importance of the transnational character of rights work today, including local backlashes, media exploitation of violations, translations from powerful to powerless nations, and the power of donors and outside governments in human rights projects. In cautioning us about the care that must be taken in choosing mechanisms to apply “human rights norms to women of the South,” for example, Sunder Rajan notes that “human rights bodies would need to be particularly alert to the danger
that uniform norms do not lead to a disregard of the complexities of the situation on the ground.” She notes that “international pressure to conform to human rights agendas has been known to cause a backlash” and acknowledges the danger of “media exploitation of stories of human rights violations,” not to mention “the cynical deployment, masking self-interested economic motives, of benevolent human rights concerns on behalf of people of the South by distant adjudicating bodies” (131–32). Yet she goes on to argue for strategic ways to conduct human rights agendas and to translate from global forums to local contexts. I would give more weight to these cautionary concerns, arguing that no discourse of women’s human rights can be abstracted from these kinds of “distorting” realities of implementation.

Similarly, Merry, in an article on the “transplantation” of transnational human rights discourse, expansively documents the ways that activist “translators” apply human rights discourse in local situations and in turn take local grievances and move them “up” into the language of rights (“Transnational Human Rights”). She shows how such activist translators use the hegemonic discourse of international standards, individual injury, and cultural oppression rather than the discourse of structural violence. She shows how slippery deployments of “culture” are in the sphere of international human rights, admitting that the human rights regime articulates particular cultural ideas of “individual autonomy, equality, choice, and secularism” (4) despite its presentation as universal; that, speaking of CEDAW, gender equality is a particular cultural notion; and finally that national elites who participate in international forums devoted to compliance with international conventions on violence against women or gender equality participate in a civilizational discourse, locating continuing problems in their countries in “intractable traditional culture” (of the rural; lower castes; ethnic minorities; or religious communities) rather than in their governments’ failure to provide schools, health clinics, and jobs for women. Yet she consigns to a footnote in “Transnational Human Rights” a key point in the dynamics of the transfer of what she admits is a culturally specific human rights discourse: the power of the rich countries to set agendas and the need of translators and activists to please donors. She writes, “This uneven circulation [of programs originating in rich countries and applied in poor ones] is driven by funders and governments. Transnational imports are usually local conceptions from elsewhere launched into the transnational domain by the economic and political power of their creators” (49n10). In her book *Human Rights and Gender Violence*, Merry does note the inequalities of power and resources between the global North and South and the problems created by the uneven flows of funding and donor priorities (“reforming particular practices rather than changing economic and political structures that generate global inequality” [226]). But I would argue that we must pursue hard this analysis of the political-economic structures of the circulation and transplantation of human rights and women’s rights.

**Deep Secularism**

The second major problem with the liberal-feminist framing of the issue as one of adjudicating between the rights to religious freedom versus women’s human rights is the deep secularism that permeates their perspective and that leads to their concomitant failures to grasp what religions have historically been and how in many places and for many communities they continue in small measure to be. This slides into a failure to understand that religion is hard to separate from other aspects of social life.

Some thinkers reify religion as a separate category of human social life that can be distinguished from culture. Some ossify religions, treating them as if transcultural and neatly divisible into discrete forms. Others
textualize religion, presuming that one can reduce religions to their sacred texts or, at a stretch, to the messages embodied in their ritual practices. These are all forms of decontextualization that may have origins in the modern history of Christianity, characterized by biblical texts, sectarian divisions, and the gradual extraction of religion from political power and authority. The debate between Talal Asad (“Construction”) and Clifford Geertz (“Religion”) on religion has at least taught us that. But the point is that these conceptualizations of religion do not do justice to the way religions work or have worked in the world. The more disturbing aspect of the abstraction of religion so endemic in liberal thought is revealed in arguments such as Okin’s about the proper way to deal with the danger of religion or religious fundamentalism in society. She argues that the answer is to expose children in their educational systems to comparative religion (“Reply” 129). This policy recommendation could only come from someone whose distance from religion allows her to imagine putting religions (reduced to “belief systems”) side by side, like political ideologies or brands of running shoes. This is already to relegate religions to the status of brands of faith in the marketplace of ideas, outside oneself and one’s way of being, not to mention the communities that are so central to the definitions of most religions. This is not what it has meant in most traditions to be religious—to know implicitly that you are in the realm of truth about being, about life, about the world, and about morality and to belong to a community built around that. Okin writes, “What must education be like for religious affiliations to be as voluntary as possible?” (130). I would ask different questions: What idea of religion and truth underlies such a strangely consumerist formulation? And, if we follow the work of Gil Anidjar and Tomoko Masuzawa, what universalism or even Christianity is smuggled into this pluralism?

A similar idea of religion as decontextualized from any living society and certainly any forms of authority underlies the normative suggestions Nussbaum makes in the conclusion of her piece about religion and human rights. She argues that no religious law can (or should be allowed to) interfere with basic women’s rights. But how can you argue for freedom of worship if you discredit religious law? Only a socially eviscerated notion of religion, one that understands religion as a set of beliefs or a matter of faith, as Asad has argued modern Christianity does, could hold that religion should not guide the behavior of believers or have authority over them. Religious law is precisely that enactment.

Moreover, such abstract views fail to capture the workings of religion in practice. Two very different examples, one drawn from the literature on South Asia and the other from my fieldwork in Egypt, can illustrate this point. First, let us take the notorious case of sati in India, the beliefs about and practices of widow immolation that were condemned as barbaric by colonial officials and are today seen by many feminists as emblematic of the patriarchal oppressiveness of religious law. There is an enormous and excellent body of literature on this subject (e.g., Mani; Narayan), but I will discuss just one compelling article by Kumkum Sangari and Sudesh Vaid about the expansion and reconstitution of sati worship in the 1980s. Instead of looking at sati in the Hindu tradition, they place the “localized phenomenon of widow immolation” in a region of Rajasthan in the 1980s. The authors looked not to scripture but to the specific incidents—how they were represented in narratives by families and priests, what dissenting voices (often lower caste) said about what had happened, how crucial the temples glorifying the women were, who in the relevant village and surrounds benefited from them and who supported their establishment financially and politically, what the iconography in the temples showed, how the immolations played
into caste mobility and the interlocking relationships among elites (class and caste), what role Hindu nationalism and Rajput hegemony played in glorifying the events and persons, how essential the kitschy commercialization of the events had become, and what rituals were invented to normalize sati worship. A key element in widow immolation in the 1980s was its adoption by Hindu nationalist parties as part of authenticating Hindu distinctiveness and artificially creating a sense of timeless or historical continuity. Religion, as Sangari and Vaid’s analyses reveal, is always grounded in social and political-economic specificities.

A second example can be taken from my fieldwork in Egypt in the 1980s. In my book Writing Women’s Worlds: Bedouin Stories, I was particularly concerned to show the problems with the easy characterization of Arab societies as patriarchal. I drew on detailed narratives and arguments from within one Bedouin community in Egypt to show how complex the workings of those social and cultural forms—like patriliny, polygyny, and honor and shame—usually described as “patriarchal” actually were: matriarchs wielded power; relationships between co-wives depended on personalities and the dynamics of family history; and honor and shame as moral qualities were deployed in unexpected ways by girls increasingly enmeshed in the larger national Egyptian world through education. The appeal of Islamism, along with the entailments of sectarianization, were indeed curbing some of Bedouin women’s traditional freedoms, as could be seen in the sobriety being demanded (though rarely achieved) at weddings by the late 1980s (Abu-Lughod, “Muslim Sexuality”). Yet everyone in the community considered living as a good Muslim essential to being a moral person. Their ideas of the good were expressed in the wider moral vocabulary of Islam, even without doctrinal basis. In the context of everyday lives as they were lived in this changing community, it is impossible to isolate religion—as a distinct menu of beliefs—from the wider constructs of community and the good, and even harder to reduce the complexity of gendered social relations to patriarchy, in which, as Okin would have it, men “control” women.

The rise of Islamist movements, whose members self-consciously embrace a particular form of piety, has made Western feminists, with their deeply secular convictions, even more nervous. As Wendy Brown has argued more generally in Regulating Aversion: Tolerance in the Age of Multiculturalism and Empire:

Nonliberal societies and practices, especially those designated as fundamentalist, are depicted not only as relentlessly and inherently intolerant but as potentially intolerable for their putative rule by culture or religion and their concomitant devaluation of the autonomous individual—in short, their thwarting of individual autonomy with religious or cultural commandments. (166)

If you choose religion voluntarily and keep it in its place, that is good. If you submit to its calling, it is dangerous. But what proper religious tradition would accept this definition of its limited worth and reach? And what religious person would see her or his religious experiences and participation in a religious tradition in these limited terms? As we will see, the work of Saba Mahmood on women in the mosque movement in Egypt shows that the matter of choice and constraint in religious belief requires some serious rethinking.

Liberalism: Anthropological Questions about Individual Rights and the Language of Choice

In the final part of this essay, I want to turn to the third of my objections to the liberal-feminist framing of the proper relation between rights and religion. Instead of the impoverished idea of religion with which such secular feminists work, I want to examine their reductiveness about the dynamics
of social and cultural life. This reductiveness might be understood as their abstraction of the notion of the human. We all know that the central tropes of liberalism are the autonomy of the individual and the sacrosanctity of choice or freedom. Again, one could easily trace the secularism of this understanding to Protestant roots, although there is much more to liberal theory. The problem I want to explore here is what Asad, in a recent essay on human rights and on Nussbaum’s idea of the universal human capabilities that should ground human rights, characterizes as the “thickness” of the concept of the human at work in liberal constructions (“Redeeming” 150). The related concept of choice that underlies liberal oppositions between religion and individual women’s rights ignores everything anthropologists have understood about the social and cultural construction of personhood and what, more recently, theorists in the human sciences from Michel Foucault (“Afterword” and Use) to Judith Butler have understood in terms of technologies of the self and the dynamics of subjectification.

What every anthropology undergraduate learns is, first, that our everyday understandings of the individual are culturally specific and ideological (the one we work with today developed, as Émile Durkheim so nicely suggested, as part of the cult of the individual personality that grew up with the modern division of labor—or, as Marcel Mauss put it, as a product of social evolution). This understanding of the self can be contrasted with other conceptions of self that may involve different valuations of autonomy, more intimate perceptions of the relation between self and other, notions of the “dividual” rather than the individual, and so forth (e.g., Daniel; Lee; Rosaldo). Second, the way to understand human “nature” is to recognize it as thoroughly cultural, as Geertz (“Growth of Culture”) long ago argued—that is, our brains having evolved alongside our social orders, with language central to our existence and our development as viable human beings utterly dependent on a long period of socialization in families and social groups. Although many of us in the late 1980s and early 1990s critiqued the notion of cultures as bounded homogeneous units (e.g., Abu-Lughod, Writing; Appadurai; Clifford), we never doubted the social and cultural construction of personhood and what we would now think of in Foucauldian terms as subjectification.

In Writing Women’s Worlds, my experimental “feminist” ethnography of the Awlad ‘Ali women in Egypt, I recounted stories of the lives of women, trying to cast their narratives in the terms they used. I also tried to capture the criteria they used for judging others and putting forward claims. Stories of marital relationships provide the best evidence both of the inaptness of the opposition between choice and constraint and of the importance of recognizing different constructions of “rights.” Girls I knew resisted particular marriages that were arranged for them but never the basic principle that families should arrange marriages. They might sing songs about the kind of young men they wanted to marry—not cousins, those who were educated, those riding in certain kinds of trucks—but they assumed that it was up to their families to choose such matches for them. Even the love poems that registered their longings and frustrations were a mode of expression fully within a system, not a rebellion against it. Many told me about the dangers of love matches; all valued the protections and support afforded by their families in arranged marriages. Furthermore, women in marriages often asserted “rights”—somewhat based on a sense of Islamic and customary law but mostly derived from a keen sense of justice nurtured by community practices and ingrained expectations about their self-worth and their responsibilities. Rarely did divisions in this community fall strictly along lines of gender—family and social roles determined far more about power and experience than sex. And finally, as I illuminate in my careful detailing of
the shifting relationships, solidarities, angers, and sorrows in one polygamous marriage, it was not polygyny, supported in Islamic law and recognized as something real, that was ever the issue for these particular co-wives and their husband. Instead, it was the personalities, histories, behaviors, and feelings for each other. The reproach and claim of one co-wife, after telling me a long story about an infuriating situation that she found herself in just after her husband married his third wife, was different from what one might have expected. I asked her if she was jealous. She responded, “No I wasn’t jealous. I was just angry that we were being treated unfairly. Aren’t we all the same?” (Abu-Lughod, Writing 98). This is hardly a liberal argument for women’s human rights. It is an argument that co-wives have the right to be treated with absolute equality.

Arguably the most sophisticated way in which matters of agency, autonomy, and subjectification have been taken up in relation to gender, religion, and rights is in the work of the anthropologist Saba Mahmood. She has studied the ethical formation and cultivation of self among women in the pietistic mosque movement in Egypt, looking seriously at what we can learn from a group of women in the 1980s and 1990s who have deliberately taken on the veil and who are seeking to live as good Muslims. In an argument with liberal theorists and communitarian philosophers, and even with Butler, she describes these Egyptian Muslim women’s desires to follow socially prescribed conventions “as the potentialities, the ‘scaffolding,’ . . . through which the self is realized” (148)—and she contends that these desires are not to be understood as part of their subordination as individuals. She also argues that their desire to take ideals and tools of self-reference from outside the self (from Islamic religious practice, texts, and law [151]) challenges the usual separation of individual and society on which liberal political thinking rests. She refuses the distinction that underlies most liberal theory between “the subject’s real desires and obligatory social conventions,” claiming instead that the prescribed forms of behavior “constitute the conditions for the emergence of the self as such and are integral to its realization” (149). She describes the women who want to pray and to be close to God by veiling and being modest as involved in a project of moral cultivation. The point of this brief discussion of a complex study of some women in contemporary Egypt is to suggest that the liberal idea that individuals choose—whether religions or lifestyles—flies in the face of everything we know about how individual desires are determined by social contexts, cultural formations, and upbringing. Choices for all of us are fashioned by discourses, social locations, geopolitical configurations, and unequal power into historically and locally specific ranges. This makes nonsense of the binaries that structure the liberal-feminist argument: we are either free or constrained, either have choice or are prevented from choosing, keep religion in its place or are ruled by it (as in fundamentalism).

It seems to me that liberalism itself needs to be seriously reexamined, whether to see it as a tradition, as Alisdair MacIntyre suggests, no more or less universal than any other, or as a self-deluding ideology, as other critics have noted. Brown, for example, argues:

[L]iberalism is not only itself a cultural form, it is striated with non-liberal culture wherever it is institutionalized and practiced. . . . Liberalism involves a contingent, malleable, and protean set of beliefs and practices about being human and being together, relating to self, others, and world, doing and not doing, valuing and not valuing certain things. And liberalism is also always institutionalized, constitutionalized, and governmentalized in articulation with other cultural norms, those of kinship, race, gender, sexuality, work, politics, leisure, and more. (23)

The general conclusion I want to draw here is that the whole edifice crumbles if you accept that there are problems with each of
the fundamental pieces of the way the issue of gender, religion, and human rights has been framed. These problems include the idea that you can talk in general about the relation among these three categories, abstracted from configurations of societies and religions and the power relations among them; that you can use a static definition of religion, emptied of all its force and reach and truth, not to mention its historical realization by people in particular times and places; and that your understanding of the human and whatever rights it might have is culturally and historically specific rather than ontological and universal. What this means for our purposes here is that we need to begin by thinking critically about the terms in which the opposition between religion and women’s human rights has been framed before jumping to conclusions like those of Okin, who, in one of her more notorious statements, proposes that women in “patriarchal” minority cultures “might be much better off if the culture into which they were born were either to become extinct (so that its members would become integrated into the less sexist surrounding culture) or, preferable, to be encouraged to alter itself so as to reinforce the equality of women” (“Is Multiculturalism” 22). We also need to think harder about the liberal construction of the opposition between religion and rights before authoritatively enumerating, as does Nussbaum, the eleven problem areas for women’s human rights in which “religious discourse, and often action, has been a major influence” (88). These are areas that a cursory glance would reveal to be compromised for most human beings on the planet for reasons that are surely more related to structural inequalities of wealth and power and to decisions about priorities than to religion: life and health, bodily integrity, employment, mobility and assembly, participation and speech, property and civil capacity, nationality, education, and reproduction.

**Notes**

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1. The debates among Muslim feminists and people who study Islam have taken this form, and I recall that in the early 1990s I taught writings from the late 1970s on this subject. The same can be said for feminist debates about Christianity and Judaism, though the stakes in discussing the unfamiliar and stereotyped Muslim world are different from those in discussing the other two religions, because only Christians talk about reforming Christianity and only Jews talk about reforming Judaism and because these traditions are familiar, complexly understood, and related to the Western self. More recently, with the work of Abdullahi An-Na‘im, we have a new variation on the rescue of religion. The question he raises is whether we can derive human rights from many religious traditions.

2. Such Muslim countries reserve the right to depart from CEDAW when it conflicts with sharia, or religious law. As some feminist critics point out, though, just about everything in Islamic religious law contradicts CEDAW. So in practice, despite ratifying and appearing to conform to “international” values, they undermine all the fundamentals (Mayer).

3. Gayatri Spivak makes some of the same critiques.

**Works Cited**


“Human rights” is now a technique deployed to measure the progress of states. In the last two decades it has become both the normative language of how injustice is evaluated and a means through which powerful states discipline the new world order (Grewal 121). This disciplining often relies on a relation posed between gendered violence and human rights violations, whereby the denial of women’s human rights represents the pathological cultures of repressive states. But this representation—commonly assumed by states, nongovernmental organizations (NGOs), and the public—is founded on the ignoring or effacing of political violence. Discourses about human rights attribute responsibility for gendered violations to purportedly pathological cultures, rather than to political sources. This tendency becomes apparent in the narrative told of why violations occur, as well as in the solutions proposed to these violations. What lurks beneath this disappearing act is a presumption that the world is made up of two kinds of states. One kind, described as rogue states or failed states, has a pathological culture in the place of a civil society. The other kind of state enjoys both a civil society and a monopoly on legitimate violence.

I focus here on three narratives: the first is by the New York Times columnist Nicholas Kristof, the second is by the respected legal scholar Austin Sarat, and the third is a popular discourse about women in Afghanistan. These narratives are three indices of how stories about gendered violations, pathological cultures, and rights are told.

**Crusading with Kristof**

Nicholas Kristof has for some time functioned as a one-man NGO, engaged in a particular type of internationalism, attempting to wake New York Times readers to the horrors of Darfur, obstetric fistula, sex trafficking, and rape in Pakistan. We might recall his “freeping sex slaves activity,” where he traveled to Cambodia, met a prostitute, and, in his words, “did something dreadfully unjournalistic: I bought her. . . .” He ended up “purchasing” two young women, about whom he wrote five columns, reporting, “Now I’ve come back to find out how they coped with freedom” (“Leaving”). Through these columns, Kristof casts himself as a heroic human rights advocate; yet, as one blogger observed, as a wealthy American man [Kristof] is this very weird parallel figure. In effect, he is purchasing these women exactly the same way, with the same power of his dollar that the johns do, and he doesn’t disguise that fact, it’s deliberate. He comes into this village and has his way with them. He is a “munificent benefactor” . . . a kind of “john with a heart of gold and an agenda.” (Kid Oakland; ellipsis in orig.)

Kristof writes that buying individual women out of prostitution is not the solution—except, perhaps, in his experiment. His purchasing women is reminiscent of the so-called redemption of “modern slaves” organized by Christian groups in the Sudan and criticized by Human Rights Watch for, among other things, creating a new market in abduction and redemption.

**Disappearing Acts: On Gendered Violence, Pathological Cultures, and Civil Society**

**LETI VOLPP**