

**REPRODUCTIVE RIGHTS AND CULTURAL
RELATIVISM : A STUDY OF THE WEST ASIAN
COUNTRIES AT THE CAIRO CONFERENCE**

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RICHA SINGH

Centre for West Asian and African Studies
School of International Studies
Jawaharlal Nehru University
New Delhi - 110067

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जवाहरलाल नेहरू विश्वविद्यालय
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI - 110067

CERTIFICATE

Certified that the dissertation entitled
"Reproductive Rights and Cultural Relativism: A Study of
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previously submitted for any other degree of this or any
other University.

We recommend that this dissertation may be placed
before the examiners.

(Chairperson)
DR. GIRJESH PANT

(Supervisor)
DR. GULSHAN DIETL

Chairman
Centre for West Asian and African Studies
School of International Studies
Jawaharlal Nehru University
New Delhi - 110067

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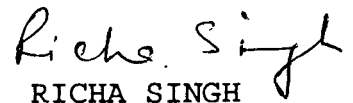
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RICHA SINGH

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INTRODUCTION

The International Conference on Population and Development (ICPD), held in Cairo in September 1994 (5th to 13th), was a watershed global event. The ICPD'94, succeeded in shifting concerns about world demographics into a gender sensitive, people centered approach of sustainable development. It also propelled sensitive and ideologically charged population issues into the public domain. The international consensus achieved at Cairo, summarized in a World Programme of Action (WPOA) was, despite fierce opposition to abortion and other sensitive issues, a monumental achievement.

The ICPD was the third decennial United Nations sponsored World Population Conference. The first, held in Bucharest in 1974, saw the North and South become polarized over the importance of demographics, relative to other development concerns.¹ Led by the United States, Northern countries proposed vigorous family planning

1. J.L. Finkle and B.B. Crane, "The Politics of Bucharest, Population, Development, and the New International Economic Order" Population and Development Review, 1995), pp. 87-114.

(contraception) programs to control rapid population growth. The Southern countries, led by China and India, argued, that to attain global equity, higher priority should be given to socio-economic development. They rejected the Northern assertion and insisted that the key to slowing population growth was through a more equitable distribution of resources between North and South. This was reflected in the phrase, "development is the best contraception".

By the second conference (Mexico city, 1984), the North-South dynamics had changed dramatically. After a decade which witnessed the fastest growing population in the history of the Southern countries, these countries adopted anti-nationalist policies. The United States (US), under domestic political pressure from conservative and religious groups, changed its position. The US delegation opposed abortion and stated that demographic factors were "neutral", arguing that private markets would solve many population problems. The US, in accordance with this position, withdrew financial support to several international organizations such as United Nations

Population Fund, International Planned Parenthood Federation, etc.

The Cairo conference did not witness North-South tension which was most evident at Bucharest (except in the context of few issues like international migration, volume of foreign aid etc.). The strong divide between women's health group and environmental scientists and activists, which was prevalent at Rio, was also not present at Cairo. The division at Cairo was more ideological and gender based. The Holy See and the extremist Islamic groups vehemently resisted the strong women's agenda, underlined by feminist language.

At the heart of the controversy was Chapter 7 of the World Programme of Action, entitled "Reproductive Rights, Sexual and Reproductive Health and Family Planning". This chapter dealt with contentious issues of women's rights, abortion and making sex information available to adolescents, raking up controversies all along the line pertaining to religious beliefs and gender

issues. This study concentrates on the contentions of the Islamic Fundamentalists vis-a-vis reproductive rights.

Broadly, the terrain of reproductive rights implies some core notions of "Bodily Integrity", "Personhood", "Equality" and "Diversity". Moreover, reproductive rights are not restricted only to fertility or to women as isolated individuals. Reproductive rights must be linked to a much broader set of socio-economic conditions. Also, these notions involve two aspects - they represent a right to protection against coercion and abuse, whether by state officials, medical personnel, kin or sexual partners; as well as right to fulfillment of basic needs. These dimensions of reproductive rights, as well as the various dilemmas they raise, has been the subject of chapter 1 of this dissertation entitled - "Reproductive Rights".

In chapter 2 - 'Politics of culture and Gender' the case of reproductive rights and cultural relativism has been taken. In an attempt to understand the reaction of the Islamic fundamentalist at Cairo on the issue of

reproductive rights, the study has looked at that aspect of Islam which can be used to control women's life and behaviour i.e. Muslim conception of sexuality. Inherent in Islam are concepts of the biological order, of the individual and its instincts, of maleness and femaleness, concepts that are basic to Muslim views on women and their place in the social order. Islam offers a double image of female sexuality. Underlying the prevailing view of passive female sexuality is a view of an active female sexuality. Women are cast as the hunter and man as the passive victim. Women's sexuality is seen as dangerous, as 'fitna' or social chaos. Therefore according to this view, women must be controlled so that they do not tempt men and are not destructive to the social order. Hence the need to curb active female sexuality becomes the basis of Islamic institutions, customs and laws, through which subjugation of women to the authority of men is sought to be secured. The politics of culture in the context of the demand for reproductive rights could be partly rooted in this.

For a deeper understanding of the politics of

culture', this chapter also takes account of the colonial past, the present transitory phase between modernity and tradition, and the cultural - political - economic dislocation in West Asia. These factors have contributed towards making the "women question" a matter of great symbolic importance. Women are used as symbols of modernization or to promote "National Culture" or to stress the preservation of traditional culture and ethics.

These various aspects of the 'politics of culture and gender' found its manifestation in the vehement opposition by the Islamic fundamentalists to the Chapter 7 of the World Programme of Action (WPOA). They claimed that chapter 7 went against Islam, against the Islamic notion of traditional family and against the *shari'a*. Chapter 7 according to them was a garb for cultural imperialism. Hence, once again they lay claim for 'Islamic particularism' and to 'cultural relativism' to resist the demand for women's rights. These attempts were resisted by the women's caucus at Cairo. At the end, certain 'compromises' were made but nevertheless, active

women's rights were secured in the WPOA. This is the subject of Chapter 3 - "The debate and the outcome of ICPD'94: West Asian countries, women and the WPOA".

This study has adopted a feminist perspective which while recognising the need to be sensitive to cultural relativism, questions the denial of any kind of universals. Women are universally subordinated. The nature and extent of the subordination may differ in different regions and cultures but the basic bottom line is universal. Hence, there is a basic universal response which links the needs of women across cultures and based on these needs, there are demands for women's rights. But while acknowledging the universal, the cultural specificities must be recognized and responded to. It is such an approach which has made it possible for a researcher in India to understand, empathize and study the "women question" in West Asian Societies.

To study West Asian women is to recognize the diversity within the region and within the female population. Contrary to popular opinion, West Asia is

not a homogenous region. There is no archetypal West Asian Woman, but rather women are placed in quite diverse socio-economic and cultural arrangements. The fertility behaviour and need for employment of a poor peasant woman are quite different from those of a professional woman or a wealthy urbanite. The educated Iranian woman who needs to work to augment the family income has little in common with a woman in Saudi Arabia who has no need for employment. Each case opens up vast areas for research. However given the limitations of this study, this aspect has not been delved into. In order to analyse and examine the reaction of the Islamic fundamentalist to Reproductive Rights, the study has confined itself to some overlapping cultural conceptions of gender and other socio-economic dynamics which contribute towards gender inequality in this region. This study also brings to the fore the relationship between gender religion and state at the national level, and also as actors in international politics. This could also be an area for further research.

CHAPTER I

REPRODUCTIVE RIGHTS:

The current debates on population policies and their impact on women have brought the concept of reproductive rights to the fore and also made it a highly contentious issue. The conceptual territory of reproductive rights is surrounded by tension and multiple perspectives.

Historical Background

The term "reproductive rights" is of recent and probably North American origin.¹ However, its roots have a much older and culturally broader genealogy, in the ideas of bodily integrity and sexual self determination. The idea that women in particular should be able to decide

1. The term Probably Originated with the founding of the Reproductive Rights National Network (RZNZ) in US in 1979.

Whether, when, and how to have children originated in the feminist birth control movement that developed in 1830's among the Owenite Socialists and spread to other parts of the world. Leaders of these movements in the western countries² linked "the problem of birth control" to women's need to "own and control" their bodies and to obtain sexual knowledge and satisfaction. Their counterparts in Asia, North Africa, Latin America were more reticent about women's sexuality and instead emphasized the negative right of women (married or single) to refuse unwanted sex or child bearing.

With the emergence of women's health movements through Europe, North America, Asia, Africa, Latin America in 1970s and early 1980s, the concept of reproductive rights acquired a broader meaning. It was no longer synonymous with merely the right to choose. It now encompassed a broader range of issues than fertility regulation, for instance, maternal and infant mortality, infertility, unwanted sterilization, malnutrition of girls

2. Margaret Sanger in North America, Stella Browne in England,

and women, female genital mutilation, sexual violence etc. It also provided a better understanding of the structural conditions that constrain reproductive and sexual decisions, such as, reduction in social structure expenditure (resulting from structural adjustment programmes), lack of transportation, water, sanitation and child care, illiteracy and poverty. Thus over the past decade, an integral tie between reproductive rights and women's sexual self determinations including the right to sexual pleasure has gained recognition.

Defining Reproductive Rights:

A simple definition of Reproductive rights is stated in the report of the Women's Global Network on Reproductive Rights on its conference in Madras (May 1993). "Reproductive Rights are about self determination in matters of procreation and sexuality. Reproductive Rights are about us being incharge of our bodies/ourselves, our freedom to express ourselves sexually and to be free from abuse".

According to Sonia Correa and Rosalind Petchesky³, four basic ethical principles lie at the heart of reproductive and sexual rights: bodily integrity, personhood, equality, and diversity. Each of these principles can be violated through acts of violation and abuse - by government officials, clinicians and other providers, male partners, family members etc, or through acts of omission, neglect or discrimination by public authorities (national or international).

Bodily Integrity:

The right to bodily integrity means the right to security in and control over one's body, and it lies at the core of reproductive right. The right of women to "control over" or "ownership of" their bodies does not imply that women's bodies are mere things, separate from themselves and isolated from society and communities. Rather, it sees the body as an integral part of one's self

3. Sonia Correa and Rosalind Petchesky, "Reproductive and Sexual Rights: A Feminist Perspective", In G. Sen, A. Germain and L. Chen (eds.), Population Policies Re-Considered: Health, Empowerment and Human Rights, (Harvard University Press, 1994), pp. 107-120.

whose health and wellbeing are the very basis for participation in society. Hence, Bodily integrity is not just an individual but also a social right. Yet, the principle of bodily integrity also means that in its specific applications, reproductive rights through necessarily social, are also irreducible personal. While they cannot be fulfilled without economic development, political empowerment and cultural diversity, their site, ultimately is individual women's bodies.

Bodily integrity, firstly includes "a woman's rights not to be alienated from her sexual and reproductive capacity (e.g., through coerced sex or marriage, genital mutilation, denial of access to birth control, sterilization without informed consent, etc.). It also implies her right to be free from sexual violence, from unsafe contraceptive methods, from unwanted pregnancies or coerced childbearing, from unwanted medical interventions. Such negative abuses occur at various levels in relation to sexual partners and kins, clinicians, state or military campaigns etc. (example, coercive fertility reduction programme or rape of women as

a tool of ethnic cleansing) .

Bodily integrity also implies affirmative rights to enjoy the full potential of one's body - for health, procreation, and sexuality. The term "integrity" in relation to health implies "wholeness" as against treating the body and its present needs as fragments. Study by Dr. Rani Banga in one district in Maharashtra, India, revealed that 92 percent of the women who used local family planning clinics suffered from untreated gynecologic infections. Therefore, there is the need to treat women's bodies and reproductive health as a whole.

The "right to procreate" is highly complicated. This is due to the fact that patriarchal kinship systems throughout history used such claims to confine and subordinate women. Procreative rights, nevertheless, is integral to reproductive rights. It implies participation in the basic human practice of raising and nurturing children, to give birth under safe and decent conditions, good health etc. It also implies transformation in the prevailing gender division of labour.

The principle of bodily integrity also stands for the right of sexual pleasure and freedom. The expression of this however becomes complicated in the context of rising prevalence of HIV and STD infections (Berer, Dawn, 1993). However, this does not diminish the right of all people to responsible sexual pleasure in a supportive social and cultural environment. This requires sex education and a resocialization of males and females. This gives bodily integrity a significant social right dimension which has become very relevant now.

Personhood:

Personhood, in this context, refers to women's right to be treated as principal actors and decision makers in matters of reproduction and sexuality, i.e. they should be treated as subjects, not objects, of medical, social and family planning policies.

At the clinical level, personhood implies that women's complaints, experiences should be taken seriously and respected. For example, with regards to contraceptive side effects, when clinicians trivialize complaints about such side effects as headaches, weight gain or menstrual irregularity, it is violation of this principle.

Respect for personhood also means that women should be offered a complete range, without some contraceptive methods being singled out for promotion. When this is done or when clinical practices manifest pronatalist or anti-nationalist biases or when safe legal abortion is denied, respect for women's personhood is abused.

At the level of national and international policies, treating women as principal actors and decision makers in matters of reproduction and sexuality means representation of women's organizations in processes where population and health policies are made and effective mechanisms are provided, in which, women participate to guard against abuse.

Regarding incentives, a number of contradictions do arise. The need arises here to distinguish between coercive incentives (that employ targeting and promotional strategies that undermine women's personhood) from supporting or empowering incentives, or disincentives. (which incorporates the enabling conditions necessary for equalizing women's ability to exercise their reproductive rights).

Equality:

This principle applies in two areas. One, in the area of Gender division between men and women. The second is in the area of relations among women i.e. those condition like age, class, nationality, ethnicity which divide women as a group. In the area of Gender division, reproductive rights is one strategy within a much larger agenda, which seeks to do away with the social biases against women that lies in their lack of control over their body and reproduction.

The principle of equality, brings to the fore the debate on equality versus "difference". On the surface this seems to pit the equality principle against the principle of personhood. It may seem that this agenda, which privileges women's control in reproduction, reinforces a gendered division of labour which confines women to the domain of reproduction. However, a more serious study of the problem shows that the emphasis on personhood and the need to take responsibility for fertility control is rooted in other kinds of gendered power imbalances which work against a "gender equality" approach to reproductive health policies. Therefore, there is a need to address larger issues. This includes the social system where no educational or economic incentives are provided and the need to encourage male participation and involvement in child care etc.

Coming to the application of the principle of equality in the second area i.e. of inequalities among women, the example of of certain contraceptive method, such as Norplant (which carry risks but whose long term

effects are not known) can be taken. Such methods are tested, targeted or promoted among the poor women in the southern or northern countries. Such trials may be conducted on poor urban women who are on the move or lack transportation. Therefore the adequate medical follow up may not be there. This, then violates the equality principle. On the other hand, beneficial methods such as condoms, low dose hormonal pills or hygienic abortion facilities may be available to women with financial resources. Therefore equality among women requires that governments and international organization which promote reproductive and sexual rights, should address such differences. "Freedom" to "Choose" whatever method (in case of safe, effective methods of contraception), is therefore linked to geographic access, financing, high quality services and supplies etc. Thus, as pointed by Gita Sen, R. Petchesky S. Correa, the question of human rights, development and reproductive rights become inseparable because the economic and political changes needed to create the necessary conditions is not just a matter of development, but of (social) rights.

Diversity:

The diversity principle requires respecting the different values, needs, and priorities among women - based on culture, ethnicity, religion, sexual orientation, and nationality - but as women themselves, not male kin, politicians or religious leaders define those values, needs and priorities. While defending the universal applicability of sexual and reproductive rights, there is a need to acknowledge that rights do have different meanings, different points of priority in different social and cultural contexts.

Defferent religious and cultural values shape women's attitude towards children, child bearing, towards medical technologies or their effects such as, irregular menstrual bleeding. For example medical personnel involved in propogating Norplant may not have understood the meaning menstrual blood may have in different cultures,⁴ and the extent to which frequent bleeding may

4. A frequent side effect of Nerplant.

result in exclusion of women from community life, rituals, sex etc. This then could be a violation of the diversity principle.

Reproductive Rights: Individualistic or Social:

Reproductive Rights is characterized by two dimensions⁵ which have very different, sometimes contradictory reference points and political priorities. Consequency, at times, tensions may arise. First, the principle of bodily self determination. This is rooted in the conceptual framework of "natural rights". Hence its links are with liberal feminism. The second principle is the principle of women's autonomy. This implies a set of social arrangements, a sexual division of labour that has developed historically. Hence, it may be changed under new conditions. Here the emphasis is on the social dimension. It invokes the legitimising principle of

5. Rosalind Petchesky, "Reproductive Freedom: Beyond A Woman's Right to Choose" Signs Journal of Women in Culture and Society, Vol. 5, no. 4, (Spring 1980), p. 662.

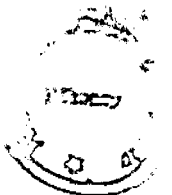
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"socially determined needs" and is linked to the marxist traditon.

The Individual Dimension:

The principle of bodily self detemination has three distinct but related basis - Liberalism, Neomarxism and biological contingency. Its liberal roots can be traced to the Levellers idea of "property in one's own person" i.e. a person to be a person must have control over himself or herself in one's own body as well as in mind. This was not only an assertion of individualism but also had a radical edge which rejected the commodification of the body.

The Neomarxist lineage of Reproductive rights may be traced to the writings of Herbert Marcuse. In his *'Essay on Hedonism'*⁶, Marcuse analysed the contemporary forms of domination and suppression which result in the alienation of the individual from a sense of connectedness

6. Herbert Marcuse, Negations: Essays in Critical Theory, (Beacon Press, Boston, 1986), pp. 166-71.

with his or her body and thus, with the physical and social world. Marcuse arrived at hedonism as containing a liberatory element. That element is a sense of "complete immediacy" of "sensuality" which Marcuse suggests is a necessary precondition for the development of personality and the participation of the individual in social life. The link between eroticism and politics is a "receptivity that is open and that opens itself (to experience)". Control over one's own body is a fundamental aspect of this sense of immediacy, this "receptivity", a requirement of being a person and engaging in conscious activity.

Thirdly, Reproduction affects women as women. It transcends class division and penetrates every thing - work, political and community involvement, sexuality etc. It constitutes the "shared female experience".

However, the idea of "a women's right to choose as the main principle of reproductive rights is insufficient and problematic. For one, it does not address the question of moral and social values women ought to bring to this decision. for instance, in the abortion decision.

In case of real conflict between the survival of the fetus and the needs of the woman and those dependent on her, the feminist position merely says, that women must decide because it is their bodies that are involved, and because they still have primary responsibility for the care and development of children born. Should women get an abortion on grounds that they prefer a different gender (which amniocentesis can now determine)? Such a discussion would be blatantly sexist and incompatible with feminist principles. This is not to imply that all or most women who go for abortion, do so thoughtlessly or irresponsibly. It is merely to point out that a feminist morality regarding the issue of choice has not yet been articulated. Secondly, the assertion of women's right to control over reproduction as absolute has dangerous implication. It can be turned back on women to reinforce the view that all reproductive activity are the special, biologically destined province of women.

Nevertheless, the idea of women's right to choose despite these problems, is politically compelling and has always held a tremendous resonance for women. Much of its

appeal lies in its espousals of claiming the "space to choose who and what you are" - not to be defined, contained and dictated by a given notion of "women". It has helped in the emergence of the notion of the abstract degendered individual who was subjected to abstract notions of equality.

The Social dimension:

The idea that biological reproduction is a social activity is essentially Marxist in aspiration. In *The German Ideology*⁷, Marx defines three aspects of social activity: Social relationships according to Marx comprises of the "the production of material life", production of new needs" and human procreation - reproduction within the family. It has been attested in recent writings as in Michael Foucault's *The History of Sexuality*⁸ that sexual meaning and practices, like the meaning and practices of

7. Karl Marx, *The German Ideology*, In Easton and Guddat (eds.), Writing of the Young Marx on Philosophy and society, (Anchor Books, Garden City, New York, (1967), pp. 419-22.

8. Michael Foucault, The History of Sexuality, vol. 1, (New Pantheon Books: New York, 1978), p. 10.

motherhood, vary greatly through history, across cultures and also within the same culture. This reinforces the view that natural human experiences, like reproduction, are constantly mediated by social 'praxis' and design. It has been argued by feminists like Linda Gordon⁹ that contraception, abortion and child rearing practices throughout civilization has been transformed by conscious human intervention. The existing birth control methods and technology and access to them, class division and the distribution/financing of health care, nutrition, employment, the state economy in general, provides the definite 'material conditions' which sets the limit of reproductive process. The 'social relations' and social arrangement within which women 'give birth' involves herself, her sexual partner(s), children and kin, neighbours, doctors, family planners, employers, church, the state etc. Thus, such a view pays central attention to social rather than the biological basis of reproduction. This view defines Reproductive rights in terms of the principle of socially determined needs. In

9. Linda Gordon, Woman's Body, Woman's Right: A Social History of Birth Control in America, (Penguin Books: Harmondsworth, Middlesex, New York, 1977), p. 66.

other words, Reproductive rights is the moral imperative which grows out of the historically and culturally defined position which women find themselves in through motherhood.

The emphasis on the social dimension brings to the fore the issue of women's autonomy and empowerment. This implies that women must have the capacity to manipulate their social environment without which "right to choose" becomes meaningless. Hence, the social dimension of the reproductive rights stresses the need to create a broad range of social economic and cultural conditions. These are broadly referred to as the 'enabling conditions'. Thus, Reproductive rights become claims on behalf of collectivities for social justice that the state and mediating institutions must implement. Defined in such a way, Reproductive rights pose a direct challenge to programmes and policies which take away resources from basic health care policies (e.g. Structural Adjustment Programme).

The social dimension of Reproductive right also

does away with the artificially created public and private spheres. According to the dualistic vision of society (classical liberal rights discourse), rights exist in a "private" domain where "individuals" are to be left alone. Feminists have criticised such a public - private division. They point out that both domains in most societies tend to be dominated by men and male dominance in one sphere reinforces it in the other. The social dimension of Reproductive rights by rejecting the dualistic vision allows the states and international agencies to legitimately intervene in the traditionally defined "family matters".

However, Reproductive rights as social rights must not be treated in absolute terms. The limitation of such an approach is disturbingly suggested in Alison Jaggar's defense of abortion.¹⁰ "If the whole community assume the responsibility for the welfare of mothers and children, (then) the community as a whole should now have a share in judging whether or not a particular abortion should be

10. Alison Jaggar, "Abortion and Women's Right to Decide, "in Gould and Wartofsky, (eds.), Women and Philosophy, (Capricorn Books, New York, 1976), p. 351.

performed". Such a notion evokes absolute communitarianism which can be a conceptual trap. Authoritarianism often underlines the ideal of the community which quite often appropriates the female subject, periodically apotheosing them towards their own end. For instance, after the Iranian revolution and enforcement of `hijab,' veiled women came to symbolize the moral and `cultural transformation'. The communities deny to the women within it, rights which they claim for themselves.

Thus, to view Reproductive rights as purely individualistic or as exclusively social would not only be insufficient but also dangerous. Hence, despite the tensions and contradictions between the two aspects of Reproductive rights, they have to be linked together, Reproduction itself is irreducibly social and individual at the same time i.e. it operates "at the core of social life" as well as within and upon women's individual bodies. Therefore, strict compartmentalisation of reproductive rights as individualistic, or as social rights would render reproductive rights meaningless.

However, it is important that strategies for establishing reproductive rights must lay more emphasis on one dimension over the other in accordance with different historical and political context. (This is not to suggest that the other aspect should be ignored). For instance, under the condition of advanced capitalism as in United States today - particularly as right wing seeks to restore patriarchal control, through family, church, state, technology - reproductive politics has become a struggle for control (This is complicated by persistent class and race division in such societies).

In the context of the West Asian countries, the social dimension of these rights must be emphasised. When the focus shifts to these countries, the level of analysis must also shift from that of the individual to that of the family, community and the state. For instance, an Arab represents his kin group and his behavior must be 'honourable' so that the group is not disgraced. The Head of the Arab family is the father and the whole family structure is based on him. Consequently, the 'man's image' is of immense importance in the Arab society. The

repository of `honour' are the women in the family. This can be illustrated from the fact that the Arab word for honour - `ird' - is related to the sexual conduct of women. Accordingly, men suffer most from dishonour and shame brought to them by close women relatives. Therefore men exercise strict control on the women in the family. From an early age, girls are taught what is `aib' (immodest or shameful) and what is not. These notions are used to transfer guilt onto the girl. In such a context, reproductive rights cannot revolve around women's choices, for then, it means very little. Autonomous persons are those who can shape their lives and determine their course. They are not merely rational agents who can choose between options after evaluating relevant information, but agents who can in addition adopt personal projects, develop relationships and accept commitment and causes, through which their personal integrity and sense of dignity and self respect are made concrete. They are creators of their own moral world. It becomes difficult then, to analyse women in this region as an autonomous individual in the liberal sense of the term. This is not to say that women are deprived of their "agency", but to

say that they do exercise "choices", the nature of which is essentially defined by familial and community context.

Therefore in this context, the aspect of autonomy becomes central.

Moreover, one must also take into account the realities of women's situation in these countries. Female infants, (as in India) are highly devalued. In much of the Arab world, when silence falls at a gathering, the phrase uttered in `Yat Bint' i.e. a girl is born. A women's status is linked to `son bearing'. A woman can be killed because of men's `code of honour' (princess Mishal bint Fahd bin Mohammad executed in Saudi Arabia in 1977) etc. In such a situation, priority has to be given to creating the `enabling conditions' for the exercise of reproductive rights.

Reproductive Rights in the World Programme of Action (WPOA).

The WPOA which was passed at the International

Conference for Population and Development (ICPD)'94, adopted an integrative approach, incorporating both the individualistic as well as the social aspect of reproductive rights.

Chapter 4 to 8, (which constitute the core of the WPOA),¹¹ begin from the realities of women's lives in terms of lack of power, economic insecurity, abuse, violence and coercion, unrecognized and unmet health needs, It then goes on to develop the concept of empowerment of women, of reproductive and sexual health to provide a framework for policies. A special reference needs to be made here to chapter 7 of the WPOA.

Chapter 7 deals with reproductive health and rights. It defines reproductive rights as the right to make reproduction decisions, free of discrimination, co-ercion and violence. It makes it the governments duty to base all policies and programmes - including family planning programmes - on these rights and to promote

11. United Nations, World Programme of Action, Intrnational Conference on Population and Development (New York: United Nations Population Fund, Sept. 1994).

gender equity. An attempt is made in this chapter to link health services to primary health care system, and to bring under its fold safe abortion (where it is legal), treatment of reproductive tract infection, sexually transmitted diseases, maternal and child health services, counselling men and youth on responsible sexual behaviour. The chapter strongly objects to coercive family planning methods and programmes, including targets, quotas, incentives and disincentives. Instead, it argues for improving the quality of family planning programmes and advocates decentralization of these services. The chapter further defines the role of NGO's to monitor programmes and seeks to detect and control abuses. The chapter also includes the realities and needs of adolescent. The chapter, despite the "compromises" made in the final draft, has a strong content. Much depends on its implementation.

However, the danger that many women's health groups in both South and North are concerned about, is the co-option and incorporation of the language of reproductive rights and health by population control

organization. In this context, it is significant to examine the pro-natalist or anti natalist policies of various countries. While anti-natalist policy demand severe control of fertility in the south, pro-natalist policies and new reproductive technologies for fertility enhancement¹² are being promoted in the North. Just as pressure on women of color not to bear children increases, pressure on middle class, especially white women, to bear children also increase. Yet, the population control organization or the Cario document does not address these contradiction of reproduction. Similarly, the liberal tendency to see sex selection as an issue of reproductive choice further helps the trend towards genetic engineering which in this case works against the interest of women. In the context of deepening patriarchy and poverty in countries like India and China, population control pressure coupled with the deep rooted prefernce for male children and wide availability of modern sex determination technology has resulted in a situation where increasing numbers of female foetuses are being aborted. Yet the

12. Such as IVF (in-vitro fertilization).

Cairo agenda does not address this seriously.

Therefore, besides the need to guard the agenda from being side tracked by neo-malthusian populationists, there is a need to bridge the gap between rhetoric about reproductive and sexual rights and the harsh realities. These rights must be integrated with health and development agendas create the enabling conditions and transform rights into lived capacities.

Conclusion

Reproductive rights must be defined in terms of power and resources: power to make informed decisions about one's own fertility, child bearing, child rearing, gynecologic health, and sexual health and resources to carry out such decisions safely and effectively. It is a dynamic concept which is linked to the idea of social change necessary to eliminate poverty and to empower women. Hence, it dissolves the boundary between sexuality, human rights and development.

CHAPTER II

POLITICS OF CULTURE AND GENDER

Politics of Culture:

The most prominent and vehemently contested debate at the ICPD '94 was over Reproductive rights vis-a-vis the contentions of the Islamic fundamentalists. This confrontation, once again raised the question of the viability of an international standard on women's rights in a world of cultural differences. This implies a simple dichotomous relationship between culture and women's rights - with the universalists on one side and the relativists on the other. According to the universalists all women are entitled to the rights set forth in international covenants and conventions. The international community, by referring to these international standards, can judge the ways of different states and compel them to comply with the international norms. The cultural relativists, on the other hand, argue that members of one society cannot legitimately condemn

the practices of societies with different traditions. They deny that there can be valid external critiques of culture - based practices, and claim that there cannot be a legitimate cross-cultural standard for evaluating the issue of rights.

This dichotomous relationship between the universalists and the cultural relativists can be traced to the debate initiated by Edward Said: The distinction between "West" and "non-west" atrophy in the self's construction of an inferior other.¹ Thus, a false oppositional dichotomy is created in which geopolitical borders are erased and various cultures are clubbed together into two false unified zones - one, the civilized West, upholding human rights, women's rights etc., and the 'Other', lacking it. Hence the search for these rights in "Islam" "Africa" etc. begins. On either side of this debate in international politics, there are upholders of extreme view points. On one side are the old insensitive and self-congratulatory voices which override all who do

1. Edward, W. Said, orientalism (New York: Vintage, 1979).

not subscribe to an unchanged liberal tradition with its emphasis on individualism and civil and political rights. Seeing from the western view point, they launch strident criticism against Islam and limit themselves to stereyotype images of women in West Asia - as veiled, suppressed, living in harems etc. At the other extreme are the attempts to justify gross violation of women's rights by governments and extra constitutional groups on grounds of cultural differences. Any and every form of western criticism of discrimination against women are considered to be reflecting western cultural values and an insensitive, ethnocentric approach to the issue of rights. It is indiscriminately linked to cultural imperialism. The argument from both the sides are used to serve various interest and can be misleading. Thus, there is a need to question the simple dichotomous relationship between universalism and particularism.

At the Cairo conference (ICPD'94) the Egyptian Foreign Minister, Mr. Amre Moussa stated that, "for the first time since the end of the cold war, there has been cultural confrontation - it is much deeper than

population".² This summed up the general cultural defense of the West Asian countries against the intervention of the West. They appealed to "Islamic particularism" on the basis of which the Islamic Centre For Population at Al Azhar University issued a statement condemning the World Programme of Action (WPOA). The defense was organized to "protect" the status of women in Islam and the traditional family values in Islam against the western onslaught of "hedonism", "individualism", "abortion" and "homosexuality", in the form of Reproductive and Sexual Rights.

However, to assess the validity of the claims made by the representatives of the West Asian countries, these claims must be critically examined from various standpoints. First, the status of the speaker. Second, the social group in whose name the argument is being advanced. Third, the degree of participation of that social group (in this case women) who are primarily affected by the cultural practices in question.³

2. Telegraph, (Calcutta), 10 September 1994.

3. Douglas Donoho, 'Relativism versus Universalism in Human Rights: The search for meaningful standards', Stanford Journal of International Law, Vol. 27, (1991), pp. 354-91.

Assessment of the claims of the West Asian countries on these parameters bring out certain realities. At the Cairo conference, these claims were made by the official delegations and representatives of the West Asian countries. Most of these countries are undemocratic regimes. In addition, in most of these countries, there exists a strict separation between the public and the private sphere, where women are primarily identified with the family and home and thereby given a secondary status in the very realm where their future is debated and decided i.e. the public. One can then raise doubts over the cultural defence put forward by the West Asian countries. Can the state generated definition of culture be treated as authentic and definitive or does it represent the voice of the oppressor? If the governmental constructs of culture were indeed normative and authentic, the elimination of legal barriers to equality could be taken without risks of upsetting the status quo. States could be confident that Muslim women would react by saying that despite the fact that it had become legally permissible, they did not want to drive, vote, demand an equal share of inheritance etc., because such things would

be deemed contrary to the authentic cultural norms. In contrast, the West Asian regimes have faced domestic manifestation of feminist dissent. There have been various instances where these regimes have sought to stamp out Muslim women's voices. Post-revolutionary Iranian government brutally repressed women's protest against the retrograde version of Islam, which interpreted the law in an extremely discriminatory way. In Saudi Arabia, women demonstrated against local ban on women driving - a ban that was officially justified as flowing from Islamic morality and principles. The government responded by prohibiting all future demonstration by women. In Egypt, Arab Women's Solidarity Association (AWSA), a dynamic feminist association, was banned in the name of Islam. These instances reveal that these regimes have not been able to legitimize their opposition to women's rights by appeals to Islam. Infact, a substantial feminist literature has been produced in the West Asian region that challenges the patriarchal biases that are inherent in the political systems in the region as well as in the reading offered by male interpreters of the Islamic sources.

The West Asian countries denounced Reproductive and Sexual Rights for being "culturally insensitive". It was seen as violating Islamic teachings and going against the Shari'a. However, one may point out the various contradiction in this cultural relativist stand which demonstrates a selective application of cultural relativism. For instance, Egypt has preserved its largely French - inspired legal system, refusing to reinstate Islamic laws despite strong pressures from fundamentalist groups for Islamization of all laws.⁴ Moreover, despite the differences in the cultural context and in their approach to Reproductive and Sexual Rights, the Islamic fundamentalists did not hesitate to join hands with the Holysee and stake common ground.

The debate over Reproductive Rights vis-a-vis Cultural Relativism at the ICPD'94 cannot be seen in isolation. Claims that Islam justifies non compliance with international norms regarding the rights of women

4. Ann Eligabeth Mayer, "Cultural Particularism as a Bar to Women's Rights: Reflections on the Middle Eastern Experience", In Peters and Julie Andiea Wolper, ed., Women's Rights Human Rights - International Feminist Perspectives, (Routledge, New York, London, 1995), p. 183.

have also been raised in connection with debates over convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which has been in force since 1981.⁵ According to the cultural relativist, the status of women and many discriminatory features of West Asian law are directly traceable to religious precepts.⁶ Thus ratification of CEDAW could be equated with disrespect to indigenous religious norms set by Islamic law, particularly after the 1990 issuance of the Cairo Declaration on Human Rights in Islam by the Organization of Islamic States. Hence, very few Muslim countries ratified CEDAW, and among those who have, all have entered reservations to the substantive provision on religious grounds.

Undoubtedly, cultural sensitivity in the international arena is important. However, one must critically examine the resonance of the word culture at all levels of society, acknowledging that various groups have different

5. *ibid.*

6. Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder, Co. Westview, 1991).

degrees of participation in culture and that participation occurs in multiple contexts. Moreover, culture should not be treated as a static, unchanging, identifiable body of information, against which women's rights may be measured for compatibility and applicability. Instead culture should be seen as a series of constantly contested and negotiated social practices whose meanings are influenced by the power and status of their interpreters and participants. Accordingly, the notion of culture that is used by various international actors must be examined - does such a notion challenge the hegemonic universalization of the West or does it stand for a rigid, ahistorical, selectively chosen set of self

justificatory texts and practices? During the ICPD '94, the West Asian countries deployed their constructs of "culture" and "Islam" to act as a bulwark against Reproductive and Sexual Rights. Such notions of "culture" and "Islam" are imposed from above, and it was used at the conference to serve the interest of the patriarchal and undemocratic regimes, whose aim was to prevent women's empowerment.

Moreover, acceptance of the basic argument put forward by the West Asian countries - that Reproductive rights are alien ideas of freedom and therefore it must be denounced - has certain implications. It means that one must then accept a normative model of West Asian culture - self-contained and static. Historical records, however, show that culture almost always changes to accommodate modern norms of human rights. Thus, in the name of culture, one cannot justify the attempts to deprive Muslim women of their right to challenge existing norms and assimilate new ideas.

Politics of Gender:

From the above discussion, one can draw two inferences. First, the cultural relativist justified suppression of women's rights by appealing to "Islamic particularism". The question that arises, then, is - what is it in Islam that can be used to control women's lives

and behaviour. According to some scholars, the answer partly lies in the Muslim concept of sexuality. Second, Islamic legislations regarding rules that influence and control women's lives have been maintained more rigorously and defended vehemently. This can partly be explained in terms of the crisis of transition.

Muslim Concept of Sexuality and the Fear of Fitna: The Islamic ethos (which in different variation exists throughout the Mediterranean, including the Northern Christian parts) rejects a widely shared view of female sexuality. The classical Islamic concept of sex closely resembles the Freudian notion of the libido or of raw instinct as a source of energy.⁷ Sexual instincts themselves have no connotation of goodness or evil apart from how they serve a specific social order. The individual can survive only within a social order. Any social order in turn has a set of laws. It is this set of laws which determines the goodness or evil, of the instinct. Therefore it is the use of the instinct and not

7. Fatima Mernessi, *Beyond the Veil: Male-Female Dynamics in Muslim Society*, (London: Schenkma) Publ. Co., 1975).

instinct itself which is beneficial or harmful to the social order. Hence, in the muslim order, it is not necessary for the individual to eradicate his instinct but rather to control it in accordance to religious laws.⁸ Thus sexual desire harnessed in the right direction, serves the Muslim social order and if used wrongly can destroy that very order. In his book. 'The Revivification of Religious Sciences', Imam Ghazali gives an account of how Islam integrated the sexual instinct in the social order and placed it at the service of God. Ghazali initiates the discussion by pointing out the antagonism between sexual desire and the social order and states that, 'if the desire of the flesh dominates the individual and is not controlled by the fear of God, it leads men to commit destructive acts'.⁹ But, if this is used in accordance to God's will then it serves God's and the

8. When Muhammad forbids or censures certain human activities, or urges their omission, he does not want them to be neglected altogether, nor does he want them to be completely eradicated. Or the powers from which they result to remain altogether unused. He wants those powers to be employed as much as possible for the right aims. Every intention should thus eventually become the right, one and the direction of all human activities one and the same. Ibn Khaldun. *The Muquaddimah, An Introduction to History*, Franzrosenthal, trans., (Princeton, New Jersey, 1969), pp. 160-61.

9. Mernessi, n. 7, p. 28.

individual's interest in both worlds, enhances life on earth and in heaven. Thus, sexuality per se is not dangerous. On the contrary when used constructively, this raw energy performs three vital functions. Firstly, it ensures the existence of the social order by allowing the believers to perpetuate themselves on earth. Secondly, it gives men a foretaste of the delights secured for men in paradise, thereby inducing men to strive for paradise and obey Allah's rule on earth. Thirdly, sexual satisfaction is necessary for intellectual effort.

Contrary to this in the Western Christian experience, where sexuality itself has been disdained and attacked.¹⁰ The individual is split into two and is torn between two poles - good and evil, flesh and spirit, the ego and the id. The triumph of civilization implied the triumph of the spirit over flesh, of ego over id, of the controlled over the uncontrolled. This tradition as represented by Freudian Psychoanalytic theory views civilization as a war against sexuality. According to

10. Ida Nicolaisen, Introduction, In Bo Utas, ed., Women in Islamic Societies: Social Attitudes and Historical Perspectives (Curzon Press, London, 1983), p. 5.

Freud, civilization is sexual energy turned aside from its goal and diverted towards other ends, no longer sexual and socially more valuable. The Muslim theory, on the other hand views civilization as satisfied sexual energy.

However, what is dangerous for the Muslim social order is `fitna' or `social chaos' which threatens that social order. This brings us to the issue of female sexuality.

According to Fatima Mernessi, societies can be divided into two groups based on their concept of female sexuality. In societies where one finds seclusion and surveillance of women, the implicit concept of female sexuality is active. On the otherhand, in societies where such methods of surveillance and coercion of women's behaviour do not exist, the concept of female sexuality is passive. Mernessi identifies a double theory of sexuality in Muslim societies. The `explicit theory' is the prevailing contemporary belief which perceives men as aggressive in their interaction with women who are seen as passive. This theory has been put forward by Abbas Mahmud

al Aqqad in his book *'Women in the Koran'*. Quoting from the Koran, ('the men are superior to them by degree'). Aqqad seeks to establish male supremacy by characterising men with the will to power and conquer, and women with the negative will to be conquered. The 'implicit theory' is epitomized by Imam Ghazali. According to this, female sexuality is believed to be more 'natural' and more powerful than that of the male. As such, it is a matter of great social concern for unless it is controlled, this powerful sexuality of the female is believed to be causing 'fitna' and threatening the social order. It is significant that a beautiful woman is often referred to in Arabic as 'fitna' - a term that can also mean 'social chaos'. Thus, the woman is 'fitna',¹¹ the epitome of the uncontrollable, a living representative of the dangers of sexuality and its disruptive potential. Thus, in Ghazali's view, civilization is a struggle to contain women's all absorbing destructive power. He casts woman as the hunter and man as the passive victim, women are dangerous and destructive to men because of their ability

11. A Concept Similar to that of 'femme fatale'.

to deceive and defeat them. By their cunning and intrigue, women exert a fatal attraction which places men in a passive and pliable role. This power is seen as the most destructive in the Muslim social order because it distracts men from their social and religious duties. Thus, whenever a man is associated with females, he has no choice but to be faced with 'fitna'. Such an attraction is, according to this view, a natural link between the sexes. 'When a man and a woman are isolated in the presence of each other, Satan is bound to be their third companion'. This threat is epitomized by Aisha Kandisha in Moroccan folk culture. Aisha Kandisha a repugnant, libidinous, female is a demon who assaults men in the streets and dark places, and then inhabits their bodies. Similarly, women are often referred to as 'hbel shitan',¹² (Morocco) or rope of Satan. 'Hbel' can refer to strings of beads which members of a religious brotherhood use in recitation of their prayers. The implication can then be that women are associated with 'brotherhood of Devil' It

12. Lawrence Rosen, "The Negotiation of Reality: Male Female Relations in Sefrou, Morocco", In Beck and Keddi, (eds.), Women in the Muslim World (Harvard University Press, Cambridge Mass: London, 1978), p. 566.

may also be interpreted to mean that women are in the hands of the Devil like the prayer beads in the hands of the faithful. It also means that besides being Satan's towline, women are also capable of tying men. Thus, the Muslim social order faces two threats - the infidel without and the women within.

Thus, humanity is considered to be constituted mainly of males. Women are not just outsiders but more significantly, a threat to it as well. Thereby, the entire Muslim social structure can be seen as an attack on and a defense against the disruptive power of female sexuality. The Islamic laws and customs secure that women remain subjected to the authority of men who are supposed to be superior to women morally, intellectually and physically and therefore are charged with their protection.

Crisis of Transition:

Gender asymmetry and the status of women in the Muslim world cannot be solely attributed to Islam and

culture, because though all the countries under study are Muslim countries, adherence to Islamic precepts and the application of Islamic legal codes differ throughout the Muslim world. For example - Turkey is a secular state while Iran is a theocratic state. Consequently, women's legal and social positions are quite varied. Women's lives in the region have also been shaped by economic development, the state, class location and the world system. Hence, it is necessary to examine the process of social change in the region.

The major source of social change in West Asia, in the post- World War II period, has been the dual process of economic development and state expansion.¹³ Over the last thirty years, the economic systems of the region have undergone modernization and growth, with implications for the social structure, the nature and capacity of the state, and the position of women. Much of the economic modernisation was based in income from oil and some from foreign investment. Economic development alters the

13. Valentino M. Moghadam, Modernizing Women: Gender and Social Change in the Middle East (Lynne Rienner Publisher, Boulder and London, 1993), p. 21.

status of women in different ways across nations and classes. For instance, in Iran the impact of capitalism on rural peasant women was different from that of women in the towns. For the deterioration former it meant sharp in their daily lives and reinforcement of their traditionally degraded status. In the case of women in the towns, growing industries, service sector etc accompanied by a parallel development in education meant more employment opportunities and higher educational levels.¹⁴

Political conflict or war can also bring about social change including change in the economic and political status of women, a heightened sense of gender awareness and political activism on the part of women. This can be illustrated by taking the most obvious case - that of the Palestinians Palestinian women have long participated in their nationalist movement, stepped out of their traditional roles and risked their lives by participating in the Intifada. This has had a liberating impact on women. The stateless situation of the

14. Azar Tabari and Nahid Yeganeh, (ed)., In the Shadow of Islam: The women's Movement in Iran (Zed Press, London, 1982), p. 9.

Palestinians has weakened the patriarchal family structure and traditional kinship systems. At the same time the family, as one of the few institution that survived the Palestinian disaster in 1948, has become crucial to Palestinian identity and the concept of 'honour' has become intensified.¹⁵ The Palestinian movement has exalted women as mothers and as mothers of martyrs. This has created serious contradictions. Moreover, it has been argued by Palestinian scholars like Dr. Suha Sabbah, that the brutalizing of Palestinian men (which for Arab men is same as losing their masculinity) by Israeli forces is resulting in a psychological backlash, reflected in the increasing popularity of the fundamentalist campaign against women by Hamas.¹⁶

Revolutions, reforms and national movements have also had an impact on the situation of women in West Asia. On the one hand, concepts of emancipation of women emerged

15. Birgette Rahbek Pedersen, "Oppressive and Liberating Elements in the Situation of Palestinian Women", In Bo Utas, ed., Women in Islamic Societies, Social Attitudes and perspectives, (Curzon Press, London and Malmo, 1983), p. 173.

16. Jan Goodwin, Price of Honour (Little, Brown and Company, United States, 1994), p. 299.

in the context of national liberation, state building and self conscious attempts to achieve modernity in the early part of the century. Male feminist like Qassem Amin, Muhammad Abduh, Mustafa Kemal advocated women's rights like women's education, unveiling etc. These ideas were used to call for revolt against corrupt feudalistic governments. Modernizing revolutionary regimes have been crucial in the advancement of women. For instance, the Iraqi Bath regime in its radical phase (1960s and 1970s) undertook social transformation by encouraging women's education and their participation in public life. All this has contributed towards modernizing women and making them more aware. On the other hand, there are contrary trends. In Algeria women ,¹⁷ in thousands actively participated in the nationalist movement against French colonialism. Their roles were as far removed as possible from the traditional concept of *h'shuma*, or modesty. These women gained the respect of everyone and also gained a new sense of self-esteem. Their expectations were great

17. Inger Rezig, "Women's Role in Contemporary Algeria: Tradition and Modernism", in Bo Utas (ed.), Women in Islamic Societies: Social Attitudes and Historical Perspectives, (Curzon Press, London and Malmo, 1983), p.195.

in 1962, when independence was won. Notwithstanding this, the status of women in independent Algeria came to be defined by patriarchal values. Similarly, the Iranian revolution against the Shah was joined by countless women.¹⁸ These women opposed the Shah, wearing their veils as an opposition to Pahlavi bourgeois or westernized decadence. These women wore the veil (as did the Algerian women), as a protest symbol, as a mark of defiance. However they did not expect `hijab' to become mandatory. Thus they vehemently opposed the enforcement of `hijab'. This opposition was crushed. In the name of restoring "genuine Iranian cultural identity", gender rules were redefined and the `women question' was subjected to patriarchal interest.

Thus, we find the West Asian societies caught in a transition. Most of these states are seeking to bring about economic development and modernisation, and at the same time, strengthen the patriarchal traditional family - the latter objective is often a bargain struck with more

18. Tabari and Yeganeh, n. 12, p. 11.

conservative social elements, such as religious leaders or traditional local communities. According to Fatima Mernissi, most Muslim states have not been able to generate a genuine modern ideology capable of coping with social change and the problem of modernization. As a result, these turn to the only coherent ideology available - that of Islam. In their search for a Muslim way and a genuine Muslim identity, the Islamic traditions are drawn upon and the *shari'q* becomes a symbol of the Muslim uniqueness. This has repercussions on the women's situation. Whenever these societies face political problems in their effort to cope with modernisation, restrictive tendencies are intensified in an attempt to reaffirm traditional muslim values, (e.g. Iran). The 'women question' becomes symbolic and an issue of national identities 'Family law' becomes a sanctuary of 'cultural imperialism and patriarchal family grows in importance. Beck and Keddie¹⁹ argue that the modern power of employers, government institutions and western incursions together with religion and tradition, impose limitations

19. Beck and Keddie, n. p. 12.

on male freedom. This encourages men lacking wealth and power to keep control of only area they can, that of women and children.

At the same time, there is a growing consciousness among women in West Asia. These women are not simply acting out roles prescribed for them by religion, by culture, or by neopatriarchal states; they are questioning their roles and status, demanding social and political change, participating in movements, and taking sides in ideological battles. But it is also in this context that conservatives and fundamentalists are seeking to stem the tide by resisting progressive changes in family law and insisting on their strict adherence. Thus, in this transitory period, women are made the "hostages" in the clash between tradition and modernisation. However, it is hard to avoid the conclusion that further socio-economic development and increasing rates of female education and employment is bound to have its impact on women's emancipation.

CHAPTER III

THE DEBATE AND THE OUTCOME OF ICPD'94: WEST ASIAN COUNTRIES, WOMEN AND THE WPOA

Introduction:

The ICPD'94 addressed the population problem and attempted to bring it within the larger issue of development. It also sought to place population policies firmly in the realm of women's rights through chapter 7 of the ICPD World Programme of Action. This raised various debates and controversies. There were the traditional population establishment which controlled the resources and the population policies and programs including reproductive technologies. The fundamentalist patriarchy in the name of 'culture' and 'religion' vehemently opposed the feminist content of the document. The women caucus

vigorously advocated and defended their rights against both.

In the beginning, (in the 1950s), the main rationale and objective of the family planning programmes and population policy had been demographic control. The area most affected by such an approach had been women's health and their rights. Acts of commission such as coercive use of sterilization targets, incentives and disincentives, introduction of contraceptive technologies without proper safeguards; and of omission such negligence of women's health, ignoring the wide prevalence of reproductive tract infection and sexually transmitted diseases and risks of unsafe abortion had been widely prevalent.¹ However, these were, till late, insufficiently recognized. Though early rumblings of change were echoed in the early criticism of Malthusian population policy by the Left and women's health and development activists and advocates, the recent global change in mindset and

1. Gita Sen, "Shifting Boundaries", Seminar, (New Delhi, February 1996), p. 36.

ideologies has been dramatic. This has largely been due to the continuous and unrelenting effort of various women's organizations, who apart from waging criticism of the prevalent policies and programmes, articulated a participatory reproductive health programme. Their approach sought to affirm women's health needs, dealt with the areas of reproduction and sexuality and recognized not only class and caste but also gender based power relations.

The women's organizations while effectively criticising the existing family planning programs, had to avoid aligning themselves with the fundamentalist patriarchs who criticized family planning programs from a perspective which denied women's rights. This became particularly difficult by the Holy See's espousal of G-77 positions in the North-South debates. The women's organizations had to face the challenge from the Bretton Woods institutions (World Bank and International Monetary Fund) and some bi-lateral aid institutions. These institutions increasingly speak the language of

reproductive health and rights while espousing population conditionalities in lending programs. The attempt by some members of the European Union to tone down the language on the right to development also posed a dilemma. Women, particularly from Southern countries, strongly affirm the right to development as a fundamental aspect of human rights without which all other rights become inaccessible

The other challenge to Reproductive rights came from the fundamentalist patriarchs who saw it as going against their religion and culture. The focus here is going to be on West Asian countries.

West Asian Voices in Cairo:

The ICPD was held in Cairo, where long standing anti-UN and anti-Western feelings in the Arab World had been exacerbated by the Gulf war and incomplete peace accord between the Israelis and the Palestinians. The arguments put forward and the stands taken by the West

Asian Islamic countries, at Cairo, must also be interpreted in the light of the politics of culture and politics of gender discussed in chapter two.

The Al-Azhar Islamic university and the Islamic Conference Organization (ICO) denounced the ICPD on grounds that it contradicted Islamic principles. The ICO, however, urged member states to attend the ICPD to block any un-Islamic resolutions. Saudi Arabia, Iraq, Sudan and Lebanon officially boycotted the meet.

Saudi Arabia:

Saudi Arabia condemned the Cairo conference and boycotted it on the grounds that the meet led to the following forbidden actions and ill effects'²of the meet.

1) The spread of anarchy and to sterilize men and to transform the latter into hordes of animals lacking identity, virtues, ethics and purity which are stressed by

2. Kingdom of Saudi Arabia Radio, (Riyad 31 August, 1994) in Summary of World Broadcast, Part 4.3 Sept. 1994.

the teachings of the religion.

- 2) It goes against the sanctities of the shari' a.
- 3) It is a defilance of the feelings of Muslims and a negation of their Islam values and principles.
- 4) It is a violent assault on and a violent confrontation of Islamic society in order to transform its chastity, purity of honour.

Thus, according to Saudi Arabia's senior Ulema's council, the `anarchical principles, measures and aims' which the document propogated went against Islam. Thereby, lawfully, Muslims were not permitted to attend the conference.

Iran:

Iran attended the ICPD and also urged the other Islamic countries to participate in the conference to strengthen their position.³ The Iranian delegation which participated in the ICPD, was headed by Mohammad Ali Taskhiri. The Iranian delegation strongly opposed Reproductive rights, abortion, making sex information available to adolescents, granting equal rights to men and women and recognition of different forms of families or union of individuals other than that of couples in a marriage. According to the Iranian delegation, this was an attempt by the West to spread its decadent culture and propagate moral corruption, sexual permissiveness, abortion, hedonism and homosexuality. The draft programme of action, according to Iran, had not shown enough consideration for different religious beliefs, local laws and different cultures. It demolished the value upheld by

3. Voice of the Islamic Republic of Iran, Tehran, 5 September 1994. In summary of World Broadcast, Part 4, Sept. 8, 1994.

revealed religion" and undermined traditional values of family that was upheld in Islam. Thus, the Cairo document, according to Iran, was a western pretext based on cultural issues to interfere in the political countries. Hence, the west and its values had to be opposed and blocked at the conference,

Egypt:

Egypt is an Arab country and it was also the host country. The official stand of Egypt was that the ICPD was an extremely important event and the Islamic states should seize this opportunity to explain Islam's view on various oil issues. Egyptian Foreign Minister, Amr Musa, reiterated that Egypt was committed to `the traditional family based on marriage in line with heavenly laws and national traditions.⁴ Egypt joined hands with the Iranian delegation `to ban everything' that contradicted the Islamic religion and culture. The Egyptian newspapers

4. MENA News agency, Cairo, 5 September 1994, in Summary of World Broadcast, Part 4, 6 September 1994.

also reflected a similar mood. The Egyptian newspaper, Al-Ahram (5th Sept. 1994) praised the statement of the ICO on the ICPD. It also urged the participants of the Islamic countries to be responsive to the needs, beliefs, shari'a, tradition and social norms of Islam.

Iran and Egypt became the rallying point around whom the other Islamic countries at the conference gathered and en-bloc opposed the feminist language of the Document.⁵ They also staked common ground with the Vatican despite certain differences (an alliance had been formed since prepcom III). While the Holysee was concerned about abortion, the Islamic fundamentalists were more concerned about women's empowerment and rights. However, they came together in their opposition to such issues as privacy for adolescents seeking reproductive health services and counseling, support for different forms of families, sexual health and sexual rights. This was strongly insisted by the women's caucus on certain

5. Times of India, New Delhi, 10th Sept. 1994.

issues. Nordic countries, European Union, South Africa, Brazil, Canada and many Southern countries were strongly pro-women. This led to a deadlock. A way around was found by blending pragmatism and making certain compromises in the language of the draft to tone down criticism from the Vatican and the Muslim countries. Hence, "Pregnancy Termination" was eliminated from the definition of reproductive health care. It was mentioned in the amended text that abortion should not be promoted as a method of family planning. The phrase "Sexual Rights" was deleted and changed to "Reproductive Health". Family and reproductive health matters were to conform to local laws, culture, ethics and religion.

Shift to Women's Priorities:

Despite these changes and compromises, the Cairo document does reflect a shift to women's priorities. It has moved beyond the customary emphasis on family planning and has come to address an expanded range of high quality

reproductive health service, male participation in family planning etc.

The initial outline of the Cairo document (WPOA), drafted two years prior to the conference, "was set almost within the traditional demographic mode".⁶ It was with the effort of women's organizations, supported by many academics, policy makers and private foundations that it was transformed into a document that pays central attention to women's rights and health.

The initial draft of the ICPD programme of Action was produced in the midst of tension between population establishments and Northern environmentalist lobbies on one hand, and women's organizations on the other. Realizing the need for greater activism, women's organizations in networks spanning South and North began a period of intense and focussed lobbying at both national and international levels to affect the programme of

6. Gita Sen, "The New Paradigm", UPDATE.ICPD, 1994, (UNFPA, New Delhi), October-November 1994.

action. For example, in 1992, women activists developed the "Women's Declaration on Population Policies". Women's groups also had significant influence at preparatory committee (Prepcom) II, in May 1993, by persuading government delegations to address reproductive health and rights, access to safe abortion, sexuality and gender equity, and broader socio-economic development. In January 1994, in Rio de Janeiro, women activists created a 21 point programme for ensuring that women's perspectives and experiences were included at ICPD. Also, attempts were made by women's groups at Cairo to focus on population issues rather than economic or political issues. They also sought common grounds with environmentalists instead of focusing on differences. Till recently, population had not been the highest priority of global feminists except in US (where the abortion debate is intense). In the last two decades, however, sexuality and reproduction have come to be recognized by women's movements as crucial for gender equity. It was felt that economic, social and political equality cannot be achieved without controlling one's own sexuality and reproduction.

By the time prepcom III was held, articulate and effective lobbying had brought about a significant change in the draft document.⁷ The first major clash between the Holy see and women was seen during the prepcom III, as the Holy see, drawing support from small countries of Central America and Francophone West Africa, sought to "square bracket"⁸ all language relating to reproductive rights and health. Significant achievements were made during the prepcom III. This included the incorporation of progressive language on development, migration and those underserved by reproductive health programmes - the young and the old who fall outside the reproductive age group. Much of the language produced by women's caucus was also incorporated into the draft Programme of Action which transformed the document into a metaphor for power⁹ for women.

7. A review of ICPD preparatory Activities, UPDATE ICPD, 1994, (UNFPA, New Delhi), May-June 1994.

8. For 5 further Negotiations.

9. Sen, n. 2, p. 6.

WPOA: An Appraisal:

Chapter 1 and 2 contain the preamble and the principles respectively and sets the overall tone of the document. It starts with a moderate language on population growth, acknowledging the problem of number, and places unsustainable production and consumption earlier in the list than population growth in terms of environmental effects. It also refers to the problem of unfavourable international economic environment. The preamble then goes on to the "new comprehensive concept of reproductive health".¹⁰ Chapter 2 sets the framework of WPOA principles as a careful balance between internationally recognized human rights and sovereignty of nations as represented by national laws, development priorities, various religious and ethical values and cultural background. The final version of this chapter

10. United Nations, World Programme of Action: International Conference on Population and Development (New York: United Nations Population Fund, September 1994).

foiled the attempt by the Holy See to bring in anti-abortion language through the use of the third article of Universal Declaration of human rights, which guarantees the right to life, liberty and security of the person". The chapter sets a whole range of principles within the general context of international human rights, standing against violence and co-ercion, acknowledging the right to development, to health, to education and the multiplicity of family forms.

Chapter 3 considers right to development as universal, inalienable and integral to fundamental rights. It argues that "structural adjustment programmes ... [be] so designed and implemented as to be responsive to social and environmental concerns",¹¹ and that North should lead in sustainable consumption and effective waste management. It refers strongly to the problems of inequality within and between nations, and also to the needs and rights of poor women everywhere. This chapter has special relevance for the cause of social and economic equity.

11. *ibid.*

Chapter 4 to 8 constitute the core of the WPOA. These chapters states the realities of women's lives in terms of lack of power, economic insecurity, abuse. Violence and co-ercion, under organized and unmet health needs and poor quality or no health services. Moreover, these chapters also examines the realities of the lives of children and adolescents, their needs along with those of older, indigenou and disabled people. These chapters develop the concepts of empowerment of women, of reproductive and sexual health, as well as reproductive rights to provide a framework for policies. In these chapters, for the first time an international conference on population affirms as its fundamental guiding principle, the need of individual for health and well being.

Chapter 4, on women's empowerment does away with the old and neutral language of women's status, and adopts a more progressive approach to power relations. It strongly endorses women's empowerment including economic

inequality'. Focussing on the girl child, it opposes son-preference, sex selection, female genital mutilations, infanticide, trafficking and child prostitution and pornography. It stresses the need for programmes to make men more responsible in the context of women's rights.

Chapter 5 deals with the family. It acknowledges the variety of family forms, defines the objective of WPOA as supporting families, providing social security for child rearing, and protecting the rights of women and children within families. In recognition of the deteriorating conditions of poor families due to declining social expenditure, the WPOA seeks support for them, especially single - parent households.

Chapter 6 similarly addresses the needs of undeserved children and youth, the elderly, the indigenous and disabled people.

Chapter 7 ¹² has been discussed in the first

12. Chapter 7, under the pressure of Islamic countries was linked, by an opening sentence to chapter 2 (the qualification of human rights by references to national laws, religions and influential values, cultural background).

chapter of this dissertation.

Chapter 8 on health is relatively uncontroversial except for the section on abortion (paragraph 8:25). Though major changes were made there, it did succeed in making unsafe abortion a major public health concern.

Thus, we see that the WPOA in these sections begins from the existing realities and within the context of human rights, expresses health needs and concerns and emphasizes on action.

Chapter 9 and 10 deal with migration. These were generally accepted except for a North-South difference over the "right of international migration".

Chapter 11, deals with education, seeking to close the gender gap. Chapter 12 is on technology, research and development. This is also significant from a gender perspective as in upholding international ethnical standards and the need for continuous vigilance, the role

of women's organization is reemphasised. Research on better methods of contraception, better indicators of the quality of care in family planning programmes etc. and which takes into account the perspectives of society's disempowered groups, is advocated.

Chapter 13 to 16 addresses national and international action, finances and relationship to Non-Governmental Organizations (NGOs).

Thus we see that the WPOA takes up the fundamental condition of all women, seeking to bring them at least into the mainstream of development, and, making governments respond to them as powerful political agents capable of co-ordinating strategic thinking, planning and action. Thus, what emerges from its pages is a refreshingly new direction for population policies, dramatically shifting its central focus, and as such, WPOA is a seminal document.

As a political statement, however, it is a lengthy

document, and much depends on the translation of WPOA's rhetoric into action. The challenge is now for the governments, international organizations and NGOs to effectively implement it. Implementation of the WPOA at the local and national level does face certain difficulties. This is so because it will need the support of the UN system, extensive bilateral and multi-lateral funding, committed follow up by NGO's and serious involvement and support of the academia and the media. Moreover, it was emphatically and repeatedly stressed at the conference that the WPOA was not binding on any country, and, the states were free to implement it in accordance to the laws, religion and traditions of their societies. This catch all proviso may undo many of the extremely progressive perspectives and action commitments in the document, specially with regards to women and their empowerment. Besides, effective implementation also depends on the fact that the WPOA estimates on resource generation are met. WPOA estimated that resource requirement to implement population activities will increase to \$ 17 billion by the year 2000. Out of this,

\$10 billion is for family planning, \$7 billion for reproductive health, sexually transmitted diseases and HIV/AIDS, social investments (education of girls and women).¹³ The developing countries are required to meet two-thirds of these resources. Foreign aid is required to increase to 33 percent of the total population expenditure (currently, it is 25%). This demands six-fold increase in population aid by the year 2000 - from \$1 billion to nearly \$6 billion. Nevertheless, the WPOA has set the agenda, and, the next decade will witness considerable public evaluation and debate over the direction of all implementation efforts.

The Agenda Ahead:

The most important step in the agenda is the implementation of the WPOA. The urgency now, for implementing the WPOA is to set up effective and flexible structures for monitoring and for accountability at inter-

13. Sen, n. 2, p. 7.

national and national levels in which womens organisations must be incorporated. Secondly, political energies and resources should be channalised towards reviving primary health care systems, which, in many countries are non-existent. Thirdly, pressure for more resources which aim at improving the socio-economic development agenda should be increased, including support for women empowering themselves. This links the Cairo agenda with that of World Summit for Social Development, Copenhagen, March 1995, and also to that of World Conference on women, Beijing, 1995. Thus we see that though as a UN statement about population problems and approaches, WPOA is not a treaty or a convention, and thus has no legal force. However, it can become a powerful instrument for promoting national compliance through actions by citizenry and NGO's to hold governments accountable for pledges made and for attaining international standards.¹⁴

14. R. Boland, S. Rao and G. Zeidenstein, "Honoring Human Rights in Population Policies: From Declaration to Action" in G. Sen, A Germain and L.C. Chen, (ed), Population Policies Reconsidered: Health Empowerment, and Rights (Cambridge, Mass: Harvard University Press, 1994), p. 68.

Conclusion:

The ICPD proved to be the contesting ground for the Islamic fundamentalists and the women's group. The fundamentalist patriarchs wrapped themselves in the mantle of cultural sovereignty and anti-imperialism. Their stand was unabashedly patriarchal. This at a conceptual and public level is the easiest for women to address. However, at the national level, the politics of culture and gender becomes dangerous and difficult for women to counter. At the ICPD, women's groups and organizations fiercely resisted the attacks on their rights. Though certain 'compromises' were made in the draft document but active involvement of women contributed towards the adoption of a gender sensitive population policy. The WPOA does reflect a shift in the population policy, it is an 'enabling document for women. However much depends on its implementation. Hence the next step in the agenda for the international women's movement should be the implementation of the WPOA.

CONCLUSION

Reproductive Rights implies women's right to 'self determination' and control over their own body, as well as 'autonomy'. Hence, it links respect for women's bodily integrity and reproductive well-being to creation of the necessary 'enabling conditions'. These 'enabling conditions' include material and infrastructural factors, such as child care, nutrition, comprehensive health care service. It also includes cultural and political factors such as, access to education, channels of decision making, etc. Thus, reproductive rights at once becomes claims for liberties as well as social justice. Such a notion of reproductive right at one level protects women from any form of co-erosion and abuse. On the other hand, it demands fulfillment of certain basic needs. Thus, it is a holistic conception which challenges the public/private dichotomy, attempts to take away resources from health care service etc. Thereby, it cannot be separated from human rights and development. Reproductive rights is a broad notion which encompasses the notions of "bodily integrity", "Personhood", "Equality" and Diversity".

Hence Reproductive Rights is a dynamic concept which, while responding to the needs of women as individuals, also addresses the need to change the social conditions which subordinate women.

The Cairo document (WPOA) in chapter 7, incorporated an integrative notion of reproductive rights. It obliged governments to base all policies and programmes, on these rights and to promote equitable gender relations. However, the Islamic fundamentalists, together with Holy See, challenged the thrust of Chapter 7. The 'cultural relativist' stand of the Islamic countries against reproductive rights cannot be accepted because it is a selective and arbitrary use of the notion of 'culture' and 'Islam'. These notions are imposed from above and serve the interest of the neo patriarchal states. i.e. to prevent women's empowerment and at the same time justify their positions as the 'oppressors'. The state generated notion of culture, while addressing women in culture, does not allow women's participation in its definition. It projects a static, self-contained notion of culture which gives no space to Muslim women to change their subordinate position. Any attempts to do so, is branded as "alien" and challenged in the name of "cultural

relativism" and "Islamic particularism". The opposition of the West Asian countries to Reproductive Rights at Cairo is a reflection of this. If "particularisms" mean that violation of women's rights are excused and perpetuated, they are disguises for the universality of male determination to cling to power and privilege. It is significant to note here that, the diversity principle of Reproductive rights does recognize and respect the different values, needs and priorities based on cultures, ethnicity, religion, etc. - but as women themselves define those values, needs and priorities, not male kins, politicians or religious leaders.

The deployment of "cultural relativism" by West Asian countries vis-a-vis reproductive rights can be understood in the context of Muslim concept of female sexuality and social change in the region. In the Islamic ethos, female sexuality is perceived as active, destructive and dangerous. Women are embodiments of social chaos. Hence there is a need to subordinate women and place them under the control of men. Reproductive Rights challenges such a notion for it seeks to give women the right to control their own bodies and empower them. Thereby it poses a threat to the conservatives and becomes

the context of strong resistance and appeals to `cultural relativism".

Secondly, the context of social change also becomes the ground for conflict between modernization and tradition. Women become the pawns in this conflict. Failure of the states to develop modern ideology to cope with social change and the problem of modernization has had repercussions on women's position as they are made repositories of tradition, honour, identity, etc. As a consequence, the `women's question' has become symbolic and any attempt to bring about a change in the status and position of women is blocked in the name of `culture' and `Islam'.

Giving in to the pressure exerted by the West Asian countries and Holy See in the name of `cultural relativism' the WPOA was not made binding on any country. Thus, the radical content of Reproductive Right in the WPOA was toned down by stating that states were free to implement the WPOA in keeping with the laws, religions and traditions acceptable in their societies. Various changes in the language of the document have also altered its feminist undertone. Nevertheless, the WPOA is a document

which pays central attention to women's rights and brings population and development into the realm of these rights. The fact that the WPOA represents an international consensus is of immense significance. It becomes a yard stick, as well as a guiding principle for the international community. Its tenets cannot be grossly violated without raising an international debate. Attempts to establish reproductive rights cannot be subordinated to absolute cultural relativism. Women's experiences across culture and other differences show a common plight: lack of control over their own reproduction. By showing a (false) hierarchy of seemingly separable oppression, the possibility of women uniting amidst very real differences cannot be written off. The principle "I am the owner and decision maker over my body", applies to all women as it always has to men.

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