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Item Type	Book
Authors	Molyneux, Maxine;Razavi, Shahra
Publisher	United Nations Research Institute for Social Development
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Download date	2026-11-13 17:31:00
Link to Item	http://hdl.handle.net/20.500.12424/178997

Gender Justice, Development and Rights

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Democracy, Governance and Human Rights
Programme Paper Number 10
January 2003

United Nations
Research Institute
for Social Development



This United Nations Research Institute for Social Development (UNRISD) Programme Paper has been produced with the support of the Swedish International Development Cooperation Agency (Sida). UNRISD also thanks the governments of Denmark, Finland, Mexico, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom for their core funding.

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ISSN 1020-8186

Contents

Acronyms ii

Acknowledgements ii

Summary/Résumé/Resumen iii
Summary iii
Résumé v
Resumen viii

Introduction 1

Organization of the Project 4

I. Rethinking Liberal Rights and Universalism: A Theoretical Engagement 5
Capabilities, rights and neoliberalism 6
Universalism and multiculturalism 11

II. Social Sector Restructuring and Social Rights 14

III. Democratization and the Politics of Gender 20

IV. Multiculturalisms in Practice 25

Conclusions 31

Commissioned Studies 33

Bibliography 34

UNRISD Programme Papers on **Democracy, Governance and Human Rights** 37

Acronyms

ANC	African National Congress
CEDAW	Convention on the Elimination of Discrimination Against Women
EZLN	Ejército Zapatista de Liberación Nacional (Zapatista National Liberation Army), Mexico
FGC	female genital cutting
ILO	International Labour Organization
IMF	International Monetary Fund
MPs	members of parliament
NGOs	non-governmental organizations
NRM	National Resistance Movement, Uganda
OPEC	Organization of Petroleum Exporting Countries
PAS	Parti Islam SeMalaysia (Islamic Party of Malaysia)
PR	proportional representation
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party), Mexico
SERNAM	Servicio Nacional de la Mujer (ministry for women), Chile
UN	United Nations
WNC	Women's National Coalition, South Africa

Acknowledgements

The authors are grateful to Yusuf Bangura and three anonymous referees of Oxford University Press for their comments on an earlier draft.

Summary/Résumé/Resumen

Summary

In January 2000 UNRISD initiated a research project, Gender Justice, Development and Rights, to examine the ways in which liberal rights, and ideas of democracy and justice, have been absorbed into the agendas of women's movements and states in different regions. Twelve theoretical and empirical studies were carried out under the project.[1] They look at three discrete but interrelated aspects of liberal rights agendas: (i) social sector restructuring and social rights in the era of neoliberal economic policy making; (ii) democratization and the politics of gender; and (iii) universalism and multiculturalism in practice.[2]

The 1990s, a landmark in the international human rights movement, saw positive changes in women's rights and in human rights more broadly. The collapse of authoritarian regimes in many parts of the world gave issues of rights and democracy a major impulse. The decade saw growth in the size and influence of an international women's movement, linked through regional and international networks and able to collaborate on issues of policy and agenda setting. At the same time, the transitions from authoritarian rule in many regions presented women's movements with an opportunity to press for political and legal reform at the national level.

In much of the world, however, these advances in political and legal rights were not matched by significant progress in achieving greater social justice. Rising income inequality and widespread poverty in many countries have been accompanied by record levels of crime and violence. States are abdicating numerous responsibilities in the domains of economic and social policy, just at the moment when they are most needed to play a co-ordinating function between public and private provision. Where not starkly inadequate, welfare delivery under the new schemes has been patchy.

The mixed record of the 1990s lies at the heart of the international policy agenda—an agenda founded on two central elements: the consolidation of a market-led development model, and a greater emphasis on democracy and rights. The extent to which these two elements can be reconciled, or conflict, has been the subject of much scholarly and political debate.

The collection of theoretical and empirical studies on which this paper is based reflects on this ambivalent record, and on the significance accorded in international policy since the end of the Cold War to issues of rights and democracy. The studies engage with some of the most pressing and contested of contemporary issues—neoliberal policies, democracy and multiculturalism—and in so doing invite debate on the nature of liberalism itself in an era that has seen its global

[1] The studies have been brought together in Molyneux and Razavi (2002). This paper provides an overview of the issues and findings that emerge from the project, and is an abbreviated version of the editors' introduction. All contributions to the volume are listed at the end of this paper.

[2] A project workshop was held in New York in June 2000, in conjunction with the Special Session of the United Nations General Assembly, Women 2000: Gender Equality, Development and Peace for the 21st Century. The report of the workshop was published as an issue of UNRISD Conference News: *Gender Justice, Development and Rights: Substantiating Rights in a Disabling Environment*, Report of the UNRISD Workshop, New York, 3 June 2000 (written by Maxine Molyneux and Shahra Razavi).

ascendancy. These issues are addressed from two perspectives that cast contemporary liberalism in a distinctive light. First, the studies apply a "gender lens" to the analysis of political and policy processes, in order to illustrate the ways in which liberal rights, and ideas of democracy and justice, have been absorbed into the political agendas of women's movements and states. Second, they contribute a cross-cultural dimension to the analysis of modern forms of rule by examining the ways in which liberalism—the dominant value system in the modern world—both exists in, and is resisted in, diverse cultural settings.

Social sector restructuring and social rights

If states have a duty to create the material and institutional prerequisites that can best secure the enjoyment of human rights, then social provision must be recognized as a key arena of state action. Yet the nature and extent of public sector responsibility for social provision is highly variable even in the welfare states, let alone in developing and post-transition countries. While a fuller picture of welfare reform in diverse regions would require far more comprehensive comparative empirical research than is currently available, the case studies on Chile, India and Poland raise some serious concerns. In these countries, economic and social policy reforms are reconfiguring women's economic and social rights in distinct ways. In some contexts, policy reforms threaten to undermine the social gains that women have already made—although there is often resistance to such reform measures. Elsewhere, they deny even the prospect of the progressive realization of non-discriminatory allocation of decent jobs and public services, and broad-based social security systems.

While there are some positive aspects to the new welfare regimes, such as the involvement of civil society in welfare delivery, poverty relief often depends upon a predominantly female unpaid or poorly paid and unregulated workforce. Furthermore, there are questions as to the adequacy of the coverage and the quality of service delivered. Some fear that it may effectively split the "universal" welfare system into a patchwork of services that would continue to penalize the socially disadvantaged and do little to correct the inequalities that are endemic within the system.

Democratization and the politics of gender

The central instrument for the protection of rights has been, and must remain, the state. As women's movements turned their attention in the 1990s to rights issues, they were drawn into engagement with the state as rights activists and as participants in government. Yet as the case studies of Iran, Peru, Uganda and South Africa show, this incorporation was partial and sometimes resulted in the co-option of women's movements by authoritarian regimes. Under what circumstances, then, can women's access to political office and the promotion of policies for gender equity be institutionalized? Whether states advance or curtail women's rights cannot be explained in terms of any single variable, although democratic institutions and procedures generally allow greater voice and presence to social forces pressing for reform. Yet, while many countries now identify themselves as democracies, and have established institutions of representative government, the degree to which democracy has been consolidated and institutionalized is highly variable.

In the diverse contexts of the commissioned studies, women have in recent years become a visible political force both as individuals and as a social group, even under conditions that deny them full—or indeed, at times, any—political voice and representation. Where the latter occurs, however, there is a danger that women's movements may be co-opted by states and thereby lose their ability to represent their constituency and to advance programmes of radical reform.

Multiculturalisms in practice

Three case studies commissioned by the project—Malaysia, Mexico and Uganda—invite us to consider the pertinence for developing countries of debates that, to a considerable degree, have been conducted in the different conditions of liberal democracies. In the latter the issue has been how to accommodate ethnic minorities' claims for recognition within the terms of liberal principles of equal opportunity, tolerance and non-discrimination. Where these principles are enshrined in law, it is reasonable to expect policies that are consistent with them; and if this does not occur, then the processes of democratic demand-making can serve to create or correct them. However, in ethnically segmented societies ruled by authoritarian elites, such legal and political conditions do not normally prevail: here multicultural policies can serve to hinder equality claims rather than to advance them.

Feminism and multiculturalism may converge in their critique of "difference-blind liberalism", but the extent to which their advocates can accommodate their respective claims varies. It is to some degree contingent on their political force and interpretative powers. In recent years, both feminism and multiculturalism have brought their often-divergent interests to bear on international human rights law and other areas of policy. The points of convergence between these two positions suggest some basis for a productive dialogue. In practice, however, the potential for dialogue depends on political factors: the ample scope allowed in the interpretation and implementation of these various laws can indeed facilitate a productive dialogue in the formulation of policies, but it can also lead to seemingly irreconcilable conflict over core principles.

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Résumé

En janvier 2000 l'UNRISD a lancé un projet de recherche, Justice, développement et droits pour les femmes, afin d'examiner la façon dont les mouvements féminins et les Etats ont, dans diverses régions, intégré les droits libéraux et les idées de démocratie et de justice dans leurs programmes. Douze études théoriques et empiriques ont été menées à bien dans le cadre du projet.[3] Elles ont trait à trois aspects discrets mais connexes du libéralisme face aux droits: (i) la

[3] Ces études ont été rassemblées dans l'ouvrage décrit ici par Maxine Molyneux et Shahra Razavi (2002). Le présent document, qui est une version abrégée de leur introduction, donne une vue d'ensemble des enjeux et des conclusions du projet. Toutes les contributions réunies dans le volume sont énumérées à la fin du document.

restructuration du secteur social et les droits sociaux à l'ère du néolibéralisme économique; (ii) la démocratisation et la place du genre en politique; et (iii) l'universalisme et le multiculturalisme en pratique.[4]

Les années 1990 font date dans le mouvement international des droits de la personne par une évolution positive des droits des femmes, et des droits de la personne en général. L'effondrement des régimes autoritaires dans de nombreuses régions du monde a donné un essor considérable aux questions de droits et de démocratie. Le mouvement féminin international, dont la cohésion tient à des réseaux régionaux et internationaux capables de collaborer sur des questions de politique générale et sur les objectifs à promouvoir, s'est développé et exerce désormais plus d'influence. En même temps, avec la chute des régimes autoritaires dans de nombreuses régions, les mouvements féminins ont pu faire campagne pour des réformes politiques et législatives au niveau national.

Si les droits politiques et la protection juridique ont progressé, il n'en a pas été de même de la justice sociale dans une grande partie du monde. Dans de nombreux pays, les inégalités de revenus, qui se sont creusées, et les taux élevés de pauvreté se sont accompagnés de niveaux records de criminalité et de violence. Les Etats se démettent de nombreuses responsabilités en politique économique et sociale, au moment même où l'on aurait le plus besoin qu'ils assument une fonction de coordination entre les régimes publics et privés. Là où elle n'a pas été franchement insuffisante, l'aide sociale distribuée par les nouveaux programmes a été inégale.

Les résultats contradictoires des années 1990 sont au cœur de l'ordre du jour politique international—un ordre du jour fondé sur deux éléments centraux: la consolidation d'un modèle de développement dans lequel le marché est roi et une attention plus soutenue portée à la démocratie et aux droits. Ces deux éléments sont-ils compatibles ou antagonistes, et dans quelle mesure? Ces questions ont fait l'objet de nombreux débats intellectuels et politiques.

Les études théoriques et empiriques sur lesquelles se fonde ce document sont une réflexion sur cette ambivalence et sur l'importance accordée aux questions de droits et de démocratie en politique internationale depuis la fin de la guerre froide. Elles explorent quelques-unes des questions les plus pressantes et controversées de notre époque—les politiques néolibérales, la démocratie et le multiculturalisme—et, ce faisant, invitent à un débat sur la nature même du libéralisme, à une époque où il triomphe dans le monde entier. Ces questions sont examinées sous deux angles qui font voir le libéralisme d'aujourd'hui sous un jour bien particulier. Premièrement, les études analysent les processus politiques au travers des "lunettes du genre", afin de montrer comment les mouvements féminins et les Etats ont intégré les droits libéraux et les idées de démocratie et de justice dans leurs programmes politiques. Deuxièmement, elles apportent une dimension interculturelle à l'analyse des formes modernes de gouvernement en

[4] Dans le cadre du projet, un atelier de travail s'est tenu à New York en juin 2000, à l'occasion de la Session extraordinaire de l'Assemblée générale des Nations Unies intitulée "Femmes 2000: Egalité entre les sexes, développement et paix pour le XXIème siècle". Le rapport de cet atelier a été publié dans la série des Conférence Infos de l'UNRISD: *Gender Justice, Development and Rights: Substantiating Rights in a Disabling Environment*, Report of the UNRISD Workshop, New York, 3 June 2000 (rédigé par Maxine Molyneux et Shahra Razavi).

examinant la façon dont le libéralisme, le système de valeurs dominant du monde moderne, se manifeste dans divers contextes culturels et les résistances auxquelles il se heurte.

Restructuration du secteur social et droits sociaux

Si les Etats ont le devoir de créer les conditions matérielles et institutionnelles les plus à même de garantir l'exercice des droits de la personne, force est de reconnaître que le système social est pour l'Etat le champ d'action privilégié. Pourtant, la nature et l'étendue de la responsabilité du secteur public en la matière sont extrêmement variables, même dans les Etats providence, et à plus forte raison dans les pays en développement et en transition. Certes, il faudrait des recherches empiriques comparatives beaucoup plus poussées que celles dont nous disposons actuellement pour avoir une image relativement complète de la réforme de la protection sociale dans les diverses régions, mais les études de cas sur le Chili, l'Inde et la Pologne soulèvent de graves préoccupations. Dans chacun de ces pays, les réformes des politiques économiques et sociales entraînent actuellement une reconfiguration distincte des droits économiques et sociaux des femmes. Malgré la résistance qu'elles rencontrent, ces réformes menacent, dans certains contextes, de saper les acquis sociaux des femmes. Ailleurs, elles étouffent jusqu'à l'espoir de parvenir peu à peu à une répartition non discriminatoire des emplois décents et des services publics, et à de larges systèmes de sécurité sociale.

Si les nouveaux régimes d'aide sociale présentent des aspects positifs, tels que la participation de la société civile à la prestation des services, on compte souvent sur une main-d'œuvre essentiellement féminine, non rémunérée ou mal payée et non protégée par les lois en vigueur pour soulager la pauvreté. De plus, on peut s'interroger sur l'étendue de la couverture et la qualité des services rendus. Certains craignent que le système "universel" de protection sociale ne se décompose ainsi en une myriade de services qui continueraient à pénaliser les défavorisés et ne contribueraient guère à corriger les inégalités présentes à l'état endémique dans le système.

La démocratisation et la place du genre en politique

L'Etat a été et doit rester l'instrument central pour la protection des droits. Lorsque les mouvements féminins ont porté leur attention sur les questions relatives aux droits dans les années 1990, les femmes ont été amenées à s'engager aux côtés de l'Etat en tant que militantes et participantes au gouvernement. Pourtant, comme le montrent les études de cas sur l'Iran, le Pérou, l'Ouganda et l'Afrique du Sud, cette intégration a été partielle et a parfois abouti à la récupération de leurs mouvements par les régimes autoritaires. Dans quelles conditions peut-on alors institutionnaliser l'accès des femmes aux charges publiques et la promotion des politiques d'équité entre hommes et femmes? Une seule variable ne suffit pas à expliquer que les Etats étendent ou restreignent les droits des femmes, encore qu'avec les institutions et procédures démocratiques les forces sociales réformistes aient généralement plus de place pour s'exprimer. Pourtant, si de nombreux pays se réclament de la démocratie et ont mis en place des institutions représentatives pour les gouverner, le degré d'affermissement et d'institutionnalisation de la démocratie est extrêmement variable.

Dans les divers contextes où ont été menées les études, les femmes sont devenues récemment une force politique visible, tant individuellement que comme groupe social, même là où les possibilités de s'exprimer et d'être représentées sur la scène politique sont limitées, voire parfois nulles. Dans le dernier cas, cependant, les mouvements féminins risquent d'être récupérés par l'Etat et de perdre ainsi leur représentativité et leur aptitude à faire adopter des réformes profondes.

Le multiculturalisme en pratique

Trois études de cas commandées par le projet—la Malaisie, le Mexique et l'Ouganda—nous invitent à nous interroger sur la pertinence pour les pays en développement des débats qui se sont déroulés pour une très large part dans diverses démocraties libérales. Dans ces dernières, il s'agissait de savoir comment on pouvait faire droit aux demandes de reconnaissance des minorités ethniques dans le cadre tracé par les principes libéraux de l'égalité des chances, de la tolérance et de la non-discrimination. Là où ces principes sont consacrés par la loi, il est raisonnable de s'attendre à ce que les politiques les observent et, si ce n'est pas le cas, il est possible d'appliquer les procédures démocratiques de revendication pour élaborer d'autres politiques ou corriger celles qui sont en place. Cependant, dans les sociétés qui sont régies par des élites autoritaires et où les lignes de fracture sont ethniques, ces possibilités légales et politiques n'existent pas. Les politiques multiculturelles peuvent alors être davantage un obstacle aux demandes d'égalité qu'un moyen d'y répondre.

Le féminisme et le multiculturalisme peuvent converger dans leur critique d'un "libéralisme aveugle aux différences", mais la mesure dans laquelle leurs tenants peuvent faire valoir leurs revendications respectives varie, en partie en fonction de leur force politique et de leur faculté d'interprétation. Ces dernières années, le féminisme et le multiculturalisme ont fait peser leurs intérêts, souvent divergents, sur le droit international relatif aux droits de l'homme et d'autres champs politiques. Les points de convergence entre ces deux positions laissent à penser qu'il y a matière à un dialogue constructif entre elles. En pratique cependant, les possibilités de dialogue dépendent de facteurs politiques: la liberté laissée dans l'interprétation et l'application de ces diverses lois peut effectivement favoriser un dialogue fructueux lors de la définition des politiques mais peut aussi aboutir à un conflit apparemment insoluble sur les principes de base.

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Resumen

En enero de 2000, UNRISD lanzó un proyecto de investigación, Justicia en materia de género, desarrollo y derechos, al objeto de examinar las formas en que los derechos liberales y las ideas de la democracia y la justicia se habían integrado en las agendas de los movimientos de las

mujeres y los Estados en diferentes regiones. En el marco de este proyecto[5], se realizaron doce estudios teóricos y empíricos, donde se examinaban tres aspectos sutiles pero interrelacionados de las agendas de derechos liberales: (i) la reestructuración del sector social y los derechos sociales en la era de la formulación de políticas económicas liberales; (ii) la democratización y las políticas en materia de género, y (iii) el universalismo y multiculturalismo en la práctica.[6]

En el decenio de 1990, que marcó un hito en el movimiento internacional de los derechos humanos, se produjeron cambios positivos con respecto a los derechos de las mujeres y a los derechos humanos en un sentido más amplio. El colapso de los regímenes autoritarios en muchas partes del mundo impulsaron considerablemente las cuestiones de los derechos y de la democracia. En este decenio, el movimiento internacional de las mujeres adquirió más importancia e influencia, al estar vinculado a través de redes regionales e internacionales y poder colaborar en cuestiones de política y relativas al establecimiento de la agenda. Al mismo tiempo, la transición del régimen autoritario en muchas regiones brindó a los movimientos de las mujeres la oportunidad de ejercer presión para la introducción de una reforma política y legal a nivel nacional.

Sin embargo, en gran parte del mundo, estos progresos en materia de derechos políticos y legales no se vieron reflejados en grandes progresos con respecto a la consecución de una mayor justicia social. En muchos países, la creciente desigualdad de ingresos y la extensión de la pobreza se han visto acompañadas por una tasa de criminalidad y violencia sin precedentes. Los Estados están renunciando a numerosas responsabilidades en los ámbitos de la política económica y social, precisamente cuando más se necesitan para coordinar la prestación de servicios a nivel publico y privado. El bienestar, en el marco de los nuevos programas, ha sido proporcionado de manera absolutamente inadecuada o, cuando menos, irregular.

El balance ambivalente del decenio de 1990 estriba en el fundamento de la agenda política internacional, basada en dos elementos centrales, a saber, la consolidación de un modelo de desarrollo impulsado por el mercado, y un mayor énfasis en la democracia y los derechos. La medida en que estos dos elementos pueden conciliarse o enfrentarse ha sido un tema muy discutido por expertos y políticos.

En esta compilación de estudios teóricos y empíricos se examina dicho balance ambivalente, así como la importancia que las cuestiones de los derechos humanos y de la democracia han adquirido en el plano de la política internacional desde que acabó la Guerra Fría. Los estudios abordan algunas de las cuestiones más urgentes y controvertidas en la actualidad—políticas neoliberales, democracia y multiculturalismo—abriendo así un debate sobre la naturaleza del

[5] Los estudios han sido compilados en el trabajo de Molyneux y Razavi (2002). Este documento ofrece una visión general de las cuestiones y resultados derivados de este proyecto y, es una versión abreviada de la introducción del editor. Todas las contribuciones a este volumen se enumeran al final del documento.

[6] En junio de 2000, se llevó a cabo en Nueva York un taller sobre el proyecto, junto con la Sesión Especial de la Asamblea General de las Naciones Unidas "La mujer en el año 2000: Igualdad de género, desarrollo y paz en el siglo XXI". El informe del taller se publicó como un número del UNRISD Conference News: *Gender Justice, Development and Rights: Substantiating Rights in a Disabling Environment*, Report of the UNRISD Workshop, New York, 3 June 2000 (rédigé par Maxine Molyneux et Shahra Razavi).

liberalismo propiamente dicho en una era en que éste ha adquirido supremacía mundial. Dichas cuestiones se abordan desde dos perspectivas que nos muestran el liberalismo contemporáneo bajo otro aspecto. En primer lugar, los estudios analizan los procesos políticos y de formulación de políticas desde el "prisma del género", al objeto de ilustrar las formas en que los derechos liberales, y las ideas de la democracia y la justicia, se han incluido en las agendas políticas de los movimientos de las mujeres y los Estados. En segundo lugar, analizan, desde una perspectiva multicultural, las formas modernas de gobierno, examinando los modos en que el liberalismo—el sistema de valores dominante en el mundo moderno—existe y encuentra resistencia en diversos entornos culturales.

La reestructuración del sector social y los derechos sociales

Si los Estados tienen el deber de establecer los prerrequisitos materiales e institucionales para asegurar el respeto de los derechos humanos, entonces debe reconocerse que los servicios sociales son el principal campo de acción del Estado. Sin embargo, la naturaleza y el alcance de la responsabilidad del sector público con respecto a los servicios sociales es muy variable, incluso en estados de bienestar, por no mencionar en los países en desarrollo y en aquellos que atraviesan la etapa posterior a la transición. Si bien una perspectiva más amplia de la reforma del bienestar en diversas regiones precisaría una investigación empírica comparativa más detallada que la actual, los estudios de caso de Chile, India y Polonia plantean serios problemas. En estos países, las reformas de las políticas económicas y sociales están reestructurando los derechos de las mujeres de distintas maneras. En algunos contextos, las reformas políticas amenazan con menoscabar los progresos sociales ya logrados por las mismas—si bien a menudo se opone resistencia a estas reformas. En los demás países, dichas reformas niegan incluso la posibilidad de ofrecer, progresivamente y sin discriminación, trabajos decentes y servicios públicos, así como amplios sistemas de seguridad social.

Si bien los nuevos regímenes de bienestar tienen algunas ventajas, como la participación de la sociedad civil en la facilitación del bienestar, el alivio de la pobreza a menudo depende de una fuerza laboral, no regulada, no remunerada o con niveles salariales ínfimos, integrada fundamentalmente por mujeres. Además, se pueden cuestionar la conveniencia de la cobertura y la calidad de los servicios prestados. Algunos temen que esto pueda provocar la división del sistema de bienestar "universal" en múltiples servicios de muy diversa índole que seguirían perjudicando a los grupos sociales menos favorecidos, y desplegando poco esfuerzos para subsanar las desigualdades endémicas en el sistema.

La democratización y la política en materia de género

El Estado es y debe seguir siendo el instrumento central para la protección de los derechos. Cuando los movimientos de las mujeres enfocaron su interés en las cuestiones de derechos en el decenio de 1990, comenzaron a involucrarse con el Estado como activistas de derechos y como participantes en el gobierno. Sin embargo, en los casos de estudio de Irán, Perú, Uganda y Sudáfrica, se observa que esta incorporación fue parcial y que los movimientos de las mujeres fueron asimilados con frecuencia por los regímenes autoritarios. Por consiguiente, ¿en qué circunstancias puede institucionalizarse entonces el acceso de las mujeres a la política y la promoción de políticas encaminadas a promover la igualdad de género? El hecho de que los

Estados hayan ampliado o reducido los derechos de las mujeres no puede explicarse en términos de una sola variable, aunque las instituciones y procedimientos democráticos generalmente fomentan la participación e intervención de las fuerzas sociales que ejercen presión para el establecimiento de la reforma. Sin embargo, si bien muchos países se identifican actualmente como democracias, y han establecido instituciones en representación del gobierno, el grado en que se ha consolidado e institucionalizado la democracia varía considerablemente.

En los diversos contextos de los estudios encomendados, las mujeres han logrado convertirse en una fuerza política visible en los últimos años, como personas y como grupo social, incluso en circunstancias en que se niega a las mismas—en algunos casos, radicalmente—su participación y representación política. Sin embargo, en este último caso, los movimientos de las mujeres corren el riesgo de ser asimilados por los Estados y de perder en consecuencia su capacidad de representación y de proponer programas de reforma radical.

El multiculturalismo en la práctica

Tres estudios de caso encomendados en el marco del proyecto—Malasia, México y Uganda—nos invitan a considerar hasta qué punto son pertinentes para los países en desarrollo los debates que, en gran medida, han tenido lugar en los diferentes contextos de las democracias liberales. En estas últimas, el problema principal ha sido cómo armonizar las reivindicaciones de las minorías étnicas con los principios liberales de la igualdad de oportunidades, la tolerancia y la no discriminación. Cuando estos principios están consagrados en la legislación, es lógico esperar que las políticas sean coherentes con aquellos y, en caso contrario, los procesos de reivindicación democrática pueden servir para formular o corregirlas tales políticas. Sin embargo, en sociedades socialmente divididas dirigidas por elites autoritarias, estas condiciones legales y políticas generalmente no prevalecen; en estos casos, las políticas multiculturales más bien sirven para obstaculizar las reclamaciones en materia de igualdad que para impulsar las mismas.

El feminismo y el multiculturalismo pueden coincidir en su crítica del "liberalismo basado en la inadvertencia de las diferencias", pero varía la medida en que sus defensores adaptan sus respectivas reclamaciones. Esto depende, en cierto modo, de la influencia política y de las facultades de interpretación de ambos movimientos. En los últimos años, los intereses a menudo divergentes del feminismo y el multiculturalismo han influido en la legislación internacional sobre los derechos humanos y en otros ámbitos políticos. Los aspectos en que ambas posturas convergen constituyen una base para un diálogo productivo. En la práctica, sin embargo, el diálogo potencial está supeditado a factores políticos; el amplio margen permitido con respecto a la interpretación y aplicación de las diversas leyes puede facilitar efectivamente un diálogo productivo en la formulación de políticas, pero también puede provocar un conflicto aparentemente irreconciliable en torno a los principios fundamentales.

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Introduction

The 1990s were a landmark in the international human rights movement. There were many positive changes in human rights and especially in women's rights. The collection of theoretical and empirical studies on which this paper is based[7] reflects on these gains, and on the significance given in international policy to issues of rights and democracy in the post-Cold War era. It engages with some of the most pressing and contested of contemporary issues—neoliberal policies, democracy and multiculturalism—and in so doing invites debate on the nature of liberalism itself in an epoch that has seen its global ascendancy. These issues are addressed here through two perspectives, which cast contemporary liberalism in a distinctive light. First, by applying a "gender lens" to the analysis of political and policy processes, and by deploying the insights gained from feminist theory, the collection of papers provides a gendered account of the ways in which liberal rights, and ideas of democracy and justice have been absorbed into the political agendas of women's movements and states. Second, the case studies contribute a cross-cultural dimension to the analysis of modern forms of rule by examining the ways in which liberalism—the dominant value system in the modern world—both exists in, and is resisted in, diverse cultural settings.

The 12 studies commissioned under the UNRISD research project—whether theoretical and general, or case studies of particular countries—reflect on a key moment in international policy making. The collapse of authoritarian regimes in the Soviet Union and Eastern Europe, Latin America, and other parts of the world gave issues of rights and democracy a major impulse, and simultaneously revitalized debates over development policy. The cluster of United Nations summits held in the 1990s provided non-governmental organizations (NGOs) with a public forum and stimulated debate, both domestic and international, over policy. In these various policy arenas, women's movements and their representatives were active participants. The decade saw the growing size and influence of an international women's movement, one linked through regional and international networks and able to collaborate on issues of policy and agenda setting. At the same time, the return to civilian rule in many previously authoritarian states presented women's movements with an opportunity to press for political and legal reform at the national level. By the end of the decade all but a handful of the world's states had signed up to the proposals for gender equity contained in the Beijing Platform for Action, and to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), one of the most significant bodies of international law pertaining to women.[8] In the mid-term review summits, many governments claimed to have put in place policies that were achieving positive results. Quota systems had brought more women into parliaments; many discriminatory laws had been amended or scrapped; women had attained new rights in the family and assurances that existing rights would be respected. Political reforms such as

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[7] The 12 studies commissioned under the UNRISD research project on Gender Justice, Development and Rights are listed at the end of the paper (see page 33). They have been published in Molyneux and Razavi (2002).

[8] The United States however has not signed up to CEDAW. See the commissioned study by Aili Mari Tripp.

decentralization had increased local participation and had absorbed many more women in leadership positions at community and government levels.[9]

In much of the world, however, these advances in political and legal rights were not matched by significant progress in the achievement of greater social justice. Throughout the 1980s and 1990s, income inequalities rose in all but a few states, while poverty remained a persistent, even a growing, phenomenon in many countries, both developed and developing. The new economic model, introduced from the mid-1970s, had brought high social costs and a mixed record of economic achievement. This *ambivalent* character of the record of the 1990s lies at the heart of the international policy agenda, which rests on two central elements: the consolidation of a market-led development model and a greater emphasis on democracy and rights. The extent to which these two elements could be reconciled or came into conflict has been the subject of much scholarly and political debate since then. It was the issue that dominated the discussions of the international women's movement at the 1995 United Nations Fourth World Conference on Women held in Beijing, and it has continued to perplex participants in subsequent regional mid-term reviews. At these meetings, as government representatives reported on the not insignificant progress made in improving women's rights, NGOs and women's movement representatives deplored the disabling economic and social conditions that helped to keep large numbers of women in a state of poverty and deprivation.

In much of the world, and with serious social consequences in many poorer countries, the new economic policies have failed to deliver the hoped-for prosperity. Inaugurated under conditions of harsh stabilization and structural adjustment, they succeeded in ending hyperinflation, but at an unacceptable social cost, as incomes, wages and employment went into sharp decline. While enthusiasm for the "market fundamentalism" that reigned during the 1980s has waned, and the Washington-based financial institutions as well as many governments apply their economic prescriptions with more caution, the results are hotly contested. A comparison of regional growth rates for the period 1960–1980, when developing countries were pursuing *dirigiste* policies, with those for the 1980–2000 period, when they were enticed to "open up" to world markets (Weisbrot et al. 2000), provides little support for those advocating further trade and financial liberalization**.** Moreover, rising income inequalities, coupled with widespread poverty in many countries, have been accompanied by record levels of crime and violence. Meanwhile states have downsized, abdicating former responsibilities in the domains of economic and social policy, just at the moment when they are most needed to play a co-ordinating function between public and private provision. Where not starkly inadequate, welfare delivery under the new schemes has been patchy.

By the end of the 1990s, therefore, following the financial crises that gripped the former Soviet Union and East Asia, the optimism that accompanied the spread of democracy in the South and in the former socialist economies had begun to ebb. The new millennium began amidst the

[9] For a discussion of the impact of the women's movement on policy change in the Latin American region, see Molyneux (2000), and Craske and Molyneux (2001). For a global synopsis of the situation regarding women's entry into politics, see Jaquette (2001).

unravelling of peace accords, growing communal violence, environmental set-backs, and a new global crisis occasioned by terrorism, war and deepening ferment in the Middle Eastern region. If this was not enough to set back human rights agendas, it had already become apparent that despite the dynamism of the human rights movement, a wide gulf remained between the articulation of global principles and their application in many national settings. Much the same could be said of democratization; the hopes invested in democracy as the most effective system for the delivery of social justice dimmed when confronted with the uneven trends in the post-authoritarian transitions across different regions. The gap between global principles and outcomes is particularly striking in the case of gender equality, women's rights and access to decision-making power: for all the advances noted earlier, these have been modest when judged against the standard of equality.[10]

Faced with this record, many have come to question the significance of the much-heralded global turn to democracy and human rights. Some have argued that this has represented a new form of Western hegemony, the sweetener for the bitter pill of neoliberal adjustment and rising inequality; some believe that it amounted to little more than empty rhetoric with little content or effect. This critique, persuasive in regard to welfare and equality, is often linked to a critique of the use of human rights to legitimize policies of "humanitarian intervention". But others, both scholars and activists, including many NGOs working with poor communities and with women, have argued that democracy and human rights provided the only effective means to challenge inequality and to advance programmes that would promote greater social justice and more equitable development.

The debate continues over what has been termed liberal internationalism. Whether framed as an engagement with neoliberalism, the new development agenda or globalization, it is evident that many of the questions posed of the record of the last few decades are far from new. Indeed in many ways, it represents a contemporary refiguring of an older concern about the limits and potential of liberal systems of governance to effect meaningful reform and to promote social justice. Much, of course, depends on what is understood by liberalism, itself a contested analytic terrain and of variable historical presence. Even what is taken as the founding principle of liberalism, that of individual freedom, has generated argument over its interpretation in philosophy, economics and politics. Yet, even though liberalism, both political and economic, has achieved a qualified dominance over other values by incorporating most states into an increasingly interdependent global system, this has not resulted in a process of homogenization of legal or political culture, or institutional arrangements. Western liberal states might share similar conceptions of law and governance and shape their institutions accordingly. But history has left its mark on the state-society relations that have evolved in each case, with corresponding variations in the policy domains of welfare and economic management.

[10] See UNIFEM (2000) for a full report on progress.

Organization of the Project

The work carried out under the UNRISD project falls into four parts. The first set of studies, which constitute part one, provide a theoretical engagement with some of the principal themes; here **Martha Nussbaum**, **Diane Elson** and **Anne Phillips** examine different aspects of liberalism and consider some challenges to its neoliberal or contractarian form. Nussbaum's critique of utilitarian liberalism and Elson's analysis of neoliberal approaches to state-society restructuring argue for a greater role for the state in public welfare, while Phillips examines the implications for gender equality of multicultural claims to citizenship and democracy. From their distinct disciplinary perspectives in philosophy, economics and politics respectively, they all address the question of how far liberal rights agendas, whether embodied in national or international legal instruments, have taken account of women's needs and interests. In seeking to draw out the implications for women of the different generations of rights—political, economic and social—they contribute to the ongoing debates over how gender justice might be advanced.

Parts two, three and four of the project consist of case studies, which examine three fundamental challenges—from the perspectives of economics, politics and culture respectively—that have been made to prevailing liberal versions of democracy and rights. The studies in part two by **Jacqueline Heinen** and **Stéphane Portet** (Poland), **Veronica Schild** (Chile) and **Ramya Subrahmanian** (India), revisit the themes taken up by Nussbaum and Elson. They examine the gender implications of the tensions between orthodox macroeconomic agendas, social rights and the delivery of welfare. These three case studies show how the dominant economic and social agenda impacts upon gender relations and the "care economy", and consider how women's capabilities and social rights have been affected in these different regional settings.

Part three considers how women's movements have positioned themselves in relation to states and social movements that claim democracy as a legitimizing principle. Democracy here is understood both in institutional terms and as a value and a practice within civil society, but as the case studies by **Parvin Paidar** (Iran), **Cecilia Blondet** (Peru), **Anne Marie Goetz** and **Shireen Hassim** (Uganda and South Africa) show, the understandings of democracy and their institutional forms are variable, with markedly different implications for women's rights, whether in terms of their political rights to representation or their rights within the family and society at large. These three case studies examine the political arena and the constraints on women's representation in political parties and in national legislatures. They contribute to the re-assessment of the role of national women's movements during periods of regime change, and the receptivity or otherwise to gender justice of movements struggling for greater democracy in political life.

In part four the tensions between universalism and multiculturalism, discussed by Phillips in theoretical terms, are examined in regard to three developing countries: Malaysia, Mexico and Uganda. **Maznah Mohamad**, **Aída Hernández Castillo** and **Aili Mari Tripp** (respectively) challenge us to consider whether the contemporary scepticism over universalism is well

founded, and to what extent the debate over multiculturalism as it has developed within Western democracies, has an application within different political environments.

This paper will consider the issues that arise in relation to each of the four areas of the project in order to place them in a broader policy context.

I. Rethinking Liberal Rights and Universalism: A Theoretical Engagement

Since its inception, and for the two centuries that followed, feminism has been engaged in what might be seen as a critical endorsement of enlightenment principles of universal rights, equality and individual freedoms. Universal principles of citizenship were generally considered fairer and more inclusive, having been developed in opposition to particularist rights such as those invested in castes, estates or ethnic groups. While feminists have long sought to expose what in recent debates has been identified as the "false universalism" of an exclusionary, androcentric liberalism,[11] this critique informed a strategy that sought not to dispense with universalism but to ensure that it was *consistently* applied.[12] Along with other disadvantaged social groups, women have demanded recognition as moral and juridical equals, and have deployed egalitarian arguments to advance claims on the rights associated with citizenship. However, while they claimed that they had the same entitlements to justice and political representation as men, they also insisted that women's "difference" be recognized as a basis for equal treatment rather than serving to justify discrimination.[13]

In the twentieth century, feminism evolved into an increasingly transnational, pluralized and ethnically diverse social movement, which continued to advance claims to equality while challenging the masculine bias in the way that universal principles were normatively applied. Recently, feminist critiques of universalism have been extended to the spheres of international law and justice. During and after the UN Decade for Women (1976–1985), international legal instruments were examined to identify ways in which they could be made more consistent with their avowed principles, while at the same time recognizing some of the specificities of the female condition. Women's movements protested the exemption of women in the family and in society at large from universally agreed standards of decent treatment. At the same time such historic demands as the recognition of women's unpaid reproductive labour were joined with more recent and contested claims for the extension of women's human rights to include the right to bodily integrity, and to reproductive and sexual choice. Violence against women, for example, was re-framed as a human rights issue and more exacting criteria for advancing

[11] Feminists criticized the androcentric bias that made universalism appear to be "false", whether in its taking of the masculine norm as the subject of liberal contract theory, in its neglect of the social conditions that make its universalist principles meaningful, or in its "erasure of difference".

[12] See Yuval-Davis and Werbner (1999) for elaboration from a gender perspective of the view that "abstract" universalism is not "*intrinsically* exclusionary".

[13] Citizenship was bound up with the capacity to bear arms and hence serve the nation; women argued that the capacity to bear children was at least of equal importance and should be recognized as worthy of citizenship.

women's rights in economic, political and social spheres were developed (Charlesworth and Chinkin 2000).

However, while representing a step in the direction of legal equality between the sexes, the real impact of these international instruments on women's lives was limited and variable. Most governments sought to interpret their commitments selectively, and many entered clauses of exemption on cultural or religious grounds, effectively rendering their signature meaningless.[14] Even where governments signed up in full, positive outcomes in the form of appropriate measures and policies depended on political factors and material resources: if political parties and social movements failed to press for implementation, governments were inclined to ignore them. Moreover, even though laws are important in promoting changes in social relations, they are only as good as the conditions under which they are exercised, politically and otherwise. Where women's new rights were not accompanied by the conditions that allowed them to be exercised, they meant little in practice.

As several contributions to this project demonstrate**,** the period of liberal ascendancy has therefore been associated with some limited advances in women's formal rights, but without sufficient attention being paid to making their rights meaningful or substantive. As activists in national and international arenas have asserted, greater equality between the sexes does not rest on law alone but requires a multidimensional approach to develop appropriate social and economic policies, as well as the democratic institutions that would enable women's needs to be voiced and heard.

Capabilities, rights and neoliberalism

There is therefore a historical and ongoing feminist critique of liberalism. It would appear that feminists have been largely justified in their distrust of its "false universalisms", its masculinist exclusions, its apparent disregard for social justice, and its promotion of an equality that is merely formal rather than substantive.[15] These are serious charges. But it is an open question how well these criticisms stand up to scrutiny in what is arguably a changed global context where liberalism's evolution along diverse paths may allow greater scope for accommodating women's demands.

This is the point of departure in **Martha Nussbaum**'s conceptual approach. She insists on differentiating the diverse historical strands within the Western tradition of liberalism. The idea of "negative liberty", prevalent in much Western liberalism and re-inscribed at the heart of neoliberalism, suggests that rights are primarily protections against state interference. Neoliberalism is premised on the adult freedom of contract as the most basic value. But as both Nussbaum and **Diane Elson** point out, this "thin" defence of freedom is in reality no defence at all if the subjects of rights lack the conditions and resources on which enjoyment of their rights and freedoms depends. Moreover, as **Anne Phillips** argues, if freedom implies a choice of options, the ability to choose itself depends on substantive conditions, which in turn require

[14] This applies to all the Muslim countries that have signed up to CEDAW. Other states, including New Zealand and the United Kingdom, have also entered reservations, albeit less extensive.

[15] See for example, Pateman (1988) and Phillips (1991, 1993).

cultivation. These include, at a minimum, having the political and civil freedoms that enable one to voice an objection, and the educational and employment opportunities that make "exit" a genuine option. Such criticisms of liberal rights have been shared by many feminist theorists.

However, there is another strand within liberalism associated with J.S. Mill and T.H. Green that insists on an active role for the state in creating the material and institutional prerequisites of positive freedom. This strand can arguably best support human rights agendas by generating positive obligations for state action to support human well-being and develop individual and group capacities. Nussbaum considers this "the only sort of liberalism worth defending". At the same time she emphasizes that this implies far more than the standard critique of the thin idea of freedom of contract. Here she advances the idea of a much wider range of human capacities for choice as appropriate goals for development.

In recent engagements with this theme, liberal theorists such as Rawls have placed questions of equality and social justice at the core of liberalism, in ways clearly at variance with more libertarian classical and neoclassical theorists. While Rawls's *Theory of Justice* has been the subject of feminist critique—for presuming that "individuals" are male household heads, and for assuming that justice holds sway within the family—not all liberal engagements with questions of justice share these assumptions. In the writings of Nussbaum in particular, including her contribution to this project which synthesizes and develops her earlier work, there is a theory of justice that is at the same time liberal *and* feminist, while being attentive to the material preconditions that are necessary if formal rights are to be substantiated.

The capability framework, outlined in the writings of Amartya Sen in economics and elaborated in philosophical terms by Nussbaum, sets out to identify "the basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires" (Nussbaum p. 5). The idea of a basic social minimum is provided by focusing on human capabilities, that is, "what people are actually able to do and to be—in a way informed by an intuitive idea of a life that is worthy of the dignity of the human being" (Nussbaum).[16]

In this approach emphasis is placed on the distribution of resources and opportunities *to each person*. Given how often women are treated as members of families, communities and nations and their interests subordinated to the larger goals of these entities, Nussbaum maintains that what they need is more, not less, liberal individualism. They need to be seen, and to see themselves, as autonomous, free human beings capable of making their own choices, rather than being "pushed around by the world". When viewed in the light of the substantial body of evidence documenting significant—and sometimes life-threatening—incidences of discrimination against females in the intra-household distribution of resources and the dangers for women that inhere in group rights and entitlements, it is difficult to disagree with Nussbaum's plea to take individual rights seriously. Perhaps the reservations often expressed

[16] For a gendered analysis of poverty and well-being and the methodological impact of the capability framework, see Razavi (2000).

about individualism by those supporting more collectivist values has led us to forget the crucial importance to women of being recognized as individuals in their own right (Phillips 2001).

The objections to liberalism do not, however, end here. Much of the dissatisfaction of the left in particular has centred on liberalism's attachment to formal rights. The point repeatedly made is that equality of rights will generate inequality when it pays no attention to background conditions. As Phillips expresses it, "grand assertions about all individuals having the equal right to hold on to their property turn rather sour when one individual owns only the clothes she stands up in and another owns the Microsoft empire" (p. 3). Feminists have joined in this criticism, drawing attention to the problems women encounter in exercising certain formal rights. They have queried, for example, the significance of the "right to employment" inscribed in constitutions and labour legislations, where childcare facilities are neither widely available nor affordable, and where women's physical mobility is subject to family and community censure or control.

While such criticisms are justly levelled against liberal thinkers championing negative freedoms (for example, Isaiah Berlin or Friedrich Hayek), they do not appear well-founded in regard to Nussbaum's version of liberalism. The capability framework draws attention to what people are actually able *to do* and *to be* with the resources at their command. It is therefore sensitive to interpersonal differences in need, rather than advocating a version of equality that pays no attention to background conditions and differences. Nor does the capability framework fall into the trap of "physical condition neglect" (Sen 1985), as utility- or preference-based approaches do. Nussbaum sees preferences as socially shaped (and misshapen). Even if women show a preference for a lower standard of living, she argues, we should not conclude that public policy should not meet the conditions for developing their human capabilities. Whatever questions this may raise about Nussbaum's attachment to the notion of "choice" (Phillips 2001), it is indicative of a profound awareness of the substantive conditions under which choice becomes meaningful—an awareness that is not widely shared by liberals.

A related criticism of the liberal interpretation of rights has been its tendency to prioritize some rights (political, civil) over others (economic, social). A product of the politics of the Cold War era, prevailing categorizations of rights were separated into different "generations"—a controversial metaphor, for it suggests a hierarchy in the importance of various forms of rights (Charlesworth 1994). The capability framework, however, embraces both sets of rights or capabilities even though in practice it has tended to concentrate on economic and social rights, such as life expectancy and nutrition, which lend themselves more readily to measurement.

Yet despite the long way that these proponents have come in placing questions of social justice at the core of liberalism, one objection remains unanswered. The central issue is liberalism's neglect of *equality* (Phillips 2001). Liberalism places individual freedoms at the heart of its analysis, and is driven principally by a commitment to free choice.

> If the tradition were as centrally concerned with the equality and distinctness of individuals as Nussbaum's account suggests, it really is difficult to make sense of its tardy appreciation of women's claims. The conundrum becomes less puzzling if we recognize that liberalism is driven by its critique of authoritarian and (later) interventionist government rather than any grand thesis about each individual being of equal worth (Phillips 2001:7).

On the one hand, the capability framework directs attention to chronic failures in the satisfaction of social needs, and it has been instrumental in exposing gender inequalities in human capabilities—the "100 million missing women"[17] (Sen 1992) being a case in point. But, on the other hand, Nussbaum's proposal of a minimum "threshold" that all governments should be required to provide is open to the charge of evading the issue of inequality. Phillips concedes that attempting to secure such a basic minimum may be good practical politics and probably an effective way to proceed in tackling global poverty, "but it is also important to recognize how far it moves from a discourse of equality" (Phillips 2001:17). The retreat from equality is replicated across the literature on economic development, which is now far more concerned with issues of poverty than of inequality (and redistribution).[18] It is also evident in the recent shift in social policy thinking away from ideas of universal welfare provision aimed at creating a more equal society, toward a residualist emphasis on the provision of *basic* services targeted to the needy and the "poorest of the poor". The latter aims to reduce poverty and destitution but is unconcerned about the overall distribution of income and wealth within society.

Yet, even though inequality may not be central to capability thinking, it is crucial to underline the fundamental differences between capability/human rights thinking and neoliberal thinking. This is what Elson sets out to do in her contribution to this project. She examines the contrasting criteria that neoliberal economic thinking and human rights (and capability) thinking use to measure the effectiveness of resource-use procedures. According to human rights and capability approaches, realizing the full set of human rights or achieving the full set of human capabilities constitutes the key criteria for judging the effectiveness of resource use. In contrast, the criterion prioritized within neoliberal policies is "economic efficiency", which consists of getting maximum output from a set of inputs, where the consumption of output is determined by the preferences of consumers. The operational criterion of success is growth of output; and private enterprise and market relations are presumed to be better, on the whole, at promoting economic efficiency.

Neoliberalism emerged out of what Ha-Joon Chang calls "an unholy alliance" between neoclassical economics, which provided most of the analytical tools, and the Austrian Libertarian tradition represented by Hayek, which provided the political and moral philosophy (Chang 2001:4). Its economic agenda, also referred to as the "Washington Consensus", centres on strengthening private property, extending profit-driven markets, and reducing the economic and welfare roles of the state. Since the late 1970s, macroeconomic policy around the world has

[17] The "missing women" phenomenon refers to the excess mortality and artificially lower survival rates of women in many parts of the world.
[18] See Wade (2001) on the neglect of inequality in the debates on globalization.

been increasingly focused on fiscal restraint, open trade and capital accounts, and privatization. The debt crises of the early 1980s—induced by US-led deflationary policies, and the decisions taken by powerful Western governments to adjust to the OPEC (Organization of Petroleum Exporting Countries)-inspired rises in the price of oil via the emerging private international financial market—provided a critical opening for Washington to try to impose this agenda on indebted developing countries. This was facilitated through the so-called "policy conditionalities" that were attached to the International Monetary Fund (IMF) and World Bank loans. As noted above, and as elaborated upon in the case studies in part two with reference to policy reforms in Poland, Chile and India, the outcomes of these policies continue to be highly contested.

Thus if neoliberalism exists in tension with some of the broader claims of contemporary human rights discourses, both are derived from the foundational principles of liberalism. There is continuing debate over how the application of these principles is interpreted, even in the case of such apparently essential constituents of liberalism as the right to own property. This right, enshrined in Article 17 of the Universal Declaration of Human Rights, can be deployed to argue against state intervention and to allow a range of freedoms in the name of respect for private property, which, it is argued, can conflict with human rights. While rights discourses have reconfigured development thinking by placing the person as the central subject and beneficiary of development, critics argue that rights discourses can be used to legitimize the opening up of markets to foreign capital, the promotion of unregulated private enterprise and the reconfiguring of social policies according to market principles. Nussbaum acknowledges that these ambiguities in the meaning of rights can lead to a blurring of the issues whereby all rights struggles are seen as promoting commercial liberalism. She argues that while under certain conditions markets can promote human capabilities, they often do so unevenly. For some capabilities, like those relating to health, education and nutrition, markets often fail to deliver, and indeed as Elson suggests, free enterprise growth can itself destroy human capabilities.

Given these ambiguities, should we give up on rights as the language for making justice claims? The answer to this question must surely be negative. As is clear from some of the other contributions to this project, the language of rights has considerable rhetorical and mobilizing power; it reminds us that people have justified and urgent claims; rights confer agency and enable women in particular to articulate strong claims for *equality*. If rights have been understood in many different ways, and there are fundamentally different ways of thinking about the connections between human rights and resource use, the terrain of rights is marked by politics and demands engagement from those seeking social and gender justice.

Elson invites us to think of human rights in terms of ideas of mutuality or solidarity. These express the principle of social and human inter-connectedness. Human rights can then be seen as claims "to a set of social arrangements—norms, institutions, laws and an enabling economic environment—that can best secure the enjoyment of these rights" (p. 1). It is the obligation of governments to implement policies to create and uphold such arrangements; and it is also the obligation of citizens to contribute to their observance.

This is a fruitful way of thinking about human rights and about "rights-based development". It reinstates a particular form of universalism as entailing both solidarity and redistribution, ideas that have been increasingly marginalized from both policy and research agendas in recent years. It also rehabilitates the state as the principle agent in policy development and implementation. Only the state, argues Elson, can ensure the existence of adequate social arrangements to which all citizens have a duty to contribute and from which they have a right to demand accountability. While states need not be, and arguably should not be, the sole agencies involved in the provision of adequate policies, they must have a co-ordinating function and ultimate responsibility for the quality and extent of provision.[19]

Universalism and multiculturalism

If, as argued above, liberalism can accommodate social rights, can it also accommodate cultural diversity and difference in ways that do not violate the principle of equality? If the claims of multiculturalism are accommodated, how are women's rights affected? Are feminists such as Moller Okin right to argue that multiculturalism is "bad for women" because it subordinates women's individual rights to masculine privilege enshrined in group rights that are legitimized by "culture", "tradition" and religion? (Moller Okin 1999). In her theoretical contribution Anne Phillips revisits the charge that liberal universalism "erases difference" both in regard to women and in regard to "other" cultures, and considers the areas of conflict and agreement between feminist and multicultural agendas.

An important starting point in this debate is to recognize that the positive import of multiculturalism lies in its challenge to a "difference-blind liberalism" (Taylor 1994) that worked with *simpliste* notions of national homogeneity. Multiculturalism instead insists on the hybrid character of modern societies, which have been rendered culturally complex through colonialism, greater global interdependency and transnational migration. The very term "multicultural" unsettles crude assimilationist strategies that refuse to accord any positive value to cultural difference. However, there is considerable disagreement among those who support multicultural principles over how culture is itself understood and over what policies should be pursued within a multicultural society. If culture is conceived of as "tradition" and identified with religious doctrine, the potential for conflict over women's rights is considerable. On the other hand, there are liberal versions of multiculturalism that are arguably compatible with the universal principles contained in the international legal instruments that advance women's rights.

Resistance to universal standards for women's rights has grown in recent years. If this has been led in international arenas by a group of conservative states and largely religious NGOs (Sen and Correa 1999), it has also gained support from within the scholarly literature with the turn to post-modernism and post-structuralism, evident within feminism itself. From these different positions has come a challenge to the principle of universalism, which underlies the human rights movement. These politically diverse tributary currents of multiculturalism unite in

[19] See Hirst (1994) for an argument in favour of non-state provision through self-governing associations.

arguing that moral standards are culture-bound and that legal pluralism should prevail over universal law. Post-structuralists argue that there is no theoretical or foundational basis for endorsing one set of values over another. Neither humanism nor reason can serve as the basis of law. Reason, the foundation of such claims, is itself a relative concept and can provide no independent referent for justice. A derivative view, shared by conservative nationalist states, is that as ideas of rights are bound to their Western origins they have little meaning or application within "other" cultures. Variants of this position ground their objection to what they term a "Western universalism" in a history of economic and cultural dominance that continues today. Resistance to such dominance is seen as essential to the cultural survival of "othered" subaltern cultural formations.

As a consequence of the rise of more vocal and self-confident ethnic politics, there have been moves by states and international policy makers to accommodate a greater respect for cultural diversity, at both the global and national levels, and to accord recognition of cultural rights as a form of human rights. While liberal rights are associated with individual recognition and legal capacity, the idea that collective rights are necessary for the full enjoyment of individual human rights has gained ground in national and international policy arenas. Here it has been accommodated, albeit not without difficulty, within an overall legal framework that gives primacy to human rights.

One example is the international legislation according rights to indigenous peoples and their cultures originally encoded in Convention 107 of the International Labour Organization (ILO), adopted in 1957, which was replaced by ILO Convention 169, adopted in 1989. The convention has been given greater prominence in recent years as a result of the increased strength and activism of indigenous movements. It commits signing governments to ensure equality of rights within their jurisdiction and respect for their customs and laws. The Convention, however, stipulates that customary law should be respected when it does not conflict with universal human rights; this formulation was incorporated into a number of state constitutions, notably in Latin America in the 1990s (Sieder 2002).

Such versions of multiculturalism do not necessarily entail surrendering women's claims on rights and for equality within plural societies. However, for more radical interpretations, recognizing the plural character of social formations entails the adoption of a cultural and moral relativism that is at variance with universal legal standards. It is evident that such positions conflict with women's human rights in four major ways. In the first place, the kind of feminist cosmopolitanism that has inspired the demands of the increasingly internationalized women's movement is committed to "transversal" legal principles, applicable in all contexts albeit through a process of negotiation and translation (Petchesky 1998). Second, if feminism has been associated with one principle above others it has been that of equality, and where difference has been the basis for claims of recognition, it has been within the overall terms of an argument for equality. Third, feminist claims (*pace* dissenters such as Iris Marion Young[20]) have generally

[20] Young has argued the case for group rights for women and minorities as the best way to guarantee justice (Young 1990).

privileged individual over group or cultural rights for the reasons discussed earlier. Finally, feminism has always questioned appeals to culture and tradition where these are used to legitimate female subjugation. The fact that the roles and symbolism associated with femininity together with patriarchal authority and masculine privilege are often made into cultural signifiers, places women's individual rights in conflict with those seeking to impose "traditional", "authentic" or "national" customs on their people.[21]

However, while there is clearly a conflict between universalist principles and some versions of multiculturalism, Anne Phillips argues that the gulf between feminism and multiculturalism is not usefully characterized as one of simple opposition. She revisits the criticism that universalism "erases difference" and argues that this is the crucial point on which feminism and multiculturalism can agree. Indeed she sees a "close family relationship" between the two bodies of thought in that both oppose the way that difference (of gender and/or culture) is taken to signify inferiority. Feminism and multiculturalism unite in sharing a critique of universalism for "falsely generalis(ing) from one sex or one culture"; they both address oppressions that share a common structure and tackle issues of inequality. Phillips therefore joins those who support multiculturalism in its demand for a greater respect to be accorded to difference, and suggests that this requires a questioning of the terms and conditions of universalism, while not renouncing it altogether.

Feminist post-structuralists such as Phillips have not, then, entirely given up on universalism. While eschewing the foundationalist claims of human rights, there are those who argue that some qualified forms of universalism are defensible for political or ethical reasons.[22] Phillips therefore calls for a critical and grounded approach to universalism and to its practices, but maintains that universal human rights remain a necessary part of a good global society. They represent values that both traverse particular cultures and have meaning in struggles across continents by those who have claimed them.

Phillips argues that although the claims made on behalf of women and on behalf of minority cultures are both equality claims, they are different in that cultures are not akin to individual subjects, and they cannot make claims about "their" rights. Such formulations reify culture into a "thing" that is independent of political forces, social agency and historical influences, a point elaborated upon in the case studies in part four of the project with reference to Malaysia, Mexico and Uganda. With these broader theoretical reflections in mind, this paper will now consider the case studies grouped in the three sections which follow.

[21] Advocates of multiculturalism are divided over this issue of culture most evidently because post-structuralists oppose essentialist arguments of this kind.

[22] This debate cannot be entered into here, but post-structuralist defenders of some version of universalism include Butler (1995) and Robbins (1998).

II. Social Sector Restructuring and Social Rights

If states have a duty to create the material and institutional prerequisites that can best secure the enjoyment of human rights, as the theoretical reflections by Nussbaum, Elson and Phillips suggest, then an important arena of positive state action must be that of social provision. Needless to say, the nature and extent of state responsibility for social provision is highly variable, even among the bloc of countries that established welfare states in the twentieth century. Nordic countries and France, for example, retain a commitment to more universalist, citizenship-based entitlements, while in other parts of continental Europe the welfare state evolved along more corporatist lines where social entitlements derived principally from employment (with its in-built gender bias) rather than from universalist principles of citizenship as in the Nordic model. Moreover, both contrast with the residualist model that is dominant in the United States, where social entitlements derive from proven need. Thus while the postwar Western welfare states expressed rather similar objectives, "they differ(ed) both in terms of ambition and how they did it" (Esping-Andersen 1996:6). Moreover, as these same welfare states seek to adapt to the pressures of globalization, they do so differently, largely because of "institutional legacies, inherited system characteristics, and the vested interests that these cultivate" (Esping-Andersen 1996:6). A recent ILO research project, for example, found certain "regional clusters" and marked heterogeneity in recent welfare policy developments with a striking degree of country-specific variation (Alber and Standing 2000:112).

Beyond the institutionalized welfare states, in the developing and post-transition countries, there is again considerable diversity of approach as resource constraints and different political and institutional histories bear upon the policy environment and influence the impact and application of neoliberal agendas. The three case studies in part two document how systems of welfare provision are being restructured in very different regional contexts. While a fuller picture of welfare reform in these diverse regions would require far more comprehensive comparative empirical research than is currently available, what is clear even from the existing studies of social policy is the *absence* of a uniform response to the pressures of globalization.

Ironically the region with a history of extensive social policies—Central and Eastern Europe—also appears to be the one where there have been significant policy reversals, even though the authors of the above-mentioned ILO study find the notion of "social dumping", or abandoning welfare commitments in response to globalization, inadequate when it comes to describing the social policy reforms undertaken in the region. They argue that while there has been some privatization (for example, education and housing), the social expenditure ratio increased rather than declined in most countries, and that various taxes have been raised. A good number of countries in the region appear, therefore, to be moving toward different Western European welfare state models rather than toward the residualist, liberal model—the outcomes having been largely determined by political battles in which supranational and national actors were intertwined in various coalitions.

These findings do not take into account how social policy reforms have impacted differently on men and women in the region. This is, however, a common concern running through the case

studies in part two of this project, which probe the tensions between women's economic and social rights and the ongoing economic and social policy reforms. In some contexts (for example, Poland and Chile), these are threatening to undermine the gains that have already been made, while elsewhere (such as India) they deny even the prospect of the progressive realization of a non-discriminatory system of decent jobs and public services, and broad-based social security systems.

In the case of Poland, which is considered by the ILO study to be moving toward an institutionalized welfare state model, women have experienced a severe erosion of their social rights according to **Jacqueline Heinen** and **Stéphane Portet**. It is appropriate, therefore, to ask *what kind of* an institutionalized welfare state model is being created in Poland if women's entitlements have been so undermined in the process?

Heinen and Portet document a large number of legal and policy changes introduced in Poland since the transition to democracy and the advent of a market economy that have eroded long-standing social rights that primarily benefited women. These reforms have taken liberal principles of autonomy, individualism and indeed equality as the justification for stripping women of what in Poland are called their "special privileges". At the same time severe cuts in the state budget have dealt a heavy blow to the public provision of infant care and childcare services, while economic rationalization and privatization have led to the widespread closure of preschools and subsidized infant care facilities previously provided by enterprises. Such "privileges" as paid leave to take care of sick children and entitlements to free or subsidized childcare services might be argued as necessary mechanisms to ensure a more "level playing field" for those who are otherwise disadvantaged.

In the emerging model of welfare, comprehensive access to social rights, particularly to social security, is increasingly dependent on economic status: only those who are economically active, whether as employees or employers, have full access to these rights. But in Poland, as in many other former socialist countries, women's official labour force participation rate has fallen since the collapse of state socialism, while women are by far the most severely affected by unemployment, particularly long-term unemployment—a state of affairs that reflects, among other things, the inadequacy of affordable infant care and childcare facilities, as well as hiring preferences that favour men. This has coincided with an increasing gender gap in wages in many sectors; it is estimated that women earn on average 20 to 30 per cent less than men who have similar educational qualifications and experience. Hence many social benefits (pensions, health insurance and so on) that used to be universal rights in socialist regimes are now available only to those enjoying direct access to the formal labour market, which, if not directly discriminating against women, indirectly places many at a disadvantage—revealing a male bias in social policy (Lewis 1992; Elson and Cagatay 2000).

The 1999 reform of the Polish social security system, which introduced funded pension plans, has further reinforced the link between the level of income and social citizenship. While previously access to a state pension depended on a system of mutual aid and was an automatic

right for both men and women, it now depends much more strictly on past earnings and ability to contribute on a monthly basis to a pension fund. Hence women, who constitute 75 per cent of those who earn below-average wages and the majority of the unemployed, have had their entitlements curtailed because of their marginal economic status.

Yet Heinen and Portet's account of social and political citizenship in Poland ends on an optimistic note. There is mounting criticism of the growing inequalities in Poland, including a distinct feminist critique that underscores the dangers of constructing a "masculine democracy". Concrete proposals have been put forward to give women a genuine voice and presence in democratic fora, such as a recent legislative bill to establish quotas for women on electoral slates in anticipation of the 2002 legislative elections. The prohibition on termination of pregnancy in 1993 was a reminder of how deeply gender-biased liberal principles of individualism, autonomy and the separation of the public and the private realm can be in their application, yet it may have instilled a sense of urgency about the need to increase women's representation in the political arena. This is all the more necessary if women are not to lose out in the process of democratic consolidation and integration into the European Union, as was true in the early phase of the transition process.

A somewhat similar trend toward the privatization of social security has been underway in Chile for far longer, as **Veronica Schild** shows. The centre-left coalition known as the Concertación, which came to power in Chile in 1990 and has survived two elections since then, was heir to a military dictatorship (1973–1989) that launched the first experiment in neoliberal policies in Latin America. The regime of General Augusto Pinochet, notorious for the human rights violations committed in its efforts to crush opposition, set about implementing a programme of radical social and economic reform that achieved average growth rates of 7 per cent over a decade and a half. The Concertación governments continued to pursue integration into the global economy through orthodox macroeconomic policies. These have sustained economic growth but social inequalities have deepened (ECLAC 1998). There has, however, been a distinct shift in both the language ("growth with equity") and the social policy package since the Pinochet years.

Schild demonstrates how the social policies of the 1990s represent both a change and a continuation of the reforms implemented during the Pinochet era. Perhaps the most significant element of continuity is the retreat from the universalist principles of provision characteristic of the pre-Pinochet period with the turn to targeted social assistance. Developed under the dictatorship, these targeted programmes were judged by many commentators as successful in mitigating the worst effects of the adjustment process (Angell and Graham 1995). Under the coalition, these programmes were refined and extended and, together with employment generation schemes, a 36 per cent rise in the minimum wage and buoyant growth, a million people were taken out of poverty by 1993. However, the high rates of income concentration have remained constant. Chile is one of the most unequal countries in a region known for its skewed income distribution (ECLAC 1998). An important lesson from comparative social policy is that the countries that have more equitable income distribution are not only those with high

levels of social welfare provision accessible to all, but are also those where the professional and middle classes have a stake in these services—that is, they help fund them through taxation and they use them (Deacon 2000). Targeting and means testing separate the "ultra poor" from the rest of the population, thereby deepening social divisions between the needy and those who are expected to turn to the market for social services (Mackintosh 2000).

The "Chilean model" is also associated with an extensive privatization of social security. Initiated under the military dictatorship, the privatization of the public pension system proceeded on the basis of largely unsubstantiated claims about the superiority of the private system compared to all other policy options.[23] The Concertación governments did not undertake any major institutional changes in social policy, although taxes were raised to increase social expenditure (Huber and Stephens 2000). As in the case of Poland, a major drawback of the funded pension plan is its in-built gender bias. In a system where benefits are calculated strictly based on contributions, women tend to be at a disadvantage as their incomes are generally less than men's and their working lives shorter and more interrupted. This is indicative of a broader problem, namely that privatized systems have not favoured redistribution and seem to have exacerbated existing inequalities.

There are some novel features in the Chilean system of social provisioning, in particular the role that NGOs are playing in the delivery of welfare. However, while there clearly are some positive aspects to this involvement, Schild argues that it depends upon an unpaid or poorly paid and unregulated workforce of female "extension workers". Ultimately what this means is that claims for more "efficient" social spending, through a "partnership" of state and civil society, rely on what Elson refers to as the "unspoken and invisible safety net of women's unpaid work" (pp. 5–6), whether in their capacity as mothers and wives or as NGO and community workers. Furthermore, there are questions as to the adequacy of the coverage and the quality of service delivered by this patchwork of NGOs with their poorly paid staff and army of volunteers.

Schild is also pessimistic about the political implications of the new model of social provisioning. Neoliberalism in Chile has been associated with the demobilization of women's long-standing grassroots activities and their selective institutionalization into NGOs competing for government funds, imbued in a neoliberal ethos that is focused on individual autonomy, choice and responsibility. There is little in her account to suggest that the top-down mode of delivering social services has been replaced by an empowering bottom-up or "demand-driven" process of welfare provisioning over which citizens and communities exercise meaningful control. On the contrary, project choices and designs, she argues, are often decided by officials in SERNAM (Servicio Nacional de la Mujer, the ministry for women) and other government ministries, with standardized programmes that are not tailored to the wishes or needs of the

[23] The superiority of private pensions was argued on several accounts: expansion of coverage; competition; administrative cost of the system; and its impact on capital markets, national savings and investment. Yet, contrary to the claims and predictions of those promoting privatization, the reforms appear to have been implemented based on assumptions that, data show, have not in fact materialized (Huber and Stephens 2000; Mesa-Lago 2002).

communities—criticisms that are frequently levelled against government provision. This view finds support in the literature on the new social programmes—whether it considers "social safety nets" or "Social Funds" (Vivian 1995; Tendler and Serrano 1999; Cornia and Reddy 2001).

What is not clear, however, is whether the demobilization of women's grassroots organizing can be entirely attributed to the new roles in which many women's NGOs find themselves. Research shows that social movements have their own life cycles as older members retire from public life or find themselves in new positions inside the new democratic state or legislature.[24] The very success of democratic transition often deprives such movements of a common goal and rallying cry, confronting them with the challenge of having to operate on different terms and in a transformed political landscape. Schild notes that new forms of organizing have emerged that are more consonant with today's "political grammar", including programmes that are being supported by SERNAM. The extent to which these initiatives can sustain themselves and make a positive impact on public policy and gender inequality remains an open question.

Ramya Subrahmanian examines the issue of female educational deprivation in India, one that must be understood as part of a broader picture of class and gender relations that intertwine with social hierarchies of caste and kinship to produce a formidable challenge for public policy. India never achieved the level and scope of social provisioning that was in place in Chile prior to 1973, let alone what state socialism offered the Polish population. Social security in India is subject to a plethora of laws, and administered through a wide range of specific schemes designed to deliver welfare in crucial areas. While there are some notable exceptions, the states of Kerala and West Bengal being the most widely known, India has a history of poor implementation, declining public funding, and inadequate social participation and accountability (Ghosh 2001; Bardhan 1999).

The programme of economic reform initiated in 1991 marks a significant shift in policy thinking, aimed at reducing the role of the state in the economy. It has entailed some important welfare reforms, such as the targeting of subsidized food grains through the Public Distribution System (PDS) and greater emphasis on the private provision of welfare services. Although the share of privately managed schools is much smaller than government schools and its spread uneven across the country, there are indications that private schools are proliferating in many rural areas, and that they are increasingly appealing to poorer households as well.

A notable feature of education policy is the apparent increase in public social expenditure being allocated to *primary* education. Such a focus coincides with the World Bank's minimalist definition of the "public good" aspect of education in terms of primary education alone—when arguably the entire education system, from pre-primary to tertiary levels, needs to be treated as a whole. This increase in resources for primary education in India has largely come from soft loans from the World Bank and has to some extent reversed the decline in social sector expenditure. To what extent this is sustainable is a matter of debate. It is also not yet clear what

[24] For discussions of this "demobilization" phenomenon, see *inter alia* the collections by Alvarez et al. (1999) and Chalmers et al. (1997).

kind of education system is being forged. Perspectives on the current state of education reform vary, from celebrations of the increase in available resources for education, to those who warn of the dangers of ignoring some of the deeper trends that are being set in motion. Critics worry that the bringing in of "para-teachers", who are paid less and trained less than teachers employed in the formal system, and the setting up of a parallel school system through NGOs may effectively split the "universal" education system into a patchwork of schools that would continue to penalize the worse-off and do little to correct the inequalities that are endemic to the system. Pragmatists, on the other hand, see such an expansion as necessary in the process of first ensuring mass literacy with a view to increasing basic opportunities.

As most of the country's low-income population depends on state provision, the universal right to education remains an important principle informing strategies for education development. In India this right is acknowledged, but school attendance is not compulsory. Decades of agitation have resulted in a concerted civil society approach to making the state take its duties regarding education more seriously. A proposal was first floated in Parliament in 1997 to make elementary education a fundamental right, thereby committing the state to providing free and compulsory education for children aged 6–14. In November 2001 the bill was passed in the Lower House of Parliament to await approval from the Upper House before it becomes a part of the Constitution.

India is unusual for its robust and long-standing liberal democracy, yet it is a country marked by significant social deprivation. The state has been singularly ineffective in extending social rights beyond a small fraction of the population, predominantly its own employees (Herring 1999). Does this mean that even if the right to education is made justiciable through civil society agitation, it will amount to little more than empty rhetoric (like the progressive array of labour legislation that is regularly and openly violated)? This is clearly a possibility, and there are significant questions about the real implications of such a policy shift. Can the state be compelled to significantly increase its financial allocation significantly and to enforce school attendance? Subrahmanian lays out the multiple hurdles that would have to be overcome for the right to education to be substantiated. Securing such a right will depend crucially on securing other rights that are interlinked with the right to education, including those to food and survival, health and personal security.

Subrahmanian is wary of approaches that rely excessively on a legally mandated set of rights as the basis for pushing state accountability. Both rights and capabilities, she claims, are associated with similar problems of translation from normative framework to on-the-ground outcome. A critical issue is the fact that socially disadvantaged groups lack access to formal institutions of the state, including the legal institutions in charge of carrying out justice—the basic requirement of a liberal democratic state. Women, in particular, remain untouched by, and uninformed about, many areas of state legislation and action (Rai 1996). Indian democracy provides the formal channels and democratic spaces for demanding state accountability, yet deep social divisions of class, caste and gender impose limits on what can be achieved. The elucidation of a rights discourse is thus merely the first step of the journey; it needs to be accompanied by

clearly worked-out institutional relationships and the restructuring of incentives to allow for the claims of the poorest to be heard and addressed.

III. Democratization and the Politics of Gender

The central instrument for the protection of rights has been, and must remain, the state. As women's movements turned their attention in the 1990s to rights issues, they were drawn into an engagement with the state as rights activists and as participants in government. Whether states advance or curtail women's rights cannot be explained in terms of any single variable, although democratic institutions and procedures are generally assumed to allow greater voice and presence to social forces pressing for reform. Yet, while many countries now identify themselves as democracies, and have established institutions of representative government, the degree to which democracy has been consolidated and institutionalized is highly variable. As the case studies in this section bear out, in some countries even a minimal democracy has yet to be institutionalized. Even where elections have been held, political parties often remain weakly institutionalized, all too often serving as instruments to secure the rule of kleptocratic oligarchies and discriminatory ethnic groups. In much of the world, the institutions for popular participation are weakly embedded in society, civil rights are not protected, and political parties lack strongly articulated social programmes. It is in the context of such states, some semi-authoritarian or "soft dictatorships", others where institutions of liberal representative democracy are grafted onto highly fragmented societies, that the three case studies are positioned.[25] Yet in these diverse contexts women have in recent years become a visible political force both as individuals and as a social group, even under conditions that deny them full or indeed at times any political voice and representation. Where the latter occurs, however, there is a danger that as women's movements are co-opted by states, they lose their ability to represent their constituency and to advance programmes of radical reform.

Parvin Paidar analyzes the efforts by women's movements in Iran to contest prevailing interpretations of women's rights by the repressive Islamist regime that has been in power for more than two decades. In particular she considers the implications for women of the ways in which the nascent reform movement has sought to democratize political life by strengthening and working through some of the country's existing formal democratic institutions.

The revolutionary Islamist forces, which took power through a popular uprising that toppled the ruling monarchy in 1979, very quickly developed into an authoritarian state, annihilating or driving its diverse opponents into exile. In its first decade—the most politically and socially repressive period in twentieth-century Iran—the state took upon itself the task of transforming social and gender relations in conformity with its re-interpreted doctrine of Shi'a Islam.

[25] In reality, no country can live up to the ideal view of democracy, and it is also widely appreciated that democratization is a cumulative process. But in many of the new emerging democracies of the East and the South the liberal component is vastly underdeveloped, rendering them "illiberal democracies" (O'Donnell 1993, 1998).

The erosion of popular support for the hard-line state was an important factor behind the emergence of the reform movement in 1997. Authoritarianism, economic stagnation and rising levels of unemployment, corruption and misappropriation of funds, and the state's zealous attempts to regulate the private and social lives of citizens have combined to erode the support the Islamic Republic initially enjoyed. This has created a crisis of legitimacy for the hard-liners who still control the key apparatuses of the state (the judiciary and the theocratic establishment). The 1980 Constitution of the Islamic Republic combines Islamic theocracy with some forms of democratic accountability: the political stalemate of recent years is in some ways a reflection of the tensions between these two irreconcilable principles that the Constitution has unsuccessfully tried to square.

While the embryonic reformist movement had to confront formidable obstacles placed in its way by hard-liners in the regime who used (and abused) all of their constitutional powers to undermine it, it managed to some degree, to change the terms of the debate. Paidar argues that despite the fragility of this rather broad coalition, the reform movement had the potential to initiate positive political change. This was largely because of the strength of the movement, which was not simply manifest in electoral terms. Across the country, the "thirst for citizenship and participation" (Najmabadi 2000) became apparent on an unprecedented scale as a widespread and diffuse grassroots movement developed, involving significant participation of women. This diffuseness made it difficult for any particular current to monopolize or to undermine it.

Many of these cultural and social initiatives were, as Paidar shows, gendered and politicized. Yet despite the mushrooming of women's political, cultural and grassroots initiatives and the politicization of gender issues that occurred, the women's movement was weakened by internal divisions and factionalism, reflecting long-standing tensions and suspicions between Islamist and secularist currents.

For their part, the reformist forces failed to link their arguments favouring democratic principles to women's rights, and their political and intellectual leadership was largely impervious to women's concerns. Moreover, before the reform movement had a chance to coalesce into a genuine social movement able to voice and reflect the demands and interests of a wide range of constituents, it became prematurely institutionalized (or co-opted) into the state apparatus (Hajarian 2001). This co-optation is another reason why the reformists have been so unreceptive to the women's issues and concerns emanating from different social groups. Although President Mohammad Khatami's government set up numerous women's units within the state apparatus and awarded a number of high-profile posts to women, women's independent activism remained controlled by the state and marginalized by the reform movement.[26]

[26] On the challenges of pursuing transformative change while dealing with the constraints imposed by working within bureaucracies in both state institutions and international development agencies, see Miller and Razavi (1998).

Yet, if the reform movement is to grow and if it is to promote greater democracy in political life, it cannot afford to overlook women's interests and concerns. Democracy is not just a question of how well the institutional arenas perform, but also of the quality of democratic life more broadly. This depends crucially on the character of civil society itself, and the extent to which it embraces democratic principles in which notions of gender justice are fully recognized.

Cecilia Blondet examines another case where a government sought to co-opt and utilize a social movement—in this instance, the women's movement. If the problem in Iran was that women were ignored, in Peru former President Alberto Fujimori championed the cause of women's rights, while courting and recruiting women to senior positions. Fujimori, unusually for a male head of state, even attended the Fourth World Conference on Women in Beijing, lending his support to the programme of reform that eventuated. His administration saw an emphasis on promoting the rights and opportunities of women, the fine-tuning of legislation, the development of numerous social programmes for women, and the promulgation of quotas for women candidates in the legislature. Yet Blondet questions this record of apparent progress and analyses the Faustian bargain that women's representatives entered into with this increasingly authoritarian state.

President Fujimori came to power through democratic elections in 1990, in the midst of a profound national crisis. Hyperinflation, the demise of political parties, and the absence of state authority, together with terrorist attacks, created widespread social insecurity, disorder and poverty. As Fujimori set out to reassert state control—a project for which he received sustained popular support—circumstances combined to create a powerful executive branch that placed Peru's weak and fragile democracy under threat.

Blondet provides a detailed analysis of the diverse groups of women from different social strata who entered public office during the Fujimori regime—women whose interests and expectations had previously been ignored and who believed, in a "pragmatic" way, that the regime held the key to fulfilling their needs. How these women acted and what they achieved raises two sets of issues. First, the mere fact that there was a growing number of women in positions of power and influence, and that they became familiar with the exercise of power, had some positive implications; women's participation in politics had ceased to be unusual but became part of what Blondet calls the "new common sense" in society. It also allowed the diverse interests of women to be debated and even acted upon; the passage of many of the current laws benefiting women would have been unthinkable without it. However, such gains cannot be abstracted from the social and political context in which they occurred. Many governments aim to capture the female vote for instrumental reasons. In a democratic polity, partisan struggle over the organized constituencies and "vote banks" that women's movements represent can lead to a readiness to take on board some of their demands. Authoritarian regimes, however, seek to curb the independence of such constituencies and of the individuals associated with them. Blondet argues that Fujimori "colonized" the social organizations that were useful to him, leaving them submissive and dependent on government patronage. The eruption in 2000 of Peru's own democracy movement, and the ignominious flight of Fujimori to

Japan, testified to the sense of betrayal felt by a population that had traded democracy for favours from a corrupt elite bent on filling its own coffers.

Like Fujimori, President Yoweri Museveni of Uganda also promoted women's rights and recruited women to his project, resulting in their consistently high presence in representative and appointed posts. **Anne Marie Goetz** and **Shireen Hassim** provide a comparative analysis of Uganda and South Africa—two African countries that witnessed a dramatic increase in recent decades of the numbers of women in national and local politics. In both countries governments recognized the importance of women as a political constituency. However, it is the difference, rather than the similarities, between these two polities that casts light on the institutional forms that can facilitate more meaningful representation of women's interests.

Museveni came to power in Uganda after a prolonged guerrilla war (1981–1986), and his response to this history of sectarianism and ethnic conflict was to institutionalize a "no party" system where political participation would be organized through a supposedly all-encompassing movement, called the National Resistance Movement (NRM). The women's movement, in part at least, historically hostile to sectarian politics and suspicious of political parties and engagement with the state, supported Museveni's project. Within a relatively short period of time the NRM had instituted measures to institutionalize spaces for women within the state apparatus and inside the five-tier Resistance Council system, including the Parliament known as the National Resistance Council.

Like Fujimori's regime in Peru, Museveni's slide into authoritarianism was gradual, as steps were taken to entrench the no-party system of government, concentrating power in fewer hands while promising a path out of the insecurity and violence of the recent past. The authors argue that the NRM's patronage of the women's movement contributed to its post-conflict recovery. It also facilitated a number of important legislative gains. Even set-backs in promoting gender equity in legislation and policy, such as the stalemate over the spousal co-ownership of land, radicalized the women's movement and intensified its concern about issues such as corruption and the lack of pluralism.

Presidential patronage came at a price, however. Without a party system, women were not able to bring membership pressure to bear on party executives to promote the institutionalization of gender-equity concerns within the party, in its recruitment, candidate promotion, policies or leadership. By refusing to call itself a party, the NRM avoided the need to submit to the usual forms of regulation, and its organizational procedures remained opaque. Yet it has conducted itself as a party, despite its insufficient institutionalization. As Goetz and Hassim argue, the lack of formal structures, lines of authority, or structured approaches to determining policy priorities effectively disable attempts to render it more gender sensitive and more transparent. Moreover, in the absence of multi-party competition women's movements have also been unable to develop political leverage around a gendered voting gap.

Goetz and Hassim do not judge the women's movement too harshly for throwing in its lot with the Museveni government. Nor do they feel that the women's movement should be blamed for rejecting the option of seeking to promote women's interests through political parties, when the latter had been so negligent of these interests in the past. But where the women's movement did commit a strategic mistake, they argue, is in failing to protest the undermining of democracy in the country. This contributed not only to a deepening stagnation and paralysis in the old political parties, but also to an erosion of democracy within the NRM itself. The absence of pluralism and of internal party democracy left the women's movement entirely dependent on presidential patronage for access to office and for promoting gender-equity policies.

Under what circumstances, then, can women's access to political office and the promotion of gender-equity policies be more favourably institutionalized? Goetz and Hassim explore this question through a comparative analysis of political dynamics in Uganda and in South Africa. In the latter, a negotiated transition created a plural democratic political context that opened a space for women activists to extend feminist conceptions of democracy and citizenship. The authors reject the account that is often given for the success of South African feminists, namely, the strength of the women's movement. Instead they suggest a multicausal explanation pointing to a number of crucial factors that coalesced to give women activists the opportunity to pursue their demands. In the first place, the fear of ethnic and racialized conflict drove the major negotiating parties to search for democratic mechanisms that would forge a stable, legitimate and democratic state, and would reduce the potential for political mobilizations centred on ethnic affiliation. Citizenship, broadly conceived, and rights-based discourses increasingly displaced nationalism as the new political ideal, and proportional representation (PR) with party lists was institutionalized as the country's electoral system.[27] Second, given the negotiated nature of the transition—one which involved numerous compromises—women became important to the governing ANC as it faced criticisms that it had abandoned its revolutionary ideals. The Party's support for women's rights demonstrated its continued commitment to inclusion and to redressing the substantial inequalities of the past. Third, the ANC's own history of internal dispute enabled women to coalesce, through the Women's National Coalition (WNC), before constitutional debates to develop views on how democracy should be conceived and to demand inclusion as a right. Finally, pluralism and a dominant party that represented itself as socially inclusive, committed to equality and internally democratic meant that women could deploy these principles to press their own cause and use electoral processes to exert leverage on behalf of their political and policy ambitions.

In their discussion of the ANC's role in advancing women's rights, Goetz and Hassim question the long-standing ambivalence and hostility that women's movements have shown toward political parties. While political parties have not been hospitable sites for women activists, they remain the central mechanism in democratic systems for channelling political demands. This raises questions about how women can best engage political parties within pluralist liberal democracies. A central issue is the long-term effectiveness of party-movement linkages and the

[27] By "de-personalising" the vote, the PR system with party lists helps to override traditional sentiments against candidates due to their gender, ethnic affiliation or other personal characteristics.

challenge of working "within and against the party"—of having direct and strong links to political parties and yet avoiding an over-reliance on feminists within political parties who can become hostage to a hierarchical and male-dominated party system.

While the authors see little threat to democracy's survival in South Africa, they are nevertheless concerned about the increasing centralization of power within the presidency and a corresponding weakening of the Parliament and its committee system. The decision taken by the Presidency and the Ministry of Finance to place the macroeconomic framework outside of party debate and make it a non-negotiable aspect of ANC policy is a case in point. In this more constrained party context, women members of parliament (MPs) and ministers in particular might find it difficult to articulate policy positions that differ sharply from those of the party leadership. Ironically, the very PR system that helped bring large numbers of women into the Parliament may be to blame for strengthening vertical accountability.

IV. Multiculturalisms in Practice[28]

The case studies in part four of the project examine issues of cultural difference and universalism and give particular consideration to some of the theoretical objections and political obstacles that confront women's rights movements in developing countries. In their different ways, they all engage aspects of the debate that has been framed as a conflict between the opposing principles of universalism and multiculturalism. As is evident from the substantial literature on this issue, feminist theorists are themselves divided over which principles to endorse within a broader critique of the common assumptions of both.[29] Efforts to rework these concepts have shown that much depends on what is understood by these terms and, crucially, what politics and practices they are (or have been) associated with.

The three case studies in this section consider the pertinence for developing countries of debates that have largely been conducted in the different conditions of liberal democracies. In the latter, the issue has been how to accommodate ethnic minorities' claims for recognition within the terms of liberal principles of equal opportunity, tolerance and non-discrimination (Barry 2000). Where these principles are enshrined in law, it is reasonable to expect policies that are consistent with them, and if this does not occur, then the processes of democratic demand making can serve to create or correct them. However, in ethnically segmented societies ruled by authoritarian elites, such legal and political conditions do not normally prevail: here multicultural policies can serve to hinder equality claims rather than to advance them.

Feminism and multiculturalism may converge in their critique of "difference-blind liberalism", but how far their advocates can accommodate their respective claims depends, to some degree, on the political forces and interpretative powers engaged in the practices of each. In recent years

[28] This is Stuart Hall's formulation (Hall and Sealey 2001), one that seeks to distance itself from the idea that there is *one* "multiculturalism"; rather in Hall's view, there are many multiculturalisms and many possible answers to the multicultural question—a view endorsed here.

[29] For example, contrast Iris Marion Young's (1990) advocacy of group rights as the most effective mechanism to ensure equality with Seylah Benhabib's (1995) endorsement of "a global dialogical moral community".

both feminism and multiculturalism have brought their often divergent interests to bear on international human rights law and other areas of policy. According to Anne Phillips, the fact that the two positions have certain theoretical common points suggests that there is a basis for productive dialogue. In practice, however, the potential for dialogue depends largely on political factors: the ample scope allowed in interpreting and implementing these various laws can indeed facilitate a productive dialogue in the formulation of policies, but it can also lead to seemingly irreconcilable conflict over core principles.

The authors of the case studies in part four take issue with both the post-structuralist and essentialist arguments advanced by different versions of multiculturalism. The studies of Malaysia, Mexico and Uganda show how principles such as universalism or multiculturalism can be seized upon by political forces and deployed in ways that contradict the principles themselves. Just as the principle of universalism was traduced by colonial "liberal" elites in the treatment of indigenous people, so too can some forms of multiculturalism serve to maintain populations in subjection.

In the case study on Malaysia, **Maznah Mohamad** examines how identity politics, together with a form of constitutional pluralism inherited from the colonial period, became vehicles through which an increasingly authoritarian and kleptocratic state ensured its rule. Under the post-colonial Constitution, the laws and customs of certain ethnic groups were recognized, and they were provided with institutional mechanisms for their representation. However, this division of the population along ethnic lines favoured a situation in which politics became "hyper-ethnicized", where political parties served only to articulate narrowly defined "ethnic interests", thus fatally weakening civil society and the possibility of effective political opposition.

This process was assisted from the 1970s by a reinvigorated Malay national identity that was refashioned in a novel combination of what Mohamad calls "technocratic modernity with a reconstructed Islam". Following trends elsewhere in the world, this greater assertiveness of Muslim identity began to impact upon the political process in Malaysia. While the elite presided over an accelerated modernization of the economy, its official version of identity politics was based on the idea of a "traditional, authentic" Islam. This version of nationalism gained popular support as a cultural referent with which to oppose what was projected as an alien Western cultural hegemony. As elsewhere in the Muslim world, this combination of discursive elements worked to demobilize campaigns around women's rights by positioning women and the patriarchal family as privileged signifiers of a cultural authenticity legitimized by religion.

Given the divisions that existed within the population as a whole, women's demands, like those of other disadvantaged groups, could find no universal expression. Within the various ethnic groupings themselves, women's scope for contestation was limited by the prevailing constructions of ethnic identity and by the constraints imposed by the dominant interpretations of ethnic politics. Because there was no secular space within which Malay women could demand and debate the rights they were accorded by the state, they (like the Iranian women)

were able only to challenge some of the interpretations of Koranic justice advanced by the elite. Some limited co-operation across ethnic lines was achieved from the mid-1980s by small autonomous groups fortified by international networks, which were able to make some headway on a limited range of issues. But in these circumstances, no interethnic or common platform could be found for expressing women's demands for justice and equality since the very terms of universalism and commonality were rejected and subverted by other claims of solidarity.

This stalemate was broken by the economic crisis of 1997. It was in the conditions of the ensuing political upheaval that popular discontent and women's demands were to find expression in a more universal language of democratic reform. As in democratic conjunctures in Latin America, when authoritarian rule was challenged and reform movements erupted, social movements could acquire some influence over events. In Malaysia the reform movement, or *reformasi*, signified a partial reconfiguration of politics that allowed women's demands some space of articulation, even among the most conservative Islamist Party, the PAS (Parti Islam SeMalaysia, or Islamic Party of Malaysia).

In the new political context, opposition parties found themselves compelled to bury their differences in order to form a united front against the state. As they competed in the electoral process, they also began to use the "gender card", and women leaders emerged through the party process to demand women's rights. Even the PAS bowed to pressure and allowed women to stand for election for the first time, while the ruling party also declared itself in favour of women's rights. Mohamad's case study can be read as an example of how reform in women's rights depends both on universal values and on democratic politics. The political transition transformed the situation and allowed the discussion of women's citizenship rights to transcend ethnic politics. However, the dangers of co-option for women's representatives were ever present and the scope for advancing real claims of equality were still limited, in a context where political institutions retained an authoritarian cast and where support for conservative religious values remained strong.

Aída Hernández Castillo examines the situation of Mexico where, on independence from Spain, a liberal constitution accorded the Amerindian people the same rights of citizenship as the rest of the population.[30] This amounted to what has been called identical rather than equitable treatment (Tully 1995) in that it stripped the Indian population of some of their former communal land rights while making few concessions to their language and culture. In 1992 however, following a decade of agitation by the growing indigenous movement both in Mexico and worldwide, a constitutional amendment redefined the Mexican nation as a multicultural entity. It signalled the recognition of indigenous cultural identity, and customary law and practices (*usos y costumbres*). This was soon followed by changes in the penal code

[30] Amerindian, Indian and indigenous are all terms used in Latin America to describe the descendants of the people who inhabited the Americas prior to Spanish colonization. Terminology raises many questions of politics as well as of who is considered by whom to belong to this category, given four centuries of intermarriage.

recommending that indigenous cultural norms and practices should be taken into account when judging crimes committed by individuals who belong to an indigenous ethnic group.

These legal reforms raised a number of urgent questions for Indian women. Customary law in Mexico, with few exceptions, denies women rights to land, while political institutions exclude women along with religious minorities. Men are permitted to "discipline" their wives and children through beating, and acts of violence against women, even those resulting in death, can be condoned. How then could women's human rights and claims for cultural recognition be reconciled? Moreover it was unclear which law—state or customary—prevailed in specific legal cases given the scope allowed in the interpretation of law and the role played in the legal process by "expert anthropologists".

Hernández Castillo considers the conflict over women's rights and customary law in regard to domestic violence, bride abduction and rape, and the attempts to reconcile them made by the revolutionary EZLN (Ejército Zapatista de Liberación Nacional), known popularly as the "Zapatistas". She highlights the need to see how both liberal and customary rights are understood, translated and claimed in local contexts, and how the concept of culture is negotiated and contested by Indian women themselves. The EZLN positions itself as the bearer of "millennial traditions and ancestral customs", but at the same time advocates forms of conflict resolution that draw on elements of national and international law. It also advocates the invention of "new traditions" in which women have a more active and equal social role. Law, custom and culture are treated here in terms that allow Indian culture to be reclaimed even as it is redefined.

The "Women's Revolutionary Law" of 1994 exemplifies the EZLN's attempt to reconcile women's and indigenous cultural rights. In drafting this law, the organization sought to combine the principle of indigenous self-determination with respect for individual rights, including women's rights. The law recognizes the right of indigenous people to their own norms and practices but in such a way that the "dignity and integrity of women [are] honoured". It proposes a number of rights for women, not recognized in customary law, including rights to political representation and to land ownership. Zapatista women presented their struggle for recognition and rights as a critical re-evaluation of customary practices and as a challenge to the authority of tradition and the state in matters of law. In the case of domestic violence, they opposed cultural norms in the name of moral principles that are in conformity with women's human rights and consistent with the international consensus on domestic violence.

Opposition to these new rights of Indian women has come from those who favour national law, on the one hand, and from those who argue for more "authentic" versions of indigenous law, on the other. Hernández Castillo argues against these positions and calls instead for a critical stance in regard to both legal systems in order to develop political and legislative strategies that will ensure greater access to justice for those to whom it has been denied. In her review of the debate in Mexico on customary law, she argues that both the universalism of the state and the

particularism of indigenous cultural claims rest on a common essentialism that dichotomizes Western and indigenous law while misrecognizing the nature of law itself. Such oppositions, commonly deployed to differentiate contract from customary law, have little meaning in modern Mexico. State law and indigenous law are not discrete systems—one based on Western rationality, the other on an essentialized traditional culture. Legal norms in Mexico are heterogeneous, overlapping and reflexive.[31]

Hernández Castillo therefore affirms a constructivist approach to law and culture; she sees this as helpful for women in claiming their rights since it frees them from having to choose between endorsing national law or indigenous customs. State justice has proven to be a far from adequate guarantor of women's rights and is distrusted by Indian populations. The official projections of the Mexican state regarding the "right to equality" in practice sought to homogenize the nation. Where a *de facto* recognition of indigenous culture prevailed in certain regions, it served all too often as a pretext to justify the economic and social marginalization of ethnic minorities and to legitimize the rule of pro-government clients among indigenous leaders or *cacicazgos*. In the name of respect for indigenous culture, women were denied the right to own or inherit property and access to political power. At the same time, as in Malaysia, a proclaimed respect for indigenous culture was used by the ruling party, the PRI (Partido Revolucionario Institucional), to impede political alliances across the ethnic divide that could challenge its corrupt forms of rule. The important point here is that *both* difference and equality strategies can result in deepening the marginalization of indigenous people. What determines outcomes is to a considerable degree the power relations at stake within an overall context of domination.

Aili Mari Tripp revisits Uganda through an examination of three campaigns by women's movements concerning, respectively, women's rights to land, female genital cutting (FGC) and ritual virgin rape. Each involved a confrontation with customary law and practice, and a challenge to group cultural rights. Tripp's principal argument is directed against critics of women's rights who not only tend to reify culture, elevating it beyond critique, but in so doing also fail to examine the material interests and the political issues at stake in these disputes.

As mentioned above, a divisive ethnic politics prevailed in Uganda prior to the election of Museveni. The Constitution of 1995 is secular but contains clauses respecting cultural diversity and customary law. However, it also provides for equality between the sexes. Women's movement activists used this national legal machinery, along with the international covenants on women that Uganda signed (International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights), to press for the recognition of women's human rights in Uganda. They argued that customary laws and practices that harmed women conflicted with the Constitution, the latter superseding customary law and having ultimate

[31] Opinion has been divided in Mexico over the move toward multicultural policies. Opponents claim that the legal recognition of rights-based notions of cultural difference and tradition is unjustifiable because the colonial origins of many institutions and traditions of indigenous people mean they are not "authentic". Moreover, what "indigenous" means in a context of a long colonial experience of mixed marriage and cultural pluralization is variable and contested. Others fear that indigenous autonomy and difference can only deepen social and ethnic inequalities, and risk strengthening indigenous elite rule that is subject to limited democratic sanction.

legal authority. They also succeeded in inserting a clause that explicitly prohibited "laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or which undermined their status".

These legal arguments were not unopposed. In the three cases of conflict discussed by Tripp, women's rights were argued to be alien to Ugandan culture and it was claimed that, if applied, they would put at risk the culture and identity of the nation or of the community concerned. Tripp opposes these claims on some of the same grounds as Phillips and Hernández Castillo, seeing cultural forms and practices as more reflexive and "malleable" than those who defend a static view of "tradition" and culture as bounded totality. Like Hernández Castillo, she questions the essentialism that underlies the opposition between Western and "other" cultures and argues that there may be more commonalties than differences in regard to core values. She challenges the idea that there are irreducible tensions between liberal Western and developing country perspectives as if these were themselves entirely separate, homogenous or uncontested: the "West" is made up of a range of diverse cultures as is the "non-West". Moreover, to see civil and political rights as "belonging" to Western culture is to underestimate the support that exists worldwide for human rights as a result of transnational processes and greater global interdependency. Such commonalities, she insists, can be the basis of a shared politics. The argument that this is more difficult in developing countries on account of their greater cultural constraints and stronger group identities, confuses the issues. The locus of the struggle in the South, she argues, is not primarily over culture but politics.

Tripp therefore asserts that practices that harm women have to be addressed as a political problem and, as such, are most effectively tackled within the society itself. The strategies adopted need not be overtly political or confrontational and will vary according to circumstance—education can serve as an important vehicle for change as in the case of FGC—and dialogue between reformers and their opponents is an essential part of the process. Here Tripp insists that the suppression of women's rights is not essential to the uniqueness of a particular cultural group. This raises a crucially important question for women, namely, who is authorized to decide what traditions are considered important in preserving the continuity, integrity and sovereignty of nations? Women are largely absent from the arenas where such questions are deliberated.

The argument that cultural identity does not *have* to depend upon practices that harm women seems to be borne out by Tripp's accounts of female genital cutting and virgin rape. These practices were eventually abandoned or replaced with other rituals that signified some continuity of meaning without harming women. This implies that the meaning of what constitutes an ethnic identity or of what is customary can change. Indeed the idea that culture is always contested and "tradition" constantly reinvented has gained wide acceptance. Cultural "continuity" is therefore always relative. Does this mean that women's rights pose no threat to culture at all?

The case of land ownership might suggest otherwise. Here, the granting of women's rights to land has the potential to undermine existing social relations and hence put cultural continuity in jeopardy. The individuation of rights, unless offset by new and more egalitarian forms of co-operation, can undermine clan and communal property; this was a policy favoured by modernizing states—colonial, capitalist and socialist—to achieve precisely this end. However, Tripp's insistence on understanding the vested interests at stake among those opposing women's rights to land reformulates the issue as a political and ethical one. In Uganda, these are not altruistic defenders of an unchanging culture but an elite with material concerns, which presides over a situation of harsh inequalities in the access to resources. Ultimately both the preservation of culture (and of social relations that underpin it) and the granting of women's rights come at a price, and they are not always commensurable.

The debate over which is the supreme ethical principle in such cases—equality or cultural continuity—will ultimately find no resolution since the values in dispute are essentially contested. To those involved in struggles for rights, debates over principles can seem overly abstract and sometimes irrelevant. Some argue that a more pragmatic approach yields greater potential for dialogue over change, but the reconciliation of women's rights with nationalism, culture or tradition is more difficult when doctrinal interpretations of religion are enforced by political authority. When religious authorities become the spokesmen (and they usually are men) for nations and ethnic communities and determine that the rights of individuals are derived from a particular tradition, there is less scope for contestation let alone for dialogue. Yet, as Phillips states, it is essential that women have both presence and voice in deliberations over such matters as rights and culture. It should also be noted that, if the presence is not to be a token or a clientilistic one, it is necessary to have a political context in which the values of equality and democracy, together with their institutional forms, are guaranteed.

Conclusions

Rights-based strategies, always a central part of feminist campaigns for justice, have acquired a new international pertinence in the twenty-first century. Rights have always been integral to citizenship, and in its modern, global idiom of human rights, the emphasis is upon their multidimensional and indivisible character as well as their transnational applicability. The aim of this project has been to promote reflection on the way that these principles operate and are contested in a variety of sociopolitical contexts.

The issues raised in the collection of studies commissioned by the project—social rights and capabilities, democracy and multiculturalism—represent new and not-so-new challenges to those engaged in movements for social justice. The emphasis on human rights and capabilities within international development policy has encouraged a rethinking of the relations between feminism and liberalism in ways that recognize some of their commonalities and suggest grounds for a critical accommodation. However, many obstacles remain in the path of such a reconciliation, not least those presented by neoliberalism, on the one hand, and by some versions of multiculturalism, on the other. It may be argued that liberalism's history and its

modern forms of rule are so far from many of the ideals it claims association with that it offers few prospects to those concerned with equality or social justice.

This gulf between the principles and the materialization of liberal governance is, however, the political space within which social movements such as feminism have most often located their demands. As the contributions to this project suggest, the nature and meaning of rights is contested from a variety of positions—including those within feminism itself. The sites of contestation are as much at the international as at the local and neighbourhood levels; the actors engaged in them are diversely positioned in a multiplicity of political fields. Feminism in its various forms has changed both the discourse and practice of rights in important ways, and women's movements from Latin America to Southeast Asia have owned the language of rights to press as much for social reform as for greater equality.

At the same time, the international debate over liberalism, rights and democracy cannot be abstracted from its contemporary forms, or from the political forces that both support and oppose it. Neoliberal appropriations of rights discourses as the guarantors of free enterprise stand in opposition to the idea of social rights contained in the "second generation" of human rights and affirmed in the support accorded to the principle of the indivisibility of human rights. Women's demands for rights and justice are situated in complex ways in this political field, and women's movements have had to manoeuvre with considerable caution. As the case studies show, the dangers of co-option are ever present, as rulers seek to deploy women's movements in the service of the state. Social movements cannot know their effects, and the outcomes of struggles around rights are unpredictable. But the point made by several of the authors is that rights-based strategies and equality claims depend to an important degree upon democratic values and institutions. If rights are interpreted and contested within conditions of political struggle, political freedom is a condition of their contestation as it is of their realization.

Commissioned Studies[32]

Part I: Rethinking liberal rights and universalism

MARTHA NUSSBAUM
Women's Capabilities and Social Justice

DIANE ELSON
Gender Justice, Human Rights and Neoliberal Economic Policies

ANNE PHILLIPS
Multiculturalism, Universalism and the Claims of Democracy (Published as Democracy, Governance and Human Rights Programme Paper No. 7, UNRISD, Geneva, 2001.)

Part II: Social sector restructuring and social rights

JACQUELINE HEINEN AND STEPHANE PORTET
Political and Social Citizenship: An Examination of the Case of Poland

VERONICA SCHILD
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RAMYA SUBRAHMANIAN
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ANNE MARIE GOETZ AND SHIREEN HASSIM
In and Against the Party: Women's Representation and Constituency Building in Uganda and South Africa

Part IV: Multiculturalisms in practice

MAZNAH MOHAMAD
The Politics of Gender, Ethnicity and Democratization in Malaysia: Shifting Interests and Identities

R. AIDA HERNÁNDEZ CASTILLO
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