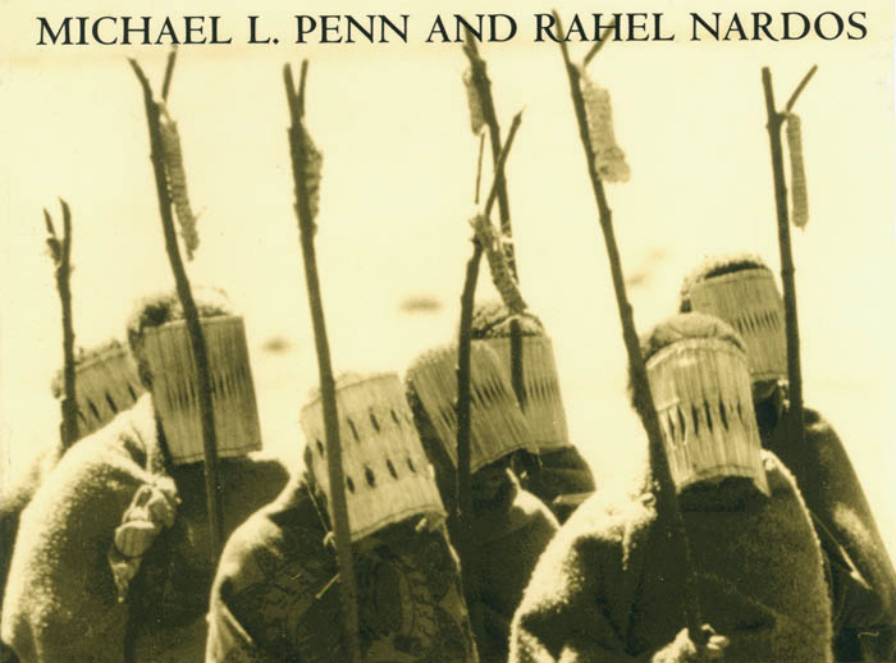


MICHAEL L. PENN AND RAHEL NARDOS



OVERCOMING VIOLENCE AGAINST WOMEN AND GIRLS

The International Campaign to
Eradicate a Worldwide Problem



Overcoming Violence against Women and Girls

The International Campaign to Eradicate a Worldwide Problem

MICHAEL L. PENN AND RAHEL NARDOS

*in collaboration with
William S. Hatcher and Mary K. Radpour
of the Authenticity Project*

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Preface

This book is inspired by an approach to scholarship that seeks to place knowledge at the service of development. It assumes that knowledge of complex phenomena is best derived from a diversity of methods and that there are often technical as well as ethical dimensions to most human endeavors. This approach thus assumes a position of epistemological and methodological openness—ever mindful of the fact that “nature gives most of her evidence in answer to the questions we ask.”¹

The approach that inspires and animates this book recognizes an essential complementarity between the empirical and rational demands of science and the ethical conduct required of human beings if our relationships to one another and to nature are to secure life and promote development. This approach is, therefore, not simply a new paradigm from which to view the problems of the world, but an approach to living in the world that unites the philosopher, the researcher, and the practitioner and makes of these three, one. From this perspective, the qualities of character that distinguish the student, scholar, or practitioner are as critical to securing human happiness and progress as are his or her knowledge, skills, and insights.

At the heart of this approach is an ethical commitment to the oneness of the human race and the conviction that life and development are sustained by the creation and maintenance of unity within the context of diversity. In contrast to a wholly pragmatic and materialistic perspective, this approach affords consideration of ethical and spiritual principles vital in all of its undertakings. These principles are derived from empirical research, reasoned discourse, and the writings of the world’s religious and philosophical systems, as they constitute the primary reservoirs of humanity’s ethicospiritual heritage.

This book has been written in the hope of providing university students, policymakers, activists, public health workers, clinicians, and lay citizens alike with a clear overview of the problem of gender-based violence worldwide, as well as a sense of the important work now under way to eradicate

it. The book is thus an integration of a vast range of data and insights from all the major disciplines that have contributed to our understanding of this problem over the course of the twentieth century. I have been guided throughout this work by the desire to contribute a document that would move the current international discourse along by providing a historical, interdisciplinary overview that is at once critical, constructive, and visionary.

The inspiration for a book of this nature began to emerge during my undergraduate years at the University of Pennsylvania, where I studied psychology, history, and religion. In these early days of interdisciplinary study, I became mindful of the value of an integrative approach for making sense out of some of the more complex problems confronting human beings at this unique juncture of human history. Furthermore, during my graduate training in clinical psychology and afterward, in my career as a psychopathologist, clinician, and consultant to nongovernmental organizations, I became acutely aware of the role of violence in the subjugation of women and the prevention of humanity's advancement worldwide. As the women of the world assembled in Vienna, Austria, for the UN/ECE High Level Regional Preparatory Conference for the Fourth World Conference on Women, I was one of a handful of men who had been invited to join them. In preparation for that meeting, I authored a paper entitled "The Role of Men in Eradicating Gender-Based Violence." That paper, enriched by the new insights imparted to me through my association with the Authenticity Project, and especially with my colleagues on the project, William S. Hatcher and Mary K. Radpour, provided the seeds that have grown into the present book. My able and hardworking student Rahel Nardos, who went on to undertake studies in medicine at Yale, consented to assist in gathering research for this work.

I wish to extend my heartfelt and sincere thanks to the Hackman Scholars Program at Franklin and Marshall College for its generous financial support during the development of this book and to David Gould, Dr. Hossain Danesh, Christine Zerbini, and Dr. Beth Bowen for their helpful feedback on an earlier draft. I wish also to thank the members of the Authenticity Project in the United States, Canada, and Russia for their generous intellectual and spiritual support in bringing this project to completion. Last, but most important, I would like to thank Dr. Constance Chen, who urged me to push forward when I so desperately needed from someone a word of encouragement.

—MICHAEL L. PENN
Lancaster, Pennsylvania
September 2002

Introduction

Across the planet, and over the centuries, various forms of violence against women and girls have been an everyday part of humanity's social life. In the middle of the nineteenth century, however, a movement bent on eradicating gender-related abuses and uplifting the station of women burst upon the world. Among the progenitors of this movement were two women, one from the East, the other from the West.

At a time and in a country in which women were denied the most basic rights, the Persian poet and scholar Qurratu'l-'Ayn (also known as Táhirih) openly proclaimed the equality of the sexes. In the 1840s Táhirih became the first Middle Eastern woman ever reported to have removed her veil in public. A social history of the period captures the reactions she provoked as she presented herself "adorned and unveiled" before a company of men at a gathering known as the Conference of Badasht:

Suddenly the figure of Táhirih, adorned and unveiled, appeared before the eyes of the assembled companions. Consternation immediately seized the entire gathering. All stood aghast before this sudden and most unexpected apparition. To behold her face unveiled was to them inconceivable. Even to gaze at her shadow was a thing which they deemed improper. . . . Quietly, silently, and with utmost dignity, Táhirih stepped forward and, advancing towards Quddús, seated herself on his right-hand side. Her unruffled serenity sharply contrasted with the affrighted countenances of those who were gazing upon her face. Fear, anger, and bewilderment stirred the depths of their souls. That sudden revelation seemed to have stunned their faculties. 'Abdu'l Kháliqi Isfáhání was so gravely shaken that he cut his throat with his own hands. Covered with blood and shrieking with excitement, he fled away from the face of Táhirih. A few, following his example, abandoned their companions and forsook their Faith. A number were seen standing speechless before her, confounded with wonder.¹

In 1848, when the authorities could no longer abide either the new spiritual teachings that she championed or the remarkable social audacity she displayed,

they arranged for Táhirih's execution. As the hour of her death approached, she calmly noted, "You can kill me as soon as you like, but you cannot stop the emancipation of women."² In that same year in Seneca Falls, New York, Elizabeth Cady Stanton, joined by one man, Frederick Douglass, and a company of inspired women, initiated the women's movement in the West.

Stanton's oration at the opening of the Seneca Falls convention was no less memorable than Táhirih's bold unveiling at the Conference of Badasht. On Wednesday, 19 July 1848, Stanton arose and addressed the assembled delegates:

Verily, the world waits the coming of some new element, some purifying power, some spirit of mercy and love. The voice of woman has been silenced in the state, the church, and the home, but man cannot fulfill his destiny alone, he cannot redeem his race unaided. . . . The world has never seen a truly great and virtuous nation, because in the degradation of woman the very fountains of life are poisoned at their source. It is vain to look for silver and gold from mines of copper and lead. It is the wise mother that has the wise son. So long as your women are slaves you may throw your colleges and churches to the winds. . . . Truly are the sins of the fathers visited upon the children to the third and fourth generation. God, in his wisdom, has so linked the whole human family together that any violence done at one end of the chain is felt throughout its length, and here, too, is the law of restoration, as in woman all have fallen, so in her elevation shall the race be recreated.³

Although the women's movement would enjoy several impressive victories in the decades following the momentous events in Persia and Seneca Falls, it would take a full century before efforts to eradicate gender-based violence would begin to capture the attention of the world. The processes contributing to the globalization of this campaign can be traced to the founding of the United Nations and the subsequent creation of the Commission on Human Rights and the Commission on the Status of Women and to the adoption of the Universal Declaration of Human Rights in December 1948.

The Globalization of the Effort to Eradicate Gender-Based Violence

The establishment of the United Nations Commission on the Status of Women was among the most significant early developments in the globalization of the women's movement. At its inaugural meeting, held in February 1947, the commission resolved to work "to raise the status of women, irrespective of nationality, race, language or religion," to establish "equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provision of statutory law, in legal maxims or rules, or in interpretations of cus-

tomary law.”⁴ As significant and far reaching as these goals were, no mention was made of the need to eliminate sexual and/or physical violence against women and girls. It would take several more decades before this problem would receive sustained international public attention and be adopted as a significant concern of the world body.

Nevertheless, one of the earliest and most important accomplishments of the Commission on the Status of Women—an accomplishment that would ultimately prove vital to the campaign to eradicate gender-based violence—was the commission’s influence on shaping the language of the Universal Declaration of Human Rights. Upon the commission’s insistence, the declaration, which was adopted in Paris on 10 December 1948 by unanimous vote, was divested of its gender-insensitive language and tailored to affirm, explicitly, the equality of women and men.⁵

Another significant step in advancing women’s human rights was taken in 1952 when the UN General Assembly adopted the Convention on the Political Rights of Women. Entered into force in 1954, this convention was the first instrument of international law framed specifically for the protection of the political rights of women everywhere. It provides that the women of the world, whatever their homeland, are entitled to vote in any election, run for any political office, exercise any public function, and hold any public position that a man may hold.

In the areas of work and education, the Commission on the Status of Women also began to gain an appreciation for the impact of inequality on women’s quality of life. Near the end of the 1940s it collaborated with the International Labour Organization on women’s economic rights. The fruit of that collaboration was the inclusion in the 1948 Universal Declaration of Human Rights of an article (article 23) specifying that everyone, without discrimination, has the right to equal pay for equal work. The commission also collaborated with UNESCO (United Nations Educational, Scientific, and Cultural Organization) in developing basic educational programs that would afford women and girls the same access to education that is provided to men and boys. Although great disparities in access to education continue in many countries, this early work brought to the United Nations a consciousness of the importance of education to women’s advancement.

Since the right to nationality is the political basis for many other rights and since many national laws require that married women automatically take their husband’s nationality, international human rights observers noted that this tradition left many women vulnerable to losing their own nationality without their consent. Divorced women or women who chose to leave their husbands were particularly vulnerable to becoming stateless. Recognizing this vulnerability, the Commission on the Status of Women completed a draft treaty on the nationality rights of married women and in 1955 submitted it to the UN General Assembly. The Convention on the Nationality of Married Women provided for

the right of a woman to retain her nationality if she so desired, even if her nationality would be different from that of her husband. Although the convention was approved in 1957 and the treaty came into force in 1958, the resistance of some governments to many of the treaty provisions signaled the difficulties that would attend any effort to secure nationality rights for women independent of the nationality of their husbands.⁶

A second measure adopted by the United Nations relating to marriage was the Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages. Adopted by the General Assembly in November 1962 and entered into force in December 1964, the convention was necessary because of the widespread practice of forced child marriage. It requires that no marriage take place without the full and free consent of both parties but leaves it to individual governments to determine the minimum age at which one may enter into a marriage. With the exception of provisions in the Declaration on the Elimination of Discrimination against Women (1967), and the Convention on the Elimination of All Forms of Discrimination against Women (1979), the agreements framed between 1955 and 1962 constitute all the international agreements entered into by the United Nations related to women's rights in marriage.⁷

In the 1950s the Commission on the Status of Women began to express reservations about what amounted to violence perpetrated against women in the name of customary law, religious practices, and traditional ceremonies. Such traditional practices—which include female genital circumcision, virginity tests, dowry and widow burnings, and early-childhood marriages—were brought to the attention of member states who were encouraged to “take immediately all necessary measures with a view to abolishing . . . all customs which violate the physical integrity of women, and which thereby violate the dignity and worth of the human person as proclaimed in the Charter and in the Universal Declaration of Human Rights.”⁸ In the UN General Assembly the response of member states was mixed. Some maintained that only a gradual process of education could lead to the eradication of such practices; some suggested that the effort to abolish traditional practices was in violation of the UN Charter, which proscribes interference in the domestic affairs of member states; and others felt that traditional practices that compromise the health and well-being of women and girls should be abolished.

When the World Health Organization refused to undertake a study on the effects of genital circumcision for the Commission on the Status of Women, the question of the adverse effects of traditional practices on the well-being of women and girls was abandoned for approximately twenty years and did not become a focus of international attention again until the UN's International Women's Year in 1975.⁹ In 1979 the World Health Organization sponsored a seminar on traditional practices affecting the health of women and children, but strong efforts to eradicate such practices did not begin to gain momentum

until the mid-1980s when a growing number of individuals and organizations, both within and outside of the human rights community, began to consider female genital circumcision a form of gender-based violence. Such practices, a growing number of voices began to insist, could no longer be justified in the name of the sanctity of culture, religion, or tradition.

During the 1960s and 1970s, as former African colonies began to seize their independence, the number and diversity of member states at the United Nations grew dramatically. In addition, the economic and social consequences of centuries of oppression and injustice had crippled the human and material resources of many colonized nations and had begun to present acute threats to the lives of millions of people—particularly of women and girls—throughout the developing world. For this reason the survival-related concerns of women in developing countries began to eclipse the UN's earlier focus on securing women's legal rights.

Concurrently, the economic and health-related problems associated with the emergence of fledgling nations from colonial rule served to awaken the Commission on the Status of Women to the disproportionate impact of poverty and inequality on the lives of women and girls:

The work of the Commission on the Status of Women in the 1960s and 1970s thus began to take it beyond the negotiating tables in New York and Geneva and into the fields and rice paddies of the developing world. Such issues as women's needs in community and rural development, agricultural work, family planning and the impact of scientific and technological advances on women became increasingly prominent in the Commission's work. This was the first step in a growing perception among United Nations bodies concerned with development, that the Charter's promise to 'promote social progress and better the standards of life in larger freedom' could not be met without the full participation of women in society.¹⁰

Realizing the grassroots needs of so many of the world's women, the Economic and Social Council, along with the General Assembly, called upon governments to turn to the United Nations for technical assistance in their development efforts. In addition, organizations within the UN system—such as the United Nations Children's Fund and the United Nations Development Programme—were asked to give special attention to the social and economic advancement of women in the developing countries.

In an effort to highlight women's vital role in national and international development, and with a view to promoting the equality of men and women in the international arena, the Commission on the Status of Women recommended that 1975 be designated International Women's Year. The General Assembly not only endorsed this recommendation but also suggested that, in addition to the themes of development and equality, International Women's Year be used to heighten awareness of the importance of women in promoting world peace.

Perhaps the most significant event of International Women's Year was the

first global conference on women's issues ever to be held. The conference took place in June 1975 in Mexico City. Delegations, 113 of them headed by women, from more than 133 member states were present. According to a history of the advancement of women, the UN's Secretary-General, in his opening remarks to the assembled delegates, observed that the conference in Mexico City was "the first major step in a worldwide attempt to achieve equality between men and women and to end separation of the sexes in matters of education, opportunities and economic priorities."¹¹ At the close of the conference the delegates adopted the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace. The declaration specified a set of principles that stress the role of women in promoting and maintaining peace in all spheres of life, including the family, the community, the nation, and the international arena.

The World Plan of Action for the Implementation of the Objectives of the International Women's Year was also drafted at the Mexico City conference. This document specified three main objectives: to promote gender equality; to facilitate the integration of women in all development efforts; and to strengthen the contribution of women to the global movement for world peace. Although the plan left it to each country to specify the means whereby these objectives were to be met, it also outlined minimum goals to be achieved by 1980, the midpoint of the Decade for Women, which would begin in 1976. These goals included efforts combating problems affecting female migrant workers, female prisoners, and women and girls forced into prostitution; achieving equality of access to education for women at all levels of schooling; increasing employment opportunities for women throughout the world; passing laws to ensure greater participation by women in politics and governance; and making significant improvements in women's access to adequate nutrition, housing, health care, and family planning.

The United Nations declared the period between 1976 and 1985 the UN Decade for Women. During this period the women's international human rights movement reemerged as a major concern and began to gather renewed support and unprecedented momentum. The adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women, together with international women's conferences in Copenhagen, Denmark, in 1980 and in Nairobi, Kenya, in 1985, not only brought women's issues to the fore but also began to strengthen the effectiveness of nongovernmental organizations (NGOs) that were moving to the forefront in the effort to promote the advancement of women. Such organizations began to link violence and discrimination against women to a variety of national and international crises, including war, homelessness, illiteracy, poverty, malnutrition, overpopulation, poor health, and high rates of infant mortality. As a result of their growing strength and effectiveness, NGOs began to transform the United Nations into a world body that is not only responsive to the needs and wishes of governments

but also receptive to policy recommendations and guidance from the grass roots.

The Convention on the Elimination of All Forms of Discrimination against Women, an important action taken during the UN Decade for Women, was adopted by the United Nations General Assembly on 18 December 1979 and entered into force as an international treaty on 3 September 1981. Since its adoption, more than 150 nations have agreed to be bound by its provisions.

The spirit and objectives of the convention are animated by the same vision and goals that gave birth to the United Nations: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women."¹² As an international treaty, the convention accomplishes two major objectives. First, it establishes an international bill of rights for women and specifies a set of actions to be taken by the nations of the world to ensure that these rights are enjoyed. Second, it mandates the establishment of the Committee on the Elimination of Discrimination against Women (CEDAW), which is charged with ensuring that the provisions of the convention are observed.

The adoption of the Convention on the Elimination of All Forms of Discrimination against Women was a major action during the UN Decade for Women. But at the Copenhagen conference which took place in 1980 at the midpoint of the UN Decade for Women, it became clear to the delegates that the goals articulated in Mexico City could never be achieved by laws alone. Many recognized that, without a sustained measure of grassroots social action and a high level of political commitment, the goals were just that—goals. Following Copenhagen, at least some of the focus of the movement for the advancement of women began to be concentrated on mobilizing more effectively at the grass roots. In addition to concentrating on grassroots efforts, one of the most important developments of the Copenhagen conference would be little noticed: Some of the delegates began to discuss the lack of involvement of men in improving the status and role of women in society.

The third global conference on women was held in 1985 in Nairobi at the end of the UN Decade for Women. At that conference, and at the preparatory conference that took place in Vienna the preceding year, delegates agreed that the goals for the second half of the Decade for Women had not been achieved. However, the experience gained in international consultation at the two previous conferences generated a spirit of confidence and optimism that united the hearts of the delegates in ways that the previous conferences had failed to do. When they left Nairobi, many did so with a profound sense of sisterhood and solidarity that cut across traditional lines of race, class, and culture.

The second major accomplishment of the Nairobi conference was the clear emergence of a consensus among the delegates that gender-based violence would have to be addressed as a human rights issue in the international legal and political arenas. The major document coming out of that conference, the

Nairobi Forward Looking Strategies for the Advancement of Women, noted that

Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. National machineries should be established in order to deal with the question of violence against women within the family and society. Preventive policies should be elaborated, and institutionalized forms of assistance to women provided.¹³

The call raised at the Nairobi conference for addressing gender-based violence began to bear fruit. In May 1990, the UN's Economic and Social Council recognized that gender-based violence in the family and society "is pervasive and cuts across lines of income, class and culture." "Efforts to eradicate it," the council noted, "must be matched by urgent and effective steps." The council called upon governments to take immediate and decisive steps to establish appropriate penalties for violence against women, as well as to reduce its impact in the family, the workplace, and society.¹⁴

In 1992 the Committee on the Elimination of Discrimination against Women moved to rectify the omission in 1979 of gender-based violence from the Convention on the Elimination of All Forms of Discrimination against Women. At its eleventh session, CEDAW resolved to include gender-based violence under the rubric of gender-based discrimination. Gender-based discrimination, according to CEDAW, is "violence which is directed against a woman because she is a woman or which affects women disproportionately. It includes acts which inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivation of liberty." CEDAW went further to request that states parties undertake appropriate and effective measures to end all forms of gender-based violence, whether such violence be by public or private act.¹⁵

Joining the voices raised against gender-based violence is the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in Vienna, Austria, in June 1993. Part I, paragraph 18, of that document addresses violence against women:

The human rights of women and of the girlchild are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community. Gender based violence and all forms of sexual harassment and exploitation, including those resulting from

cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.¹⁶

Part I, paragraph 38, continues:

The World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.¹⁷

In 1993 the UN Declaration on the Elimination of Violence against Women—adopted by the General Assembly at its forty-eighth session on 20 December 1993—became the first international human rights instrument designed exclusively to deal with violence against women.

Although not legally binding, the Declaration on the Elimination of Violence against Women (hereafter referred to as the Declaration) provides the first set of international standards to address the problem of violence against women and girls. The preamble to the Declaration affirms that the root cause of gender-based violence is the “historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women.” In affirming that “violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,” the preamble recognizes that violence is both a result and a cause of gender-related inequities.¹⁸

As it is with the Convention on the Elimination of All Forms of Discrimination against Women, the notion of equality embodied in the Declaration is free of theoretical speculation. It seeks to ensure that women are allowed and enabled to enjoy the most fundamental of all human rights, namely, the right to physical and psychological integrity and safety. Specifically, the Declaration defines violence against women as physical and sexual violence that takes place within the family (and that consists of battering, sexual abuse of female children, dowry-related violence, marital rape, female genital circumcision, and other traditional practices that have proven to be harmful to women; non-spousal violence; and violence that attends various forms of female exploitation); violence against women in the community (which consists of rape, sexual abuse, harassment, and intimidation in the workplace and educational institutions, trafficking in women, and forced prostitution); and violence against women that is either perpetrated or condoned by the state.

Among the most significant contributions to gender equality embodied in

the Declaration are the obligations imposed upon the state both to “condemn” gender-based violence and to pursue all “appropriate means” and “without delay” to ensure the elimination of violence directed against women within their national borders. Commenting on state responsibility in this regard, the UN’s Special Rapporteur on Violence against Women observed:

The problem of violence against women brings into sharp focus an issue that has been troubling the international community—State responsibility for the actions of private citizens. In the past, a strict judicial interpretation had made the State responsible only for actions for which it or its agents are directly accountable. In this case it would relate to issues such as women in custody and women in detention and perhaps the problem of women during armed conflict. The question of domestic violence, rape and sexual harassment, etc., were seen as the actions of individuals and thus beyond the “human rights” responsibility of the State.¹⁹

By specifying a proactive role for the state in all situations in which women are more likely than men to be victims of violence, the Declaration on the Elimination of Violence against Women makes it possible to conceptualize even private acts of violence against women (for example, domestic violence) as violations of women’s human rights. Inasmuch as the equal protection of all citizens from violence on account of race, class, religion, or sex is fundamental to any functional and operational definition of equality, the Declaration is a major advance in establishing the equality of women and men worldwide.

The four actions taken between May 1990 and December 1993—the actions of the UN’s Economic and Social Council in 1990 and CEDAW in 1991, the Vienna Declaration in June 1993, and the UN Declaration on the Elimination of Violence against Women in December 1993—were the first concrete signs of the international community’s moral and legal commitment to eradicating this global, age-old problem. They are among the most significant developments in human rights law in the twentieth century and are the first to challenge the legal and moral foundations on which misplaced justifications for allowing gender-based violence to continue are based.

In its resolution 44/82, the UN’s General Assembly designated 1994 the International Year of the Family. This act catalyzed a number of processes that clarified the steps necessary to protect and promote the advancement of women and girls. At its thirteenth session, for example, the Committee on the Elimination of Discrimination against Women chose to mark the International Year of the Family by analyzing three articles in the Convention on the Elimination of All Forms of Discrimination against Women that have special significance for the status of women in the family: articles 9, 15, and 16.

Article 9(1) of CEDAW disallows nationality laws that discriminate against women by limiting their nationality rights in situations in which men’s rights are not so limited. In some countries, for example, women are unable to confer on foreign husbands such rights as may be conferred by men on their foreign wives

(such as the right of residency or the right to become a citizen after a brief residency period). Furthermore, inasmuch as article 9(2) provides women and men with equal rights with respect to the nationality of children, women who are now prevented from doing so may soon be able to pass citizenship on to their offspring. (At present the constitutions of several nations provide that children born outside of the country may become citizens only if their father is a citizen.) Commenting on the significance of article 9, Marsha Freeman, the director of International Women's Rights Watch, observes:

Nationality is fundamentally related to women's exercise of personal liberty and freedom of movement. If a woman's nationality or that of her children is dependent upon her husband's nationality, her ability to make adult decisions as to residence, travel, her children's welfare, or even marriage is severely limited.²⁰

Article 15 of CEDAW provides for the equality of women before the law. The right of women to attain the age of majority (or legal age) at the same age as is applied to men; the right of women to undertake contractual obligations and to sell, buy, and administer property; the right of women to inherit and administer estates; the right of women to appear before the court on their own behalf and to have their testimony given weight equal to that of men; and the right of women to choose freely where they will live or travel without male consent are all provided for under article 15.

Article 16 covers marriage and family law and is designed to promote equality within the family and to protect women from the discriminatory effects of customary laws, traditions, and religious practices that usurp the rights of women and/or girls to choose their own spouse and to give their consent to marriage. Article 16 also provides that during marriage men and women should be equally responsible for household and family duties, should have equal rights to family decision making, should be equally responsible for children, and have equal power in discharging familial authority.

In September 1995, during the fiftieth-anniversary year of the United Nations, the Fourth World Conference on Women was held in Beijing, China, with delegations from 189 countries. This gathering represented the largest UN conference ever held. The platform for action and the Beijing Declaration emerging out of the conference were adopted unanimously by 189 countries and are among the most comprehensive human rights documents ever articulated on behalf of the world's women. The platform for action seeks to uphold the Convention on the Elimination of All Forms of Discrimination against Women (1979) and to build on the Nairobi Forward-Looking Strategies for the Advancement of Women (1985). While the platform for action's overall objective—empowering all women—conforms to the purposes and principles of the Charter of the United Nations, its immediate aim was to establish a basic group of priority actions to be carried out during the five-year period between 1995

and the turn of the century. The platform for action contained twelve areas of critical concern that were to receive special attention:

1. The persistent and increasing burden of poverty on women
2. Inequalities and inadequacies in, and unequal access to, education and training
3. Inequalities and inadequacies in, and unequal access to, health care and related services
4. Violence against women
5. The effects of armed and other kinds of conflict on women, including those living under foreign occupation
6. Inequality in economic structures and policies, in all forms of productive activities, and in access to resources
7. Inequality between men and women in the sharing of power and decision making at all levels
8. Insufficient mechanisms at all levels to promote the advancement of women
9. Lack of respect for, and inadequate promotion and protection of, the human rights of women
10. Stereotyping of women and inequality in women's access to, and participation in, all communication systems, especially in the media
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment
12. Persistent discrimination against, and violation of the rights of, the girl child²¹

In its effort to contribute in new ways to the eradication of all forms of inequality and abuse, the platform for action outlines specific actions to be taken by governments to address each of the problem areas adumbrated above. In its comprehensiveness it has left almost no institution of civil society untouched. Included in the platform are actions prescribed for national and local governments, community organizations, nongovernmental organizations, educational institutions, the public and private sectors, and the mass media as directed by the state. Thus the platform for action is one of the most comprehensive documents ever articulated in the interest of promoting and protecting women's human rights.

Since articulation of the platform for action, measures have been undertak-

en to improve the status of women within the United Nations itself. For example, the numbers of women in professional and decision-making positions at the UN have increased and are expected to continue to increase. These changes not only facilitate the realization of the important goals outlined in the platform for action but also serve as greater evidence of the UN's commitment to the advancement of women in all fields of human endeavor. Beyond these steps, the United Nations has, since the Beijing conference, sought to forge even stronger bonds with nongovernmental organizations at the grassroots levels and has begun to work to encourage a wider spectrum of civil society to contribute to the advancement of women and their protection from human rights abuses.

Where Do We Go from Here?

Despite the progress made during the last half century, and notwithstanding the detailed and much-needed prescriptions for change addressed to governments and institutions of civil society, violence against women and girls continues to be a public-health scourge of global proportions. According to the UN's Special Rapporteur on Violence against Women, appointed just before the Beijing conference in 1994, violence against human beings, and particularly against women and girls, continues to be a major factor hindering the realization of human rights goals:

War, repression, and the brutalization of public and private life have destroyed the possibility of human rights being enjoyed as a universal phenomenon. Violence against women, in particular, has inhibited women as a group from enjoying the full benefits of human rights. Women have been vulnerable to acts of violence in the family, in the community and by States. The recorded incidents of such violence have reached such unprecedented proportions that they have shocked the conscience of the world.²²

As is clear from the foregoing review, over the course of the last half century organized efforts to eradicate gender-based violence and discrimination have tended to be centered on international law and human rights. The underlying assumption appears to be that when the national and international legal instruments necessary for securing gender equality and for protecting women's rights have been fashioned and applied, gender-based discrimination and abuse will find an inhospitable environment and will gradually disappear.

As vital as legal and human rights measures are, they are, as an increasing number of individuals and organizations are beginning to recognize, insufficient to effect the magnitude of change necessary if gender-based violence and discrimination are to be eradicated. Inasmuch as violence against women and girls is sustained by long-standing, maladaptive patterns of thinking and relating, legal strategies, unaccompanied by efforts to address the intrapersonal

dimensions of the problem, are likely to prove ineffective. Indeed, as Shoghi Effendi observed, inasmuch as the inner and outer dimensions of human life are inseparable, it is futile to attempt the reformation of the one without the other. Humanity is organic with the world, he noted; the inner life of each individual molds the environment and is itself also deeply affected by it. The one acts upon the other, and every abiding change in the life of humanity is the result of these mutual reactions. Conscious awareness of the reciprocal relationship between personal development and institutional and societal transformation is thus an essential component of any viable scheme to advance the realization of human rights goals.

In this regard, the distinction that Cornel West has made between the pitfalls of “structural liberalism” and the limitations of “conservative behaviorism” is of heuristic value here. Structural liberals, noted West, tend to identify social, historical, and institutional impediments when seeking to remedy widespread social problems. Conservative behaviorists, by contrast, tend to limit their analyses to person-centered variables, such as people’s values, attitudes, beliefs, and so forth. Liberal structuralists resist talking about values too much because it takes the focus away from structures, especially the positive role of government, while conservative behaviorists “talk about values and attitudes as if political and economic structures hardly exist.”²³ In contradistinction to this dichotomous debate, we suggest that the global campaign to elevate the status of women, to promote gender equality, and to eradicate gender-based violence is most likely to be effective if it is fueled and upheld both by enforceable local and international laws and by processes that address the inner terrain of human consciousness, human values, and human spiritual and moral development.

Moreover, as legal theorist and researcher Amede Obiora has suggested, the impact of the broad legal culture on the persistence of gender-based discrimination and violence cannot be overlooked. “Legal culture” has been described as “the network of values and attitudes which determine why, when, where and how people employ legal structures and why legal rules work or do not work.” It is, according to Obiora, “the legal culture that provides the impetus for the use, abuse, or avoidance of the law.”²⁴ The legal culture and social fabric depend upon covenantal arrangements that, in the words of Jonathan Sacks, Great Britain’s chief rabbi, “prevent us—from a sense of honor, or fidelity, or decency—from doing certain things.” Such arrangements extend well beyond a mere code of laws and embrace a people’s internalized, fundamental values. If the legal culture of a nation or community is not oriented toward the advancement and protection of women, a proliferation of laws, however much needed, will not remedy gender-related abuses.

There are at least three dimensions to a legal culture: the outer form, or *legal structure* of a community; the inner form, or *philosophical principles* that animate that structure; and the *actors* or citizens within a community who embody in their deeds the degree of commitment they have to the values and principles

that animate their legal and/or social system. The outer aspect of a legal culture is utilitarian and has to do with mechanisms designed to facilitate application of a community's constitution and/or body of laws. The inner aspect is abstract and has to do with metaphysical principles that the laws of a community are designed to embody, protect, and advance. In addition to the facilitation of order and social processes, the desire to protect such values as justice, equity, human nobility, and a sense of collective trust are the implicit or explicit goals that buttress most nontotalitarian legal systems. Indeed, even in contemporary Western cultures where law is presumed to be merely utilitarian or functional, the strength of the law rests, to no insignificant degree, on its ability to evoke a sense of respect, and sometimes even reverence, for the legitimacy of the social order that the law is designed to serve.

A people's awareness of, and appreciation for, the underlying values that serve as the foundation of law give a legal culture its enduring strength and render a legal system more than "a mere code of laws."²⁵ In the absence of a concern for underlying values, laws lose their power to protect against many forms of exploitation and abuse. Harold Berman, one of the world's foremost legal historians and philosophers, notes that, in the final analysis, what empowers law is the "deeply or passionately held conviction that law is not only an instrument of secular policy but also part of the ultimate purpose of life."²⁶ The legal scholar Roshan Danesh further observes that law is best understood "not only as positive rules but also as a relationship between rules and standards and the architecture of beliefs, traditions, and texts that support and give meaning to those rules. A crisis of internal fidelity exists," he notes, "when legal rules and the institutions that create and interpret them have become unmoored from any generative aspirative frame."²⁷ Traditionally, the aspirative frame for law was provided by religion. Religious systems, which are the primary fount of law, embody the notion that laws exist in order to facilitate the realization of human aspiration for that which is, in some sense, transcendently good for both the individual and the community. But more than this, laws rooted in religion were intended to prevent crimes not only by threat of punishment but also by inspiring in adherents the acquisition of a sound character. And while the trend toward secularization of law is both understandable and necessary in a context of cultural and religious pluralism, the larger project of connecting laws designed to protect and advance human rights with a tenable framework of values that citizens are both familiar with and embrace would seem vital to ensuring success. For underlying the failure of nations, communities, and families to protect and advance the rights of women and girls are not only legal and human rights standards that leave women vulnerable but also maladaptive values and attitudes that run counter to the spirit of equality and humanity that many legal systems have been explicitly designed to advance. These patterns of thought require as much attention by the international community as do the laws that have been, and will be, framed in defense of women's human rights. It is for this

reason that the global campaign to eradicate gender-based violence would do well to add to the worldwide concern for articulating human rights law a similar concern for promoting psychological maturation, spiritual growth, and self-mastery.

There are three places that we can turn for insights into the psychological, spiritual, and ethical dimensions of this challenge: the emerging body of behavioral research on the development of emotional competence; the work of contemporary moral philosophers who are creating systems of ethics and programs of moral development that are based on universal human values; and the world's ethicospiritual traditions, which have provided some of the most enlightened discourse to date on the processes of self-mastery. It is, therefore, toward these relatively neglected dimensions of the global campaign to eradicate gender-based violence that we turn in the present volume.

Following an epidemiological overview of the problem of gender-based violence and discrimination, we draw special attention to the Authenticity Project, an international moral education project that seeks to develop materials that might frame a global approach to moral and spiritual development. The Authenticity Project (whose members include the first author of this volume, as well as William S. Hatcher, Mary K. Radpour, Leslie Asplund, Sheri Dressler, and Lonya Osokin) grounds its approach to moral development in the assumption that the highest values that a civilization can promote are the cultivation of human consciousness and the development of authentic human relationships. All other values, the project suggests, should be evaluated in light of the extent to which they are in harmony with these overarching goals.

Moral education, according to the Authenticity Project, is concerned, first, with understanding the nature of value and, second, with applying this understanding in one's relationships with others. There are two types of value: *intrinsic* value, which arises from the inherent properties and capacities of an entity; and *extrinsic* value, which is ascribed to an entity through subjective preferences and social conventions. An example of the latter is the value generally ascribed to money. Although little more than ink on paper, and although highly ephemeral, money derives a great deal of value by social agreement. Its value is thus extrinsic to its inherent qualities and nature. That which is of intrinsic value, by contrast, derives its value, not by social agreement, but from the inherent qualities and potentialities of the entity in question. The sun, for example, is of value irrespective of any individual's opinion about it. Its value is inherent in its being the primary source of light and warmth in our biosphere and the *sine qua non* for life and development in the natural world.

Similarly, the human person is of inherent value. The value of the human person is inherent in the facts that persons represent the fruit and arrowhead of evolution on Earth and that the maintenance and advancement of civilization—in all of its forms—depends upon the cultivation of persons. The protection and development of this value is the supreme objective of any legitimate

social order. Any system of government, any set of laws, any ideology or cultural practice that unduly jeopardizes the realization of the inherent potential of a human being is in violation of that person's inalienable right to become. Such a society has betrayed its legitimate *raison d'être*. According to the Authenticity Project, true morality consists in apprehending the inherent value of the self and others and in living in relationship in such a way as to afford the development and expression of humanity's full potential. The creation of the capacities necessary for authentic relationships is the objective that fuels the work of the Authenticity Project.

The Nature of Authentic Human Relationships

The signs of authenticity in relationships are said to be the practice of justice and the presence of altruistic love. Nonauthentic relationships, by contrast, are characterized by conflict, disharmony, manipulation, cruelty, jealousy, and so forth. "Altruistic love," the project writes, "is not just a feeling of emotional warmth towards others, but is an objective, attractive force that operates according to certain objective laws and principles. Moral education means learning these laws and principles so that we become ever more subject to the force of love in our lives. Morality, then, *is the pursuit of authentic relationships* or, stated more fully, *the process of developing our innate capacity to sustain authentic relationships.*" The Authenticity Project illustrates this unique perspective with an analogy from physics:

Current physical theory has discovered four fundamental forces. The force of gravity and the strong nuclear force are purely attractive forces. The weak nuclear force, however, is a purely repulsive force: it has no (currently known) attractive form. Finally, electromagnetic force has both an attractive and a repulsive form. Now [we] affirm that altruistic love, like gravity, is a purely attractive force. True love *cannot* be the cause of conflict or estrangement between two people any more than the force of gravitational attraction between two physical bodies can push them apart.

Of course, physical bodies can be pulled apart by forces that overcome their mutual gravitational attraction. But, whenever we observe two physical bodies moving away from each other, we know that such a configuration is occurring in spite of their mutual gravitational attraction, not because of it. In the same way, whenever we see conflict and disharmony in human relationships, we know that it is due to some factor other than love. . . . Thus, moral education is the pursuit of relational authenticity by learning the laws that govern the action of love and then implementing that knowledge in our relationship with others. The moral person is one who has acquired the capacity for genuine love and self-sacrifice. He demonstrates this by his integrity and trustworthiness in his relations with others, by consistently treating others with genuine kindness and encouragement. . . . In other words, the basics of morality are stark in their simplicity: either a

person has acquired the capacity for self-sacrifice, which he demonstrates through active, humble, reliable service towards others, or he has not, in which case his behavior will reflect various pathologies of inauthenticity . . . (such as greed, untrustworthiness, jealousy, self-centeredness, coldness, indifference, anger, cruelty).²⁸

Because the acquisition of the capacity for authentic morality requires continual, often painful self-evaluation, a number of strategies have been developed throughout history to transform basic morality into something that can be more easily achieved. For example, although one of the overarching goals of religion is to facilitate the achievement of authentic moral relationships, this goal is frequently transmuted in such a way that religion becomes primarily an ideology. Once religion becomes an ideology, its doctrines become the supreme value, and morality is conceived as their protection and propagation by all possible means. Although all religions present a philosophy of life and teach the belief in certain doctrines and ideas, authentic religion conceives of belief in such doctrines, not as an end in itself, but as a means for developing the capacity for authentic relationships (both with God and with other human beings). Thus, the error of ideologized religion lies, not in seeking to propagate and advance certain doctrines, but rather in exalting these doctrines above authentic relationships, thereby interchanging means and ends.

We will use the term *ideology* to designate any philosophy which holds that certain doctrines, ideas, or propositions are more important than human beings. Thus defined, any ideology (irrespective of what its specific doctrinal content may be) contradicts the basic assumption of authentic religion, which holds that (while God may be the Supreme Value in Existence) the human being is the supreme value in creation. Moreover, any moral system holds that lesser values may be sacrificed to obtain greater values. An ideology thus sanctions (at least implicitly) the deliberate sacrifice of human beings, or of authentic human relationships, if it is deemed necessary for the propagation of the doctrines of that ideology. In regarding its doctrines as more important than human beings, an ideology considers these doctrines as God—as the supreme value in existence. Ideology is thus idolatry. It is the worship of certain ideas.²⁹

As it is with ideology, culture-specific values and traditions are also frequently invoked in support of the continuation of practices that may be harmful to the equal participation, development, and/or well-being of subgroups such as women and girls within a culture. The continuation of such practices is inspired by the belief that cultural values are the only ultimate values and that these values are necessarily local and accidental, rather than intrinsic and universal. Inasmuch as this perspective renders all cultural values fundamentally equivalent, the argument is that each cultural group must be left free from outside interference in deciding the values that should animate community life.

Legitimate as is the concern for preserving a people's right to determine the nature and course of their own lives, the work of the Authenticity Project assumes that there are also intrinsic, universal values that derive from the universal nature and needs of all human beings—irrespective of race, culture, or historical time period. The global community is said to have a moral responsibility to safeguard these values, even when the parties concerned would prefer to operate free from external influence. To do otherwise would be to render the preservation of culture the supreme value, irrespective of the impact of culture-specific practices on the lives of human beings. The articulation of an international body of laws designed to preserve human rights is an explicit rejection of the assumption of absolute cultural relativity by the community of nations. At the same time, inasmuch as the adoption of a universal set of moral values on the local level is not likely to be realized unless large segments of the population are persuaded of their logic and need, the promotion of such values depends upon processes of education and persuasion.

The Nature of Moral Education

The Authenticity Project recognizes that an approach to moral education that nurtures in children and youth a hunger for moral and spiritual growth while also developing morally relevant *capacities* is likely to be more effective in eliminating the root cause of abuses of power in the family, the community, and the state than are approaches that focus on the transmittal of moral lessons or rules. What is needed is the development of an inner agent of self-control that encourages right action because of its own inherent beauty. Iraj Ayman, a scholar specializing in moral philosophy, refers to this capacity as the capacity for “spiritual discernment.”³⁰ According to educator Irene Taafaki, developing spiritual discernment requires that institutions around the world promote moral growth. The role of educators is to use a variety of processes to nurture children and youth to go beyond knowing what constitutes moral ideas to developing moral insight and practicing moral behavior, the goal being to develop moral wisdom rather than a rote following of rules. Moral wisdom then becomes the “inner lens” through which children are able both to discern what is right and to do those things that enhance both their own well-being and that of others.³¹

A pedagogy of moral education, notes Taafaki, would include active learning rather than the passive inculcation of moral lessons; a loving and encouraging environment wherein educators demonstrate in their own lives the qualities they wish to teach; use of the arts, literature, and folklore from cultural and religious communities around the world; and cooperative learning exercises that enable children and young people of diverse backgrounds to work together in exploring and resolving a range of socially and morally relevant problems. The promotion of a spirit of service to humanity is an integral part of the pedagogy

of moral education. Such service enables children and youth to enhance their understanding of the relevance of moral behavior for the development and solidarity of family and community and for the cultivation of a sense of “at-oneness” with others.³²

In addition to a concern for moral development, the concept of “emotional intelligence,” first articulated by researchers John Meyer and Peter Salovey and later popularized in a book by Daniel Goleman, embodies the idea that human beings can be assisted to develop emotional skills that empower them to relate to themselves and to others in more adaptive and harmonious ways.³³ We feel that inasmuch as emotional immaturity and poor impulse control are at the root of many forms of gender-based violence, efforts that are designed to enhance the capacity of children and youth to better understand and manage their own emotions are likely to contribute to reducing high rates of many forms of violence and abuse that occur in the home. Thus, in addition to examining processes of moral development that might be applied to the problem of gender-based violence, in this volume we also explore the promise embodied in this emerging paradigm of applied research.

Last, as has already been noted, we feel that the world’s sacred and philosophical traditions contain many useful insights into the challenge of self-mastery and intrapersonal growth. We have thus taken the liberty to quote these traditions throughout the work when the insights contained in them appeared to us to be relevant and useful. We have taken care to emphasize the fundamental spiritual truths that appear to be common to all the world’s faiths, as we believe that it is these spiritual truths, embodied perhaps most simply in the Golden Rule, that provide peoples of all faiths, as well as those of no faith, with penetrating insights into the conditions necessary to make anew the social world.

This book is divided into three parts and nine chapters. Parts I and II explore the epidemiology of gender-based violence and discrimination. Chapter 1 provides a general overview of structural violence and of discriminatory practices that continue to jeopardize the health and development of women and girls across the planet. Chapter 2 examines the many forms of sexual violence directed against women and girls; and chapter 3 adumbrates the continuing problem of physical abuse. Chapter 4 of part II provides an introduction to culturally sanctioned forms of gender-based violence. Chapter 5, which opens part III’s exploration of efforts to eradicate gender-based violence, explores the potential impact that equal access to education would have on the life chances of women and girls. Chapters 6 and 7 examine the psychological and spiritual dimensions of the global campaign to eradicate gender-based violence. It is in these chapters that we discuss in detail the work of the Authenticity Project. Chapter 8 lays out a role for men; and chapter 9 closes the volume by exploring some of the reasons we should have hope that the global campaign to eradicate gender-based violence can and will meet with success.

PART I

**GLOBAL PREVALENCE OF GENDER-BASED
INEQUALITY AND VIOLENCE**

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Confronting Structural Violence against Women and Girls: The Principle and Practice of Gender Equality

Notwithstanding the international struggle to achieve it, there is considerable variation throughout the world as to what is meant by “gender equality” or “gender equity” and how such equality might be achieved. Amede Obiora, for example, recently conducted a study that examined the attitudes of a select population of Nigerian men and women to the effort to legislate equality in gender relations. In the course of her study, a majority of her subjects, both male and female, were confounded by the notion of equality that is commonly articulated in mainstream Western legal discourse. “Insisting instead that ‘all fingers are not equal,’ some of these respondents suggested that ‘respect,’ not ‘equality,’ was a more appropriate and realistic paradigm for ordering (male/female relationships).”¹ Obiora’s work, and that of many other feminist scholars, illustrates the difficulty of articulating a notion of gender equality that facilitates social transformation while also respecting the diversity of views that must be brought to bear on this issue. And although an exploration of the full range of views articulated by scholars of diverse backgrounds is well beyond the scope of this work, it is clear that, at minimum, equality must mean the right to live free of gender-based violence and exploitation. Furthermore, providing the same rights and opportunities for women as are presently available for men in civil and political life, in education and employment, would seem indispensable to any viable definition.

For example, notwithstanding the extraordinary achievements in the advancement of women recorded during the twentieth century, a survey of the current status of women reveals that there is still much structural work to be done if women and girls are to enjoy the same opportunities for development and participation that are available to men and boys. This is particularly true for women and girls who live in those parts of the world where access to legal support in defense of women’s civil and human rights is either unaffordable or unavailable.

The need for progress in advancing equality is apparent in two interconnected areas: one has to do with our understanding and embrace of the *principle* of gender equality, and the other involves redressing disparities in access to those material conditions necessary to translate the idea of equality into *concrete form*. We begin this work on the global campaign to eradicate gender-based violence by examining these two dimensions of equality. We attempt to show how structural violence against women and girls is supported and sustained by the cultural and philosophical assumption of ontological inequality between women and men. We go further to articulate an organic model of gender equality that emphasizes the complementary nature of human relationships within a broader commitment to the essential oneness and interdependence of humankind.

Gender Inequality and Structural Violence

In a widely read document on the status of women and girls, UNICEF reports that women the world over are routinely subjected to discriminatory restrictions of such fundamental freedoms as travel, marriage, testifying in court, inheriting and owning property, securing credit, and obtaining custody of their children. UNICEF goes further to note that in many countries girls enjoy less nutritious food, fewer visits to health care facilities, lower rates of vaccination, and less nurture than boys.² With respect to the distribution and allocation of workload and income, a number of studies report that although women and girls continue to work many more hours daily than men, they own almost none of the world's wealth. As one group of researchers affirms, "Women constitute half the world's population, perform nearly two-thirds of the work hours, receive one-tenth of the world's income and own less than one one-hundredth of the world's property."³ In Nepal, for example, boys work approximately one-half of the hours worked by girls.⁴ Studies out of Africa and Asia reveal that while boys are engaged in play, girls aged ten to fourteen put in seven or more hours of domestic labor per day. In Java, young girls tend to spend 33 percent more hours per day working either at home or in the market than do boys of the same age. In the Ivory Coast, girls aged ten to fourteen work three to five hours per day carrying out household chores; their male counterparts, by contrast, work on average two hours per day.

Even among industrialized nations disparities in the unpaid workloads of males and females have become evident. For example, studies of Italy and Australia reveal greater unpaid workloads for girls than for boys.⁵ The difficulties imposed by this reality are rendered all the more salient when we consider that the number of households headed by poor women is sharply increasing.⁶ In the United States, for example, the proportion of female-headed households among poor African Americans may be as high as 71 percent.⁷

Among the growing number of economically disadvantaged women who work outside the home, historical and unequal power relations between men and women continue to result in exploitation of female labor. The UN's Special Rapporteur on Violence against Women recently reported that economically disadvantaged women are more vulnerable to sexual harassment, trafficking, and sexual slavery; that they are employed as bonded and low-paid labor in many economic enterprises throughout the world; and that as migrant workers, they often face innumerable hardships in foreign countries.⁸

In addition, while adoption of modern technology contributes significantly to the destruction of the livelihoods of a growing number of rural women, so-called sweatshops and similar sites for the economic exploitation of female labor have begun to proliferate. More than a decade ago, a widely cited special report in *Ms.* magazine noted, "All other things being equal, if the proportion of the poor in female-householder families were to continue to increase at the same rate as it did from 1967 to 1978, the poverty population would be comprised solely of women and their children before the year 2000."⁹ That women with children now constitute the fastest-growing group of homeless people and refugees would suggest this prediction was not as gross an exaggeration as it first seemed. The feminization of poverty is now a feature of many societies worldwide.

Despite the inability of millions of women to gain access to adequate income, current data indicate clearly that women in developing countries tend to manage money better than men do. A recent study involving Malaysia, Cameroon, and Bolivia revealed that among three priority problems related to women's status, women themselves cited mismanagement of household finances by their husbands.¹⁰ Numerous other studies, including data from the World Bank, have shown that as compared to men, when women have access to economic resources, they tend to expend a larger percentage of available funds on their families.¹¹ Thus, when women prosper, families prosper. Conversely, when women fall prey to poverty, so do the world's children.

Although women are the first, and often the only, educators of children, women and girls receive the least exposure to formal education. The World Bank reports that two-thirds of the 960 million illiterate people in the world are women. Furthermore, of the 130 million children who received no primary education in 1990, 81 million were girls.¹² As compared to boys, even in developed nations, fewer girls enroll in and complete school. According to Neera Sohoni, "Parental reluctance to enroll and maintain girls in schools even when primary and secondary education may be free and compulsory is associated with their limited view of girls as liabilities rather than assets. As an Indian proverb puts it crudely, 'Investing in a girl is like watering a plant in a neighbor's garden.'"¹³ Girls may also be demotivated and are less likely to complete school owing to a number of factors such as sexual harassment and violence, in-class gender discrimination, gender stereotyping in the curriculum and textbooks, teachers'

lower expectations for their success, early pregnancies, and childhood marriages.

The United Nations reports that the average age at marriage for girls in Bangladesh is 11.6 years; in two villages in India, the average age of marriage proved to be 14.4 years. Among Nigerians, 25 percent of all marriages of girls occur before age 13, 50 percent by age 15, and 80 percent by age 20. Boys, by contrast, tend to marry when they are much older. Data from the United States, Bangladesh, Brazil, Ethiopia, Indonesia, Sudan, Turkey, and the United Arab Emirates reveal that the percentage of married girls aged 15 to 19 is three to ten times higher than the percentage of married males aged 15 to 19.¹⁴ One consequence of early marriage for girls is that they are afforded less opportunity to complete their education. Another consequence is that their reproductive role renders them more vulnerable to illness and early death. For example, in some countries, such as Bangladesh, the maternal mortality rate (MMR) for mothers aged 10 to 14 is five times greater than among mothers aged 20 to 24; in the United States, pregnant girls under age 15 evidence a maternal mortality rate that is three times as high as that of women aged 20 to 24.¹⁵

For centuries traditional arrangements have instilled in many people and cultures a tendency not only to prefer sons but also to neglect female children. Professor Hoda Mahmoudi points out that female life expectancy has actually declined in Ghana, Kenya, Liberia, Niger, and the Philippines over the past few decades. "When the difficult decision needs to be made in terms of which child to feed," noted Mahmoudi, "a boy is preferred over a girl."¹⁶ Son preference is practiced most widely in Southeast Asian countries including Bangladesh, India, Nepal, and Pakistan; Middle Eastern and North African countries like Algeria, Egypt, Jordan, the Libyan Arab Jamahiriya, Morocco, the Syrian Arab Republic, Tunisia, and Turkey; and in some sub-Saharan African countries such as Cameroon and Madagascar. There is also some evidence of abnormal sex ratios in mortality figures of some Latin American countries such as Ecuador, Mexico, Peru, and Uruguay, indicating the possibility of son preference in these nations as well.

In countries practicing son preference, there is a tendency to abort girls following sex-determination tests like amniocentesis and sonography. A study of amniocentesis in a large Bombay hospital found that 95.5 per cent of fetuses identified as female were aborted.¹⁷ Similarly, another study, conducted in Maharashtra (West India), indicated that of 8,000 fetuses aborted, 7,999 were female.¹⁸

In cases where technological prebirth sex determination is beyond the reach of the poor, female infanticide sometimes substitutes for abortion. If the delivery is at home, the child is often born, killed, and buried the same day. If delivery occurs at the hospital, a mock illness is frequently declared within a week to ten days, after which the child is killed. Different ways of killing female infants have been documented, including force-feeding the infant excessive cow's

milk and hanging the bottle upside down from the cradle so that the child chokes; feeding the infant a mixture of soapy water and dissolved salt until she chokes; using a cloth with dripping water to cover the face of the infant to suffocate her; giving the poisonous milk of the Calatropis plant to the infant; feeding the child with husks of paddy grains until she chokes; administering pesticides; and so on.¹⁹

The one-child rule in China appears to be intensifying the problem of abortion, infanticide, and orphanage as parents struggle to fill their one-child quota with a son. The UN's Special Rapporteur cites a 1995 Amnesty International report on China indicating that in 1994, 117 boys were born for every 100 girls, a figure significantly higher than the world average of 106 males for every 100 girls.²⁰ Those who are unable or unwilling to kill their own infants sometimes abandon them, subjecting them to a life as orphans. Tom Hilditch recounts the work of a British documentary team that captured the condition of children at some of the government-run orphanages in China as follows:

Mei-ming has lain this way for 10 days now: tied up in urine-soaked blankets, scabs of dried mucus growing across her eyes, her face shrinking to a skull, malnutrition slowly shrivelling her two-year old body. The orphanage staff call her room the "dying room", and they have abandoned her for the very same reasons her parents abandoned her shortly after she was born. She is a girl. When Mei-ming dies four days later, it will be of sheer neglect. Afterward, the orphanage will deny she ever existed. She will be just another invisible victim of the collision between China's one-child policy and its traditional preference for male heirs. She is one of perhaps 15 million female babies who have disappeared from China's demographics since the one-child-per-family policy was introduced in 1979. Yet Mei-ming's brief and miserable life may not have been in vain. Before she died, she was discovered by a British documentary team that entered her orphanage posing as American charity fund-raisers. The footage the team shot, through a concealed camera, would provide the first video evidence of the existence of dying rooms. And when the documentary, *The Dying Rooms*, was shown in Britain in June, over the protest of China's embassy in London, little Mei-ming's dying cries for help were heard around the world.²¹

Recently, UNICEF estimated that as many as 77 million females are missing and feared dead as a result of female infanticide, deliberate malnutrition, selective abortions, and outright violence against girls. In his explication of this fact before the U.S. House of Representatives, Congressman Tom Lantos noted: "The combined total of females missing in Bangladesh, Afghanistan, India, Pakistan and China exceeds 77 million human beings. The way this figure is arrived at is obvious. On the basis of actuarial figures, there should be so many adult women and so many adult men. There are 77 million adult women who are not there. They are not there because they were killed as infants or were the victims of gender violence in later years."²² Lantos points out that this

figure is more than the combined populations of California, New York, Texas, and Florida.

Evidence from China, Korea, and Singapore reveals a strong desire to prevent female births.²³ An article by Sohoni on the status of female children notes:

Anecdotes and proverbs in many countries refer to the pride with which the male child is welcomed, and the gloom that casts a shadow on the coming of a baby girl. In the Arab language, for instance, any unexpected silence or conversational gap in an assembly invites the comment 'Khilqat bint' or 'Why the silence? Has a girl been born?' A phrase from the Korean language translates to: 'A girl lets you down twice, once at birth and the second time when she marries.'²⁴

Such comments reveal the disdain and disappointment that accompany the birth of many female children.

Some parents who decide to keep their baby girls often neglect them. In her book *Women and Literacy*, Jennifer Horsman gives an insight into the childhood experience of one of her case-study subjects, a woman in Nova Scotia, Canada:

Pat left her abusive home and said she was unable to continue at school because the psychiatric drugs she was being given prevented her thinking. She was abused and rejected as a child; her mother had wanted a boy and so refused to acknowledge her. Her childhood was one of neglect and violence. "The doctor that delivered me told me the whole story. He said: 'Right from birth . . . she wouldn't hold you; the staff had to take over. She just said, I don't want nothing to do with her'. And when I was taken home . . . she would just leave me in a room with the door closed and ignore me." When she accused her brother of sexually abusing her, her mother refused to believe her. She suffered from a serious illness which was misdiagnosed as psychological and left untreated.²⁵

A communication from UNICEF received by the UN's Special Rapporteur on Violence against Women indicated that in 1990, 71 percent of all babies under the age of two admitted to one hospital were boys. Where, many were compelled to ask, were the sick girl children? Girls between the ages of two and five years have higher death rates than boys in many developing countries—despite the well-documented biological fact that female newborns are less susceptible to infections than are male babies, and despite the fact that mortality rates in other parts of the world are lower among female babies than among male babies.²⁶

Perceptions, attitudes, and convictions have both motivating and steering effects on human action, such that the social conditions that are created and accepted are a function of the assumptions made about the world. In this way is the social reality an inevitable outcome of the psychological reality. The legal,

social, and economic status of women worldwide would suggest that women and girls continue to be perceived as neither as important nor as valuable as men and boys; and although in some minds this assumption is gradually losing its hold, many institutions continue to be structured in ways that automatically replicate the unequal treatment and disparate outcomes already described.

In an illuminating paper entitled "Women in the Informal Sector in Malaysia," Lee Lee Lou Ludher tells the story of a Malaysian woman named Govindamah who opened a roadside stall to sell *nasi lemak* (rice cooked with coconut milk). Despite her husband's protestations, Govindamah felt compelled to open the stall to support her family of five after her husband had lost his job as a van driver and had refused to take other odd jobs open to him. Although their eldest daughter, Vani, had already left school to work in a local factory, this additional income proved insufficient to feed their other two daughters and one adopted son:

It took Govindamah a few days to gather enough courage to tell her husband that she had decided to make some packets of 'nasi lemak' to sell at the road junction. He was furious. He abused her, ridiculed her and assured her that she would fail. But the more she countered his criticisms, the more convinced she became that her venture could succeed. The next morning she got up bright and early, cooked 5 cups of rice, made the 'sambal' (a hot chili mixture) with whatever 'ikan bilis' (anchovies) remained in the house, added pieces of cucumber and laced the 'nasi lemak' with tiny pieces of omelet. She wrapped them into small packets to sell for 50 sen each, placed them in a basket, and crept out of the house, bound for the spot at the T-junction. She looked searchingly into the faces of passers-by. Three ladies stopped and bought packets. Govindamah was encouraged. Soon more stopped and eventually she had a pocketful of notes and coins and an empty basket. Unable to contain her happiness, she ran home to share her joy with her daughters, who agreed to help her. But the minute her husband walked in, all the excitement stopped. He grumbled about his cold tea and left. Nevertheless, Govindamah prepared her baskets for the next day, barely able to wait for her second round of success. As her 'nasi lemak' business grew, Govindamah added more products: tea, snacks and cakes. Vani assisted during her off-shift hours. Customers requested a stall with tables and chairs, which Govindamah secured from her cousin in exchange for a 50% share in the business. The business prospered, but there were problems. When gangsters demanded protection money, Govindamah and her cousin were too afraid to resist. Because they had no license, municipal council enforcement officers often came by threatening to confiscate all their items. They were reluctant to go to the authorities, having heard how difficult it could be to get a license. So there they were: their promising business in jeopardy and nowhere to turn.²⁷

Govindamah's situation, notes Ludher, is not unusual. As have millions of other women throughout the world, Govindamah became an entrepreneur because economic necessity demanded it. Also like millions of other women,

Govindamah contributes significantly to her community's economy while also spending her earnings on food and education for her children. Nevertheless, because she is an entrepreneur in the informal sector, operating outside the formal and legal economy, Govindamah's business is not eligible for the support or legal protection that is offered to legitimate businesses that are owned and operated primarily by men.

Ludher reports that between 1985 and 1992, approximately 47 percent of women in the Malaysian female labor force were employed in the informal sector. These data are in line with statistics from other developing regions of the world. Despite their contributions to the country's overall economy, however, women employed in the informal sector face three significant challenges: they tend to receive relatively low pay; they lack access to resources such as capital, credit, education, and training; and they are typically excluded from policy-making processes.

With respect to low pay, Ludher notes that women in the informal sector are not paid according to salaries commensurate with market rates; rather, they tend to be compensated on the basis of rates assigned to domestic labor. Since domestic laborers earn very little, even professional women in the informal sector make far less than their counterparts in the formal sector. Business women in the informal sector also have great difficulty securing loans from banks and other financial institutions. This is because the procedures and policies of most financial institutions have been articulated without regard to women's unique employment circumstances. Ludher explains:

Few women in the informal sector know how to keep accounts in forms financial institutions would recognize. Salmah, Foziah and 4 other ladies, for example, measure their profits by the number of gold bangles and chains they are able to buy for themselves and their loved ones and the savings they have for their Muslim pilgrimage (a goal they set for themselves). These women don't speak the same language as financial institutions. They would, however, be trustworthy clients, repaying every cent borrowed. But which bank would believe them—no collateral, no bank account, no income statement or balance sheet to prove their success and their honesty!²⁸

In this respect, experiences with the Grameen Bank in Bangladesh and with microcredit schemes in Kenya and Ghana are worth noting, as they demonstrate some of the most positive outcomes of the economic and financial empowerment of poor rural women.²⁹

In both developing and industrialized regions, large numbers of women are driven into the informal sector because they lack skills and education. Since workers in the informal sector are generally not organized, their views are rarely taken into account and they almost never participate in policymaking. Marginalization of women in this way perpetuates their lower social and economic status and contributes to the notion that they are neither as important

nor as valuable as men. This erroneous and discriminatory notion, in turn, keeps open the door to women's abuse.

Jean Zorn, professor of law at the City University of New York, tells the story of Wagi Non, a woman living in the Western Highlands of Papua New Guinea who was ordered to be imprisoned for thirty-two weeks for having committed adultery. Learning that Ms. Non's husband had left her and their four children in the care of his relatives for five or six years and had neither sent money nor visited, a judge of the National Court ordered her released. In his commentary on the case, the judge took exception to Papua New Guinea's customary law that was invoked by the village court to justify the sentence:

I cannot help feeling that going off and leaving the wife and children without support and protection, yet expecting her to remain bound by custom, is a custom that must be denigrating to her status as a woman. It is denying her the equality provided in the Constitution. . . . The Village Courts must recognize the nature of the change in Papua New Guinea and that the enforcement of custom must not conflict with the principles and rights given in the Constitution. . . . Customs that denigrate women should be denied a place in the underlying law in Papua New Guinea because they conflict with the National Goals of equality and participation which have been laid down clearly in the Constitution.³⁰

This case is exceptional in that it affirms the priority of the principle of gender equality over the preservation of custom, no matter how deeply entrenched or long established; indeed, reflecting on the inequities perpetrated both by tradition and by force of customary law, Papua New Guinea's Supreme Court tendered the following observations:

It is clear there are serious problems existing in the Highlands with respect to family law. . . . Women are still in a subservient situation, they are not safe unless they have a man to protect them. Men can have several wives and new girlfriends, however, women cannot have several husbands nor mix with other men. . . . There is no consideration in any breakdown of marriage for the men's neglect or their desertion or their mistreatment. . . . Men treat women clearly as property and when women wish to exercise their equal rights guaranteed under the Constitution, men create trouble.³¹

Rarely are the structural arrangements that impede the just treatment of women addressed in such direct and practical ways. If for nothing other than enlightened self-interest, similar efforts must be made the special concern of men at all levels of the social order; for in the absence of sustained confrontation with traditions that sabotage the equal protection and development of women and girls, men and boys will be unable to achieve "the greatness which might be theirs."³²

Chief among traditional barriers frequently invoked to preclude the active

and equal participation of women is religion. A recent petition circulated among academics throughout the Western world in support of the women of Afghanistan captures the abuses that were routinely carried out there in the name of religion:

Madhu, the government of Afghanistan, is waging a war upon women. Since the Taliban took power in 1996, women have had to wear burqua and have been beaten and stoned in public for not having the proper attire, even if this means simply not having the mesh covering in front of their eyes. One woman was beaten to death by an angry mob of fundamentalists for accidentally exposing her arm while she was driving. Another was stoned to death for trying to leave the country with a man that was not a relative. Women are not allowed to work or even go out in public without a male relative; professional women such as professors, translators, doctors, lawyers, artists, and writers have been forced from their jobs and stuffed into their homes. Homes where a woman is present must have their windows painted, so that she can never be seen by outsiders. They must wear silent shoes so that they are never heard. Women live in fear of their lives for the slightest misbehavior. Because they cannot work, those without male relatives or husbands are either starving to death or begging on the street, even if they hold Ph.D.s.

Depression is becoming so widespread that it has reached emergency levels. There is no way, in such an extreme Islamic society, to know the suicide rate with certainty, but relief workers are estimating that the suicide rate among women, who cannot find proper medication and treatment for severe depression and would rather take their lives than live in such conditions, has increased significantly. There are almost no medical facilities available for women. At one of the rare hospitals for women, a reporter found still, nearly lifeless bodies lying motionless on top of beds, wrapped in their burqua, unwilling to speak, eat, or do anything, but slowly wasting away. Others have gone mad and were seen crouched in corners, perpetually rocking or crying, most of them in fear. One doctor is considering, when what little medication that is left finally runs out, leaving these women in front of the president's residence as a form of protest.

It is at the point where the term "human rights violations" has become an understatement. Husbands have the power of life and death over their women relatives, especially their wives, but an angry mob has just as much right to stone or beat a woman, often to death, for exposing an inch of flesh or offending them in the slightest way. Women enjoyed relative freedom, to work, dress generally as they wanted, and drive, and appear in public alone until only 1996. The rapidity of this transition is the main reason for the depression and suicide; women who were once educators or doctors or simply used to basic human freedoms are now severely restricted and treated as subhuman in the name of right-wing fundamentalist Islam. It is not tradition or 'culture', but it is alien to them, and it is extreme even for those cultures where fundamentalism is the rule.

Everyone has a right to a tolerable human existence, even if they are women in a Muslim country. If we can threaten military force in Kosovo in the name of human rights for the sake of ethnic Albanians, citizens of the world can certainly

express peaceful outrage at the oppression, murder and injustice committed against women by the Taliban.³³

Confronting Islamic justifications for the mistreatment of women in her address to the delegates assembled at the Fourth World Conference on Women, Mohtarma Benazir Bhutto, then prime minister of the Islamic Republic of Pakistan, affirmed that “in distinguishing between Islamic teachings and social taboos, we must remember that Islam forbids injustice—injustice against people, against nations, against women.” She continued:

Islam shuns race, color, and gender as bases of distinction among fellowmen. It enshrines piety as the sole criterion for judging humankind. It treats women as human beings in their own right, not as chattel. A woman can inherit, divorce, receive alimony and child custody. Women were intellectuals, poets, jurists, and even took part in war. The Holy Book of the Muslims refers to the rule of a woman, the Queen of Sabah. The Holy Book alludes to her wisdom and to her country being a land of plenty. The Holy Prophet (peace be upon him) himself married a working woman. And the first convert to Islam was a woman, Bibi Khadija. Prophet Mohammed (peace be upon him) emphatically condemned and put an end to the practice of female infanticide in pre-Islamic Arabia.³⁴

As has been affirmed by the UN's Special Rapporteur, whatever the source—whether it is time-honored traditions, well-established customary laws, or deeply entrenched religious prescriptions—those social or institutional practices that constitute definite forms of violence against women can be neither overlooked nor justified.³⁵

The Idea of Gender Equality: Implications for the Organization of Society

While the liberation of women from the forms of structural violence, exclusion, and discrimination chronicled above would go far in advancing efforts to achieve structural equality, as has been pointed out by Martha Schweitz, advancements in these areas alone are not sufficient to bring about a condition in society that many would regard as “equal”:

Gender equality has long been regarded in the West as freedom to be treated without regard to sex. Women have essentially demanded the right to be treated as men. This struggle so defined has produced enormous progress in a great many societies worldwide. Nevertheless, it has become increasingly apparent that this approach is not complete, as it leaves untouched and unchallenged the social structures of hierarchy and power as well as the societal assumption of the male as the norm. Moreover, it debases women (and ultimately impoverishes society) by depriving them of the opportunity to discover what is different about their in-

dividual and/or collective contribution to work, family, and community from that of the men around them. It would appear that the increasingly active participation in the global dialog on women's rights of women from non-Western backgrounds, and from a wider range of social strata in the West itself, has accelerated the shift in search of new paradigms of equality. Not only do these voices bring a focus on issues far different from those of personal independence, career and sexual freedom that animated the early days of the contemporary Western women's movement, such newer voices have also been willing to express their distaste for what they often perceive in the West to be the masculinization of women.³⁶

Carol Gilligan and Jean Baker Miller have been especially persuasive in their efforts to articulate approaches to gender equality that respect and promote women's unique qualities and capacities. In her widely read book, *In a Different Voice*, Gilligan notes that while the feminist movement has thus far concerned itself with securing for women those public rights and opportunities that have been exclusively the right of men, the focus has begun to shift to exploring those characteristics that distinguish men from women and to ensuring that these qualities be given an equal voice in determining the course and tone of human affairs.³⁷

Similarly, in *Toward a New Psychology of Women*, Jean Baker Miller argues that if gender equality is to result in transformation of the psychosocial order, these distinguishing characteristics, as much as women as individuals, must be given an adequate arena for expression and development. "Humanity has been held to a limited and distorted view of itself," notes Miller, "from its interpretation of the most intimate of personal emotions to its grandest vision of human possibilities—precisely by virtue of its subordination of women. Until recently, 'mankind's' understandings have been the only understandings generally available to us. As other perceptions arise—precisely those perceptions that men, because of their dominant position, could not perceive—the total vision of human possibilities enlarges and is transformed."³⁸

Indeed, when the question of gender equality is taken seriously, what we are really dealing with is the complete transformation of the world, brought about by a transformation in human consciousness and values. This transformation is not simply a matter of equalizing the gender of those who are in positions of power and authority but requires an abdication of that patriarchal spirit that renders power the supreme value.

As Moojan Momen has noted, within a patriarchal framework those who have power are important. To say that they are important is to affirm that they are noticed—that their deeds are recorded in newspapers and in history books; it is to say that they find it easier to have their needs met and their wants satisfied. Those who do not have power, whether men or women, are largely ignored and do not count. They may not even appear in the social structure, in the sense that no account is taken of them when decisions affecting their lives

and futures are made. "A good example of this was Greece in the fifth and fourth millennium B.C.E.," writes Momen.

[T]his was a time when Greek civilization peaked, when Socrates, Plato and Aristotle lived in Athens, and Alexander the Great conquered most of the civilized world. It is recorded in history books as the "great and glorious age" of Greece. But it looked that way only to those who were in power. What about the women of Athens who were considered intellectually and physically defective, who were married at an early age and confined to their husbands' houses thereafter with no rights or freedoms? What about the numerous slaves in Athens? Was it a "great and glorious" age for them? One suspects not—but we will never know because they were unseen. No historian bothered to record their thoughts and feelings.³⁹

In many respects, the collective childhood and adolescence of humanity has been characterized by the unbridled pursuit of power. This pursuit, one might legitimately argue, is at the root of conflict and injustice in our history. Each of us has inherited a history of injustice in which the strong have consistently dominated the weak: men have dominated women, more powerful tribes and nations have conquered and enslaved weaker ones, and war has predominated over intellectual prowess and social harmony. To pursue gender equality is to renounce the pursuit of power and to pursue the cultivation and institutionalization of those qualities of heart that have been largely associated with the feminine spirit.

Such a society would need to acquire the maturity and confidence necessary to renounce the pursuit of power as the greatest value and would replace power seeking with cooperation, compassion, and service to the entire human race as the supreme objectives. "The world in the past has been ruled by force," wrote 'Abdu'l-Bahá at the beginning of the twentieth century, "and man has dominated woman by reason of his more forceful and aggressive qualities both of body and mind. But the balance is already shifting—force is losing its weight and mental alertness, intuition and the spiritual qualities of love and service, in which woman is strong, are gaining ascendancy. Hence the new age will be an age less masculine, and more permeated with the feminine ideals—or, to speak more exactly, will be an age in which the masculine and feminine elements in civilization will be more evenly balanced."⁴⁰

As we will discuss at greater length in a future chapter, what is deemed the cause of injustice and oppression is the *seeking* of power and not power itself. Without power we can do nothing, neither good nor evil. The error lies, therefore, not in possessing power but in pursuing power for its own sake; that is, in making power the *end* rather than the *means* of pursuing morally and socially productive objectives. Indeed, each of us possesses a certain degree of power, but to use that power to establish and/or maintain our dominance over others constitutes a moral and spiritual error. From such a perspective, to pursue power is to misuse power.

Thus we hold that notwithstanding the obvious importance of greater gender equality in redressing structural violence, the problem of gender inequality is not solved when women hold half the seats in schools around the world and half the positions of power in government, industry, education, and the health-care professions. It is solved only when the pursuit of power is far less of a value in the conduct of human affairs. The cultivation of a social order that is animated by a more feminine spirit would both require and bring about a spiritual, psychological, and moral revolution in the way that life is conducted on the planet.

Organic Equality and Human Interdependence

An emerging model of gender equality, referred to as “organic equality,” seeks to advance the full development and participation of women while honoring those qualities and characteristics that may, in the aggregate, distinguish men from women.⁴¹ The notion of organic equality draws upon the biological sciences for its root metaphor and is based upon four fundamental assumptions: first, that humanity may be likened to an organic system composed of multiple and diverse “parts”; second, that each part is dependent upon the whole for its viability and that no part is unimportant; third, that the parts necessarily differ from one another; and fourth, that only when all parts are working together harmoniously can it be said that the organism (humanity) is in good health.

An embrace of organic equality requires abandonment of the competitive, individualistic, power-seeking model of human beings that underlies much contemporary legal and social discourse and affords a view of male-female relations within a paradigm of complementarity. ‘Abdu’l-Bahá drew upon an organic/complementarity metaphor as he described the degree of interdependence that obtains between women and men:

There is a right hand and a left hand in the human body, functionally equal in service and administration. If either proves defective, the defect will naturally extend to the other by involving the completeness of the whole; for accomplishment is not normal unless both are perfect. If we say one hand is deficient, we prove the inability and incapacity of the other; for single-handed there is no full accomplishment. Just as physical accomplishment is complete with two hands, so man and woman, the two parts of the social body, must be perfect.⁴²

The vision of gender relations embodied in organic equality assumes that the right of each and all to participate fully and unencumbered is a logical extension and minimum requirement of interdependence and complementarity; it further assumes that a variety of forces have rendered men and women distinct from one another, not in essence, but in some basic needs and capabilities that

have been acquired over the course of history. Nevertheless, it is anticipated that these differences, liberated from the distorting influences of injustice, oppression, and neglect, will reveal the full range of strengths and capabilities available to humanity. When a state of organic equality is more fully realized, the masculine and feminine elements of civilization will be more evenly balanced. All of us, men and women alike, are apt to benefit from such a change. Thus, viewed from an organic perspective, sexual equality is not solely a "woman's issue"; it is an issue intimately connected with the destiny of all humankind.

Organic equality seeks a conception of justice that is rooted in awareness that the well-being of any part of the world system is best achieved by protection and cultivation of the whole. At the same time, a biological metaphor of complementarity and interdependence recognizes that since all parts of the human system are not the same (that is, are not identical), local, national, and international laws, policies, and procedures must be articulated in such a way as to ensure that the particular rights, responsibilities, and needs of all member groups are honored and advanced.

Inasmuch as it recognizes the uniqueness of women's contributions, seeks to release the transformative forces associated with the feminine spirit, and proscribes yet another round of struggle for power and dominance, organic equality comports well with the postmodern perspective of Mary Daly. "What is at stake is a real leap in human evolution, initiated by women," observes Daly. "[R]adical feminism . . . opens up human consciousness adequately to the desire for nonhierarchical, non-oppressive society, revealing sexism as the basic model and source of oppression. Without the power of this vision to attract women and men so that we can and will transcend the whole array of false dualisms, there will be no real change. The liberation 'movements' that leave sexism unchallenged can, of themselves, only spin delusions of progress, bringing about endless, arbitrary variation within the same senescent system."⁴³

The Ontological Basis of Gender Equality

It may be argued that although the effects of gender inequality are visible in the social, political, and interpersonal arenas, the fundamental basis for the equality of the sexes is neither political nor sociological. It is metaphysical; it is that both men and women share the same spiritual capacities. Let us examine these human capacities more fully before going further.

Notwithstanding the thoughtful critiques of *essentialism* that have emerged over the past twenty-five years,⁴⁴ and despite wide variation in morphological or cultural form, the characteristics that distinguish humans from all other forms of life are evidenced in the unique capacities associated with human consciousness. Whether male or female, and of whatever race or culture, humans

are unique in possessing the power of *metacognition*. Metacognitive capabilities distinguish human beings from other types of knowers (such as apes and chimpanzees) because they enable us, not only to acquire knowledge about ourselves and the world, but also to reflect critically upon the object(s) of our knowledge. In this sense we have the ability, not only to think, but also to think about our thinking. We may ask ourselves whether our thinking is internally consistent or logical; whether it is in conformity with what we observe through our senses; whether our inner convictions conform to our outward behavior, and so on. These powers, whether realized or in potentiality, are the powers that distinguish humans from all other species and provide the ontological bases of the equality of women and men.

Humanity's unique capacity for use of language and complex symbol systems enables the acquisition of two distinct types of knowledge: knowledge of those things that can be perceived by the senses, and knowledge of intellectual or abstract realities (gravity, justice, God, etc.). All other animals are limited in their perceptions and manipulations to the concrete world of matter. Consider, for example, humanity's capacity to engage in scientific investigation. By careful observation of that which may be perceived by the senses, humans are able to discover the operation of forces (as well as the laws and principles that govern such forces) that are not themselves directly observable. Thus the human intellect brings forth from nature its hidden secrets and enables us to harness natural forces for benefit or harm.

The power to predict the future states or conditions of many natural systems would be entirely useless if we did not also have the power to influence such systems on the basis of our goals and current understandings. This fact alone is sufficient proof that human beings must, to a significant degree, also have the power to exercise will. Concerning this point, William Hatcher writes:

By deliberately establishing, in the short run, certain particular conditions of a system, we can bring about, in the long run, certain desired future states of the system, i.e., configurations that are favorable to our goals and our [perceived] interests. This is the power that scientific knowledge gives us, the power to control our future—to participate in the processes of the natural world and not just endure them. In other words, scientific knowledge has the effect of *increasing our autonomy with regard to the natural world*.⁴⁵

C. J. Herrick wrote in a similar way seven decades ago: "Man's capacity for intelligently directed self-development confers upon him the ability to determine the pattern of his culture and so to shape the course of human evolution in directions of his own choice. This ability, which no other animals have, is man's most distinctive characteristic, and is perhaps the most significant fact known to science."⁴⁶ Furthermore, despite the proliferation of twentieth-century theories that attempted to divest humans of will, the ethical basis of human

rights law is that human beings have an inherent degree of freedom to shape the direction and quality of their own lives and that this freedom ought not to be abridged arbitrarily.

The human capacity to know, however, is clearly not limited to knowledge of natural forces. We may also acquire intuitive and creative knowledge, which enables us to develop the arts and to refine human relationships; we may acquire spiritual and divine forms of knowledge through prayer and meditation; and by combining many ways of knowing and many types of knowledge, we may find patterns of purpose and meaning that give life depth and that may evoke in us uniquely human attitudes and emotions such as awe, humility, and wonder.

Humans are likewise united in the capacity to engage important cosmological and philosophical concerns, such as the purpose of human life, the goal(s) of human development, the meaning and implications of death and suffering, and so forth. If the prosperity of humankind is to be achieved, these fundamental human capacities need to be recognized as equally inherent in women of all cultures and races and must be allowed and encouraged to unfold and flourish. Furthermore, those qualities in which the women of the world are particularly strong must be brought to the fore of collective consciousness so that the new age will be one in which the masculine and feminine qualities will be more evenly balanced.

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Sexual Violence against Women and Girls

Incest and Child Sexual Abuse

Of the abuses suffered by female children, few are as harmful and widespread as sexual exploitation. A recent study found that 29 percent of all rapes are committed against children who are less than eleven years old and that another 32 percent of all rape victims are between the ages of eleven and seventeen. The overwhelming majority of these children are victimized not by strangers but by fathers, stepfathers, brothers, uncles or other close relatives, and friends.¹ The problem of incest and child sexual exploitation cuts across all racial, cultural, and economic groups.

A study conducted in the Maternity Hospital of Lima, Peru, revealed that 90 percent of mothers aged twelve to sixteen had been raped and that most had been raped by close relatives.² In an islandwide sampling of women in Barbados, 33 percent reported having been sexually abused in childhood or adolescence.³ In a Jamaican study, 4 percent of the 450 thirteen- and fourteen-year-old girls had been raped by persons they knew.⁴

The psychological and social consequences of child sexual exploitation and abuse are impossible to calculate. Some well-known consequences include severe disruption in healthy patterns of trust and attachment, low self-esteem, eating disorders, preoccupation with suicide, multiple personality disorder, increased vulnerability to rape and future abuse, anxiety attacks, post-traumatic stress disorder (PTSD), insomnia, dissociation, borderline personality disorder, drug addiction, sexual promiscuity, school failure, and depression.⁵ Although throughout the world awareness of the problem of sexual abuse is increasing, prevalence rates of abuse appear to be increasing as well.⁶

The exploitation of children through pornography and prostitution has been described as "a global growth industry," fueled by galling poverty, greed, and a callous demand for cheap sex:

It is destroying the lives of millions of girls and boys in rich and poor nations alike, and much too little is being done nationally and internationally to check it. In some countries, children as young as seven years of age are bought and sold by adults who might be their parents, their guardians, their teachers or even agents for institutions masquerading as charitable organizations. Physically and emotionally enslaved, the children are then rented out and abused by men, and sometimes women, from all walks of life.⁷

Traditionally, both experts and laypersons have accounted for the sexual abuse of minors by invoking the image of “the dirty old man” or by reference to various types of mental illness. However, as has been noted more recently by feminists, given the widespread nature of childhood sexual abuse, it is unreasonable to assume that most child abusers are particularly unusual human beings suffering from one or another diseased state.⁸ An alternative explanation is that *deeply entrenched psychological, social, and cultural practices must contribute significantly to the likelihood that many males, from a wide range of cultural backgrounds, will be prone to abuse children sexually.* As Linda Gordon, author of *Heroes of Their Own Lives: The Politics and History of Family Violence*, notes, in focusing almost exclusively on the “perversion” of the culprits, child-protection and development agencies have avoided confronting social patterns that promote men’s sexual exploitation of children.

If progress is to be made toward the eradication of this worldwide problem, insights must be acquired into those social and cultural factors that contribute to childhood sexual victimization. While several cultural factors contribute to the sexual abuse of children, three rarely discussed factors are sexual inequality in child-rearing practices, the failure of a significant proportion of men to appreciate adequately the harmful effects of child sexual abuse, and men’s neglect of the psychospiritual challenge of self-mastery.

Sexual Inequality in Child-Rearing Practices

Several studies have shown that sexual abuse of children is most likely to be perpetrated by males who feel little responsibility for the welfare of the abused child. Gordon refers to such males as “social fathers” and has found that they are often in transient relationships with mothers and have only casual contact with their children. As a result, such men are less likely to have internalized a consciousness of the child’s welfare.

Gordon’s research revealed that while fathers living with their children might be expected to have more opportunity for an illicit sexual relationship, in fact, incestuous fathers were less likely to live with their children than were other types of abusive fathers. The best explanation for her findings, she sug-

gests, "is that fathers living with their children had more responsibilities for and intimacy with the children than absent fathers." If there is an "incest taboo," she continues, "that taboo grows from nurturant attitudes toward children, constructed through internalizing a conception of the child's interest as distinct from the adult's interest."⁹ Gordon's perspective is supported by other studies that show that fathers in reconstituted families are more likely to abuse their stepchildren sexually and that such abuse is more likely to be severe.¹⁰ Indeed, as Richard Jolly, former director-general of UNICEF, observed in his December 1993 address to nongovernmental organizations accredited to the UN: "A growing body of evidence suggests that close and early father-child links—what anthropologists call a high 'paternal investment'—greatly reduces the likelihood of violence in men."¹¹

It would thus appear that the the greater the involvement men have in nurturing children, the less likely they are to abuse those children. In most cultures women bear a disproportionate share of the responsibility for the care of children. For example, Philippine data, which are consistent with data from around the world, suggest that fathers, in general, spend less than a quarter of the time that mothers do in providing care for children.¹² Furthermore, in a wide range of cultures, as the number of children increases, so does the time spent by the mother, but not the father. Thus, according to one report, "the experience of a 'growing family' is solely or disproportionately borne by women."¹³

Increasingly, both men and women have been expressing concern about men's alienation from some of the more intimate aspects of family life. For many men, the time available for family and work has not been sufficient to build true bonds of affection and intimacy. Furthermore, within a growing number of cultures that associate male expressions of intimacy primarily with eroticism, many males may have relatively few skills in relating to any females in nonsexual ways. Since the capacities for relational intimacy are cultivated principally through sustained, nurturing relationships, some men's failure to develop such relationships within the matrix of the family may well contribute to a proclivity to seek closeness through sexual contact.

Potent barriers to many fathers' greater participation in child care that cannot be ignored include poverty, lack of nurturing experience, and lack of social support for male involvement in the lives of children. Recent studies also show that a growing number of men are becoming sexually involved with young teenage girls who are often impregnated and then abandoned. Perhaps such men are less likely to be engaged in the lives of their children because the sexual activity that brought these children into the world was largely in pursuit of pleasure, rather than the development of family.¹⁴

With respect to the impact of poverty on fathering, Andrew Hacker points out that in the United States, nearly two-thirds of all black babies are now born outside of wedlock and that over half of all African American families are

headed by women. These figures, Hacker notes, are from three to five times greater than for white households.¹⁵ Andrew Cherlin of Johns Hopkins University points out that the real problem is not "the lack of a male presence but the lack of male income."¹⁶ This perspective is corroborated by Elijah Anderson's ethnographic research, which has shown a clear link between black males' participation in the lives of their children and the economic opportunities that are or are not available in their communities.¹⁷

Similarly, Fernando Barros has presented data from a longitudinal study involving three hundred father-child pairs that illustrate the deleterious impact of poverty on fathering. Employing five indicators of father involvement (presence of the father in the home at twelve months; father's reaction to the pregnancy; father's support for the woman during pregnancy; presence of the father in the hospital during labor and delivery; and father's involvement in child care at twelve months), Barros demonstrated that the poorer the family, the less likely the father was to be involved with his child.¹⁸ According to Joseph Mahase, UNICEF representative in Barbados, in areas such as the Caribbean that have relatively high rates of female-headed households, the historical patterns of slavery and economic marginalization have resulted in a peripheral role for men in families. If men are not able to fulfill their role as economic provider, they can often find no other place in the family for themselves. Some marginalized men drift from the family; others remain and become sources of social, psychological, and/or spiritual pathologies.

While many studies show that men who are unable to support their families financially tend to neglect their children, it is also true that men with considerable economic means tend to evidence a similar pattern of family disengagement. Such a realization led Louise Silverstein to write: "Limiting the definition of fathering to the provider role in the family has been central to the problem of male privilege, and thus the subordination of women within society at large. . . . Our cultural definition of the fathering role as employment in the *public* world, rather than caretaking in the *personal* world of the family," she continues, "has been responsible for the inability of most men to be aware of and to articulate their needs for intimacy and emotional connectedness."¹⁹

Underestimating the Damage Caused by Childhood Sexual Abuse

In addition to emotional disengagement, in many societies men are socialized to regard sex as the ultimate source of pleasure, power, and control. Also, throughout the world, little has been done either to publicize the widespread nature of childhood sexual abuse or to publicize its devastating psychological and social consequences. Even in settings where opportunities to discuss the

harmful effects of child sexual abuse are available (e.g., marriage licensing centers; churches, synagogues, and mosques; psychology courses; and medical schools), in proportion to its impact, this subject often receives little attention.

Numerous studies conducted over the past three decades have shown that sexual violence—and particularly sexual violence committed by trusted ones against children—inflicts emotional injuries that can have profound implications for victims' total psychological and social development. These facts need to be more widely appreciated.

The concept of "spirit injury," introduced by Patricia Williams of Columbia Law School, captures the profundity of the damage often done by childhood sexual assault. Spirit injury, Williams affirms, leads to the slow death of the psyche, of the soul, and of the identity of the individual.²⁰ To few violations is the notion of spirit injury so apt as it is to the sexual abuse of children. Throughout much of their lives, sexually abused children may have great difficulty establishing trusting, loving relationships with themselves or others. They often have difficulty feeling safe or valued. They commonly mutilate themselves or allow others to abuse them. When abused children cannot flee from the abuser, they learn to escape abuse by using the powers of imagination. In this way, they become vulnerable to the development of somatoform and dissociative disorders. These disorders are characterized by a loss of identity, self-consciousness, and memory. In brief, the sexual exploitation of children commonly results in the death or gross distortion of the child's psyche. In this sense, sexual violence against children is among the most toxic forms of violence to which children are exposed.

Within a cultural paradigm that emphasizes an increasingly materialistic conception of human beings, it is easy for many to limit the perception of harm to that which can be registered by the senses. If we do not "see" that we are hurting others—if they do not show bruises, wounds, or broken bones—concern may be minimized by holding to the belief that no real harm has been done. This is particularly true of sexual abuse for three reasons. First, sexually abused children are generally far too confused about their experiences either to complain about them or to manifest outward signs of distress. Distress is thus often "masked." Second, for a variety of reasons, sexually abused children often show unusual allegiance to, and identification with, the abuser.²¹ Third, as noted earlier, through a variety of media—including films, books, and music—men are generally conditioned to equate all kinds of sexual activity (including sexual violence) with pleasure, rather than pain.²² Thus, even when actual violence is used, that violence may be easily integrated into an abuser's schema for pleasure. In light of these realities, much more needs to be done by national and international agencies, health-care officials, community organizations, and religious institutions to provide education on the untoward effects of sexual abuse on the lives and development of children.²³

Trafficking in Women

The sale of women and children, especially girls, into prostitution and enforced marriage is escalating in many countries. In Asia, Africa, and the Middle East such practices are common. In the Philippines, Thailand, and Sri Lanka, "sex tourism" industries have fueled a crisis in the exploitation of female children that is unmatched in history. The Bangkok-based international organization ECPAT (End Child Prostitution in Asian Tourism) reports a half million prostitutes sixteen years or younger in Thailand, the Philippines, and Sri Lanka. They report another fifty thousand who are under thirteen.

The child-sex industry is fueled by tens of thousands of pedophile tourists from the so-called pedophile ring of wealthier nations that includes the United States, Belgium, Canada, Britain, Germany, Sweden, Japan, Australia, and New Zealand. "They fly to southern Asia for child sex knowing they face little risk of being caught and small penalty if they are. The lure of tourist dollars leads government and law enforcement officials in these countries to look the other way."²⁴ Anti-Slavery International (ASI), a London-based human rights organization, also reports sexual slavery among poor Turkish women, Mozambican refugees in South Africa, and women from Bangladesh who are shipped as "mail-order brides" to the United States and Europe.²⁵

Although child prostitution has existed for centuries, escalating levels of child sexual exploitation, growing interest in human rights, and significant advancements in global communication have combined to bring the severity and ubiquity of this problem into clearer focus. In August 1996 child-welfare activists from around the world gathered in Stockholm to consult about ways to fight the growing problem of child prostitution. A second meeting was held more recently. Judicial systems around the world have also begun to show greater commitment to cracking down on sex tourists. For example, in March 1999, a Thai court sentenced Bernd Karl-Heinz, a thirty-six-year-old German citizen, to forty-three years in prison for sexually abusing children; in the Philippines, Victor Keith Fitzgerald, a sixty-six-year-old Australian, was sentenced to seventeen years' imprisonment for purchasing sex from a twelve-year-old girl; and in Sri Lanka, Benjamin Dennis, a Canadian citizen, received a one-year suspended sentence for sexual assault of two boys, aged twelve and fourteen. In addition, owing largely to the work of ECPAT, thus far eleven countries have criminalized the sexual abuse of children committed by their citizens overseas.

While growing awareness of the sexual exploitation of children has resulted in these noteworthy developments, the sex tourism industry continues to grow, in part because of the AIDS pandemic. Pedophiles and sex tourists believe that they are unlikely to catch AIDS from very young children. Furthermore, many Asian clients pursue children, not only because they believe that sex with virgins will enable them to avoid AIDS, but also because they believe that such practices promote longevity.

One of the most comprehensive analyses of the global problem of trafficking in women was completed recently by Lois Chiang for the three-volume work *Women and International Human Rights Law*. According to Chiang, women and girls are typically brought into the trafficking industry through forced prostitution, forced marriage, or forced labor. They may be lured by a ploy or brought in forcibly by abduction. The women who are targeted for trafficking are typically from the poorest regions of the world, from rural areas, and from families and communities where levels of education and sophistication about such practices are relatively low. Despite this general pattern, Chiang notes that university students in China and women in urban centers in both Montreal and Paris have also been abducted.

Those engaged in the trade and sale of women and girls include members of gangs who establish trafficking rings on behalf of organized crime; locals who recruit known girls and women from the neighborhood; former abductees and/or prostitutes who win their freedom by promising to find replacements; and fathers and mothers who knowingly sell their children into sexual slavery, forced marriages, or debt bondage for personal gain or in order to provide for the remaining family members in harsh economic circumstances. Some women and girls volunteer their services with the expectation that they will be able to escape poverty, relieve the economic pressures on their family, and/or flee from an abusive relationship in a context in which other avenues of escape may not exist.

Common ploys used to entice women and girls into the trafficking industry include offers to work in factories as laborers, offers to work in homes as nannies and housekeepers, and opportunities for employment in hotels and bars as hospitality service workers. Others are lured into fraudulent marriages as mail-order brides. Trafficking, as Chiang notes, is frequently carried out at particular points in the year when women and girls are most vulnerable:

Thus in Nepal, recruiters return to participate in local festivals in June, late August, or early September. These months, known as the "hungry months," precede the harvest so poverty is most acute. In China, traffickers look for women who have spent all their money and are stranded in an unfamiliar urban center far from home. In the Philippines, fierce typhoons may ruin farmers who then send a wage-earner to the big city, most commonly, a daughter. Traffickers are well aware of the vulnerable situations girls and women face. As one Hungarian pimp in Romania revealed, he "took the kind of girl no one would miss if she disappeared. Girls who were having trouble with their parents or who lived alone, so when they were resold, no one would look for them."²⁶

Once forced or tricked into the trafficking business, many women are then subject to various forms of physical and psychological abuse so as to render them less likely to attempt escape or to bring their case before authorities. This period is referred to as a "breaking-in" period and may include repeated rapes, various forms of torture such as electric shocks, and beatings by brothel owners

or guards. In cases in which girls are sold as virgins, psychological and physical abuse substitutes for rape as a means of forcing victims to comply.

Having been sold or traded to a brothel, family, or criminal organization, a captive is required to comply with whatever orders she is given. She typically has no control over the clients she will service, when, how many, or in what ways. She is rendered a slave and is subject to all of the limitations imposed upon slaves with respect to rights to her body, labor, and income. In some cases, women and girls are “employed” inasmuch as they are told that they have been purchased from a recruiter or her family and can repay her purchase price by working until the debt is clear. Once she pays off the debt, she is told, she will be free to go. As Chiang explains, the debt typically includes the expenses incurred for her housing and food, her purchase price, the money required for her “transportation” from her home to the brothel, cost of travel papers and passports, medical care, clothing, and protection money paid to the police. In addition to these, taxes and interest are not infrequently added. Inasmuch as women who are paid are typically paid a small fraction of the money that their services bring in, it is virtually impossible for most of them to purchase back their freedom.

Beyond these informal means of control, the enslavement of women in various parts of the world is supported by local and national authorities that profit, sometimes enormously, from trafficking in women. They are thus willing to do all they can to ensure that brothel owners are able to keep enslaved women under their control. Should women escape, they are often returned by the local police, fined or imprisoned by the judicial system for entering the country illegally, or subject to punitive action for engaging in illicit prostitution. Realizing that they cannot turn to local authorities for help, many women give up all hope of escape.

Women who are able to escape frequently learn that they are not welcome back in their families or communities. Often, writes Chiang, women who manage to escape and return to their families are rudely confronted with the fact that they are now ostracized, stigmatized, and considered “spoiled” or “damaged” goods. Not only is the woman typically shunned, but also any children she has as a result of her experience are similarly stigmatized:

When asked about leaving a brothel, [one] girl replied, “Where would I go? If I tried to go home, my family would cut my throat.” Other women find out that they have been rejected when their families do not come to take them home, or when they are publicly scorned and ridiculed upon their return to their villages. The stigmatization, coupled with the lack of opportunities for these women, results in many of those trafficked (particularly in prostitution) returning to the brothels.²⁷

Contributing to the maintenance and growth of child prostitution are religious and cultural practices that condone or encourage the sexual exploitation

of the girl child. In India, for example, a significant percentage of child prostitutes are females who have been initiated as *devadasi*, or Hindu temple servants. Traditionally, devadasi were dedicated for life to the goddess Yallamma before reaching puberty. This "divine marriage" had once served to elevate a low-caste girl into a devotional career of temple singing and dancing. Today, however, this practice is a widely accepted means of selling young girls into enslavement to temple priests for their sexual pleasure or for prostitution. Although the practice of devadasi has been outlawed, its continued growth renders it one of the primary sources of child prostitution in India.

In Brazil, child prostitution may be the worst in the world. As in other places, most child prostitutes are victims of extreme poverty, poor education, and/or domestic violence. Thus the intersection of economic conditions, insufficient education, and escalating levels of domestic violence provides a milieu in which child sexual exploitation can flourish. Another factor contributing to the growth of the industry is the lack of a coordinated international approach. When one nation in a region begins to crack down on sex tourism, other areas absorb the new business. As a result, sex tourism has spread rapidly to Africa, the former Soviet bloc, Cambodia, and other regions of the world.

A related problem of considerable and growing concern in the United States is the abduction and sexual abuse of adolescents and children. Recent U.S. Senate subcommittee hearings suggest that there were nearly one million persons reported missing in the United States in 1994 alone. Ninety percent of those missing were children or youth; and while a significant number of abducted children are abducted by parents or relatives, the National Incidence Studies of Missing, Abducted, Runaway, and Thrown-away Children (NISMA^{RT}) estimates that teenagers (50 percent) and girls (75 percent) were the most common victims of nonfamily (or "stranger") abduction. Furthermore, the overwhelming majority of nonfamily abductions involved the rape or sexual exploitation of the victim. In fact, so prevalent has the sexual molestation of children in America become that President Clinton signed into law measures that mandate notification of a community when a convicted sex offender has been released from prison.²⁸

The Role of Human Rights Law in Eradicating Trafficking

The Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others (hereafter referred to as the Trafficking Convention), the Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention), and the Convention on the Rights of the Child (Children's Convention) all contain provisions designed to combat trafficking in women and girls. The Trafficking Convention, which came into force in 1951, is the first international human rights instrument that affirms prostitution and

human trafficking are both incompatible with human dignity and damaging to the welfare of the individual, the family, and the community. The Trafficking Convention lays down the principles required for the punishment of those who procure women for trafficking, requires punishment of those who exploit prostitutes (irrespective of the prostitute's age or consent), and requires parties to the convention to: (1) abolish any form of registration or supervision of prostitutes; (2) take measures to prevent prostitution and rehabilitate victims of prostitution; (3) take appropriate steps to deal with trafficking in persons on the level of immigration and emigration procedures; (4) repatriate victims of international trafficking; (5) ensure that employment agencies protect those seeking employment from the prostitution industry. As is evidenced by the growing trafficking industry, the Trafficking Convention has been relatively ineffective in combating this problem. There are three reasons for this: first, the lack of sustained international commitment to the eradication of trafficking; second, a relative paucity of information relevant to states parties' compliance with the convention; and, third, the lack of an international enforcement strategy effective enough to hold traffickers responsible before the law.

The Convention on the Elimination of All Forms of Discrimination against Women contains an article that requires all states parties to take appropriate measures (both legislative and otherwise) to eliminate all forms of trafficking in women and the exploitative practices that attend the prostitution of women. Article 6 of the Women's Convention goes beyond the provisions contained in the Trafficking Convention by requiring all states parties to confront the root causes of trafficking, rather than limit their focus to punishing perpetrators after trafficking crimes are committed.

The Women's Convention also goes further than the Trafficking Convention in that simultaneous with its adoption was the articulation of a formal committee, known as CEDAW, that is designed to monitor the compliance of states parties with the convention's provisions. While CEDAW's enforcement powers are limited, the committee does receive regular country reports from all 154 signatories to the convention and is empowered to use such data to monitor the progress of states and to request action on the part of the UN General Assembly should efforts to uphold the provisions of the convention not be manifested in state actions.

The Convention on the Rights of the Child, which covers persons under the age of eighteen (unless domestic laws specify that majority occurs at an earlier age), deals specifically with the trafficking and exploitation of children. This convention requires states parties to: (1) take appropriate measures to prevent the illicit transfer and nonreturn of children abroad; (2) to take steps required to protect children from all forms of neglect and physical, mental, or sexual violence and abuse when they are in the care of parent(s), legal guardian(s), or any other persons; (3) to protect children from economic exploitation; (4) to protect children from abduction and/or sale for any purpose and in any form; (5) to take

steps to promote the full psychological and physical recovery and social reintegration of children who have been victimized by any form of exploitation, abuse, torture, or any form of inhuman, degrading, or cruel treatment; and (6) to ensure that a child not be separated from his or her parent against their will, save when such separation is deemed in the best interest of the child.

In 1991 a working group convened by the Coalition against Trafficking in Women assumed responsibility for identifying international human rights approaches to the exploitation of women in prostitution. The product of this effort was a draft of the Convention against Sexual Exploitation (CASE), which was subsequently introduced at the 1993 World Conference on Human Rights and the 1993 preparatory meetings for the Beijing Women's Conference. CASE defines sexual exploitation as "a practice by which person(s) achieve sexual gratification or financial gain by advancement through the abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being" (CASE appears in appendix C of this book). Sexual exploitation, according to CASE, is dehumanizing inasmuch as it treats human beings as objects, divests human beings of their dignity, and denigrates victims' sense of self-worth. Furthermore, as has been noted by Elizabeth Defeis in her analysis, CASE also addresses the "private sexual subordination of individual women and violence against women that escapes direct condemnation in both the Women's Convention and the Declaration on Violence Against Women."²⁹ The forms of sexual exploitation recognized by CASE include female infanticide, wife and widow murder, battering, prostitution, genital mutilation, female seclusion, dowry and bride price, sexual harassment, rape, incest, sexual abuse, and torture. CASE also provides for the provision of services to those exposed to sexual exploitation.

As Defeis notes, CASE's approach to the eradication of prostitution is both unique and comprehensive. Unlike earlier conventions, CASE condemns all forms of prostitution, regardless of the victim's age, consent, race, or geography, and affirms that all sexual exploitation, including prostitution, is a violation of a person's fundamental human rights. CASE also criminalizes the promoters and customers of prostitution, while decriminalizing the women whose circumstances have brought them into the practice. Commenting on this unique aspect of CASE, Defeis writes:

While this approach has been criticized as unrealistic and incorporating a double standard, it is necessary to draw a distinction between the victim and the perpetrator. While much prostitution is maintained through force and physical coercion, very often prostitution is the result of earlier sexual and emotional abuse, economic disadvantage, manipulation, and deception inflicted on the victim. Prostitution is thus a continuing form of rape, sexual abuse, and battery.

The distinction commonly made between voluntary and forced prostitution is also rejected in CASE. The argument that prostitution is often the result of

personal choice that some women willingly make is not persuasive. The data suggest that few women appear to make a considered decision to become or remain prostitutes. Rather, in most cases the choice to enter into prostitution is the result of conditions that the prostitute neither originally chose nor would probably choose again, should the conditions that led to prostitution be different.

CASE advocates a comprehensive approach to remedying the conditions that lead to the flourishing of prostitution and the intergenerational transmission of the practice. Such conditions include economic development policies and practices that channel women into conditions of sexual exploitation, sex tourism industries that often have implicit or explicit government support, mail-order-bride businesses, the sexual exploitation of women and children in refugee camps, and the sexual exploitation of women and children using new media ad technologies.

Rape and Sexual Abuse by Armed Forces

On 21 January 1993, Amnesty International (AI) issued a report on abuses against women, including rape, in the conflict in Bosnia-Herzegovina. In this document AI presented testimony suggestive of widespread, systematic, and prolonged sexual violence against women that appeared to have the implicit or explicit approval of political and military leaders. In addition to its use in Bosnia-Herzegovina, sexual violence against women and girls has been a part of official military strategy in a number of wars and conflicts over the course of history. For instance, rapes on a mass scale have been recorded in antiquity during the wars of ancient Greece and in the Crusades. Rapes were also committed during the U.S. Civil War and the war in Vietnam. The Yugoslavians reported rapes committed by Stalin's Red Army during World War II; the Nuremberg trials revealed that the Nazis would routinely use rape to inflict dread and terror; and in 1971, the rape of two hundred thousand to four hundred thousand Bengali women occurred during Bangladesh's struggle for independence from West Pakistan. More recently, on 15 August 1993, Prime Minister Hosokawa of Japan formally recognized that the Japanese government kidnapped and forcibly confined seventy thousand to two hundred thousand Korean, Chinese, Filipina, and Indonesian women during the Second World War to serve as sexual slaves, or "comfort women." Indeed, in her statement to the U.S. House of Representatives Committee on Foreign Affairs subcommittee hearings on human rights, Dorothy Thomas, director of the Women's Rights Project, noted that in the last few years alone the use of rape as a military tactic has been well documented in countries as diverse as Peru, Somalia, Liberia, India, and Burma.³¹

In March 1994 the United Nations/Organization of American States Inter-

national Civilian Mission in Haiti condemned the use of rape against Haitian women and implicated armed civilian auxiliaries, attachés, members of the Front for the Advancement and Progress of Haiti, and Haiti's armed forces in a political campaign of violence and terror that targeted women. Similarly, in Rwanda, militiamen raided homes, hospitals, and camps in pursuit of women and girls who were subject to rape, sometimes in public, as part of the official strategy designed to terrorize and evacuate the locals.³²

The use of rape as an official military strategy continues because it has proven to be effective from both economic and strategic perspectives. With respect to the short-term military advantage it confers, relatively poor and technologically unsophisticated tribes, ethnic groups, or nations—which may be ill equipped to engage in ongoing combat with neighboring enemies—can, nevertheless, inflict considerable terror and loss by adopting military tactics and campaigns that target a community's women and children. In addition, as was witnessed in the conflict in Bosnia-Herzegovina, sexual assault so devastates and demoralizes the integrity of the family and the community that victims are often compelled to flee contested areas in humiliation and shame. For despotic leaders bent on the cultural, ethnic, and/or racial genocide of another people, rape has thus become an invaluable military tool.

Although the 1949 Geneva Conventions as well as the 1977 protocols view rape, enforced prostitution, and all other forms of indecent assault as crimes under national and international rules of war, Rhonda Copelon noted recently that where rape and other forms of sexual assault are mentioned in these documents, they are categorized either as an outrage upon personal dignity or as crimes against honor. Crimes of violence, including murder, female circumcision, cruel treatment, and torture, are treated separately.³³ In Copelon's view, conceptualizing rape as a crime against dignity and honor, as opposed to a crime of violence, is a serious problem:

Where rape is treated as a crime against honor, the honor of women is called into question and virginity and chastity is often a precondition. Honor implies the loss of station or respect; it reinforces the social view, internalized by women, that the raped woman is dishonorable. And while the concept of dignity potentially embraces more profound concerns, standing alone it obfuscates the fact that rape is fundamentally violence against women—violence against a woman's body, autonomy, integrity, selfhood, security and self-esteem as well as her standing in the community. This failure, to recognize rape as violence, is critical to the traditional lesser or ambiguous status of rape in humanitarian law.³⁴

The fundamental question, in Copelon's view, is no longer whether human rights provisions regard rape as a war crime; rather, it is whether rape represents a "grave breach" of the provisions of the Geneva Conventions. For only those war crimes that are judged to be grave breaches of the conventions give

rise to “universal jurisdiction.” The implication of universal jurisdiction is that all nations have an obligation to do everything within their power to bring the perpetrators of such crimes to justice. Since rape is not specifically mentioned in the list of crimes considered grave breaches in the Geneva Conventions, it is possible for some international jurists to argue that rape can be redressed only by the state to which the wrongdoer belonged or in which the wrong occurred, and not by an international tribunal. To obviate this danger, Copelon maintains that it is important that rape be recognized and classified as a form of torture in international human rights documents and their provisions.

Rape as a Widely Used Weapon and Instrument of Domination and Control

The use of rape as an official strategy of war is not the only context in which rape and sexual abuse appear to be socially sanctioned. In an illuminating work on rape in cross-cultural perspective, Patricia Rozée distinguishes between “normative” and “non-normative” rape. According to Rozée, nonnormative rape is “illicit, un-condoned genital contact that is both against the will of the woman and in violation of social norms for expected behavior.”³⁵ Normative rape, by contrast, is defined as “genital contacts that the female does not choose, but that are supported by social norms.”³⁶

Normative rape may also take the form of “punitive rape.” In this widely used form of rape, rape is used to punish, and thereby silence and control, women leaders. Koss, Heise, and Russo, for example, report that in India, a highly successful leader of a women’s development program was gang raped by male community members because they disapproved of her organizing effort against child marriage. “The woman was raped in front of her husband,” report Koss et al., “who was warned, ‘Keep your wife in line or we’ll rape her again.’”³⁷ In another widely publicized case, Cecilia Rodriguez, Texas-born human rights activist and the Zapatistas’ U.S. representative, was abducted, raped, and sodomized by “unknown assailants” during a visit to Mexico for peace talks between the Mexican government and the Zapatista Army for National Liberation (EZLN).³⁸ Alternatively, punitive rape often takes the form of sexual torture, inflicted by state security forces against women held in detention.³⁹

Although rarely investigated, punitive rape is also common among street children who have little or no social and legal protection. Among the street children of Brazil, for example, *ronda*, a form of ritualized gang rape, is a common way of controlling a group’s behavior and punishing rule breakers. Girls are particularly vulnerable to such rapes because of their relatively low number on the streets, as well as their dependence on males for protection.

Other forms of normative rape identified by Rozée include ceremonial rape, exchange rape, theft rape, and status rape. “Status rape” is said to occur when

"unchosen genital contact . . . occurs primarily as a result of acknowledged differences in rank between the individuals involved" (such as master and slave, nobleman and commoner, chief and clanswoman, priest and parishioner).⁴⁰ In "ceremonial rape" females are expected to submit to genital contact as part of socially sanctioned ceremonies, procedures, or rituals. Virginity tests and "ritual defloration," according to Rozée, are common examples of this type of rape. Ritual defloration "is intended to bring a young girl to womanhood [and is] . . . also known in the literature as opening the vulva or introcision. This may be accomplished with fingers, objects such as a stick or stone knife, or by penile penetration."⁴¹ "Theft rape," Rozée notes, includes the involuntary abduction of women as slaves, prostitutes, concubines, or spoils of war. Last, "exchange rape" occurs when males use "female genital contact as a bargaining tool, gesture of solidarity, or conciliation."⁴² Wyatt has suggested that a particularly common form of exchange rape is what she calls "survival rape." Survival rape occurs when young, poor women are sexually involved with older men in order to obtain the goods or services they may need in order to survive.⁴³

Survival rape is particularly prevalent among refugee women and street girls who lack economic resources and social support. Economic desperation renders them susceptible to sexual exploitation in exchange for essential needs such as food, shelter, security, and documentation. Among refugee women, rape can take place prior to flight when they are targeted by the police, the military, or even male community leaders who barter women and children for arms and ammunition. Rape also occurs when refugees are attacked by pirates, smugglers, border guards, or other refugees. Finally, refugees may be sexually violated in the country of asylum by persons in authority, other refugees, and members of the local population. Refugees who are most at risk for sexual violence include unaccompanied women, lone female heads of household, unaccompanied children, children in foster-care arrangements, and those women and children in detention or detention-like situations.⁴⁴

Beyond the aforementioned forms of normative and nonnormative rape, forced prostitution by parents or male partners is a growing problem in a number of countries throughout the world. This problem has been recognized as a significant source of distress among women of Pakistan. In her report on violence against women, Coomeraswamy recounts the story of Ayesha, a Pakistani woman who was beaten and forced into prostitution by her husband, who was addicted to heroin:

On 19 May 1995, Ayesha was finally compelled to abandon her home for fear of her life. According to Ayesha, her young children and the neighbor's children were involved in a quarrel to which she responded by reprimanding all the children. Her husband, after hearing about this, became angry with Ayesha and subjected her to beating. Since this was not the first incident of beating, Ayesha threatened to go to Mandi Hira Singh police station to report the beating. Ayesha then went to report the matter to the police. At the police station, Ayesha met

some of her husband's relatives who advised her not to go and threatened her with an ax and a butcher's meat chopper. Later that day, Ayesha escaped to the police, claiming that the matter could not be settled within the family. She also met her uncle who advised the same. In the meantime, Ayesha's husband had learned of her intentions to report the incident. He, along with some other relatives, followed her to the police station. Once he arrived and had assured Ayesha's uncle that he would neither beat nor hurt her, Ayesha's uncle convinced her to return to the village. They returned the same day. That night, Ayesha's husband suddenly took the children out of the house and returned with six of his relatives. According to Ayesha, her husband and his six relatives all beat her. After the beating, her in-laws held her down while her husband retrieved a kitchen knife and cut off her nose. After this, Ayesha ran away to her relatives in Karachi where she remains.⁴⁵

The Health Consequences of Rape

The physical and psychological consequences of rape may endure a lifetime. Some of the physical complications resulting from rape include chronic pelvic pain, arthritis, gastrointestinal disorders, headaches, chronic pain disorders, psychogenic seizures, and premenstrual symptoms.⁴⁶ A study of rape in Bangladesh reports that 84 percent of rape victims suffered from severe injuries, mental illness, or even death following rape.⁴⁷ Primary-care reports indicate that as compared to nonvictims, women with a history of rape victimization present a wider range of symptoms across the entire body system with the exception of the skin and eyes.⁴⁸

Rape victims are at greater risk of contracting sexually transmitted diseases (STDs), including HIV. Younger girls are particularly targeted for rape by men who want to avoid HIV infection. According to UNICEF, the global AIDS epidemic seriously threatens the lives and health of millions of women since women not only are vulnerable to men's sexual demands but also lack the negotiating power necessary to secure protected sex. Among the increasing number of poor women and girls who sell their bodies in order to survive, the risk of sexually transmitted disease is greatly multiplied. UNICEF estimates that four million of the ten million HIV infections worldwide in 1992 are among women. In some parts of Africa, as many as 30 percent of women of reproductive age are reportedly infected; and in Zimbabwe, HIV infection among fifteen- to nineteen-year-old girls is six times higher than in boys.⁴⁹

In the United States, STDs occur in 4 to 30 percent of rape victims.⁵⁰ STDs that go untreated can lead to more serious reproductive-health consequences. For example, many of the former Korean "comfort women" had to be sterilized since their reproductive organs and urinary tracts were severely affected by STDs.⁵¹ Inasmuch as rape victims are subjected to unplanned intercourse, they are usually unable to use contraceptive devices. As a result, rape victims

often either become mothers of unwanted children or victims of black-market abortions.

From a cross-cultural perspective, relatively little is known about the psychosocial consequences of rape. Although a wide range of psychological complications have been reported in the literature, much of that which is reported focuses on Western populations and is discussed according to Western psychological standards and values. Be that as it may, a sample study conducted in the United States found that 60 percent of sexual assault victims experience sexual dysfunction three years after the assault. Even after many years following rape, victims have a two times greater risk of qualifying for ten different psychiatric diagnoses, including major depression, alcohol abuse, drug abuse, obsessive-compulsive disorder, generalized anxiety disorder, eating disorders, multiple personality disorder, borderline personality syndrome, and post-traumatic stress disorder.⁵²

The most common syndrome associated with rape is post-traumatic stress disorder. PTSD sufferers show such symptoms as intense nervousness, difficulty concentrating, memory impairment, sleep disorders, emotional numbing, and intense reactions toward, and avoidance of, events that revive the traumatic experience. In some extreme cases, the psychological symptoms resulting from rape have included the development of trauma-induced psychoses.

The extent to which rape affects victims is influenced by a number of contextual factors. In some societies, a woman who has been raped is treated, not as a victim, but as a criminal. A study conducted in Bangladesh in 1989 found numerous cases involving women who were beaten, murdered, or driven to suicide because of the dishonor that their rape had brought upon their families.⁵³ A *New York Times* article reports that a twelve-year-old girl was given to an Ewe priest in Ghana to serve as a slave in order to atone for the rape that led to her birth.⁵⁴

A similarly severe stigma is attached to children of rape victims in Rwanda. Up to five thousand children resulting from rape during the genocide were labeled as "child of hate and infant non-desires."⁵⁵ One woman who was ashamed of carrying the child of a Rwandan Hutu militiaman gave a false name at the hospital and left the infant behind after giving birth. The child had been conceived during a rape committed by the same man who had slaughtered her parents and brother.⁵⁶

In countries like Fiji, the Philippines, Thailand, Mexico, and Peru, the culturally accepted resolution of rape is sometimes to legitimize the union of the woman and her rapist through marriage.⁵⁷ This is believed to preserve the family honor. In societies where virginity is highly valued, rape can become tantamount to a social murder.⁵⁸ Indeed, owing to the extent of its impact not only on the victim but also on whole communities, rape is sometimes used to restore a threatened hierarchy. In India, for example, gang rape has been a commonly used method of demoralizing opponents and crushing protest movements.⁵⁹

Clearly, the consequences of rape for individuals and for communities are profound and far-reaching.

Sexual Harassment

A dimension of sexual abuse that has received relatively little attention on a global scale is the problem of sexual harassment of women and girls in schools and workplaces. Nevertheless, studies from a variety of contexts reveal that sexual harassment is a serious and pervasive problem. In Germany, the United Kingdom, Tokyo, Tanzania, and Asia, sexual harassment in the workplace has been identified as a serious problem for well over 60 percent of the women surveyed.⁶⁰ Despite its pervasiveness, until recently, few countries had established legal provisions for the protection of women from this insidious form of violence. In the United States, which was the first country to establish laws against sexual harassment, no legal definition of sexual harassment existed until 1980 when the U.S. Equal Employment Opportunity Commission (EEOC) issued guidelines prohibiting attempts to extort sexual activity by use of subtle or explicit threats of job-related consequences.

The EEOC guidelines noted that there are two forms of sexual harassment for which employers will be held responsible: *quid pro quo* harassment, in which the terms and conditions of employment were made conditional upon sexual favors; and sexual harassment that resulted from the creation of a hostile work environment. Sexual harassment was defined by the EEOC as unwelcome "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature," wherein any of three criteria is met: (1) such conduct interferes with an employee's work performance by creating an intimidating, hostile, or offensive work environment; (2) submission to such conduct is either implicitly or explicitly used as a basis of an individual's initial or continued employment; or, (3) acquiescence to sexual requests serves as a criterion in employment-related decisions. Since the EEOC guidelines were established, numerous studies and lawsuits have established the widespread nature of sexual harassment in the United States.⁶¹

In his report on the occurrence of rape against women in the military, for example, Gary Warner notes that a woman serving in the U.S. Army is 50 percent more likely to be raped than a civilian.⁶² Similarly, women serving in other male-dominated institutions, such as police and fire departments, construction companies, and manufacturing industries, are more likely to be subject to gender-related violence and abuse than are women serving in occupations with longer histories of female involvement.

The Thunder Bay (Canada) Committee on Sexual Harassment conducted a study in 1980 in which women were asked if they felt sexual harassment to be a serious problem: 83 percent said yes. Similarly, a 1981 Women in Trades

questionnaire revealed that 92 percent of the respondents felt that they had been sexually harassed. In British Columbia, Canada, 90 percent of the unionized women surveyed indicated that they had experienced sexual harassment; and in the United Kingdom and several other regions of the world that record such data, sexual harassment is recognized as both a persistent and a serious problem.⁶³

Cyberporn and the Sexual Exploitation of Children

Although rape, sexual slavery, incest, and sexual harassment have been long-established threats to the development and well-being of the world's children, a problem that has only recently emerged on the world scene is the exploitation of children through the Internet.

The proliferation of child-pornography trafficking has created an anonymous "pedophile superstore." These pornographic industries not only abuse children in the making of their materials but also contribute to a growing trend of sex-related violence against children and youth by family members. In the mid-1980s dealing in child pornography became illegal in every Western nation. Nevertheless, the U.S. Department of Justice estimates that at two billion to three billion dollars a year, child pornography continues to be one of the world's largest and most successful cottage industries. In the United States alone, more than a million children have been filmed undergoing various forms of sexual abuse and exploitation.

The largest source of commercial child pornography is Denmark. Denmark became the world's leading producer of child pornography when, in 1969, it removed all restrictions on the production and sale of any type of pornographic material. "The result," notes Tim Tate, "was a short-lived explosion in adult pornography, and the birth of commercial child pornography."⁶⁴ In his work, Tate links the global spread of child pornography to two men: Willy Strauss, founder of *Bambina Sex*, the world's first child-pornography magazine, founded in 1971; and Peter Theander, founder of Colour Climax Corporation and the producer of a short, professionally made pornographic film series entitled *Lolita*. *Lolita* depicts the sexual abuse of prepubescent boys and girls. Although Danish law at the time rendered the work of Strauss and Theander legal, by 1979 when Denmark finally banned the production and sale of child pornography, it had already become such a financial success on the international market that it has proven to be nearly impossible to bring its spread under control.

That child pornography contributes to the sexual victimization of children is unquestionable. Not only does the production of child pornography necessitate the sexual abuse and exploitation of children, but also child pornography merchants encourage their customers to "find" children with whom new pornographic materials can be produced. One of the most successful publishers of

child pornography, Joop Wilhelmus, often encouraged his customers to send him photos from their pedophile collection so as to ensure his magazine's survival: "This magazine can only exist if you help us! Send us photos from your collection."⁶⁵ According to Tate, Wilhelmus also provided his readers a venue for advertising for both child pornography and child sexual partners.⁶⁶

Despite the spread of child pornography throughout the Western world, the children most vulnerable to exploitation in this way are poor children of color. The number of children from "developing nations" appearing in pornographic photographs and films is escalating. In addition, throughout the world, poor, runaway, homeless, and refugee children are most likely to be depicted in dehumanizing and sadistic scenes because their compliance with such treatment is often linked with their survival. Commenting on the intersection of race and poverty in child sexual exploitation, Liz Kelly notes:

The use of black children from the 'Third World' in commercially produced child pornography . . . demands further investigation. Is it only that children are easier to procure where physical survival is a daily struggle, where children have to work from an early age? What role do racism and Western economic and cultural imperialism play in this particular form of sexploitation? . . . While the picture of a white child might induce momentary guilt in the white Western consumer through a connection to his own children, this possibility is removed when the children are black. Even the outrage of white non-consumers of pornography often turns on what is being done to 'our' children, i.e. white children. Black children are thus not only 'non-persons' to the white Western consumer (and some of their critics), but also 'non-children'.⁶⁷

In 1985, U.S. Attorney General Edwin Meese III appointed a commission on pornography. In service to this commission, and in his role as the surgeon general of the United States, C. Everett Koop organized a panel of clinicians and researchers to examine what we know about the way that pornography affects the physical and mental health of people, and especially young children and adolescents. After a review of available research, these experts gathered for a weekend workshop to discuss their findings and were able to reach consensus on five points that are summarized by the surgeon general below:

1. Children and adolescents who participate in the production of pornography experience adverse, enduring effects. The participants were thinking of the sexual victimization of young people and the pathway that takes them from involvement in the production of pornography to their subsequent involvement in child prostitution.
2. Prolonged use of pornography increases beliefs that less common sexual practices are more common. This is similar to the conclusions reached elsewhere concerning violence and other antisocial activities. Repeated exposure to depictions of such activities tends to build up the impression in the exposed person's mind that people are doing such things more often than is actually the case.

3. Pornography that portrays sexual aggression as pleasurable for the victim increases the acceptance of the use of coercion in sexual relations. I am certain that this kind of pornography is at the root of much of the rape that occurs today. Impressionable men—many of them still in adolescence—see this material and get the impression that women like to be hurt, to be humiliated, to be forced to do things they do not want to do, or to *appear* to be forced to do things they really *do* want to do. It is a false and vicious stereotype that leads to much pain and even death for victimized women (emphasis in original).

4. Acceptance of coercive sexuality appears to be related to sexual aggression. This statement, in a sense, completes the circle. In other words, if a man sees a steady stream of sexually violent material in which the victim seems to enjoy the treatment, he begins to believe that coercion and violence are acceptable in sexual relations. And then he may well take the next step: He may convert this attitude into behavior and himself become the perpetrator he has been watching or reading about in pornography.

5. In laboratory studies measuring short-term effects, exposure to violent pornography increases punitive behavior toward women. This statement is obviously impossible to prove by controlled ethical experiments. However, the workshop participants felt that this fifth and final consensus statement could be safely drawn from the experimental and survey data already available.⁶⁸

U.S. National Child Sex Offender Registration Laws

The last several years have witnessed a significant increase in the passage of national laws intended to protect children and youth from child sex offenders and “sexual psychopaths.” Awareness of the need for such laws grew significantly in the 1980s when, in the United States, sexual assaults committed by repeat sex offenders began to gain national attention. In one of the most tragic cases, Earl Shriner, who had been released on bail pending trial for an alleged rape in 1989, lured a seven-year-old boy from Tacoma, Washington, into the woods where he raped the child, stabbed him, cut off his penis, and left him to die. Despite his condition, the young boy did not die but was found wandering through the woods, covered in blood, nude, and in shock. When Shriner was arrested later that day, the community was outraged to learn that he had been arrested several times before for a variety of sexual offenses committed primarily against young girls.⁶⁹ In response to a campaign spearheaded by the young boy’s mother and supported by the community, the Washington State legislature passed an act requiring the registration of convicted child sex offenders. This was the first such law to be passed in the United States.

When a year later an eleven-year-old boy named Jacob Wetterling was abducted near his Minnesota home and never found again, public sympathy for Jacob and his family led to action on the federal level. Congressman Jim Ramstad of Minnesota sponsored a bill requiring national registration of released

sex offenders. However, as Ramstad's bill was under consideration, a ten-year-old boy named Zachary Snider was molested and murdered by a released child sex offender in Indianapolis, and Megan Kanka was murdered and raped by a convicted child sex offender in New Jersey. Thus, while Ramstad's legislation was being passed on the national level, "Megan's Law" and "Zachary's Law"—which were similar to the Washington State legislation—were under consideration on the state level. Following this pattern, as of January 1996, forty-six states have passed child sex offender registration laws.⁷⁰ Sex offender registration laws received strong legislative support, not only because of the heinous nature of the crimes described above, but also because of testimony rendered before the U.S. Congress concerning the likelihood that most sex offenders would rape and molest again. According to one report, 74 percent of imprisoned child sex offenders had already been convicted of a similar crime. In addition, research reports presented before the Congress suggested that the typical sex offender will molest more than one hundred children in his or her lifetime.⁷¹

In 1994, as part of the federal crime bill, Congress passed the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act. By requiring all states to establish a child sex offender registration system by 1997, this act was intended to encourage the creation of a national database. Those states that did not establish a registration program were in danger of losing 10 percent of their federal funding for crime prevention.⁷²

The primary purpose of child sex offender registration was to have a list of child sex offenders available should a child be harmed or prove missing. Such a registry would decrease the likelihood that a pedophile could abduct a child, move to a new area where they are not known, and go undetected. By having information on the whereabouts of all offenders, the most likely suspects could be quickly identified and traced. Furthermore, some hoped that child sex offender registration would have a deterrent effect.

Sex offender registration laws in all states are similar in that they each require a convicted sex offender to notify law enforcement when he or she is paroled in a state or takes up residence there. Beyond this, there is variation. Some states mandate lifelong registration of offenders; some vary the period of registration according to/on the basis of the number and type of offenses. Most states require an offender to register anew whenever he or she changes addresses. In some states release of the identity of the offender is prohibited, while in others law enforcement officials may render public notice when a convicted sex offender has been released into the community and may also publicize the offender's street address.⁷³

To be in compliance with national standards, offenders convicted of one of the following offenses must register: kidnapping or false imprisonment of a minor, criminal sexual conduct toward a minor, use of a minor in a sexual act, solicitation of a minor to engage in prostitution or any form of sexual conduct,

and any act that is a sexual offense against a minor.⁷⁴ Anyone who has been convicted of one of these acts must register with the appointed state agency for a minimum of ten years and within ten days of relocating to a new state. For those who have already been convicted of a violent sexual offense and who have been diagnosed with a mental illnesses that may predispose them to commit future assaults, the designation "sexually violent predator" may be applied. An individual so designated is required to register for life and must confirm his or her address to the appropriate authorities every ninety days.

Despite widespread public support for sex offender registration laws, they continue to face constitutional challenges. Michelle Earl-Hubbard has argued that these laws may violate the Eighth Amendment, which prohibits cruel and unusual punishment; that they may violate the offender's right to due process; that they may have untoward and unintended consequences such as a deleterious impact on the effectiveness of sex offender treatments. Others express concern about whether the resources exist for such laws to be effectively enforced.

Another type of law designed to protect the community from repeat sex offenders is covered under the Sexually Violent Predator's Act (SVPA), which was first passed by the Washington State legislature in 1990. This act permits the indefinite civil commitment of a person who is designated a sexually violent predator, even after completion of the crime-related prison term.

According to Andrew Horwitz, the SVPA is a revised version of a previously repealed law referred to as the "sexual psychopath statute." First passed in Michigan in 1937, the sexual psychopath statute was written in response to a growing sense of the spread of sexual violence throughout the country. By the 1960s, almost all U.S. states had enacted sexual psychopath legislation, but by the 1970s, the same states had begun to repeal these laws. Horwitz explains that the demise of sexual psychopath legislation could be attributed most significantly to widespread disillusionment with the concept of criminal rehabilitation and expanding popularity of retributive sentencing.⁷⁵ Under the earlier sexual psychopath legislation, the principal aim was to rehabilitate those suffering from sexual psychopathy so that they would pose less risk to society upon their release from prison. The new act, however, is focused less on treatment and more on punishing offenders and protecting the public.

The Sexually Violent Predator Act defines those acts that are "sexually violent" and specifies those acts that may be labeled "predatory acts." In the most general sense, predatory acts are acts "directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization."⁷⁶ Although such legislation may be necessary, limiting the definition of a sexual predator in this way precludes inclusion of the overwhelming majority of individuals who commit sexual crimes against children. In most cases, children are not victimized by strangers but by known family members and friends.

As is the case with sex offender registration laws, as well as with sexual psychopath legislation, sexually violent predator acts have been subject to considerable criticism. Chief among the criticisms is the effort to link this legal designation to a diagnostic condition that has no clinical significance and no known treatment. The American Civil Liberties Union has described SVPAs as “an exercise in lifetime preventive detention disguised as voluntary psychiatric treatment.”⁷⁷ The principal concern here is that prosecutors and courts may have too much latitude in detaining an individual indefinitely once he or she has been convicted of any sexually violent crime. Although the law also requires that offenders show evidence of future dangerousness and mental abnormality to be committed under this act, civil libertarians worry that neither mental abnormality nor future dangerousness can be reliably established.

Another criticism lodged against these acts by some is that they endeavor to disguise punishment in the rhetorical garment of rehabilitation. This semantic device, critics charge, enables the indefinite imprisonment of offenders without the usual concern for justice and equity in sentencing. Finally, many have objected to SVPAs because they suggest that they exacerbate therapeutic problems among those seeking treatment for sexual offenses while serving time under the statute. Convicted offenders, one clinician noted, may perceive the law as both “arbitrary” and “excessive.” It thus becomes difficult to establish a positive therapeutic relationship between the offender and therapist because of the former’s bitterness. Notwithstanding these concerns, the first constitutional test of Washington’s Sexually Violent Predator Act, brought before the U.S. Supreme Court on behalf of Leroy Hendricks, a man convicted of taking “indecent liberties” with two thirteen-year-old children, resulted in a 5–4 decision to uphold the act.

Moral and Spiritual Dimensions of the Problem: The Challenge of Self-Mastery

Consider the following dream:

Last night I dreamed of a blood-sucking creature—part bug, part animal—which crawled along the floor, as does a cockroach or a lizard. I knew intuitively that it was dangerous, and that if left alive, would suck the blood from its victim, leaving it lifeless and without spirit. I was its intended victim and knew that only I could slay it. Although it moved rapidly, I was able to step on it with my foot, smashing part of it into the floor and releasing from it a white, foamy substance that belied its dangerous nature. But when I smashed a part of it, it had the ability to turn its head upon itself, and biting itself, to restore its body to health. Thereupon, it would continue its struggle to drink of the blood of my life. Several times I did slay it; and several times it brought itself back to life. But I persisted and I smashed it again and again. When I had smashed it several times, I smashed it yet

again, and beheld that in an instant, it had become a brown slipper—a comfortable shoe that I could wear. Inside the shoe there was again the white, foamy substance, but it had become a warm, soft cushion.

This dream, uncommon perhaps in the details but recognizable in form, symbolizes the archetypal struggle that everyone engages in to some degree with the lower self. The effort to master the lower self and to bring it under the stewardship of what the ancients referred to as the higher self is a recognizable motif in every culture across time. Islam commands this struggle when it prescribes jihad, or holy war; and while jihad is frequently invoked to justify acts of terrorism and violence, the jihad spoken of in the Qur'an may also be understood as a call to the holy war to conquer one's self. One who engages in jihad seeks to achieve a state of inner purity and self-mastery. Commenting on this fact, the Islamic Sufi mystic Bawa Muhaiyaddeen observed: "For man to raise his sword against man, for man to kill man, is not holy war. True holy war is to . . . cut away the enemies of truth within our own hearts. We must cast out all that is evil within us, all that opposes God. This is the war we must fight."⁷⁸ Buddhism, the Bahá'í Faith, Christianity, Hinduism, Judaism, the Zoroastrian faith, and the moralists of the humanistic school all address this struggle, as it is a universal one without which civilization is impossible. In the world's mystic, philosophical, and religious literatures, stories and parables abound about the tests that are related to self-purification and self-mastery.

In the *Republic*, for example, Plato is engaged in discourse with those who do not understand the necessity of this struggle and who therefore say that the best in life is to do injustice without penalty, while the worst is to suffer injustice without being able to take revenge. Inasmuch as the state would be poorly run if people committed injustice without fear of punishment, Plato's detractors affirm that the whole purpose of law is to prevent injustice by providing threats and punishments to those who would otherwise be unconstrained in pursuing their passions. To illustrate the force of their popular, albeit misguided, argument, Plato draws upon the mythic story about the power that the ancestor of Gyges of Lydia possessed:⁷⁹

The story goes that he was a shepherd in the service of the ruler of Lydia. There was a violent thunderstorm, and an earthquake broke open the ground and created a chasm at the place where he was tending his sheep. Seeing this, he was filled with amazement and went down into it. And there, in addition to many other wonders . . . he saw a hollow bronze horse. There were windowlike openings in it, and, peeping in, he saw a corpse, which seemed to be of more than human size, wearing nothing but a gold ring on its finger. He took the ring and came out of the chasm. He wore the ring at the usual monthly meeting that reported to the king on the state of the flocks. And as he was sitting among the others, he happened to turn the setting of the ring towards himself to the inside of his hand. When he did this, he became invisible to those sitting near him, and

they went on talking as if he had gone. He wondered at this, and, fingering the ring, he turned the setting outwards again and became visible. So he experimented with the ring to test whether it indeed had this power—and it did. If he turned the setting inward, he became invisible; if he turned it outward, he became visible again. When he realized this, he at once arranged to become one of the messengers sent to report to the king. And when he arrived there, he seduced the king's wife, attacked the king with her help, killed him, and took over the kingdom.

Let's suppose, then, that there were two such rings, one worn by a just and the other by an unjust person. Now, no one, it seems, would be so incorruptible that he would stay on the path of justice or stay away from other people's property, when he could take whatever he wanted from the marketplace with impunity, go into people's houses and have sex with anyone he wished, kill or release from prison anyone he wished, and do all the other things that would make him a god among humans. Rather his actions would be in no way different from those of an unjust person, and both would follow the same path. This, some would say, is a great proof that one is never just willingly but only when compelled to be. No one believes justice to be good when kept private, since, wherever either person thinks he can do injustice with impunity, he does it.⁷⁹

In defense of his "virtue is its own reward" perspective, Plato devotes the *Republic* to demonstrating that the virtuous life is one in which the elements of the soul are properly coordinated; that such a life is healthy and is characterized by wisdom, courage, moderation, and justice; and that a life adorned by such virtues is one in which true happiness can be achieved. Only when this fundamental principle of human life is understood, affirmed Plato, will the inner psychological order of the individual and the outer social order of the state attain felicity.

Plato advances this thesis by invoking two metaphorical devices. The one that we will examine here is of a single being, a "multicolored beast" that is an amalgam of different animals, some of which are gentle and some savage. These animals represent the various aspects of the human personality but are joined together such that anyone who sees only the outer covering and not what is inside will think that it is a single creature, a human being. Plato is in discourse with his student, Glaucon:

Then, if someone maintains that injustice profits this being and that doing just things brings no advantage, let's tell him that he is simply saying that it is beneficial for him, first to feed the multiform beast well and make it strong; and second, to starve and weaken the human being within, so that he is dragged along wherever either . . . leads; and third, to leave the parts to bite and kill one another rather than accustoming them to each other and making them friendly.

Yes, that's absolutely what someone who praises injustice is saying.

But, on the other hand, wouldn't someone who maintains that just things are profitable be saying, first, that all our words and deeds should insure that the human being within this human being has the most control; second, that he

should take care of the many-headed beast as a farmer does his animals, feeding and domesticating the gentle heads and preventing the savage ones from growing; and third, that he should make the lion's nature his ally, care for the community, and bring them up in such a way that they will be friends with each other and with himself? . . . In light of this argument, can it profit anyone to acquire gold unjustly if, by doing so, he enslaves the best part of himself to the most vicious? If he got the gold by enslaving his son or daughter to savage and evil men, it wouldn't profit him, no matter how much gold he got. How, then, could he fail to be wretched if he pitilessly enslaves the most divine part of himself to the most godless and polluted one and accepts golden gifts in return for a more terrible destruction than Eriphyle's when she took the necklace in return for her husband's soul?²⁸⁰

Plato's purpose is to show that human nature is an amalgam of qualities and that when an individual cannot regulate his own passions and must be regulated wholly by a force outside of the self (such as the force of law and threat of punishment), the noble and rational part of the self becomes enslaved, atrophied, and incapable. Furthermore, inasmuch as health, in any system, requires the proper balance and regulation of constituent forces, and health is a precondition of human happiness, such enslavement, while perhaps allowing for the uninhibited pursuit of pleasures, precludes the possibility of achieving a sense of inner peace and well-being. To the contrary, a life pulled in different directions by the force of desire is one that leads to various forms of torment, regret, shame, degradation, and a dulling of the human sensibilities.

Echoing Plato's observation more than three thousand years later 'Abdu'l-Bahá wrote that one of the most essential attributes of a truly learned individual was that he "opposes his passions." In the *Secret of Divine Civilization*, a document written with an eye toward rehabilitating the civil forces of society, he says that to oppose one's passions "is the very foundation of every laudable human quality . . . the impregnable basis of all the spiritual attributes of human beings . . . the balance wheel of all behavior, the means of keeping all man's good qualities in equilibrium." He continues:

For desire is a flame that has reduced to ashes uncounted lifetime harvests of the learned, a devouring fire that even the vast sea of their accumulated knowledge could never quench. How often has it happened that an individual who was graced with every attribute of humanity and wore the jewel of true understanding, nevertheless followed after his passions until his excellent qualities passed beyond moderation and he was forced into excess. His pure intentions changed to evil ones, his attributes were no longer put to uses worthy of them, and the power of his desires turned him . . . into ways that were dangerous and dark. . . . The primary purpose, the basic objective, in laying down powerful laws and setting up great principles and institutions dealing with every aspect of civilization, is human happiness; and human happiness consists only in drawing closer to the Threshold of Almighty God, and in securing the peace and well-being of every

individual member, high and low alike, of the human race; and the supreme agencies for accomplishing these two objectives are the excellent qualities with which humanity has been endowed.⁸¹

In the *Mathnavi* of Rumi the story is told of four evil birds that, once put to death, are transformed into four birds of goodness. The allegory refers to the human quest to subdue our evil passions and qualities and to replace them with qualities that reflect the good. Of all the passions few appear to be as challenging to regulate properly as those associated with human sexuality. And while these challenges have been with us for all of human history, the liberties and excesses of the modern age have rendered it clearer now than perhaps ever before that our individual and collective well-being is dependent upon the proper expression of humanity's legitimate sexual needs.

Since the appearance of Freud's important work on the untoward consequences of sexual repression, many have come to identify the failure to vent the sexual impulse freely as either pathognomic of neuroses or indicative of a puritanical ethic. Commenting on the influence of Freud's ideas, Constance Chen, author of a biography of an early feminist, Mary Ware Dennet, observes:

Freud's theories first hit American intellectuals and professionals at a Clark University lecture in September 1909. The radicals went on to portray a distorted view of Freud to a receptive audience. When Freud stated that repression of the libido led to pathological symptoms of 'neurosis,' the bohemians took this to mean that the libido demanded regular and constant expression in explicitly sexual terms—with no limits set. Repression led to illness; mental health required an active sex life. As psychology replaced religion as the new arbiter of human behavior, mental health and illness became the new metaphors for good and evil. Thus, to be 'good,' one had to be mentally healthy, one had to be sexually active. Since human beings were poly-morphously perverse, sexual activity did not have to be limited. . . . This take on Freud burst asunder all past restraints.⁸²

Among those who were to become advocates of such a perspective was Arno Plack. "Man's aggressiveness is not original," wrote Plack, "but has been learnt only through frustration of his impulses; and only when his sexuality is no longer suppressed and he is allowed to live out his spontaneous instincts to the full can he achieve true fulfillment."⁸³ For many like Plack, it is clear that Freud's work rendered human sexual behavior equivalent in purpose and form to sex among primates. When, however, human sexuality is disconnected from a network of metaphysical values, others easily become mere outlets for the expression of impulses and urges.

At the height of Freud's popularity, Pitirim Sorokin, the founder of the School of Sociology at Harvard, warned about the danger of an emerging sensate culture. Sensate mentality, Sorokin wrote, is founded on the conviction that what we see, hear, taste, and smell is alone real and of value.⁸⁴ Within such

a worldview, a commitment to supersensory, metaphysical values is viewed as arising from superstition, and the sensory organs are said to provide the sole and supreme measure of the validity of experience and the value of ideas. An extension of this perspective is reflected in the postmodern notion that all values are human constructions that reflect nothing more than the personal proclivities of those who happen to be in power. The resulting eudemonic philosophies, Sorokin suggests, give birth quite naturally to indulgence-based societies. In such societies, human beings are rendered equivalent in value to all other objects. They may thus be used in the same way that other objects are used. Under these circumstances the only legitimate constraint on what can or cannot be done is the threat of legal sanctions. Sorokin writes:

If a person has no strong convictions as to what is right and what is wrong, if he does not believe in any God or absolute moral values, if he no longer respects contractual obligations, and, finally, if his hunger for pleasures and sensory values is paramount, what can guide and control his conduct towards other men? Nothing but his desires and lusts. Under these conditions he loses all rational and moral control, even plain common sense. What can deter him from violating the rights, interests and well-being of other men? Nothing but physical force. How far will he go in his insatiable quest for sensory happiness? He will go as far as brute force, opposed by that of others, permits. His whole problem of behavior is determined by the ratio between his force and that wielded by others. It reduces itself to a problem of the interplay of physical forces in a system of physical mechanics.⁸⁵