

Rights of the body and perversions of war: sexual rights and wrongs ten years past Beijing*

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Two scenarios – perversely linked, I shall argue – shared the global stage in early 2004. In the first, a celebratory throng of dozens, perhaps hundreds, of assorted gays, lesbians, transgenders, *hijras*, feminists of various sexual inclinations, People Living with HIV and AIDS, sex workers, and their sympathisers of all ages, countries and colours go marching, chanting, singing, drum-beating through a dusty road that transects the acres of tents and platforms making up the site of the fourth World Social Forum on the outskirts of Bombay, India. Waving the flags and hoisting the banners of the Rainbow Planet Coalition, with their multi-coloured stripes and brazen slogans (“My Gender Is My Right” and “*Hijras* Are Women”), these historical outcasts are claiming the right to be in public space without shame (Rubin 1989). They have become the newest actors in the dynamic processes that shape world public opinion and, eventually, policy.

The second scenario is a more furtive and pernicious one that would only burst into global view inadvertently, through the image projectile of the Internet. It takes place in the dark recesses of Abu Ghraib prison in Iraq, as part of dehumanising interrogation procedures that had become systematic and routine by late 2002 if not earlier in Afghanistan, Guantánamo, and elsewhere (Hersh 2004: Ch. 1). The pictures are all too familiar: male

prisoners forced to wear hoods or women’s underwear on their heads, masturbate, be raped or sodomize one another, or cowering before female GIs who point fingers at their naked genitals and sadistically hold them like dogs on a leash in what Susan Sontag called “classic dominatrix imagery” (Danner 2004: 217–224, Sontag 2003: 127). Like a cruel mockery of the sexual rights and freedom movements that had surfaced in country after country during the

previous decade, this horror show of military sadism and sexual coercion stands at once as a sign of imperial impunity and the truth of sexuality as a punitive weapon in the hands of the Christian Army of God.

Juxtaposition of these two scenarios is not arbitrary. They represent two opposing sides of what sexual politics look like in today’s complex processes of globalisation (including

both UN conferences and armed conflicts) and the newly gendered, racialised power relations those processes create. One side is the affirmation, through both international human rights documents and new social movements, of rights related to sexual expression, gender equality, reproductive choice, access to health care and freedom from bodily violence and abuse – rights of the body and bodily integrity. The other is the inevitable backlash among those who would challenge personal freedoms, especially in the

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domains of reproduction and sexuality, in the name of tradition and/or religious sanctity. One takes the form of a public social movement among normally hidden and marginalised groups and the other the form of “photographs as trophies” for the dominant and powerful, who normally hide their dirtier tricks.

Through tense confrontations in international follow-up meetings, feminist advocates have come to think of the backlash against Cairo and Beijing as the domain of the religious right – specifically the Vatican, the US government under President George W. Bush, and Islamist regimes. My argument is that Abu Ghraib, Guantánamo, and all the other sites of military sexual torture throughout the world are part and parcel of that backlash, including its religious ideology. They represent a perversion of the ideas of sexual freedom and gender equality into impunity, exploitation of those ideas in the service of power and humiliation of the Other. Righteousness becomes the evil it rails against, in a grossly misshapen form. The war in Iraq itself is currently the most horrific effect of the geopolitical power struggles over who will control and contain the movements for democracy and sexual and bodily freedom that erupted during the 1980s and 1990s in the spaces opened up by the end of the Cold War. Powerful opponents in these rivalries – Christian and neoconservative defenders of US dominance, pan-Islamist rebels, leaders of *Hindutva* India – mirror one another as they draw their authority from fundamentalist religious convictions (Kaplan 2004, Petchesky 2002). In turn, sexual torture and perversion are the inevitable consequence of armed conflicts in contexts that are already deeply imbued with racism, misogyny, and homophobia.

This paper will reconsider how bodily integrity rights as formulated in the Cairo and Beijing documents need to be recast in the shadow of twenty-first century perpetual war, nationalist and imperialist aims, and armed violence. In conclusion, it will reflect on how the sexually violated male bodies of Abu Ghraib, Guantánamo, and Gujarat may pose new challenges for some of the most basic premises of the Beijing vision: that women are primarily the victims rather than the perpetrators or agents of sexual abuses and violence; and that, as such, women are, or should be, the privileged bene-

ficiaries of bodily integrity rights. My purpose in the paper is not to repudiate that vision but rather, in the context of the power relations that prevail in today’s world, ten years after Beijing, to question its exclusive privileging of women’s bodies as the bearers of sexual rights and to open up discussion of new, more inclusive coalitions of diverse social movements around rights of the human body. Implied is an appeal to break from the pattern of sexual rights advocacy over the past two decades, perpetuated in Cairo and Beijing, in which women’s and gay men’s organising have moved along separate but parallel tracks. I go here with some caution, aware of the innumerable ways in which “humanising” agendas can become traps that once again make women, girls, and their particular situations invisible. This risk is as great now as ever, yet in the long run I believe the dangers of not enlarging feminist movements and visions are greater still.

Affirmative legacies of Vienna, Cairo, and Beijing

To understand the full human as well as political impact of the UN conferences of the 1990s, we need to look not only at their formal processes and outcome documents but also at the messier, more informal movements and values that both inspired and grew out of those processes. These two are always inseparable; human rights principles give social movements a language for making moral claims, but without the pressure of social movements those principles would never gain public recognition in the first place. New claimants, new political actors may in fact push the boundaries of codified rights and norms. The tension between them, including the demands for opening up new public spaces and new ways of thinking, is a crucible of social change. I want to look briefly at both the formal and the informal achievements that make up the Cairo/Beijing legacy.

Formal rights

With regard to human rights in general, I agree with the postcolonial theorist Pheng Cheah that we need to re-imagine human rights as simply the rhetorical structure “given to us” in the

present historical conditions for asserting counter-hegemonic statements of justice. In this sense, they are a necessary and irrepressible expression of contemporary movements for social change (Cheah 1997: 235). Attempts to concretise universalist principles by adapting them to particular circumstances of gendered, racialised, sexualised bodies show us that human rights are always both universal and historically specific at the same time. The process of defining with greater and greater specificity what human rights mean to whom, who is responsible for rights violations and where and how restitution should be made, is part of an ongoing political struggle. Good examples are the campaigns to make abortion safe and legal for women everywhere and to gain treatment access and essential medicines for all HIV + people, including those who are sex workers or transgendered (Petchesky 2003).

A human rights approach is necessary to empower people to make social and gender justice claims and to provide mechanisms for holding governments, private corporations, and international agencies accountable. It implies duties, not charity; standards for evaluating programmes and services from the standpoint of the needs and well-being of those they were designed to benefit; and mechanisms of accountability for enforcing those standards. Such mechanisms may be institutionalised within formal democratic processes of the state (for example, the citizens' health councils in Brazil); they may consist of individual and group appeals and reports by NGO monitors to human rights treaty monitoring bodies of the UN; or they may be more informal mobilisations by civil society, like the Treatment Action Campaign against patents and Big PHARMA in South Africa or the March for Women's Lives of nearly one million women and girls in Washington, D.C in 2004. Without the rhetorical structure of human rights, however, such translation of bodily claims into social action would be literally unthinkable.

Rights may be either negative or affirmative; a duty to avoid needless inflicting of harm is different from the duty to provide essential care and services. Paul Hunt, UN Special Rapporteur on the Right to Health, has written that the right to enjoyment of the highest standard of physical and mental health entails "a duty on the State to

respect an individual's freedom to control his or her health and body. For example, there is an immediate obligation on a State not to engage in forced sterilisation . . ."; and this requirement that the state not discriminate and not impose arbitrary limits to freedom is not subject to "resource availability" (Hunt 2004: 10). But of course this is hardly the case when it comes to *affirmative* rights. In the reality of a world governed by neo-liberal capitalist regimes, sexual and reproductive health and rights and the right to the highest attainable standard of health care are entirely subject to resource availability and held hostage to inequitable patterns of resource distribution that belie the myths of scarcity.

Despite the harsh macroeconomic context, the Vienna, Cairo, Beijing, and Copenhagen conference documents of the 1990s – understood, along with their outcome documents five and ten years later, as a single, interwoven fabric – managed to carve out a new normative and conceptual terrain for human rights activism: the rights of the body and bodily integrity. These rights were not new inventions but rather built on longstanding principles contained in the Universal Declaration of Human Rights, the Covenants on Civil and Political and Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination Against Women, and others – principles such as the right to life, to security of the person, to gender equality, and to the enjoyment of the highest attainable standard of physical and mental health, as well as to freedom from torture, degradation, and abuse. But the 1990s conferences took these abstract rights to a new level of specificity galvanised by women's movements, gay and lesbian movements, and organisations of people fighting with and against HIV/AIDS. Indeed, they created a whole new constellation of norms, strategies and institutional sites that had not been deployed previously in human rights activism – a new human rights discourse around the body and its needs for security, health, and pleasure. While my focus in this paper is primarily on sexual rights (and wrongs), it is important to understand that sexual rights travel as part of a larger gang along with health and reproductive rights. The members of this gang form a conceptual unity even if the advocacy campaigns surrounding them are too often disconnected in practice:¹

- Reproductive health, rights and access to services, including access to adequate contraceptive information and supplies, full antenatal care and trained attendants as well as emergency obstetric services in pregnancy and childbirth, and access to safe, legal abortion and post-abortion care.
- Secure access to good quality health care generally and more specifically to treatment, prevention, and essential life-saving medicines, particularly for those suffering from or at risk of HIV/AIDS infection and other preventable and infectious diseases.
- Rights of sexual expression, enjoyment and well-being without discrimination based on sexual or gender orientation, age or marital status, including respect for the dignity, humanity and citizenship rights of commercial sex workers.
- Freedom from sexual, reproductive and other bodily violence and abuses, including harmful practices such as female genital mutilation and sexual trafficking, regardless of whether these are imposed by family members, employers, medical personnel, state officials, or military (including national, international/UN, regional and non-state) combatants.

In most of these areas, civil society groups have been more successful in winning rhetorical victories – new international documents and language specifying rights – than in achieving mechanisms for their effective enforcement and implementation on the ground. Feminists working for decades for formal recognition of “women’s human rights” and prohibitions of violence against women opened up space for recognition of reproductive, sexual, and other bodily integrity rights. They also made the greatest headway toward *institutionalisation* of bodily integrity norms, not surprisingly, since even the most conservative, patriarchal voices claim to oppose violence and abuse against “innocent” women and children. Negative rights – proclamations against the catalogue of horrors – always win broader sympathy than the affirmative ones. This is in part because protections against abuses and violence are easily associated with stereotypical images of women and girls as fragile victims whose chastity marks their value, lending appeals for such protections

an inescapable conservative bent (Kapur 2002; Martin 2004). On another level, the affirmative rights of freedom to, capacity and entitlement usually assume sizable commitments of material and human resources; if carried out fully, they would require radical structural changes involving curtailment of market hegemony and privatisation in favour of greater emphasis on social responsibility and solidarity (Petchesky 2000 and 2003). Despite these pitfalls, recent history suggests that formal recognition of sexual wrongs is both critical in itself and a necessary step toward incorporation of sexuality as a basic domain of human ethics and affirmative rights.

The Programme of Action from the 1993 Vienna Human Rights Conference and the Declaration on the Elimination of Violence against Women adopted by the General Assembly that same year expressed the consensus of the world’s governments that “gender-based violence and all forms of sexual harassment and exploitation” constitute violations of human rights. Those achievements, and the establishment of a UN Special Rapporteur on Violence against Women, were the fruit of global organising by women’s NGOs, especially the public tribunals convened by the Centre for Women’s Global Leadership, where women broke the silence about rape in armed conflict and prisons, forced prostitution, marital rape, and the like. These public actions “put VAW [violence against women], and in particular sexual violence, on the map as a global human rights problem” (Bunch and Reilly 1994; Miller 2004: 25). They also laid the groundwork for the Hague and Rwanda tribunals and the International Criminal Court Statute, which have codified the definition of rape, sexual trafficking and slavery, forced pregnancy and sterilisation in situations of armed conflict as war crimes, crimes against humanity and, in certain circumstances, genocide (Spees 2003).

While they remain within the less controversial domain of “negative” sexual rights, these formal instruments not only transformed international criminal law and the laws of war but also made history by first speaking sexuality out loud in global international legal discourse. They thus opened the door to the more affirming language of the ICPD Programme of Action, which refers to people’s ability “to have a satisfying and safe sex life”, without specifying

age, marital status or heterosexual identity, and the purpose of sexual health as “the enhancement of life and personal relations” (7.2). As Ignazio Saiz writes, “Sexuality, previously on the UN agenda only as something to be circumscribed and regulated in the interest of public health, order, or morality, was for the first time implicitly recognised as a fundamental and positive aspect of human development” (Saiz 2004: 50). Although the phrase “sexual rights” does not appear anywhere as such in any formal UN document or multilateral or bilateral treaty to date, the Beijing Platform began to articulate such a concept in its well-known Paragraph 96:

The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.

The language possible in 1995 was limited in critical ways – to an explicitly heterosexual framework; to an emphasis more on protection from coercion than on affirmation of pleasure; to responsibility more than freedom. Yet, along with the harsh realities of the HIV/AIDS pandemic, it opened the way to broader understandings. Simultaneously, while institutionalisation and concrete enforcement of sexual rights at the international and national levels lag behind the explosion of social movements and public identities (see below), progress on that front as well has taken place. In Belgium, the Netherlands, Spain, Canada, and South Africa, gays and lesbians are winning full civil rights, including the right to marry and form a family. Even in the United States, where powerful religious conservatives have dug in their heels to defend marriage as an irrevocably heterosexual institution, widespread popular and judicial approval of civil unions, adoptions, cohabitation, inheritance and insurance rights for gays and lesbians has become a cultural and legal reality. All this was unheard of a decade ago.

At the international level, the human rights treaty bodies, relying on extensive consultation with women’s and human rights NGOs, have rendered dozens of comments and reports

recognising the obligations of states to respect sexual as well as reproductive rights, including calling for repeal of laws in many countries that criminalise homosexuality (Centre for Reproductive Rights 2002; Saiz 2004). Saiz documents an impressive array of opinions by different treaty bodies that condemn discrimination, hate crimes, arbitrary detentions, torture and degradation against sexual minorities and affirm “measures to protect refugees fleeing persecution on grounds of sexual orientation”. The Committee on Economic, Social and Cultural Rights (CESCR) has included non-discrimination based on sexual orientation as part of the right to health as well as other economic and social rights. While it has thus far declined to apply the right to marry and found a family to any but heterosexuals, it has recognised partnership rights to pension benefits for gay and lesbian partners. Most remarkably, the Committee on the Rights of the Child (CRC) in 2002 affirmed the rights of gay youth and transsexuals “to the appropriate information, support and necessary protection to enable them to live their sexual orientation”. Since such affirmation directly contradicts the policy of the current US government, it is noteworthy that the United States was not a member of the CRC at the time this progressive language was adopted (Saiz 2004: 51–54).

Perhaps the fullest statement affirming the centrality of sexual rights came in a 2004 report by Paul Hunt, Special Rapporteur on Health for the CESCR. As Hunt puts it in that report (which enraged certain country delegates in the Commission on Human Rights), “sexuality is a characteristic of all human beings. It is a fundamental aspect of an individual’s identity. It helps to define who a person is”. This means that fundamental human rights principles and norms must include “recognition of sexual rights as human rights”, including “the right of all persons to express their sexual orientation”. It also means that, “since many expressions of sexuality are non-reproductive, it is misguided to subsume sexual rights, including the right to sexual health, under reproductive rights and reproductive health” (Dowsett 2003; Rubin 1989; Saiz 2004: 15). Feminist reproductive health and rights advocates, along with the HIV/AIDS epidemic, have transformed the public health, family planning, and demography discourses to

at last make the “S” word utterable if not respectable, but they have not gone far enough. They haven’t yet recognised that sexuality *is* the matrix of universality and a viable exit point out of the confining ghettos of identity politics. I’ll say more about this further on.

Of course, opinions by the treaty bodies condemning state laws and policies have no enforcement power and are not even recognised as legally binding by many governments. In the more political context of the Commission on Human Rights in Geneva, a resolution on “Human Rights and Sexual Orientation” proposed two years in succession by the Brazilian delegation was postponed again in 2004 due to “fierce opposition from governments”. Even the Brazilians refused to include language recognising the right to gender identity, without which transgenders and intersexed people remain invisible to human rights (Saiz 2004). Saiz suggests that principles such as non-discrimination and the right to privacy cannot reach a broad and inclusive understanding of sexual rights, for they fail to guarantee the freedom to be who one is, whatever that is, to seek pleasures across a broad continuum of mutually and freely chosen erotic possibilities, and to share a home and raise children in a variety of family forms. Privacy, for example, “can coexist with moral disapproval or mere tolerance” – and certainly, we should add, with denial of many material benefits and resources that are prerequisites for free expression. “Non-discrimination” is likewise a weak legal strategy when the categories of sexual identity are frozen into conventional binaries (“men” and “women,” “heterosexual” and “homosexual”) that exclude the broad “horizon of possibility” for “queerness” that people actually live and imagine (Saiz 2004: 62–63). The catch-all phrase “sexual minorities” manages both to address this problem and to evade it at the same time. One difficulty is that *sexual orientation* is distinct from, but also intersects, *gender identity*, making the issue of “identity labels” and “naming unstable categories” far more complicated (Saiz 2004: n. 97). How do we define the meanings of woman, man, homosexual, bisexual, intersexual, transgender, transsexual, and so on – by genes, genitalia, behaviour, sexual object choice, subjective identity, or just desire (Parker and Gagnon 1995, Parker *et al.* 2000)²?

New political actors

Underground and clandestine examples, even whole sub-cultures of sexual and gender transgressors have existed in many if not most times and places. But for such expressions to consolidate into mass social movements and to take the form of publicly visible political actors requires certain catalysts that turn transgressors into resisters and isolated acts of deviance into organised action. This is not simply the “spirals of resistance” or discourse and “reverse discourse” that Foucault described but a more complex process in which the rise of social movements comes in waves that build on one another. Movements for national liberation, civil rights, and racial justice in the 1950s and 60s inspired women’s and gay and lesbian movements in the 1970s and 80s, and in turn these gave rise to a proliferation of protest voices from groups never before named or self-identified in public arenas of dissent: transsexual and transgender people, intersexed people, women opposing female genital mutilation, commercial sex workers, youth coalitions, People Living With AIDS, disability rights groups, etc. My contention is that, due to a confluence of factors during the 1980s and 1990s – the HIV/AIDS epidemic, the Internet and other vehicles of globalisation, the UN conferences as a normative context, and the globalisation of human rights as a popular discourse – these voices not only became social movements in their own right but also took on a much greater *global* visibility than they had ever had before. They thus provoked a concerted global backlash.

There is not space in this article to examine these new actors one by one or how they emerged and have developed distinct agendas in diverse geographic and cultural settings. I want to stress just two points here and give a few concrete examples to illustrate them. First, in each case the core principle around which political identities have congealed is that of a politics and ethics of the body, its integrity, security, health and well-being as defined, not by “experts” or medical or moral authorities, but by those whose bodies and pleasures are most intimately affected. Moreover, that principle contains negative and affirmative elements as two sides of a coin that cannot be separated and is clearly seen in this holistic way by its

proponents. LGBT (lesbian, gay, bisexual, transgender/sexual) movements – whether in Malaysia, South Africa, or Argentina – are as focused on their right to be who they are openly and to love and form a family with whom they wish as they are on abolishing discrimination in housing and employment as well as harassment and hate crimes. Movements of and for People Living with HIV and AIDS similarly find they must work as energetically against systematic discrimination and bias as they do for access to health services and treatment. A historic meeting on “Sexual and Bodily Rights as Human Rights in the Middle East and North Africa” in Malta in 2003 epitomises this holistic approach as well as its spread to new parts of the globe. There, participants from nine countries throughout the region (Algeria, Egypt, Jordan, Lebanon, Morocco, Pakistan, Palestine, Tunisia, and Turkey) reaffirmed women’s rights to sexual autonomy, pleasure and “control over their bodies”. They strategised about how to achieve “the right to sexual orientation” at the same time as they discussed how to challenge the condoning of marital rape, honour killings, early marriages, female genital mutilation and other bodily wrongs in Shari’ah, tribal and local laws (Amado 2004).

My second point is that newly emergent grassroots movements of People with AIDS (the majority of whom are now women), sex workers, LGBT youth, transvestites and intersexed people represent economically as well as culturally marginalised populations. For this reason they tend to practice a politics of intersectionality as a matter of survival, not academic or legal theory.³ They live the constraints and exclusions of gender, race/ethnicity, class, sexuality, geography, or citizenship and migration status as intersecting realities, calling for a multi-pronged strategic response. Likewise, the indivisibility of rights – the inability to exercise civil and political rights without economic, social, and cultural rights and vice-versa – is a matter of common sense to groups facing deprivations in all these areas at once. Members of the International Community of Women Living with AIDS know very well that the roots of their infection lie in poverty, male sexual domination, domestic violence, global apartheid and racism, unfair trade practices that stifle local livelihoods, lack of sexuality education and prevention methods

or adequate health infrastructure, and foreign debt – a huge hideous tangle that cannot be pried apart (Mthembu 2004; Petchesky 2003). The groups I have mentioned attempt in bold and creative ways to straddle “the fault lines” between “the politics of the body” and “the politics of social justice” (Miller 2004: 27).

Let me take the example of organising among sex workers. Sex worker organisations have emerged as a vocal presence in many countries over the past decade, with special prominence in South and Southeast Asia and some countries in Latin America. A new study of sex workers in Kerala shows countless ways in which their sexual and reproductive rights are routinely violated – by government officials and agencies, police, men in the streets, and even some well-meaning NGOs (Jayasree 2004). More than half the sex workers interviewed had been married and got into sex work as a result of abusive or violent husbands, abandonment and lack of skills or viable employment alternatives. Many were homeless because of eviction or ostracism by families and relatives. All complained of severe health, safety, and hygiene problems in shelters, to say nothing of the streets, and 80% suffered from physical and mental illness, many from STIs and HIV infection. More than 95% had experienced violence – sometimes of the most brutal kind – from police or street thugs, including being chased out of their village and having their heads shaved for being stigmatised as carriers of HIV. And many others, seen as “immoral” mothers, were separated from their children or not allowed to visit them in childcare centres – thus denied their parental rights.

We cannot detach the denial of basic reproductive and sexual health services from the disabling and unjust environment surrounding sex work. Since the mid-1990s, active organising among sex workers in India, Malaysia, Brazil and elsewhere has meant that many are well informed about HIV/AIDS risk, safer sex, and condom use. But how do you use a condom when the police might raid at any time and seize it as evidence, or when the client will refuse to pay if you do? Jayasree – like the Kolkata sex workers in Shohini Ghosh’s wonderful film, *Tales of the Night Fairies* – argues “that HIV prevention is possible only if an enabling environment is created for sex workers, in which

they can live as free citizens". This means not only decriminalising sex work and assuring sex workers the right to a livelihood and freedom from violence but also changing popular perceptions to "de-link" sex workers "from the problem of sexual morality" (Jayasree 2004: 63–64). It means affirming the equal right of sex workers to bodily pleasure and self-determination – and to full citizenship. Jayasree describes the "Festival of Pleasure" organised by the National Network of Sex Worker Organisations in Kerala in 2003:

Its theme was a safe environment for body and mind, for sex workers to attain the full potential of life. It launched a campaign for the decriminalisation of sex work, acceptance of sex workers' rights, and the right to safe and pleasurable sex. Sex workers want an equal opportunity to choose how to live their own lives, in a world without violence and in harmony with their environment (Jayasree 2004: 66).

The holistic approach to erotic and social justice advanced by India's National Network offers an affirmative model to women (and men) in many diverse situations, not just sex workers. It stands in sharp contrast to the politics of more established feminist groups – in India as well as the "West" – that focus on women as perpetual victims of violence. Alice Miller explains the strategic logic of an emphasis on violence, particularly sexual harm, among the global feminist movements whose work played such an important role leading up to, during and after the Beijing conference. Focusing on sexual violence seemed to make its *gendered* nature more evident "to key human rights bodies and actors": "To build a political force that could not be resisted, advocates had to emphasise and make visible what was different about the experiences of women; they had to make these experiences too horrendous to ignore". Yet Miller also recognises that the preoccupation with sexual violence against women has regressive if unintended consequences. Spotting horrific personal testimonies and analogising women's subordination to torture tends to reinforce the traditional patriarchal view of women as helpless victims who must be "protected" or "rescued" by the state (or imperial invaders) (Miller 2004: 18, 25).

Ratna Kapur expands this critique of viewing women exclusively as "victim subjects" by

connecting two moves it encompasses: "gender essentialism" and "cultural essentialism". "Women in the Third World are portrayed as victims of their culture", thus reinforcing both stereotypes of women as victims and those of Asian, African, or Middle Eastern cultures as inferior (Kapur 2002: 6). This double move plays into the hands of powerful political forces that seek legitimacy for patrolling borders and waging war under cover of protecting women. A prominent example is President Bush's justification for invading Afghanistan in 2001 in order to rescue Afghan women from the Taliban; or his speeches before the UN General Assembly linking "sexual slavery of girls and women" to the "moral" objectives of the "war against terror" (Eisenstein 2004a, 2004b; Miller 2004: 17). But the same dynamic can occur within domestic politics. Kapur argues that Indian feminists echo their Western counterparts by reinvoking Indian women's victim status and that this imaging of the Indian woman as "chaste and vulnerable to exploitation" also replicates "the discourse on the purity of the nation and the preservation of Indian womanhood" propagated by earlier generations of nationalists in the colonial era and by the Hindu right (with specific regard to Hindu womanhood) today. Feminist victim politics thus "reinforce the law-and-order agenda of the Hindu Right, their paternalistic approach to women's issues, and their communalising agenda" (Kapur 2002: 26–27). Such politics also obscure the active presence of multiple gendered and sexual subjects on the national and global political stage:

What is to be done with Malleswari, who won the bronze medal (the only medal for India) at the Sydney Olympics in 2000 in women's weightlifting? Or with Lara Datta, who won the Miss Universe Pageant in 2000 and has no reluctance to speak explicitly about sex, safe sexual practices, and the issue of AIDS? Or the sex workers who state, "We want bread. We also want roses!" Where do we locate these women in a politics that operates along the strict binaries of victim/agent, East/West, First World/Third World, or the West and the Rest? (Kapur 2002: 28)

The neo-colonial discourse of the "victim subject" is particularly evident in the politics of sexual trafficking – a favourite "human rights" cause of the current administration and the Christian right in the United States (Girard 2004). A punitive, criminalising approach that conflates all forms of commercialised sex work



Hercules and Omphale by Bartholomaeus Spranger (1546–1611). Having been sold as a slave to Omphale, Queen of Lydia, to atone for the murder of Iphtios and the theft of the tripod of Delphi, Hercules is forced to wear Omphale's clothes and jewelry. Erich Lessing AKG Coll.

with sex trafficking has become a staple of Bush administration policy and reflects the strong influence on that policy of “abolitionist” feminists (e.g., the Coalition against Trafficking of Women), with their view of prostitution of any sort as violence against women. Such an approach (focusing on “demand”) mandates prosecution and policing methods rather than social and economic justice, ignoring the conditions of poverty and lack of livelihoods that make people vulnerable to trafficking and refusing to provide health or other social services to trafficked persons. It also serves the “anti-terrorism” agenda of controlling migration and sealing borders – constricting human mobility (Girard 2004: 27–28; Kapur 2002: 18–19, Miller 2004: 34).⁴

Entirely different is the view of sex worker advocates, who urge that sex workers be treated like “any other set of migrant workers” or like the marginal and casualised workers they often are, who need improved conditions, safety, access to health services, and freedom from harassment and abuse as a matter of human right and dignity (Kempadoo 1998; Saunders 2004: 185–187). Yet the abolitionist view has become incorporated into the language and enforcement policies of the US Trafficking Victims Protection Act and the Bush administration’s Global AIDS Act of 2003, both of which prohibit the channelling of funds to “any group or organisation that does not have a policy explicitly opposing prostitution and sex trafficking” or that “advocates or supports the legalisation of prostitution” (Saunders 2004: 186; United States Congress 2003: Title III, Sec. 104A, e & f). The purposes are multiple: to endow US foreign policy with “moral” and allegedly pro-woman credentials; to police migrant workers and cross-border migrations of all kinds by waving the flag of sexual exploitation; and, not least, to isolate and disempower sex workers as political actors.

In challenging this neoconservative and fundamentalist distortion of sexual politics, it seems important to distinguish between a focus on the body and a focus on women’s bodies as the perennial site of exploitation and suffering. Kapur and Miller are right to warn against deployment of paradigms that always reconfigure women as victims and chaste innocents. But in order to avoid these essentialising traps, we

need to move through and expand upon a politics and ethics of the body. Such an approach must contain at least three strategic elements. The first is to rehumanise the bodies in question as moral and political agents, defending their full human rights and capacity to speak for themselves and listening to how they understand their own needs. Another is to recontextualise injured and exploited bodies; to recognise bodies as always and everywhere embedded in social spaces, relationships of power and particular sets of social conditions; and to bring a full analysis of those conditions to bear on devising a just social order. Finally, we need to recognise that not all the victims of sexual violence and wrongs, and not all the legitimate claimants of sexual and bodily rights, are women. We need to reaffirm but also move beyond Beijing.

Negations: sexual violence in ethno-religious extremism and war

At the outset I posed a complicated juxtaposition between the liberating legacies of Cairo, Beijing, and movements for sexual and bodily rights on the one hand and the distortions of those movements in the atrocities at Abu Ghraib and elsewhere on the other. Let me return to that darker side of the sexual rights coin – how war and ethno-violence both pervert sexuality yet also hold the potential for generating broader coalitions across borders, cultures, sexualities, and genders.

In countless studies, feminist scholarship has charted the ways in which women’s bodies – their sexuality and reproductive capacity – become the stakes and the battlegrounds in historic contests over land, honour and empire. Urvashi Butalia, writing about sexual violence in Hindu-Muslim conflicts during partition, puts this observation succinctly, saying “The honour of the community and of the nation was seen to inhere in the bodies of women; the violation of their bodies, therefore, was tantamount to a violation of the body of the nation, of Mother India” (Butalia 2001: 103). Butalia records a pervasive reality, echoed in scenarios as diverse as colonial conquests, slavery, civil wars, refugee camps, communal conflicts – all the sites of “male-dominant systems” of organised violence

– that feminist scholars have documented at great length (Copelon 1995, Enloe 2000, Eisenstein 1996, McClintock 1997, Moser and Clark 2001, Stiglmayer 1995, Yuval-Davis 1997). What has remained nearly silent, invisible – until the scandalous photos of Abu Ghraib – has been the systematic sexual torture and humiliation of the bodies of men in situations of armed and ethnic conflict as well as the perpetration of sexual violence by women as active agents.

Dubravka Zarkov, writing about the wars in the former Yugoslavia a decade ago, observes that a United Nations Commission of Experts Final Report documented frequent incidents of male combatants from all three major ethnic groups being beaten across the genitals, forced to be naked, raped, castrated – yet the international media reported almost nothing of this. “Rapes of women were newsworthy; rapes of men were not”; or rather, rapes of men were *not seen* because they so transgressed the dominant cultural narratives of masculinity (Zarkov 2001: 72). This raises two disturbing questions: First, are these instances of men as victims, women as perpetrators, merely exceptions to the rule, bizarre outliers?⁵ Or do they reflect a more complicated and fluid reality in which gendered and sexual meanings are always being redefined in particular junctures of bodies and power relations? Second, why did the dominant representations get reversed in Abu Ghraib? What changed between Croatia in 1994 and Iraq in 2004?

That sexual violence against men and that against women are linked in war and ethno-conflicts becomes apparent in the context of the 2002 anti-Muslim pogroms in Gujarat, India. With clear instigation from the then right-wing Hindu government and police and advance planning by *Hindutva* organisations, the riots unleashed a torrent of carnage in which Muslim homes and businesses were targeted for attack, thousands were murdered, raped, and mutilated, and tens of thousands became internal refugees. The failure of not only the Indian government but also human rights NGOs to document the genocide through a gender lens prompted a group of Indian feminists to invite a team of international women’s rights activists to visit Gujarat in order to elicit testimony from hundreds of survivors and relief workers, both women and men. In their report the international team foregrounds “feminist concerns

about the centrality of sexual violence [against women] as an inherent and intrinsic part of the *Hindutva* project as indeed of all projects that seek to forge collective political identities . . . in terms of ‘us’ and ‘them’ boundaries”. They see this violence primarily as reflecting “the ways in which women’s bodies are being used as battlegrounds in the struggle over defining India as a Hindu State” (IJJG 2003: 5). And they document this paradigmatic feminist claim with horrifying evidence about massive rapes of women and girls, the targeting of pregnant women, efforts to impregnate Muslim women with Hindu “seed” – a form of genocide widely used in the former Yugoslavia as well – and the mutilation of women’s bodies (commonly, the cutting off of breasts).

Yet the report seems almost to gloss over its own evidence of parallel targeting and victimisation of Muslim men. While calling attention to ideological constructions of masculinity – the Hindu man as superior in manliness, as demonstrated by his ability to sexually overpower Muslim women; the Muslim man as either a beastly sexual predator or emasculated, a *hijra* – the report does not investigate *acts* of sexual violence against Muslim men, gays and lesbians, or *hijras* themselves, or the ways in which homophobia becomes a centrepiece of the Hindu Right’s view of “the pure Hindu nation” (Narain 2004: 157–158). However, it indirectly alludes to such acts: the public shaming of Muslim men forced to watch as their mothers, wives, and daughters are raped; and apparently the genital mutilation and rape of Muslim men by Hindu men (IJJG 2003: 39–40). The battle of communities, of religions, becomes in part an onslaught, not only against the enemy’s women and their wombs, but also against the circumcised by the uncircumcised penis.⁶

There is nothing exceptional in this sexualisation of ethnic and armed conflict. Jasbir Puar makes this point with regard to the acts of sexual torture, sadomasochism, homophobic rape, and bestial degradation that we associate with Abu Ghraib. “The entire assemblage of necropolitics and sexuality”, she argues, is “a systemic, intrinsic, and pivotal module of power relations”, including in war (Puar 2004: 13). Abu Ghraib, Guantánamo, and the other sites of recent US-sponsored racialised, sexualised torture – against men and women, by women and

men – have their prototypes throughout the US prison system and in US slavery and the lynching and castration of African-Americans. They have untold precedents in the Second World War, the Korean War, Algeria, Vietnam, Chile under the Pinochet dictatorship, El Salvador in the 1980s, the former Yugoslavia and Rwanda in the early and mid-1990s, Gujarat. These cases are well documented if not (prior to Abu Ghraib) given wide exposure in the media. As the authors of a recent report on sexual violence against Croatian men observe, “sexual torture of men during wartime and in conflict situations remains something of an open secret, although it happens regularly and often takes place in public” (Oosterhoff *et al.* 2004: 75).

Although the 1984 Convention against Torture does not explicitly include acts of sexual violence in its definition of torture, the judgments of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, as well as the International Criminal Court Statute, definitely do. Such acts need not involve “physical penetration of the human body”, “penetration or even physical contact” but anything “from forced nakedness to rape, which qualifies as torture” – that is, “(1) causes severe physical or mental suffering; (2) is committed for the purposes of obtaining information, punishment, intimidation, or coercion; and (3) is inflicted or instigated by or with the consent or acquiescence of any person acting in an official capacity” (Oosterhoff *et al.* 2004: 69, 72, United Nations 1984). In fact, the Abu Ghraib paradigm illustrates the gender and sexual continuum linking war rape, sexual slavery and denial of abortions to women civilians – now defined as crimes against humanity and war crimes in the International Criminal Court Statute – to the sexual degradation and violation of male captives. Certainly acts of sexual violence against men, women, and transgenders are named and experienced differently, which is what it means to say they are gendered. Rhonda Copelon points out that, in the proceedings of the International Tribunal for the Former Yugoslavia, sexual violence against men was routinely condemned as torture “in non-sexual terms”, whereas feminist advocates had to struggle to secure recognition that war rape of women – seen as “merely” sexual – was in fact torture (personal communication). But the sexualisa-

tion of abuse nonetheless takes place within a coherent system, an “assemblage”.

Nor should we be surprised by the complicity of women in these systems of sexualised and racialised militarism – Hindu women in Gujarat who goaded men in their communities to rape and brutalise Muslim women; Rwandan Hutu officials, also women, who ordered such atrocities; American women political leaders, prison commanders, interrogators, and rank-and-file guards who participated in sexual torture at Abu Ghraib and Guantánamo at every step of the infamous chain of command (Danner 2004; Eisenstein 2004a, 2004b; Hersh 2004; Human Rights Watch 1996; IJG 2003; Landesman 2002). Such complicity merely affirms what years of gender and queer studies demonstrate: that gender is always malleable, a floating signifier in which women’s bodies can be the vectors of patriarchal norms and phallic campaigns, whether as victims or as perpetrators. The female National Security Director, military officials and guards become, in Zillah Eisenstein’s words, “gender decoys”, the “militarised and masculinised” agents of war for the Bush regime (Eisenstein 2004b). As such, they help obscure the reality of war, that war is always conducted in part through acts of sexual and racist aggression, to bestialise and dehumanise the ethnic Other.

Zarkov writes that “Sexual humiliation of a man from another ethnicity is . . . a proof not only that he is a lesser man, but also that his ethnicity is a lesser ethnicity. Emasculation annihilates the power of the ethnic Other by annihilating the power of its men’s masculinity” (2001: 78). It is the mirror image of how raping and impregnating the female ethnic Other annihilates her womanhood, her men’s manhood, and the reproductive capacity of their group. The purpose of rape is to “plant the seed” of the dominant group; hence denying the possibility of abortion in such cases becomes an act of war. There is no way to untangle homophobia, masculinism, misogyny and racism in such acts; their toxic mix lies at the core of nationalist, imperialist, and militarist projects.

The homophobic-misogynist nexus is critical here. Domination, like liberation, always starts from the body, and cultures of war and ethnic and male supremacy are also those that harbour a deep *belief in the profanity of women’s*

bodies. Thus the feminisation and homophobia of the male enemy's body becomes an imperative of military conquest. The world-famous image of the Iraqi prisoner in Abu Ghraib with his black pointed hood and long black garment, his arms outstretched and connected to electrical wires, is reminiscent of nothing so much as a (Muslim, Arab) woman in a burqa. Thus does the torturer (who is, in reality, the entire US chain of command) perpetrate a triple "exotic" and "imperialist move" by replicating veiling as a sign that simultaneously sexualises, exoticises and degrades the so-called enemy combatant (Kapur 2002: 16–18). Abu Ghraib prisoners are reported to have said, "This is the worst insult, to feel like a woman" (Puar 2004: 9). The shame is in becoming a woman, or a dog.

My point is not to argue that sexual torture of men is as frequent as that of women; the pervasiveness of gendered hierarchies of power makes men the more likely perpetrators, women and girls the more likely victims. Nor do I mean to suggest that sexual torture is worse or more prevalent than other forms of torture and inhumanity – "waterboarding" (dunking prisoners in water so they feel they are about to drown), exposure of naked bodies to extreme temperatures, burning, mutilation, severe beatings, being forced to crawl naked on one's stomach while being urinated upon, or any of the other inventive techniques in the modern arsenal of brutality that torturers have perfected from Auschwitz to Abu Ghraib. I am only saying that the sexualisation and gender-coding of torture is one integral element in that arsenal; is used systematically in tandem with those other methods (Oosterhoof *et al.* 2004); and, in the anxiety to cast one's enemy – those deemed "terrorists" – as less than masculine, has a darker (i.e., less visible) homophobic/homeroic underside.

But why did that underside suddenly become exposed to international view with Abu Ghraib? What is particular about the war in Iraq, so that a reversal of the situation in the former Yugoslavia (or Gujarat) seems to have occurred, in which the rapes of men are newsworthy while the rapes of women are not? To some extent the answer has to do with technology – the availability now of instant imaging and its digital transmittability through the Internet.

As Sontag observed, the guards in Abu Ghraib deliberately posed their shots before the camera and sent them off because the digital camera and Internet were there. But I would argue the globalisation of the photos reflects more than just a by-product of technology, or certainly than "the increasing acceptance of brutality in American life" (Sontag 2004: 28). Danner suggests that the notorious Abu Ghraib photos were *meant* to be seen; that "the *public* nature of the humiliation", including not only the parading and masturbation of naked male bodies in front of women soldiers but also the camera itself was a technique to extend shame indefinitely into space and time, a "shame multiplier" (Danner 2004: 18–19). He further surmises that this was a deliberate strategy based on US intelligence concerning Muslim cultural phobias and the interrogation methods most likely to "soften up" Muslim prisoners.

But this very interpretation of "culture" marshals an orientalist theme familiar from nineteenth-century colonial texts. It refocuses the cross-historical "assemblage" of militarism, homophobia and misogyny through a Christian white supremacist lens, one that simultaneously homosexualises and hypersexualises the Muslim male while retaining the white Christian male as subduer and master. At the same time, the Abu Ghraib imagery adds to the mix a revised, post-feminist version of white Christian womanhood, with US women soldiers posing as dominatrices and accessories to brutalisation. Only one term is missing from this formula, and she is the Iraqi woman detainee – also raped, brutalised, tortured physically and mentally, but in almost total silence and secrecy, out of view of the media or the public eye. The US military is a protective mother to her sons, shielding their (hetero)sexual wrongs from the International Criminal Court or foreign courts or any public scrutiny whatsoever. It must do so, in order to protect its claim to be the good global father that "rescues" Muslim women from the oppression of Muslim men (Abu-Lughod 2002; Eisenstein 2004a). Were the recurrent rapes of Iraqi women by US military personnel to become widely known, much less prosecuted, the emperor truly would stand naked before the world.⁷

What is new with the Iraq war is neither homophobia nor masculinist anxiety but rather that homophobia as an instrument of war now

displays itself openly, publicly, with impunity. This is due to the historical conjuncture of three factors: (1) the dominance over public policies wielded by extremist belief systems (in all major religions) in which homophobia has deep roots; (2) the opening up of sexual discourse and all the public struggles over sexual rights and gender equality during the past decade; and (3) the perversion and attempt to recapture that newly opened space by the forces of nationalist and right-wing religious power.⁸ Conversely, the rape of women in this war must remain secret and unpunished because the world's lone superpower is presently under the control of a neoconservative regime whose first priority in foreign policy is global military supremacy, and a pivotal rationale of imperial militarism is the claim to be "rescuing" women as a sign of "implanting democracy" (Eisenstein 2004a; Johnson 2004).

What all this means is that we can no longer cast women's bodies as the inherent and exclusive sites either of sexual and reproductive rights or of sexual and reproductive violations. To do so is to deny the abundant ways in which men's bodies too are at risk of suffering, victimisation, sexual and gendered violence, genital mutilation and death from AIDS. It ignores Muslim men who are hyper-sexualised in *Hindutva* India (as colonised and African-American men historically have been) and forced to take down their pants to reveal the circumcised penis. It ignores the similar brutalisation of Palestinian men in Israeli prisons and at checkpoints, or of Jewish men in Nazi concentration camps, or of gay men and transgenders in hate crimes everywhere. Men's bodies too become symbolic markers of the nation or the group, their sexuality either exaggerated or belittled and their reproductive capacity deliberately excised (Amnesty International 2001; Petet 2002). Gary Dowsett's argument that sexuality is a distinct, complementary – and possibly broader – analytical framework to that of gender speaks to this on a theoretical level (2003). Tim Frasca's comment that there is something "odious" about our tendency to see an outrage only when it affects our own group speaks to its ethical implications (2003: 14).

Of course, from a feminist perspective, to recognise the violations and sexual violence against men in war or other conflicts is fraught with dangers, and I am very aware of these.

We risk becoming complicit in a view that sees the rape and mutilation of men as shocking but that of women and girls as normal or even unremarkable, or as Cynthia Enloe characterises it, "just an indistinguishable part of a poisonous wartime stew called 'lootpillagelandrape'" (Enloe 2000: 108). Another danger is that, by analysing sexual violence as historically endemic to gendered and racialised power relations, we will seem to be saying that such violence is inevitable, naturalising it rather than showing how it is part of deliberate policies and strategies of domination. We do not avoid these dangers, however, by locking ourselves in a women-only conceptual purdah. Rather, we should be showing how a feminist perspective on gender and the body is inclusive of a wide range of gender and sexual identities and orientations, how women, men and transgenders as objects of and resisters against sexual wrongs are part of an integral system. The body in pain has many forms, the body for pleasure is a potential in all of us.

Conclusion – toward broader coalitions

I am not and never have been a proponent of victim images as a viable long-term strategy for building a social movement around human rights. I agree with Ratna Kapur about the importance, both strategically and theoretically, of bringing to the foreground of our political analysis, as feminists and human rights advocates, new marginalised subjects who directly challenge the primordial conservative image of women as helpless victims of violence and the gender and cultural essentialism that invariably underlies that image. So my purpose in the second part of this essay was to focus on new actors – sex worker groups, Women Living with AIDS – who represent a refusal to be cast as victims and an assertion of affirmative as well as protective social rights and claims. But I also believe another important move, along with the foregrounding of the affirmative (woman, gay, transgender, *hijra*) political subject, is to expose the real victimisation and brutalisation of men in racist, neo-colonial and postcolonial power relations and how that victimisation complements and draws resonance from the perceived

victim status of women; hence the gloomier focus in part three. The goal of such a complex analysis is not only to deepen our analytical understanding of gendered and sexualised power but also to form ties of solidarity and new kinds of coalitions around the politics of bodily integrity and freedom of sexual and gender orientation.

In some ways the picture I portrayed at the beginning of this paper of a carefree and jubilant Rainbow Planet Coalition was misleading if not utopian. For, when the most subordinated groups – *hijras*, *kothis*, sex workers – return home from their brief encounters with international allies in spaces like the World Social Forum, they are thrown once again into a hostile, violent, and utterly stigmatising cultural and political climate. The recent history of arrests and police surveillance and harassment of HIV/AIDS groups that work among the MSM community illustrates this “climate of homophobia” as well as its roots in colonial rule. As Narrain reminds us, Section 377 of the Indian Penal Code was originally drafted by Lord Macauley in 1860 and “provides the legitimacy for the police to arrest, blackmail, sexually abuse, and ‘out’ any individual they consider to be violating” the section. Efforts to secure its repeal have so far been unsuccessful and not secured much support from women’s groups. Reflecting on these uphill battles among queer subalterns in India, Narrain says: “The formation of alliances and coalitions under a human rights framework – in which queer groups work along with feminist groups, civil liberties groups, and groups working on HIV/AIDS to understand and address the ways in which health intersects with the state’s need to regulate sexuality – has now ... become a critical necessity” (Narrain 2004: 151–52, 154).

We can imagine the hopeful and transformative possibilities of social movements on

behalf of a politics of the body and the rights of bodily integrity. I am convinced of the inclusive potential this focus has to give us a space for opening up human rights concepts and struggles in whole new ways, affecting human beings across many diversities and at the core of their lives. We all share a sexuality, with its capacity for erotic pleasure, fantasy, exploration, creation, and procreation, as well as for danger and abuse. We all share a body, with its capacity for health and wellbeing as well as disease, deterioration, violation, and death. The idea of dignity and rights in the body is powerful and can unify coalitions across groups that for too long have worked in fragmented ghettos: LGBT and trans groups, across their diverse sexual and gender identities; reproductive health and rights groups; disability rights, HIV/AIDS and treatment access groups; feminists mobilised around violence against women and female genital mutilation; sex workers; Central American banana workers challenging use of harmful pesticides; and prisoners’ rights groups fighting sexual and other forms of torture and degradation.

Already such coalitions are emerging, as Rainbow Planet in South Asia and the meeting on “Sexual and Bodily Rights as Human Rights” in Malta in 2003 exemplify. Imagine these amazing coalitions, and then put them together with human rights, anti-war, environmental and economic justice movements seeking to create another, better world. Assure that feminist activists are vocal participants in all these linked movements and coalitions (Antrobus 2004). This kind of broadening the circle moves us past the primary focus on women necessary at the moment of Cairo and Beijing to a multi-racial, multi-gender vision of sexual and bodily rights for the twenty-first century – with feminism at its core.

Notes

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the *International Social Science Journal* for their helpful suggestions to make some of my thinking here a little clearer.

1. The human rights principles that follow are articulated in a number of United Nations agreements, some of which (the covenants, conventions and statute) are legally binding on their signatories, while the others have moral and political authority only. These include the International Covenant on Economic, Social and Cultural Rights (1976); the Convention on the Elimination of All Forms of Discrimination Against Women (1981); the *Programme of Action* of the International Conference on Population and Development (Cairo, 1994) and its “Key Actions” follow-up document (1999); the *Platform for Action* of the Fourth World Conference on Women (Beijing, 1995); the General Assembly Special Session on World Summit for Social Development’s “Further Initiatives” document (Geneva, 2000); the Commission on Human Rights, Resolution 33, “Access to Medication in the Context of Pandemics such as HIV/AIDS”, (Geneva, 2001); and the Rome Statute of the International Criminal Court (1998).

2. Saiz (2004: n. 5) usefully defines gender identity as “[referring] to a person’s deeply felt sense of belonging to a gender and the sense of conformity or non-conformity between their gender and their biological sex. Although distinct from sexual orientation, it is intimately linked both as an aspect of identity/behaviour and as a reason for abuse or discrimination”. Narrain (2004: 144–145), quotes David Halperin’s definition of “queer” as “a horizon of possibility . . . for reordering the relations among sexual behaviours, erotic identities, constructions of gender, forms of knowledge,

regimes of enunciation, logics of representation, modes of self constitution and practices of community.”

3. The concept of “intersectionality” – referring to the ways in which social divisions and exclusions of gender, race/ethnicity, class and caste cut across one another and cannot be understood as separate compartments – was first put forward in a global setting at the 2001 World Conference Against Racism in Durban, South Africa. For a clear articulation of this concept, see Crenshaw 1991.

4. Relevant international law differs from this approach. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, informally known as the Palermo Protocol, which supplements the United Nations Convention against Transnational Organized Crime [G.A. Res. 55/25, U.N. GAOR, 55th Sess., Supp. No. 49 (2000)], does not require that prostitution be criminalised but rather leaves it to ratifying states to determine how to respond to prostitution. Moreover, the Protocol requires proof of coercion or abuse in determining the matter of consent. (Thanks to Ali Miller for this clarification.)

5. This seems to be the position of Cynthia Cockburn (2001) and, implicitly in all her work on gender and militarism, of Cynthia Enloe as well. Cockburn says with confidence, “One thing you can say about militaries is: these are not feminine cultures” (p. 16); and “Nor do the character, culture and hierarchy of armed forces become more feminine by women’s presence” (p. 21). But what precisely do we mean by “feminine” and “masculine” cultures and how might these be changing, or different in different contexts? This is precisely the

issue, but a question too large to investigate here.

6. The report (p. 39) quotes an obscene verse from an incendiary leaflet circulated by the Vishwa Hindu Parishad (World Hindu Council) that says “We have untied the penises which were tied till now” – a reference to mutilation of the circumcised (Muslim) penis; and “Without castor oil in the arse we have made them cry” – a reference to rape of men. It also speaks of having “fucked . . . their mother . . . standing while she kept shouting/ She enjoyed the uncircumcised penis”.

7. Army and FBI documents secured by the American Civil Liberties Union through the Freedom of Information Act reveal numerous reports of rapes and other abuses of Iraqi women detainees by US military guards and interrogators, including the sodomization of a 73-year-old woman detainee. See <http://www.aclu.org/torturefoia/> released. None of this has appeared in the mainstream US press, but Hersh (2004: 43–44) mentions one unreleased photo and reports of rapes of Iraqi women detainees by American male soldiers, and this information is also contained in General Taguba’s investigation of Abu Ghraib (see The Taguba Report, in Danner 2004: 292–93). In May 2004, *The Guardian* of London published a fuller report of a pattern of US soldiers raping and abusing Iraqi women detainees, some of whom apparently ended up committing suicide or being killed by family members (Harding 2004). In March 2005, *The Guardian* reported that four US soldiers under investigation for having allegedly raped two Iraqi women while on duty in a Baghdad shopping mall had been released without any punishment or comment. The soldiers either

denied the charges or claimed the women were prostitutes, and the Pentagon never questioned the women themselves (www.democracynow.org/article.pl?sid=05/03/29/153242).

8. This reality, and the bizarre alliances that globalised

homophobia creates, have never been starker than in a front-page photograph shown in *The New York Times* of the Muslim mufti, the Latin (Roman Catholic) patriarch, the Armenian patriarch, and the Sephardic and Ashkenazi chief rabbis of Jerusalem joined in fervent and

hate-filled opposition to the WorldPride festival and parade scheduled to take place in Jerusalem in August 2005. See L. Goodstein and G. Myre, 2005. Clerics fighting a gay festival for Jerusalem. *The New York Times*, 31 March, A1, A4.

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