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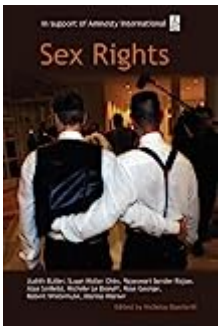

Nicholas Bamforth, ed. *Sex Rights: The Oxford Amnesty Lectures 2002.* Oxford: Oxford University Press, 2005. 306 pp. Â£14.99 (paper), ISBN 978-0-19-280561-4.

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Gender, Sexuality, and Human Rights

This book was engendered by the Oxford Amnesty Lectures of 2002, which addressed the issue of gender and sexuality in relation to the concepts and laws of human rights. In addition to five of the 2002 lectures, the book was expanded with two specially commissioned articles.

Amnesty International is cited repeatedly, though it is not explained whether the Oxford lectures are affiliated with, or merely in sympathy with that organization. From the time of its founding in 1961, and for its first three decades, Amnesty International (AI) devoted its resources to fighting on behalf of prisoners of conscience and political prisoners who had been denied fair trials; it also opposed torture, extrajudicial executions, and the death penalty. Then, beginning in the 1990s, it began to expand (or dilute) its mandate to include other victims of injustice or discrimination. From 2001 to 2004, AI issued three major reports: the first, *Crimes of Hate, Conspiracy of Silence: Torture and Ill-treatment Based on Sexual Identity* (2001), "concerned lesbians, gay men, bisexuals, transsexuals and transgendered individuals (referred to hereafter as 'sexual minorities' or 'LGBT people')" (p. 2) and the second and third, the position of women.

In his introduction, Nicholas Bamforth does a fine job of providing historical background to the 2002 lectures and of analyzing the theoretical issues involved. In my opinion, there is more substance to his introduction than to the talks themselves – and the same can be said of the introductions, written by others, to the individual talks. In general, it is apparent that the lectures were informed by feminist theory, which holds that women and "LGBT people" are persecuted "on account of their deviation from socially approved gender norms" (p. 13). This, of course, is not the only way of looking at it. I and other gay scholars have argued that a specific taboo, contained in the Holiness Code of Leviticus, together with the sex-negativism of all three Abrahamic religions, is responsible for the persecution of gay men.[1]

The major talk was given by Judith Butler: "On Being Beside Oneself." Though less opaque than many of her works, it still seems unfocused and irrelevant to any real fight against injustice. In the manner of postmodern feminism, which she almost invented, she divagates from "What makes for a grievable life?" (p. 48), through a bit of Foucauldian musing over "who and what is considered

real and true" (p. 61), to the question, "What makes a life liveable?" (p. 77).

Malcolm Bowie's introduction to Butler's talk – written in good, direct English – is actually superior to it. He summarizes her leading conception admirably: "For Butler, 'gender' is a social construct rather than a biological datum; it is performed rather than prescribed; it is labile, multifarious, and now troubling, now exhilarating in its transformative capacity." Bowie is much too kind to Butler when he characterizes her talk as "deeply moving" (p. 44) and a "call to action" (p. 47). It is neither.

The second talk is by Susan Moller Okin: "Women's Human Rights in the Late Twentieth Century: One Step Forward, Two Steps Back." Though some of her points are debatable, at least she provides a good overview in comprehensible English. Perhaps her most important point is that traditions should not be invoked to justify the mistreatment of women. In her words: "Claims based on culture or religion often *do*, but, I argue, *should not*, trump women's equality with men" (p. 92).

In his introduction to Okin's talk, David Miller makes a number of criticisms, the most important being "a tendency to run together the question of women's human rights with the question of gender inequality. We need to ask when inequalities become damaging to women's interests that their human rights are put in question."

Rajeswari Sunder Rajan's talk, "Women's Human Rights in the Third World," does not lend itself to summary. She unflinchingly describes the "problem of conflicting rights" (p. 134), in contexts of conflicting religions and cultural traditions. There are no easy answers.

Alan Sinfield's talk –"Rape and Rights: *Measure for Measure* and the Limits of Cultural Imperialism"– is a good example of postmodern "literary studies." He shows how Shakespeare softened an ugly rape legend, through good-bad doublings and other devices, to produce a happy and morally palatable ending. The talk is interesting, but dubiously relevant to fighting against injustice.

Rose George is a freelance journalist, whose writings have appeared in *The Nation*, *The Guardian*, and other liberal publications. Her talk, "Share a Spliff, Share a Girl–Same Difference: The Unpleasant Reality of Gang Rape," is a prime specimen of the feminist genre, the "atrocity story." Here she focuses on gang rape among immigrants in Paris, though she has also written articles on gang rape in England.[2] Here one should retain both skepticism and a sense of perspective, as many of the early feminist rape claims and stories have been found to be exaggerated and even fabricated. Gang rape, when it occurs, is appalling and reprehensible, but so are all forms of violence, including cases where males are gang raped, mothers torture their children, elders inflict circumcision or other forms of genital mutilation on infants and minors, whether male or female,[3] or wives batter their husbands. At any rate, it is not clear what AI should be expected to do to prevent, punish, or ameliorate the harm of gang rape.

Robert Wintemute's talk, "From 'Sex Rights' to 'Love Rights': Partnership Rights as Human Rights," argues in great detail that "the partnership rights of same-sex couples are human rights" (p. 224). It is a long way from the original mandate of AI to assert, as Wintemute does, "the human right to be free from discrimination." Wintemute's talk includes a lot of information, good arguments, bad arguments, and a certain amount of cant. It will not do simply to toss out such terms as "changing sex" or "gender reassignment" without defining and analyzing them. Can a man really be *changed* into a woman? Can gender really be *reassigned*, as though this were a mere clerical operation? Should it be illegal for employers or ordinary citizens to *discriminate* against men who have had themselves castrated, and who believe that this has transformed them into women?–or, to *discriminate* against people who believe that they are Napoleon or Jesus Christ? With regard to same-sex partnership rights, a growing number of gay men and lesbians are opposed to "gay marriage" for a variety of reasons, not least of which is a concern for the rights of individuals who are, and choose to remain, single.

Marina Warner's talk –"Who's Sorry Now? Personal Stories, Public Apologies"–is fascinating, if rather distantly relevant to the philosophy and practice of AI. It contains one marvellous observation, "Apology is a new political enthusiasm," which it does indeed seem to be. She traverses Aeschylus's *Prometheus Bound*, Mozart's *Marriage of Figaro*, and recent statements by the Pope and politicians.

While AI has moved away from or beyond its original mandate, it notably failed to act or speak out on the falsely accused and convicted victims of the day-care center hysteria of the 1980s. It is clear in retrospect, and was clear at the time to any rational person, that the stories of satanic child abuse, of dragons flying through the air, of underground tunnels, etc., were sick fantasies with no basis in reality. AI should have, but did not, come to the defense of the many men and women whose lives were

destroyed by this hysteria. It is an understatement to say that they were denied fair trials, and therefore well within the original mandate of AI. Since the current practice of AI is informed by feminism, it is well to remember that the victims of this witch hunt were victims of feminist and Freudian theories ("recovered memories," "believe the children," etc.), victims of feminist therapists, and victims of rich feminists, who donated large amounts of money to feed the frenzy.[4]

It is good to have a record of the lectures, but questionable whether the quality of the talks was such as to warrant an entire book. Physically, the book is hardly cheap at Â£14.99, yet in presentation it is closer to a mass-market paperback than a quality or trade paperback. It is printed on cheap paper, resembling newsprint, rather than on good book paper.

Notes

[1]. John Lauritsen, *A Freethinker's Primer of Male Love* (Provincetown: Pagan Press, 1998).

[2]. Rose George, " 'They Don't See It as Rape. They Just See It as Pleasure for Them.' Why Britain's Gang Rapes Aren't Talked About," at `http://www.rosegeorge.com`.

[3]. While Amnesty International has come out strongly against female genital mutilation, it has resolutely refused to utter a word about the much larger problem of male genital mutilation (circumcision). It seems to have occurred to nobody involved in this exercise that "sex rights" might include the right to a complete set of genitals. See, among many analyses, Sirkuu Hellsten, "Rationalising Circumcision: From Tradition to Fashion, from Public Health to Individual Freedom–Critical Notes on the Cultural Persistence of Genital Mutilation," *Journal of Medical Ethics* 30 (2004): 248-53.

[4]. For excellent accounts of the day-care hysteria see Debbie Nathan and Michael Snedeker, *Satan's Silence: Ritual Abuse and the Making of a Modern American Witch Hunt*, (New York: Basic Books, 1995), and the essays by Frederick Crews in the *New York Review of Books*, now collected in his *Follies of the Wise: Dissenting Essays* (Emeryville, CA: Avalon, 2006). For the moving story of the first falsely accused victim of the day-care hysteria, a man who spent more than half his life in prison, see `http://freebaran.org`.

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