

*Joan Wallach Scott*

# Emancipation and Equality: A Critical Genealogy

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## **Inaugural Address**

Inaugural lecture delivered on 7 November 2012 on the occasion of accepting the Treaty of Utrecht Chair at Utrecht University.

## Emancipation and Equality: A Critical Genealogy<sup>1</sup>

It was by no means sufficient to ask:  
Who should emancipate? who should  
be emancipated? The critic should ask a  
third question: what kind of emancipation is  
involved?

Karl Marx, *On the Jewish Question*, 1843.

We must not think that by saying yes to sex,  
one says no to power; on the contrary, one  
tracks along the course laid out by the general  
deployment of sexuality.

Michel Foucault, *The History of Sexuality, Vol. I*,  
1976.

Emancipation is a tricky word. According to the Oxford English Dictionary, it denotes the lifting of “restraints imposed by superior physical force or legal obligation.”<sup>2</sup> In Roman law emancipation referred to the freeing of women or children from the *patria potestas*—the father’s power. In English civil law Catholics were enfranchised by the *Catholic Emancipation Act* of 1829. Slaves in the United States were manumitted in 1863; the terms set forth in Abraham Lincoln’s famous *Emancipation Proclamation*. (Although emancipation and manumission are now used synonymously, in ancient Rome, manumission referred specifically to slaves or servants, emancipation to family members.) Figuratively, the word has been extended to mean liberation from “intellectual, moral, or spiritual fetters.”<sup>3</sup> Here the issue is not so much action by an external agency, as it is an internal matter, a change in consciousness. For the Young Hegelian Bruno Bauer writing in the early nineteenth century, for example, Jewish emancipation (citizenship) could come only when Jews renounced (freed themselves from) Judaism as a public identity. Religion was antithetical to the putative universalism of the secular state, and for that reason, he added, the state must also renounce Christianity.

Citizenship required a prior refusal of the particularistic obligations religion imposed; emancipation from particular obligation was a pre-requisite for admission to the universalist community of the state.<sup>4</sup> In either definition, to be emancipated is to get out from under, to be able to press ahead with no obstacles in one's path, to enjoy some measure of unencumbered thought or movement, *from* a situation of constraint *to* one of some kind of freedom.

Historically, the word emancipation has often been synonymous with liberation or freedom, but not necessarily with equality. So, for a Roman son or wife emancipation would more often mean disinheritance than the possibility of assuming equal standing with a father or husband. And while English Catholics won certain civil rights in the nineteenth century, they hardly acquired the social and economic privileges enjoyed by members of the Church of England. Although former slaves in post-bellum America were viewed as owners of their own labor power, they were not understood to be in the same category as white workers or, for that matter, as white citizens. "From this vantage point," writes Saidiya Hartman, "emancipation appears less the grand event of liberation than a point of transition between modes of servitude and racial subjection."<sup>5</sup> The legal regimes of industrial capitalism considered employers and workers as equal parties to labor contracts, but their social and economic statuses were never equivalent. Similarly, the achievement of suffrage for women in the twentieth century did not erase the lines of sexual difference that had long justified the denial of their right to vote. What Deniz Kandiyoti writes about the enfranchisement of women in Turkey in the 1930's, applies as well to other Western European instances: "The changes in Turkey left the most crucial areas of gender relations, such as the double standard of sexuality and a primarily domestic definition of the female role, virtually untouched. In that sense, it is tempting to describe Turkish women as emancipated but unliberated."<sup>6</sup> And, if the Industrial Revolution brought more jobs for women, they did not thereby gain economic parity with men.

Nor did the “consciousness-raising” movements of second wave feminism usher in a new regime of gender equality. Rose-Marie Lagrave argues that “what characterizes the twentieth century is rather a long and slow process of legitimation of the sexual division of society, which has been achieved by perpetuating or reinventing subtle forms of segregation in both the educational system and the workplace.”<sup>7</sup> The end of legal and/or psychological subjugation has not always conferred social or economic or even political equality with either those who once held the reins of power or those who were never subjected to similar forms of domination.

That emancipation and equality are not synonyms results from the classic tension in liberal theory between formal and substantive rights. This was Marx’s critique of Bauer’s essay. For Marx, as for Bauer, the Jewish Question was the site, in Anne Norton’s apt formulation, “where post-Enlightenment Europe confronted the specter of theology in the question of citizenship.”<sup>8</sup> But Marx addressed the more general issue of emancipation in these terms: “The state abolishes, after its fashion, the distinctions established by birth, social rank, education, occupation, when it decrees that [these] are non-political distinctions, that every member of society is an *equal* partner in popular sovereignty....But the state, more or less, allows private property, education, occupation, to *act* after *their* own fashion, namely as private property, education, occupation, and to manifest their particular nature. Far from abolishing these *effective* differences, it only exists so far as they are presupposed; it is conscious of being a *political state* and it manifests its *universality* only in opposition to these elements.”<sup>9</sup> In other words it is through abstraction that individuals become the same—that is equal—but only for the limited purpose of political membership and legal standing. The universality of national sovereignty depends on its distinction from social particularities. Equality before the law works by abstracting individuals from the power relationships in which they are located. The extension of emancipation to previously excluded groups does not alter structures of domination in the social realm. Instead, it naturalizes those structures by relegating them to civil society, removing them as objects of political attention. Marx reminds readers that “The political suppression of private property not only does not abolish private property; it actually presupposes its existence.”<sup>10</sup>

Arguably, it is liberalism's notion of the abstract individual that has conflated the definitions of emancipation and equality, leading to the conclusion that because they are deemed equal before the law, individuals are similar in all areas of life. The basis for sameness has varied among political theorists and has included dignity, empathy, godliness, the mutual capacity to kill one another, reason, self-interest and passion. Abstraction attributes some universal trait as the basis for individual sameness; this is a fictional necessity of the political theory, historically the grounds for the inclusions and exclusions of citizenship.

But, as Marx pointed out, the idea of the individual as the unit of politics also informed the vision of the non-politicized "civil society" counterposed to it. Here the notion of humans as individuals, "self-sufficient monads" in his terminology, rests not on sameness but on "the separation of man from man....the right of the *circumscribed* individual, withdrawn into himself."<sup>11</sup> He cites the French *Declaration of the Rights of Man and Citizen* (of 1793), as an example. There liberty is the right to do anything that doesn't harm the rights of others; property is "the practical application of the right of liberty." It is, Marx notes, "the right of self-interest....It leads every man to see in other men, not the *realization*, but rather the *limitation* of his own liberty."<sup>12</sup> Equality is simply the right to pursue one's interest; the outcome of the pursuit is a measure of the abilities of the self-interested players, it has nothing to do with what Marx called "true human emancipation"—that is genuine freedom and non-hierarchical communities. "Political emancipation is a reduction of man, on the one hand, to a member of civil society, an *independent* and *egoistic* individual, and on the other hand, to a *citizen*, to a moral person."<sup>13</sup> For Marx neither citizenship nor civil society (what we today might call the social) could lead to "true emancipation." In both cases, the reduction resulted in a distorted, for Marx an alienated and empty, kind of equality.

There is a history still to be written about representations of the individual as the basic *social* unit, the various morphings of the abstract individual of political theory into a social and economic being at different moments in time. Marx links the political idea of formal equality to the economic concept of labor power. Once individuals are conceived abstractly, "all kinds of labour are equal and equivalent."<sup>14</sup>



Along the way in this history of the abstract individual, there have been important objections and modifications: group identity as foundational for the formation of subjectivity (class, race, ethnicity, gender, sexuality, religion) and so a ground for political mobilization and political representation (labor parties, quotas, pillars in Belgium and the Netherlands, the law on *parité* in France); ideas of collective responsibility implemented in welfare states; affirmative action (or positive discrimination) as a corrective for discrimination based on negative stereotyping; cooperation rather than competition theorized as a basic human attribute. But the individual has remained at the center of Western liberal discourse.

The late 1970's ushered in an age of heightened individualism in the neo-liberal policies of Margaret Thatcher in England and Ronald Reagan in the United States. These days, in the era of globalization, all aspects of life have become increasingly "marketized" and the state's role is narrowed to a protector of market forces and individual self-determination. Society is conceived to be a mass of self-actualizing individuals, their fortunes a reflection of their choices, the condition of their lives a measure of the responsibility they have (or have not) taken for it. Self-determination, once a term associated with the emancipation of former colonies from imperial rule (and their achievement of national sovereignty), is now part of psychology's lexicon. "Self-determination theory" (SDT), a relatively new field of social psychology, maintains that the human need for "competence, autonomy and relatedness" is "universal and innate." Autonomy, according to the empirical researchers who defined the field, is the "universal urge to be causal agents of one's own life and act in harmony with one's integrated self."<sup>15</sup> SDT offers the fantasy of the self-directed individual of modern, secular, Western political theory as the universal human, the standard model for all civilized behavior. Evolutionary psychology grounds this fantasy in species biology: the modern individual is taken to be the outcome of a long process of "natural selection." From this perspective, emancipation is not a matter of being free of prior impediments, but of understanding oneself in modern Western terms. Equality then means not just the sameness conferred by abstraction, but the sameness established by identifiable psychological and behavioral patterns.

The terminology of emancipation and equality is bandied about a lot these days in discussions of the place of Muslims in the historically Christian/secular countries of Western Europe. In some ways, it's a rehearsal of the nineteenth century "Jewish Question" about which Marx wrote his famous essay in reply to Bruno Bauer. Were Jews to be emancipated (that is given political recognition) as Jews or as individuals? Were they a religious or ethnic entity? Did all Jews necessarily practice the religion ascribed to them? Did their religious commitments preclude the possibility of inclusion in a supposedly neutral political state? Or, in the formulation of the earlier debate during the French Revolution, were they to be treated as individuals or as "a nation?"<sup>16</sup> If the question then was about the grounds for exclusion, today it focuses on the need for assimilation, on the willingness or not of Muslims to shed what is referred to as their "culture" in order to become European (or American or Australian...)

It was not just that religion was antithetical to the secular politics of the nation-state—Christians, after all, did not present the same dilemma. For purposes of citizenship they could be abstracted from the religion they continued to practice, even if (as was the case with French Catholics) theirs was not the privatized form of conscience associated with Protestantism. It was the status of Jews as a long-reviled *minority* that mattered; in the course of the nineteenth century their religious difference was increasingly cast in racial terms, and race, like sex, was seen not to be susceptible to the abstraction required for the political equality deemed to underlie national identity. Even for assimilated Jews, the taint of particularity did not disappear, as was evident in France in the Dreyfus Affair and there, as in many other European countries, in the 1930's and 40's. As anthropologist Mayanthi Fernando has argued about secular Muslims in contemporary France, racial and/or cultural difference continues to be marked as a way of demonstrating the universality of the secular state. The particular—included or excluded—is necessary for a definition of the capaciousness of the universal.<sup>17</sup>

The "Muslim Question" is a version of the "Jewish Question" even as references (by the Pope, Angela Merkel, Nicolas Sarkozy and many others) to an enduring Judeo-Christian European tradition (with shared values, moralities, and practices) have tended to efface the long and tortured history of European anti-Semitism.

Norton points out that “the refusal of Muslims is marked by a symbolic (but only a symbolic) embrace of the Jews...The refusal of one anti-Semitism becomes the occasion for another...In this way, hatred becomes the required sign of love.” It’s not that Jews have finally achieved real acceptance, only that there has been a “simple shift of hatred.”<sup>18</sup> These days, a racialized Islam (expressed in the language of “culture”) now holds the place, once assigned to Jews, of the inassimilable Other, and the problems it presents to its European hosts are couched in similar terms. The question of religion as an obstacle to emancipation remains, though it takes different forms in different countries. In the hard secular discourse of French public officials, Islam (as Judaism before it, but apparently not now) is thought to preclude identification with the political community of the nation. In other countries the objections may be differently formulated. But in most cases, emancipation refers less to something conferred on deserving subjects by legislative fiat (the removal of obstacles to political inclusion), than it does to an internal psychological quality—the self-determination of a freely-choosing, autonomous person. This person seems to have no relationship to the constitutive circumstances of his or her life; s/he is the fiction of the abstract individual come to life.

Of course, despite the fact that in liberal theory it was abstraction that created individuals (whatever their commitments or social standing) and made them equal for the sole purpose of political representation, there were always pre-requisites. Property-holding white males were initially the only conceivable individuals; later a more generalized masculinity was the criterion. The different histories of the extension of suffrage in the countries of Western Europe and the United States demonstrate the limits of abstraction as an instrument of even a narrowly political equality. It might serve as a potent ideal for groups claiming the rights of citizenship, but it was hardly a guarantee that the particularities of their differences would be automatically lifted.<sup>19</sup> For one thing, the discursive constitution of the abstract individual rested on its concrete physical antithesis—women as “the sex,” blacks as indelibly marked bodies. Hartman, writing of the political possibilities for former slaves in the US, refers to “the prison house of flesh...the purportedly intractable and obdurate materiality of physiological difference.”<sup>20</sup>

For another, the terms of national identity and the imperatives of capitalism established physical or cultural pre-requisites; only certain kinds of people were eligible for the abstraction that conferred citizenship.

In one sense, then, the current demand that Muslims conform to certain rules of eligibility is not new. What is striking today is the nature of those rules and the way the vocabulary of emancipation and equality is employed to articulate them. The issue is not so much whether to confer rights on or to extend equality to these newer residents of European nations, but whether they are psychologically sufficiently emancipated and/or egalitarian to be eligible for full membership and permanent inclusion. In the civilizational discourses of Western Europe interiority is taken to be a condition, not a state to be realized, but something natural that simply needs to be unveiled. No longer is emancipation about the legal removal of obstacles or impediments to freedom. Nor is equality to be achieved by abstraction from social or other differences. And neither emancipation nor equality are considered to be the consequences of state action (although they are qualities said to thrive in secular democracies). Rather, emancipation and equality are traits presumed to inhere in individuals, establishing their agency—their very humanity—and so their eligibility for membership in the community of the nation.

In this view, the secular democratic nation-state provides only a context for the already emancipated by protecting their exercise of self-determination. But it cannot instill that quality in people who lack it. Indeed, the presence of the unemancipated constitutes a threat to the very life of Western civilization, a threat that must be contained or eliminated. Ayaan Hirsi Ali tells the story of the murder of Theo Van Gogh and of the attacks of September 11, 2001 in these terms; ultimately she attributes the deaths and destruction not to a single murderer or group of murderers, but to murderous Islam itself.<sup>21</sup> “The veil is a terrorist operation,” warns the philosopher André Glucksmann in 1994. “Wearing the veil is a kind of aggression,” says French president Jacques Chirac in 2003 on the eve of passage of the law forbidding the wearing of headscarves in state schools.<sup>22</sup> Recently, the *burqa* has been outlawed in a number of countries on the grounds that it constitutes a threat to public security. After all, some feminists argue, “a veil can hide a beard.”<sup>23</sup>

The implication here is that there is a necessary link between “covered” sexuality and the violence of political terrorism.<sup>24</sup>

The association of veiled women with terrorists has many contradictory implications. On the one hand, these women are depicted as aggressive, their veil taken as the flag of a terrorist insurgency. On the other hand, they are cast as the victims of their male relatives, barbarians who use women to further their own ends. In either case, the veil is taken to be the ultimate sign of women’s lack of emancipation, of their forced or willing submission to a culture in which an inegalitarian system of gender relations prevails. The calls to outlaw headscarves, veils and *burqas* are all uttered in the name of women’s natural right to self-determination and equality between the sexes.

At the core of this conception of human agency is a vision of liberated sexuality defined as the possibility of fulfilling one’s desire without restraint, of freely actualizing one’s sexual being. It is through “sexual satisfaction” that “the truly human” gets defined according to Martha Nussbaum.<sup>25</sup> She offers sex as the universal measure of human freedom. Emancipation and equality then refer exclusively to the actualization of an individual’s sexual potential, that inner truth of the individual subject which Foucault identified as a peculiarly modern conception. “Between each of us and our sex, the West has placed a never-ending demand for truth: it is up to us to extract the truth of sex, since this truth is beyond its grasp; it is up to sex to tell us our truth, since sex is what holds it in darkness.”<sup>26</sup>

The popular Western representation of Muslim women portrays them as sexually repressed while their secular Western counterparts are sexually liberated (“they” are trapped in a past from which “we” have escaped; “they” lack access to the truth that “we” know how to discover). The focus is on women (and, in some countries, also on homosexuals) as the embodiment of Western liberation on the one side, and as victims of Islamic oppression on the other. Women, once “the sex” and excluded from citizenship on those grounds, now—still as “the sex”—provide the criteria for inclusion, the measure of liberated sexuality and, ironically, for gender equality. Ironically, because this equality usually rests not on the notion of the abstract sameness of individuals, but precisely on the difference of women from men, on the complementarity of normative heterosexuality.

Indeed, equality in the rhetoric of politicians as often means the equality of immigrant women with native French or German or Dutch women as it does women with men. “Let us make sure that the rights of French women also apply to immigrant women,” said Nicolas Sarkozy, then Minister of the Interior in 2005.<sup>27</sup> In his view, these rights include not only abortion and divorce, but also the “right” to wear sexy clothing and sleep with men who are not their husbands. The focus on liberated sexuality (whether hetero- or homo-sexual) echoes with the notion of consumer desire as the motor of the market and serves further to draw attention away from the economic and social disadvantages that result from discrimination and structured forms of inequality. Writing about France, Eric Fassin notes that “equality is now defined exclusively in terms of gender, thus leaving out race or class. In the same way, *laïcité* is primarily understood as *sexual* secularism, insofar as it pertains to women and sexuality rather than the separation of church and state in schools, as was the case from the Third Republic until the 1980’s.”<sup>28</sup> Norton comments that sexual pleasure is now offered as secular redemption.<sup>29</sup>

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In contemporary Western debates about the Muslim Question the secular and the sexually liberated are synonymous. (Elsewhere I have referred to this conflation as “sexularism.”)<sup>30</sup> According to two conservative Americans writing in 2003, the “true clash of civilizations” is about “gender equality and sexual liberalization.”<sup>31</sup> In these representations, secular women are autonomous, free to pursue their desire, in contrast to Muslim women whose sexuality is literally under wraps—confined as it is by garments that hide their beauty and symbolically signal their status as subordinate to men. The secular is presented as in accord with the natural inclinations of all women, the Islamic with a denial of their innate femininity. Testifying before the French government’s Stasi Commission (the official body that recommended the ban on headscarves in 2004), psychoanalyst Elisabeth Rudinesco said she thought the veil interfered with a natural psychological process: the visual appreciation of women’s bodies by men brought women’s femininity into being.<sup>32</sup> The Iranian-born, Paris-based, Chahdortt Djavann punned on the French spelling and equated veils (*voile*) with rape (*viol*). Wearing the veil, she said, was a form of “psychological, social and sexual mutilation.” It denied a girl the possibility of “becoming a human being.”<sup>33</sup>

The leadership of the secular Muslim group, *Ni Putes Ni Soumises*, talked in similar terms: “it’s better to wear a skirt and take up one’s femininity than to hide it behind a veil in order to avoid the gaze of others.”<sup>34</sup> Referring to women who refuse to wear the veil, a member of the group writes of how “they try to resist by being themselves, by continuing to wear revealing clothing, by dressing in fashion, by using makeup....They want to live in modern society, to exist as individuals, and to command personal respect on equal footing with young men.”<sup>35</sup> The thing to notice here, as Fernando observes, is the way in which these statements “naturalize a particular mode of femininity, so that wearing revealing clothes comes to be coeval with taking up or fulfilling one’s natural qualities and desires as a woman and as an individual.”<sup>36</sup> Short skirts, low-cut blouses and makeup are taken as signs of autonomous agency, “being oneself,” puts the young women on “an equal footing” with their male peers. This is the kind of equality touted by those hard-line republicans who offer seduction as a defining aspect of French national identity, “a particular form of equality,” in the words of philosopher Philippe Raynaud; “la singularité française” according to historian Mona Ozouf.<sup>37</sup> What it amounts to is the endorsement of an asymmetrical complementarity between the sexes in which women are the objects of male desire; what power they have comes from their ability to manipulate that desire by “subsuming one’s personal ends...in loving consent” to the male sex.<sup>38</sup> Individual autonomy for women, then, is paradoxically the choice to submit to one’s anatomical destiny. (Anatomical destiny is realized through normative consumer choices which in turn naturalize the femininity of the consumer.) In some countries (notably the Netherlands) the logic extends to homosexuals, who are said to be freed by secularism to realize the truth of themselves as individuals. That this truth is ascribed to sex and sex to nature is, I would argue, an effect of ideology or of what Foucault called subjectivation.

It is useful in this connection to return to volume one of *The History of Sexuality* for critical insight into the current discourse of sexual liberation. There Foucault argued that the idea that sex had been long repressed served not only to naturalize it, but to set it up as the antithesis of power rather than as what it in fact was—an instrument of power. “What I want to make apparent,” he explained to some interviewers,

“is that the object ‘sexuality’ is in reality an instrument formed a long while ago, and one which has constituted a centuries-long apparatus of subjection.”<sup>39</sup> He put it this way in *The History of Sexuality*: “Sexuality must not be described as a stubborn drive, by nature alien and of necessity disobedient to a power which exhausts itself trying to subdue it and often fails to control it entirely. It appears rather as an especially dense transfer point for relations of power.”<sup>40</sup> The explosion of discussions of sexuality (and of the sex presumed to be driving it) established them as objects of knowledge and so of regulation. In this discourse “the sexual conduct of the population was both an object of analysis and a target of intervention.”<sup>41</sup> Sex was, Foucault writes, “a means of access both to the life of the body and the life of the species.”<sup>42</sup> In the West since the eighteenth century, sex has been offered as the answer to who and what we are. We have been brought almost entirely—“our bodies, our minds, our individuality, our history—under the sway of a logic of concupiscence and desire.”<sup>43</sup> In the process, sex became the foundation for the state’s regulation of populations, the disciplining of bodies, the surveillance of children and families, distinctions between the normal and the perverse, and the classification of identities.

For Foucault, genuine emancipation would involve a “veritable movement of de-sexualization,” a refusal to be pinned down to sex as the key to identity. For this reason he considered women’s liberation movements to have “much wider economic, political and other kinds of objectives than homosexual” liberation movements because they could more easily refuse the “sexual centering of the problem.”<sup>44</sup> While homosexual movements had no choice since it was their “sexual practice which is attacked, barred, and disqualified as such,” the need to limit their claims to their sexual specificity made it much more difficult to escape the “trap” of power. “Bodies and pleasures,” an intentionally vague formulation, was Foucault’s alternative to the identity politics that took shape in the wake of the science of sex and sexuality. Foucault refused a positive detailing of emancipation; the point was a negative one: to be emancipated from sex, not to be defined by it.

None of this has changed much since Foucault wrote,



although the types of regulation and the definition of norms have been adjusted (around issues of sexual harassment, abortion, contraception, HIV/AIDS, gay marriage and adoption, and the like) differently, depending on the outcomes of specific campaigns and contests, in different countries of the West. I don't want to deny the importance of the reforms that have been instituted, but I do want to remind us of a dimension we sometimes forget. The debates about these issues and the reforms resulting from them have intensified the hold of "the logic of concupiscence and desire" on the modern Western imaginary, in the politics of both the Right and the Left.<sup>45</sup> Whether evangelicals argue that sex should be enjoyed only in monogamous heterosexual marriages or secularists insist that sex is the latest recreational activity, whether prostitution is deemed a criminal activity or just another form of wage labor, sex remains "a dense transfer point for relations of power" in Western emancipatory discourse.<sup>46</sup> The meaning of democracy now includes "sexual democracy," usually understood, paradoxically, as the free reign of individual desire within normative constraints unacknowledged as such. The normative constraints are obscured by defining them in opposition to some excess: predatory rapists in urban ghettos and African militias; sex traffickers; polygamists; promiscuous (as compared with monogamous) gay men; honor killings, genital mutilation. The excesses go both ways: sexual over-indulgence on the one side, and sexual repression on the other. In the Muslim case, men are the embodiment of sexual excess (polygamy, gang rape of non-conforming daughters and sisters) and the vehicles for the sexual repression of women and homosexuals (stoning, honor killings, forced wearing of veils and burqas, jailing and murder of gay men and women). These negative representations offer an "unnatural" contrast to what is deemed "natural" and thus unquestionable. So that, as in the French instances I cited earlier, "liberated" women are expected to conform to established norms that make flaunting one's body a demonstration of femininity's "natural" attraction to the opposite sex. And in the Netherlands, where gay marriage has been legal since 2001, Pym Fortuyn's comment about liking to fuck young Moroccan boys without interference from backward imams stands as a call for tolerance (of homosexuality), while its emphasis on the availability of brown bodies articulated in the language of colonial orientalism is normalized in the process.<sup>47</sup> Similarly, in Israel, a public relations campaign to

promote Tel Aviv as a gay tourist destination—“pink washing” its critics call it—seeks to identify Israel as a modern (Western) tolerant nation (suppressing all mention of the daily violence committed against Palestinians and the orthodox rabbinical condemnation of homosexuality) in contrast to the rest of the Middle East, which Benjamin Netanyahu told the US Congress was “a region where women are stoned, gays are hanged, and Christians are persecuted.”<sup>48</sup> Norton comments that the tolerance of homosexuality becomes “a license for the intolerance of Muslims.”<sup>49</sup>

Stefan Dudink’s incisive reading of this discourse (he writes in the Dutch context, but his comments can extend to many other places, including the Israeli example I have cited) points to the way homosexuality has been both racialized and naturalized. Taking homosexuality to be a biological fact rather than a cultural category incorporates it as a feature of national identity: these people (once reviled “others”) are now considered members of the race on which the nation is based. In this way homosexuality functions in contemporary nationalist discourse to give “the nation and its identity a shining veneer of pluralism, liberalism, and progressiveness....”<sup>50</sup>

A nationalist rhetoric centered around homosexuality promises to deliver to the nation what is most elusive: identity. And better yet, when combined with the narrative of coming out, a nationalist rhetoric of homosexuality holds out the promise of a nation finding and becoming itself in a journey, that in an exquisite manner, combines pleasure with pain. This is the stuff that nations are made of.<sup>51</sup>

Dudink’s argument resonates with Foucault’s critique of sexuality: (sexed) subjects, are formed through the operations of power. There is no self-determining individual, Foucault insists, there is only the fantasy of self-determination. That is why he refers not to individuals, but to subjects. The fantasy of autonomous individuality is a way of denying the constitutive force of cultural norms. Or as Saba Mahmood puts it, there is a “paradox of subjectivation”: “the very processes and conditions that secure a subject’s subordination are also the means by which she becomes a self-conscious identity and agent.”<sup>52</sup> Individuality is not an inherent capacity, it is that which is attributed to subjects; “agency” is the product of authoritative discursive traditions whose logic and power far exceeds the consciousness of the subjects they enable.<sup>53</sup> It

involves the forceful, sometimes violent, disciplining of mind, body and soul. This is true both for secular and religious women, although the terms are different. Mahmood analyzes the agency of pious Muslim women from this perspective; the realization of a self involves submission to the external authority in the form of “moral codes that summon [her] to constitute herself in accord with [their] precepts.”<sup>54</sup> For Nilüfer Göle, religion becomes a mode of self-fashioning for those who “seek to restore piety to modern life;” modest dress and decorum are the means by which a desirable self is enacted. Secular women are no less subjectivated, Göle reminds us.<sup>55</sup> “Secular self means a set of bodily practices to be learned, rehearsed and performed, ranging from ways of dressing (and undressing), talking and socializing with men to enacting in public. The habitations of the secular are not transmitted ‘naturally’ and implicitly, but on the contrary become part of a project of modernity and politics of self that require [for those coming from outside] assimilation and ‘acculturation’ to Western culture.”<sup>56</sup> The particularity of this Western culture has become more visible, Göle suggests, in the heated contests over appropriate dress for women on the streets of European cities. “Islam provides an alternative repertoire for self-fashioning and self-restraint by means of disciplinary practices, which range from supervision of the imperatives of faith and control of sexuality, both in mind and body.”<sup>57</sup> She continues, “the Islamic veil, when it is not enforced on women by state power or communitarian pressure, and expresses the personal trajectories of women and their self-fashioning piety, presents a critique of the secular interpretation of women’s emancipation.”<sup>58</sup> This is a critique that the proponents of a clash of civilizations refuse to acknowledge, insisting instead that self-determination exists only on the secular side.

Sara Farris suggests that there is another important dimension to the insistence on Muslim women’s assimilation to Western sexual standards. Not only does capitalism require the development of their capacity for endless consumerism (and thus a self concept as individuals freed of the communitarian constraints that inhibit the fulfillment of their desire), it also insists on their thinking of themselves as commodities, displaying what they’ve got to sell. Citing the work of Alain Badiou and Frantz Fanon, she concludes

that “the emphasis on the unveiling of Muslim women in Europe... combines...the Western male’s enduring dream of ‘uncovering’ the woman of the enemy, or of the colonized, and the demand to end the incongruence of hidden female bodies as exceptions to the general law according to which they should circulate like ‘sound currency.’”<sup>59</sup> We might extend this insight to the tolerance of homosexuality: desiring individuals of whatever sexuality make better consumers—their particular tastes can be translated into lucrative market niches—and the commodification of their (once unacceptable) desire attests to the infinite expandability and adaptability of the market.<sup>60</sup>

The market is crucial these days, writes Kiarina Kordela blending Marx and Lacan, not just as an economic vehicle, but as a source of psychic assurance. Consumerism—shopping—has become what she calls a form of “surplus enjoyment,” which “adjoins itself to immortality;” “just like surplus value adjoins itself to capital.”<sup>61</sup> “As surplus-enjoyment enables infinity to conquer life, shopping, albeit central, is just one among many biopolitical mechanisms—in this case, a frustration machine—through which the illusion of immortality can be sustained.” In a secular world, surplus-enjoyment—the endless pursuit of ultimately unquenchable desire—serves as “compensation for the loss of eternity.”<sup>62</sup> Whereas once bio-reproduction may have served this end for secular subjects (one’s children were one’s posterity), increasingly the pursuit of desire has taken its place.

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What are we to make of the fact that the rhetoric of democracy in the service of global capital now includes the language of sexual emancipation and its imagined equation with gender equality? Leaving aside the evidence to the contrary (the history of secularism is hardly a history of gender equality; women in the countries of the West earn lower wages than men and have nowhere near parity in political representation; domestic violence against women is rampant; sexual harassment is a fact of life for many women at work, at school, and on the street—as the outpouring of testimony from women in the wake of the case of Dominique Strauss-Kahn so eloquently demonstrated; asymmetries of power characterize the sexual relationships of women and men, as psychoanalytic theory has long told us; the virulent homophobia attributed to Muslims is evident in many of the countries of the West, to say nothing of the Vatican and the United Nations;

women's access to contraception and the right of abortion are being seriously challenged by Christian fundamentalists in the United States and elsewhere; and in secular France in the fall of 2011, more than a hundred (Catholic) deputies and senators sought to eliminate gender and sexuality studies from the school curriculum because, they argued, "gender" challenges the idea of normal heterosexuality)—leaving all of that aside, I think we need to ask what work this language is doing.

Of course, some of the work has to do with the racialized and cultural "othering" of Muslims and the normalizing and naturalizing of "our" secular, Western way of life. Some of it has to do with obscuring the continuing influence of Christian moral principles on ostensibly secular politics. Some of it has to do with the cooptation of the ideals of social movements (and indeed of the social movements themselves) in the service of conservative nationalist agendas. But there's yet another way I want to pose the question: I want to ask what the concepts of sexual emancipation and gender equality, when defined almost exclusively as interior qualities—as prerequisites for admission to full citizenship—reveal about the terms of current Western civilizational discourse and the appeals to liberal theory it makes.

What interests me in the deployment of the rhetoric of emancipation and equality is the way in which sexual desire has been singled out as the defining universal feature of the human, eclipsing other attributes such as hunger, spirituality, or reason. Of course, sex has long been considered an attribute of humans and its management has been a persistent dilemma for models of (usually male) self-governance from Augustine to Rousseau, Freud and beyond. Reason was the Enlightenment *philosophes'* instrument for self-discipline, as it was for the entrepreneurial and political classes in the nineteenth century. Increasingly over the course of the last century, those appeals to reason have been replaced by calls for the liberation of sexual desire—the desire that once had to be suppressed because it confused men's minds, the passion that had to be excluded from the public arena in the form of women's bodies. This has been taken up by a civilizational discourse that counts those most able to act on and realize their desire (always within the normative limits I discussed above) as best suited for citizenship; those in whom such action is said to be regulated or suppressed by alien cultural proscription are ineligible. In the place of the equality of abstract individuals (historically coded as masculine) we

now have the equality of sexually active individuals (represented by a feminine or feminized figure); agency is located not in the reasoning mind, but in the desiring body.<sup>63</sup> Desiring bodies have a materiality that abstract reason did not, but sex as the natural common denominator for the human, like reason, still permits abstraction from the social determinants of consciousness and material life—and also, of course, if we think psychoanalytically, from all the influences (cultural, familial, social, economic, political, legal, religious...) that are (phantasmatically) incorporated into the unconscious aspects of desire itself. Sexual self-determination is as much a fantasy as rational self-determination, but there is a difference: the one implies a plethora of enactments, the other a single measure of performance. While sex is synonymous with excess and pleasure, reason connotes discipline and control. (It is precisely those qualities once valued as expressions of rationality—regulation and disciplined control of the self—that are now decried as repressive instruments of Islamic fundamentalism, even as Muslims are depicted as bloodthirsty terrorists, lacking morality and compassion.)

The rhetoric of sexual emancipation and gender equality, most evident in the debates about the “integration” of Muslims into the nations of Western Europe, is symptomatic of a larger change in the civilizational discourse’s representation of the human. As they are used in the prevailing discourse, emancipation and equality bring an explicit market logic into the political realm: labor power is replaced by sexual power and the discourse of sexual emancipation has little to do with the reproductive mandate usually associated with heterosexual couples. Humans are the subjects and objects of desire, at once consumers and commodities, naturalized as such. The depoliticizing of the social, which so worried Marx, now extends to the realm of politics, where desire rules, even if it is the motivation for rational actors. The difference between action motivated by reason and action motivated by desire is crucial here; it is the difference between politics and the market. The state is no longer the regulator, but the facilitator of the interactions of desiring individuals. The sign of their emancipation is the freedom to enact and to seek to fulfill their desire (in terms of varieties of pleasures and tastes), in whatever market it is pursued.<sup>64</sup> There is no more guarantee of *social* equality—gender or otherwise—in this definition of politics than there was before. Equality refers only to the possibility that each individual has (with no consideration of

any social and/or psychological limits) of acting on his or her desire. And what counts as liberated action is measured in idealized Western terms. Furthermore, as long as sexual norms remain in place, including the idea that certain forms of sexuality are the immutable expression of the truth of one's being, it is difficult, if not impossible, to challenge the social and economic discrimination that continues to be legitimized in those terms. Again it is useful to cite Norton here, "sexual freedom," she says (referring to Pym Fortuyn, but in a comment that is more generally applicable), "became not a metonym for political freedom, but a substitute" for it.<sup>65</sup>

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I have been suggesting that the deployment of the language of sexual emancipation and gender equality to dismiss Muslim claims for recognition as full members of the nation-states of Western Europe in which so many have now for so long resided, needs to be read not simply as Islamophobia (which it certainly is), but has a larger resonance. The substitution of sexual desire for abstract reasoning replaces the workings of the mind with the materiality of the body, the abstract individual becomes a pulsating, lusty person. But if that substitution seems to bring the social into the realm of politics (as the language of emancipation and equality suggests), it does not. Rather, it introduces another universal human quality (the sex drive, sexual identities) that is understood to be pre-social, and whose satisfaction is neither a relative matter (defined historically or culturally) nor an issue open to contest. There is only one route to satisfaction: the one said to prevail in the modern secular democracies of the West—even if in those countries what counts as satisfaction has taken many different and even contradictory forms. But contradiction is eliminated when the West is compared to the East, the Christian secular to the Muslim religious. When emancipation and equality are taken to be synonymous and defined as expressions of a universal individual sexual desire, they are no different from formal political equality. Here we can return to a version of Marx's critique: they are instruments for the perpetuation of the subordination and inequality of disadvantaged minority populations, for their continued marginalization in the so-called democracies of the West.

Those of us committed to the realization of some form of sexual democracy—to the notion that many forms of sexual practice

are acceptable, indeed normal-- need to attend to this critical genealogy. The question I leave you with is how to wrest that notion from the contexts in which it is being deployed to achieve ends we not only disagree with, but deplore.



## **A Word of Gratitude**

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## Notes

- 1 An earlier version of this essay appeared as “The Vexed Relationship of Emancipation and Equality,” in *History of the Present*, 2.2 (Fall 2012). I wish to thank for their helpful comments Gail Bederman, Elizabeth Bernstein, Wendy Brown, Wendy Chun, Brian Connolly, Amy Kaplan, Kees-Jan van Klaveren, Angel Adams Parham, Jessica Sewell, Judith Surkis, Elizabeth Weed, and Jarrett Zigon.
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- 4 Bruno Bauer, “Die Judenfrage,” (1943), cited in Karl Marx, “On the Jewish Question,” in Robert C. Tucker, ed. *The Marx-Engels Reader*. Second Edition NY: W.W. Norton 1978, pp. 26-30.
- 5 Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. NY: Oxford University Press, 1997, p. 6.
- 6 Deniz Kandiyoti, “Emancipated but Unliberated? Reflections on the Turkish Case,” *Feminist Studies* 13:2 (Summer 1987) p. 324
- 7 Rose-Marie Lagrave, “A Supervised Emancipation,” in Georges Duby and Michelle Perrot, *A History of Women in the West*. 5 vols. Cambridge Mass: Harvard University Press, 1994, Vol. 5, p. 453.
- 8 Anne Norton, *On The Muslim Question*, unpublished MS (forthcoming from Princeton University Press), Introduction, p 1. All page references are to the unpublished manuscript.
- 9 Marx, “On the Jewish Question,” p. 33.
- 10 Ibid.
- 11 Ibid, p. 42. (Emphasis in the original)
- 12 Ibid. (Emphasis in the original)
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- 14 Karl Marx, *Capital*, translated by Samuel Moore and Edward Aveling, edited by Frederick Engels. N.Y.: The Modern Library, 19\_\_, p. 69.
- 15 E. Deci and R. Ryan, eds. *Handbook of Self-Determination Research*. Rochester NY: University of Rochester Press, 2002; Bald de Vries and Lyana Francot, “Information, Decision and Self-Determination: Euthanasia as a Case Study,” 2009. 6:3 SCRIPTed 558, <http://www.law.ed.ac.uk/ahrc/script-ed/vvol6-3/devries.asp> (downloaded 8/1/2011. See also the entry in Wikipedia for “self-determination theory.” [http://en.wikipedia.org/wiki/self-determination\\_theory](http://en.wikipedia.org/wiki/self-determination_theory) (downloaded 8/1/2011)
- 16 Comte Stanislas de Clermont-Tonnerre, cited in Esther Benbassa, *The Jews of France: A History from Antiquity to the Present*. Trans. M.B. DeBevoise. Princeton: Princeton University Press, 1999, p. 81.

- 17 Mayanthi Fernando, "Exceptional Citizens: Secular Muslim Women and the Politics of Difference in France," *Social Anthropology/Anthropologie Sociale*, 17:3 (2009), p. 390.
- 18 Norton, *On the Muslim Question*, chapter 9, p. 8.
- 19 Wendy Brown, *States of Injury: Power and Freedom in Late Modernity*. Princeton: Princeton University Press, 1995, pp. 133-134.
- 20 Hartman, *Scenes of Subjection*, p. 57.
- 21 Ayaan Hirsi Ali, *Infidel*. NY: Free Press, 2007.
- 22 André Glucksmann, *L'Expres* 1994, cited in Thomas Deltombe, *L'Islam Imaginaire: La Construction Médiatique de l'Islamophobie en France, 1975-2005*. Paris: La Découverte, 2005. Jacques Chirac, cited in Deltombe, *Ibid*, p. 347.
- 23 Anne Vigerie and Anne Zelensky, "Laïcades' pusique féministes," *ProChoix* 25 (Summer 2003), p. 12.
- 24 Here Norton's comments on the Jewish Question are pertinent: "It was characteristic of the Jewish Question in its practical and historical form that Jews were marked out as a political threat even as they were subject to political assaults; marked as evil even as conduct toward them testified to the failure of the ethical system that had abandoned them." *On the Muslim Question*, ch 9, pp 7-8.
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- 26 Michel Foucault, *The History of Sexuality, Volume I: An Introduction*. NY :Vintage Books, 1980, p. 77
- 27 Nicolas Sarkozy, "Convention sur l'immigration—Une immigration choisie, une intégration réussie." Address to the convention of the Union for a Popular Movement (UMP), June 9, 2005. Nicolas Sarkozy (blog), <http://www.sarkozyblog.com/2005/immigration-une-immigration-choisie/>. I am grateful to Eric Fassin for this reference. See also Fassin, "La démocratie sexuelle et le conflit des civilisations," *Multitudes* 26 (Fall 2006), pp. 123-31.
- 28 Eric Fassin, "National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe," *Public Culture* 22:3 (Fall 2010), p. 513.
- 29 Norton, *On the Muslim Question*, ch 3, p. 5.



## **Curriculum Vitae**

Joan Wallach Scott (1941, Brooklyn, NY) is the seventh visiting professor for the Treaty of Utrecht Chair at Utrecht University. The chair focuses on preserving the legacy of the Treaty of Utrecht which was signed in 1713. Scott's groundbreaking work has challenged the foundations of conventional historical practice, including the nature of historical evidence and historical experience and the role of narrative in the writing of history. Broadly, the object of her work is the question of difference in history: its uses, enunciations, implementations, justifications, and transformations in the construction of social and political life. Scott's recent books have focused on the vexed relationship of the particularity of gender to the universalizing force of democratic politics.

Scott received her PhD from the University of Wisconsin (Madison) in 1969. She taught at the University of Illinois at Chicago, Northwestern University, and the University of North Carolina at Chapel Hill, before going to Brown University as the Nancy Duke Lewis University Professor in 1980. At Brown, she was the founding director of the Pembroke Center for Teaching and Research on Women. She joined the faculty in the School of Social Science at the Institute for Advanced Study in 1985, becoming Harold F. Linder Professor in 2000. Scott has received several honorary degrees and numerous prizes for her work, including the Hans Sigrist Prize of the University of Bern in 1999, and the American Historical Association award for Scholarly Distinction in 2009. Most recently, Scott is one of the founding editors of a new journal of critical history, *History of the Present* (published by the University of Illinois Press).



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