

Marina Calloni
Equal opportunities and images
of human dignity from the bottom up

1. Dignity and non-discrimination



Olympe de Gouges

Olympe de Gouges, author of the *Declaration of the Rights of Women* (Paris, 1791), can be conceived as the first European victim of a limited conception of human rights referred only to men: she was guillotined in 1793. Three hundred years later the European Union tries to ground its legitimacy in shared principles and fundamental rights addressed to all citizens.

The *Preamble of the Charter of Fundamental Rights of the European Union* (December 7th, 2000) asserts

“The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law.”

The *Preamble* thus recognises human dignity, freedom, equality, solidarity and justice as essential principles for a common citizenship, democracy and space of opportunities. However, the concept of “equal opportunities” is not explicitly mentioned in the *Charter*, although it seems to be at the core of the European welfare states in forms of social policies at both national and super-national levels. Why is the notion of equal opportunities not cited? Perhaps because it would evoke democratic deficits and a lack of fairness in different societal spheres.

The appeal to positive actions and equal opportunities is in itself a sign that there is no parity between women and men. The basic values of the European Union are insufficiently respected. Therefore, “artificial mechanisms” have to be employed in order to recognise equal rights and changes of access to disadvantaged individuals and groups. Equal opportunities is thus conceptualised through the indirect issue of non-discrimination.

The principle of non-discrimination is defined on the basis of what determines the maltreatment and abuse of individuals and groups.

Art. 21: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.” (*EU Charter of Fundamental Rights*)

Judging from this moral, political and legal statement, the notion of equal opportunities is implicitly derived from the general principle of equality and in particular from the issue of gender equality at the workplace. But it is not specifically defined as such:

Article 23: Equality between men and women: “Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.” (*EU Charter of Fundamental Rights*)

In this case, the adoption of special “measures” “for specific advantages” is supported by the admission that positive discrimination is possible “in favour of the under-represented sex”. This term seems to be contradictory, because it

permits “discrimination”, that is a distinction under the principle of equality. Yet once again the term equal opportunities is only implicitly assumed.

Indeed, the idea of equal opportunities has determined the history of the European Union since its inception, as can be noted in different treaties, directives and reports. Moreover, at present a directorate general of the European Commission is devoted to “Employment, Social Affairs and Equal Opportunities” with “the task of contributing to the development of a modern, innovative and sustainable European Social Model with more and better jobs in an inclusive society based on equal opportunities.”

In addition, the European Year 2007 was devoted to *Equal Opportunities for All* with the aim to “leading the way to a bolder strategy seeking to give momentum to the fight against discrimination in the EU”. In fact, “calling for equal rights and adopting laws to try and guarantee them is not enough to ensure that equal opportunities are enjoyed by everyone in practice.” The challenge consists in changing behaviours and mentalities: diversity should be understood as a common richness (“Unity in Diversity”) and not as a matter of marginalisation and social exclusion¹. Within this frame, four concepts have been proposed as exemplifications of a fair and decent society: *respect, recognition, representation and rights*. In this case, the issue of “equal opportunities” is addressed “to all” and not only to women.

The *EU Annual Report on Human Rights 2007* states that:

“with the adoption of the *Roadmap for equality between women and men* on 1 March 2006, the Commission defined its priorities and its framework of action for promoting equality in the period 2010, thus continuing its task of promoting gender equality and ensuring that all its policies contribute to that objective.”²

Despite its definition through principles, directives and legislations, the issue of equal opportunities can be mainly considered as the political and legal

¹ European Union Agency for Fundamental Rights (2007). *Report on Racism and Xenophobia in the Member States of the EU*. FRA: Vienna.

² The Council of the European Union and The European Commission (2007). *EU Annual Report on Human Rights 2007*, 35.
http://www.consilium.europa.eu/uedocs/cmsUpload/2007.5997-EN-EU_annual_report_on_human_rights_2007.pdf

result of claims and struggles performed in the public arena by social actors and in particular by women's movements. However, the idea of equal opportunities as a form of top down "State feminism" is a sensitive and controversial topic that has been criticised in feminist debates all over Europe. States are criticised for promoting purely formal and inefficient mechanisms, which are not able to change patriarchal mentalities, perpetuating inequalities in society.

Within this analytical context, I would like to ask the following question: is it possible to conceptualize the idea of equal opportunities differently, that is as an issue promoted from the bottom up instead of purely as a State machinery? I think this is only possible if we also see human rights as a matter of "concrete" relationships and as products of daily experiences. Rights are not merely formal top-down statements, but a reference to fair interrelations among human beings based on respect, recognition and representation. The violation of fundamental rights consists of the neglect of human dignity in concrete contexts of life. In this case, equal opportunities would consist of reconceptualising equality and social justice, starting from the experiences of gendered individuals and in relation to public actions expressed by social movements. The promotion and safeguard of human rights generates in fact social action and is constitutive of collective identities.

Gender-based-violence is a case in point since it has been recognised as a violation of human rights, thanks to the mobilisation of women's movements all over the world. The affirmation of freedom and equality implies the critique of and struggle against any form of gender-based violence understood as "physical, sexual and psychological violence occurring in the family, within the general community, and perpetrated or condoned by the State."

The *Vienna Declaration and Programme of Action* (World Conference on Human Rights, Vienna 1993) asserts:

Article 18: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. (...) Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated."

Different forms of violence have in fact a big impact on women's capabilities and their functioning. Thus, the violation of individuals makes it impossible to frame equal opportunities. Therefore, the respect of the psycho-physical integrity of the body lies at the centre of cross-border approaches to human rights and equal opportunities, against any deprivation and abuse. This conviction criticises cultural relativism, in favour of a "context-sensitive universalism". In order to combat violence against women, Martha Nussbaum criticises "the relativist notion of cultures as homogeneous monoliths, with a single set of norms. Cultures are scenes of debate and contestation. All contain a plurality of voices, and all the voices of the powerful are most easily heard."³

Mentioning human rights and equal opportunities also implies the evocation of violated bodies and neglected voices, as pictured by the mass media. Images bring us closer to the *Pain of Others*, as Susan Sontag argued⁴, inducing the elaboration of a new ethics of photography, as argued by Judith Butler.⁵ Pictures denounce the hypocrisies of mainstream politics and consolidate the very truth of "violence, injustice, and abuse of power, humiliation and the violation of human dignity."⁶

Yet the rhetoric of pietism is employed by the mass-media for distracting the audience from more critical judgements. The language of human rights is in fact increasingly used and abused for the perpetuation of political violence, as in the case of some "humanitarian interventions"⁷. The feeling is that when talking about the violation of human rights and the lack of equal opportunities, any language seems to be inappropriate and inadequate for the denigration of humanity.

³ M. C. Nussbaum (2005). "Women's Bodies: Violence, Security, Capabilities". In: *Journal of Human Development*, vol. 6, n° 2, 178.

⁴ S. Sontag (2003). *Regarding the Pain of Others*, New York: Farrar, Straus & Giroux.

⁵ J. Butler (2006). "Torture and the Ethics of Photography". Paper presented at the 6th European Gender Research Conference: "*Gender and Citizenship in a Multicultural Context*", Łódź: University of Łódź, 31-8/ 3-9-2006.

⁶ M. Flores, A. Mauro, S. Linfield (eds.) (2007). *My brother's keeper. Documentary photographers and human rights*. Turin – Milan: UTET – Contrasto.

⁷ S. Power (2003). *"A Problem from Hell": America and the Age of Genocide*. London: Harper Perennial.

Human dignity is continuously violated. Yet this daily ascertainment reinforces the need for equal chances for all against any abuse. This is also the paradox of the term “equal opportunities”. This statement implies in fact its negation: equal opportunities are affirmed because there aren’t any. When speaking about equal opportunities, we dialectically evoke their absence. The term equal opportunity has disappeared from the *Charter of Fundamental Rights*. At the same time its persistent reference in all EU policies is paradigmatic of the complexity of the idea of equality between women and men and the controversial future of a fair social Europe.

Therefore, we need new languages, views and perspectives on these topics. A single approach is too narrow-minded. We need “polyphonic” and “multi-visual” studies expressing the viewpoints of all the actors involved.

On the basis of this conviction, I asked some of my students and research collaborators to picture situations in which they perceived ‘a sense of neglect or respect of human dignity’ and to connect these images to the four key ideas of equal opportunities, as celebrated in 27 countries of the European Union. I asked them this question in the context of a research I have coordinated on *Genocides and Crimes of War*⁸ at the University of Milano-Bicocca in Milan, financed by the Italian Ministry of University and Research, in collaboration with the international organisation *Crimes of War Project*⁹.

In the following paragraphs, I will briefly introduce the key concepts of respect, recognition, representation and rights against the background of the experiences of women’s movements and the comment on pictures produced by my collaborators in different countries. I’ll then conclude my article with imagines of hope.

2. Respect

⁸ M. Calloni (ed.) (2006). *Violenza senza legge. Genocidi e crimini di guerra nell’età globale*. Turin: UTET.

⁹ R. Gutman, D. Rieff, A. Dworkin (eds.) (2007). *Crimes of War - What the Public Should Know*, New York: W. W. Norton & Company, 2nd edition.



The European Commission has interpreted the idea of respect as the basis for “Promoting a more cohesive society”. However, it does not explain what respect means.

The concept of respect was initially elaborated by the philosopher Immanuel Kant in his work *Fundamental Principles of the Metaphysics of Morals* (1785). Kant conceptualises humanity as not necessarily related to creationism and religious beliefs, in the sense that human beings were considered equal as children of God. In Kant’s opinion, humanity has a value in itself, so that human beings cannot be used in an instrumental way. The moral imperative is as follows: “Act in such a way that you treat humanity, whether in your own person or the person of any other, never simply as a means but always at the same time as an end.” (Kant, 1785)

In current debates and in the light of the history of contemporary social movements, the issue of mutual respect has acquired both a political and a cultural dimension within the frame of a cosmopolitan justice¹⁰, as the acceptance of diversities and individuation of those stereotypes and prejudices that cause the perpetuation of symbolic and structural violence in the public domain as well as in the private sphere. Respect also implies the non-humiliation of individuals. A society has to be decent and not only fair¹¹, as far as the distribution of resources is concerned. If individuals have access to

¹⁰ I. M. Young (2006). *Global Challenges: War, Self-Determination and Responsibility for Justice*. Cambridge: Polity.

¹¹ A. Margalit (1998). *The Decent Society*. Harvard: Harvard University Press.

common goods but they are not recognised as members who deserve equal respect, this kind of society is unjust.

The issue of respect – raised in contexts where it has been neglected – has always been at the centre of both feminist practices and theories. A gender view on more respectful human relationships has thus contributed to the re-conceptualisation of a sense of humanity, starting from the family.

In the photo above, Andrea Kunkl – who has a BA in sociology – pictures a deeply deprived and abused child in a Cambodian prison, a so-called “lady-boy”: a prostitute for Western clients. There is no respect for his-her humanity.

3. Recognition



Within the frame of the *2007 Year of Equal Opportunities for All*, recognition is defined as a means for “facilitating and celebrating diversity and equality”. Yet recognition is not a purely pragmatic mediation but the basis of any interaction and means for the constitution of any personal identity. Recognition permits the dialectical identification of the other as equal and at the same time as different from oneself.

At present, this concept is at the core of crucial public and theoretical debates because of its value in terms of collective identities and struggles for recognition. It is a dynamic construct which implies both symmetric and asymmetric relations: when we recognise somebody as similar to us as a human being, we simultaneously connote him/ her as “diverse” from us because non-identical. But the latter can have ex-negativo consequences in terms of discrimination: from a moral viewpoint it can imply misrecognition and violence, from the cultural and political perspective it can lead to fundamentalism, racism, xenophobia and homophobia. Ex-positivo it can lead to new approaches to multiculturalism and diversities, struggles for recognition and for redistribution.

However, there is another important aspect that feminists have indicated in the debate and daily reality of multicultural gender relationships. As Susanne Moller Okin argues, the recognition of the priority of communitarian cultural rights over individual rights, basic freedoms and self-determination is always “bad for women”¹². And the debates on the chador and genital mutilation - even though the two cases cannot be compared because consequences for women’s bodily integrity differ - are strictly connected to communitarianism, multiculturalism and egalitarianism.

The issue of women, cultures and recognition¹³ is at the centre of the picture by Fabiana Maffeis, a humanitarian worker. In her photo shown above, she pictures a burial ceremony of the Maya community Achi she worked with in Guatemala. Twenty years after the genocide of the native population, the condemnations at the Inter-American Court of Human Rights and the difficult process of national reconciliation, the discovery of mass graves and the exhumation of assassinated people were made possible by the local government. Two decades after the extermination of hundreds of people, the community can celebrate the funeral of its members. For Maya populations it is more important how a person is buried than how she-he lives. This brings to our

¹² S. Moller Okin, J. Cohen, M. Howard, M. C. Nussbaum (eds.) (1999). *Is Multiculturalism Bad for Women?*. Princeton: Princeton University Press.

¹³ S. Benhabib (2002). *The Claims of Culture: Equality and Diversity in the Global Era*. Princeton: Princeton University Press.

memory the tragedy of Antigone and the meaning of human dignity in life as well as in death.

4. Representation



Representation – as defined by the European Commission - has the pragmatic aim to “stimulating debate on ways to increase the participation of groups in society which are victims of discrimination and a balanced participation of men and women.”

Representation is in fact one of the key issues of politics. It is a consequence of struggles for recognition¹⁴. However, this concept has historically diverse roots: from the tradition of the Greek polis where citizens were directly involved in the *res publica* to the Christian idea of the “political” representation of Jesus Christ on earth through the body of the king and the mediation of the pope up to the Enlightenment’s representation of citizen as part of a whole “sovereign body”, representing general interests.

¹⁴ N. Fraser and A. Honneth (2003). *Redistribution or Recognition? A Political-Philosophical Exchange*. London: Verso.

The latter formed the basis of the constitution of contemporary democracy that thematised the issue of representation as more than individual rights of citizenship, to vote, to elect and to be elected. Representation also refers to the complex issue of the diversification of group interests, their interpretation in public space and the manifestation of claims to be included in the institutional political realm. Democracy is a continuous process of the inclusion of excluded individuals and groups and at the same time a dynamic course of differentiated forms of participation in civil society. Political groups and social movements struggle for the recognition of their interests and neglected voices.

In contemporary history, the struggles for suffrage (i.e. political representation) constitute the starting point of women's revindication in the public arena. But over the years it has become clear that representation is not only a purely formal (numeric) matter but a symbolic and substantial issue as well, as Hanna Fenichel Pitkin argues in her well-known book on *Representation*¹⁵. What do women represent? Do women have specific gender interests that need to be represented?¹⁶

This question is implicitly expressed in the photo by Stefano Marras – a PhD student in European Urban Studies - shown above. He pictures a Sudanese woman with her child at the “Women Development Centre” in Khartoum, while she is learning to write and read. This picture represents specific women's interests: a previous exclusion from the fundamental rights of education and the lack of equal opportunities. It also evokes the hope that the functioning of human capabilities and the acquisition of skills can bring about a better life for all, starting with the younger generations.

5. Rights

¹⁵ H. F. Pitkin (1967). *The Concept of Representation*. Berkeley: University of California.

¹⁶ Y. Galligan, S. Clavero, M. Calloni (2008). *Gender Politics and Democracy in Post-socialist Europe*. Opladen: Budrich.



Rights are related by the European Commission to “raising awareness on the right to equality and non-discrimination and on the problem of multiple discrimination.”

The necessity to develop social actions reflects the existence of intersectionalised forms of discrimination on the ground of “sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”. But human rights are the result of collective mobilisations and “public reasoning” for the respect of basic freedoms and the recognition of new claims of validity in the public arena and at local level¹⁷.

Yet the discourse on human rights has been criticised for its ethnocentrism, i.e. Western nature. In this respect the capability approach – elaborated by Amartya Sen and Martha Nussbaum - can be helpful in the re-conceptualisation of human rights and equal opportunities from the bottom up. Sen convincingly defines the interaction between the idea of capability (that is “the opportunity to achieve valuable combinations of human functioning: what a person is able to do or to be”) and the issue of freedom and opportunity. He argues that “capability, as a kind of freedom, refers to the extent to which the

¹⁷ S. E. Merry (2006). *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press.

person is *able to choose* particular combinations of functioning (including, inter alia, such things as being well-nourished), no matter what the person actually decides to choose.”¹⁸

This statement means that there are people who do not have the freedom to function at the best of their capabilities because of a lack of equal opportunities. They cannot choose from all the possible options. An egalitarian perspective is thus based on the idea that equality has to be understood together with gender difference, mutual respect and opportunities for welfare.

Fabiana Maffeis’ photo pictures a group of refugees women she worked with in Darfur. Most of these women were raped or abused. The photo emphasises the need for respect and the recognition of human rights. The sense of human dignity remains intact precisely in contexts of extreme deprivation.

The meaning of concrete human rights and real equal opportunities comes always from the bottom up.

6. Concrete hope



¹⁸ A. Sen (2004). “Elements of a Theory of Human Rights”. In: *Philosophy & Public Affairs*, 2004, vol. 32, n° 4, 334.

The philosopher Ernst Bloch defines hope as a conscious action towards an open future, which human beings can modify and create in order to guarantee a better life for all. As Bloch writes, “it is important to learn hoping. Its works does not despair; it fell in love with succeeding rather than with failure. (...) The emotion of hoping expands out of itself, makes people wider instead of narrower.”¹⁹ Thus, I would like to conclude my contribution with words and pictures of hope rather than with memoirs of neglected human rights and violated individuals, although remembering victims and suffering people is still an important legacy to us in the present.

However, making sense of humanity²⁰ implies a new approach to thinking, judging and acting. Reframing Kant's notion of a united mankind living in eternal peace, Hannah Arendt argues that:

“It is by virtue of this idea of mankind, present in every single man, that men are human, and they can be called civilized or humane to the extent that this idea becomes the principle not only of their judgments but of their actions. It is at this point that *actor* and *spectator* become united; the maxim of the actor and the maxim, the ‘standard,’ according to which the spectator judges the spectacle of the world, become one”.²¹

This double viewpoint (being an actor and a spectator) is the approach I employed on present contribution. I began this article by re-evoking a victim: Olympe de Gouge, whose life and death still continue to inspire our political action and intellectual work. I would like to conclude my paper with photographs, which embody an active life and concrete hope. Victims, who survived violence and deprivation, show that it is possible to create a decent life. Physical activities, such as the pleasure of playing, are signs of psychical integrity and human development. The picture shown is a symbol of a possible self-rehabilitation of youth and the transformation of a past life that was disadvantaged into a different and better existence.

¹⁹ E. Bloch (1986). *The Principle of Hope*. Cambridge MA: MIT Press, vol. 1, 3.

²⁰ B. Williams (1995). *Making Sense of Humanity*, Cambridge: Cambridge University Press.

²¹ H. Arendt (1982). *Lectures on Kant's Political Philosophy*. Chicago: University of Chicago Press, 75.

The photo pictures Anita's Home, a shelter devoted to former street-girls in the country side of Nairobi in Kenya. The girls used my camera to take this picture. They live here in peace, without any form of discrimination or ethnic differentiation, a matter which has recently caused bloody conflicts in Kenya. I spent several days with them and I learned a lot from this encounter: I understood how self-rehabilitation, the empowerment of people and the development of communities are possible from the bottom up, starting from experiences of abuse and deprivation. Cruel practices on the street have become resources for the transformation of the lives of these girls. Their maltreatment did not rob them of their autonomy, agency and intellectual faculties. On the contrary, they reinforced in them the sense that a different life is still possible. Girls have become aware that radical changes depends on them: they have a responsibility not only towards themselves but also towards their families, who are in economic troubles and psychological difficulties. These girls become the example of a virtuous circle: they support the development of the community at large. On the street resilient girls learned the "art of survival" and how to resist the offences committed against them. They also learned as "survivors" to violence²² that they can develop their talents in a "proper life", deriving pleasure and enjoyment from playing, as one of the "basic human functional capabilities" ("Being able to laugh, to play, to enjoy recreational activities"²³). Hope can be concrete and real.

²² E. Mujawayo and S. Belhaddad (2004). *SurVivantes*, La Tour d'Aigues: Editions de l'Aube.

²³ M. C. Nussbaum (1995). "Human Capabilities, Female Human Beings". In M. C. Nussbaum and J. Glover (eds.), *Women, Culture, and Development*, Oxford: Clarendon Press, 84.