

**Building a Human Rights Culture**  
South African and  
Swedish Perspectives

Karin Sporre &  
H Russel Botman [eds.]

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## CONTENTS

7 Introduction

KARIN SPORRE

### ECONOMY AND HUMAN RIGHTS

20 Human Dignity and Economic Globalization

H RUSSEL BOTMAN

35 Economic Equality, Civic Traditions and Human Rights

ULF MAGNUSSON

### DEMOCRACY AND CITIZENSHIP

54 Human Rights, Citizenship and Welfare: The Swedish Model

LARS PETTERSON

77 Curbing Women's Suffrage.

Expectations, Apprehensions and Strategies

JAN GRÖNDAHL

102 More Representation or More Participation?

Challenges in Swedish Democracy

ERIK AMNÅ

### SOCIAL CONDITIONS AND HUMAN RIGHTS

128 Pretending Democracy. Learning and Teaching  
Participation in Two Swedish Schools

ÅSA BARTHOLDSSON

142 Women in the Church. Solidarity in Suffering  
in the Context of HIV/AIDS

MIRANDA PILLAY

164 Othering from Within – Sometimes Other,  
Sometimes Not. On being a Young Turk in Sweden

JUDITH NARROWE

#### **RELIGION AND HUMAN RIGHTS**

179 Freedom of Religion and the Equality and Dignity  
of Women. A Christian Feminist Perspective

DENISE M. ACKERMANN

194 Trinitarian Anthropology, Ubuntu and Human Rights

NICO KOOPMAN

#### **GENDER ISSUES AND HUMAN RIGHTS**

208 Different Space for Action – a Way to Understand Rape

STINA JEFFNER

220 The Vanishing Father. Changing Constructions  
of Fatherhood in Drum Magazine 1951–1965

LINDSAY CLOWES

245 A Profile of Female Genital Mutilation (FGM) and Human Rights

KATHY NADASEN

#### **A HUMAN RIGHTS CULTURE**

274 Sentiment and the Spread of A Human Rights Culture

J P ABRAHAMS

288 Women's Human Rights in Sweden – a Feminist Ethical Perspective

KARIN SPORRE

311 On a Human Rights Culture in a Global Era.  
Some Ecological Perspectives

ERNST M CONRADIE

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## DIFFERENT SPACE FOR ACTION

### – A WAY TO UNDERSTAND RAPE

BY STINA JEFFNER

**M**en's violence against woman is a violation of human rights. It is a problem recognized by the UN as one that ought to be given priority. The Beijing Platform for Action (1995), states that: "Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. /.../ The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." (Paragraph 112 and 113 of the Beijing Action Platform)

This article is based on my PhD research on young people's attitudes to rape in Sweden (Jeffner 1997), but before I present my research I will give a short background in order to put my work in context.

#### **The Swedish context**

Today violence against women is a topic widely discussed in Sweden. The Government and governmental organizations as well as non-governmental organizations and individual men and women regard violence against women as a big problem in Sweden. More and more Swedes realize that violence against women is a structural problem closely connected to the power imbalance between men and women.

The latest proposal from the Government to the Council on Legislation (Kvinnofridspropositionen 1997/98:55) exhibits an astounding knowledge and also concrete proposals for change and concrete resources to carry it out. New legislation has been introduced where the systematic and repeated violence that men commit in domestic violence is to be taken into account. The

law on rape has been changed so that greater consideration is to be given to the abusive violation of the woman instead of the specific action of the man. There is also a new law prohibiting the purchase of sex, that is to say that those who buy sex from prostitutes are declared to be criminals. Social Services are requested to work more actively to help and support women who are victims of men's violence. All employers have greater responsibility to prohibit sexual harassment and to deal with the problem if it arises. The women's shelters have received more money and there is also more money for research on violence against women.

All this is good news and I see it as a result of long and hard work within the women's movement and especially the women's shelter movement. A number of problems are, however, yet to be solved. In Swedish schools today, boys can be heard calling girls "whore" or "cunt" without anyone doing anything about it. Girls and women are still taught to be sexually and caringly accessible. In the media, such as TV, movies and videos such images are very evident. Pornography can be bought in every store in Sweden and resistance to prohibiting pornography is strong. Boys and men are still taught (by informal learning) to think that they have a right to sex whenever they want and that they have a right to exercise power, a finding which is basic in my own research and to which I will come back in greater detail (Jeffner 1997, Berg 1999).

### **Rape – differently understood**

In spite of all the talk of violence against women as a problem connected to the power imbalance between men and women, very little is done to make changes to this power imbalance. In order to understand this, I think it is important to recognize that violence against women, here rape, can be dealt with from different perspectives and on different levels.

The first perspective is based on the need to provide help (medical, legal, housing etc.) to victims of rape. On this level, it is important to find ways to re-empower women. In Sweden, this first level is not a very controversial one but providing resources for this work is still an extremely urgent matter. Most European governments would at least say that they think it is important to provide help for women who are victims of violence against them. That is, however, not to say that all governments do something about it but, if presented with a concrete proposal, they would have problems arguing against it. On this level, financial support for refuges, shelters and other NGO organizations

working with violence against women is of great importance. Information and education for those people who come into contact with rape victims (police, medical care, treatment of offenders, social workers etc.) are also important.

The second level is more about empowering *all* women. This is a bit more controversial, but still not too hard to carry out. On this level, actions to be taken concern supporting both governmental and non-governmental initiatives from organizations working with women at large. Such initiatives can be special girls' groups in schools or youth recreation centres, teaching young girls that they have a right to say "No" as well as support for other actions promoting equality between men and women.

Coming to the third perspective, this is where I think that resistance is most likely to come. One might say that actions on this level are about calling the patriarchal structure into question.

My point of view, based on the analysis of the results in my interviews, is that all work on the two other levels can be counterproductive if this third level is not taken into consideration. If society provides help for women who are victims of rape and works to empower all women, without at the same time putting the perpetrators and the male "right" to sex in question, then we face the risk of ending up in a situation where the cultural gender norms of men as violent and holding power positions are accepted. Without doubt, the work that needs to be done on this level presupposes a feminist analysis, which might be controversial. I consider my research to be dependent on feminist theory and, thus, a feminist analysis and, for this reason, I depart from the point of view of the third level described here.

### **Points of departure**

In this article, I will focus on a discussion of what I conceptualise as "the different space for action" that is provided for boys and girls, and why I think an understanding of this is crucial to the work against rape. The relevance of gender and heterosexuality to young people's perception of rape was the overall theme in my research, particularly the relationship between what young people regard as "normal" – in terms of their ideas about and their experience of gender and heterosexuality – and what they regard as "extreme" – in terms of their ideas about and/or their experience of rape. The empirical data consist primarily of several interviews with 16 fifteen-year-olds of both sexes.

The theoretical framework on gender theory that I use draws on the Swedish sociologist, Eva Lundgren's, work (Lundgren 1993), in which gender is regarded as being constituted through a lifelong process of interaction. A key analytical tool used to understand my informants was the concept of cultural gender norms. I speak of cultural norms for gender and heterosexuality against the background of the idea that gender and heterosexuality can only be understood as an interplay. Following Eva Lundgren's (1993) position, cultural gender norms are not viewed as static or unchanging at either the cultural or individual levels but, nonetheless, every individual must relate to cultural norms, either by observing them, violating them, or some combination thereof, as well as possibly by contributing to changing them also.

### **A space for negotiation**

One truism that all the informants appear to relate to at what I call "a level of principle" is that rape is wrong and unacceptable, while "good sex", which implies romantic love<sup>1</sup>, is worth striving for. Another principle accepted by all the informants is that the refusal that defines rape (saying no) constitutes a kind of boundary. If this boundary is transgressed, the effect is condemnation, not only from society in the form of a legal sanction, but also from the local community, where the perpetrator ought to be regarded as an outcast. So, at the level of principle, for all my interviewees, rape is anything that happens after the girl has said "No", whereas romantic love is based on reciprocity and trust. Reciprocity suggests mutual consent, and if the girl says "No", there is no reciprocity. In the light of this definition, on the level of principle, the boundary for where good sex ends is where rape begins, and vice versa.

Young peoples' interpretation of what is to be defined as rape, therefore, is when a man has intercourse or performs any other sexual act against the will of the woman. But this interpretation also turned out to be open to reinterpretation. I found that there is constant negotiation about boundaries, and constant reinterpretation of what conditions have to be satisfied for an event to be defined as rape. Analysis of the interviews highlighted six different *conditions*: a/ how "No" is said; b/ the significance of love; c/ the effects of alcohol; d/ notions of the whore; e/ notions of the rapist as deviant and f/ the consequences for the girl.

1 I have borrowed the concept of romantic love from Anthony Giddens (Giddens 1995).

These conditions serve as tools for negotiation in the process of reinterpretation. In the exploration of concrete examples, both personal accounts and fictional examples, a space appears between rape and good sex. Rape may still be understood as anything that happens after the girl says “No”, but this also appears to apply only: a/ if the girl said “No” in the right way; b/ if the girl still isn’t in love with the guy afterwards; c/ if neither the girl nor the guy has had too much to drink; d/ if the girl cannot be categorized as a whore; e/ if the guy cannot be classified as “normal” and/or f/ if the girl is in really bad shape afterwards.

These conditions mean that actions and events that can be defined by the boys and girls as rape can also be interpreted as something else; it is then no longer possible to specify any exact boundary for when something is to be interpreted as rape and when it is to be interpreted as something else. I have chosen to call this the *space for negotiation*. This space depends on the conditions, and arises *between* what is understood as rape – i.e. something deplorable and normatively wrong – and good sex – i.e. something worth striving for and normatively right. When young people discuss rape at the level of principle, the conditions are not visible. They do not become visible until there is an encounter with concrete examples of what the informants perceive as normal heterosexual interaction.

Crucial – and the first step in my analysis of how young people see rape – was to step aside from the way rape is perceived in principle and to identify and interpret some of the circumstances that change the way rape is perceived on a more concrete level. The next step was to interpret the circumstances in relation to cultural codes for heterosexual interaction by linking the findings from questions about gender and heterosexuality to the findings from the explicit questions about rape. The space for negotiation is thus located as part of the so-called normal cultural codes for heterosexual interaction. Since each of the conditions discussed below are marked by the cultural perception of the sexes as different from one another, the space for negotiation has differential consequences for the potential space for action for young women and young men, respectively.

## **Different space for action**

All my interviewees appeared to assume that young women and young men have the same points of departure in heterosexual relations. This may be a typical Swedish opinion since the principle of equal opportunity (*jämställdhet*) is widely accepted and promoted as an ideal. This is not, however, to say that gender equality is achieved in Sweden. If we take a closer look at each of the conditions, which mark the space between rape and good sex, a different picture appears. All the conditions can be interpreted as *reducing* the space for action available to young women and correspondingly *increasing* the space for action available to young men. I will illustrate this by looking closer at three of the conditions; the way in which “No” is said, the notion of the whore and the significance of alcohol.

### **No – a Simple Two-letter Word ?**

The importance of how “No” is said is one of the conditions that all my interviewees discuss. A real “No”, or a definite “No” is distinguished from a “No” said at the last minute or a “No” that means “No” to sexual intercourse but “Yes” to, for example, making out. Which type of “No” it is is crucial to whether the intercourse that follows will be interpreted as rape or not. So, what does this tell us about the everyday life of young women and men?

It is possible to argue that a girl who does not want sex with a boy ought to say a clear and definite no and that she should also leave the situation. There are rules and regulations very familiar to young people saying that one should say no if one does not want to have sex and also how this no is supposed to be said. The way in which “No “ is said, therefore, appears to be something that girls can control and also something girls are responsible for.

But if we take into consideration the cultural codes/norms for heterosexual interaction, the situation becomes more complex. According to my study, hegemonic norms for gender and heterosexuality prescribe: that girls are nice and supportive; that they should be emotional and caring; and that they should be neither too sexually active nor too sexually passive. A girl who fulfils these expectations does not violate the norm if she says a weak “No” at the last minute. But she does violate the same norm if she says a definite “No” to someone who wants something from her. The girl who does not say a clear and definite “No” breaks the rule she is well aware of in terms of rape, whereas at the same time she obeys the rules of femininity.

Teaching girls to say “No” in a clear and decisive way is often presented as a simple solution to the problem of girls being raped and sexually assaulted. But recognizing that this, at the same time, requires girls to break the cultural norms for gender means the simple solution becomes a bit more problematic. It is, for example, very likely that the girl would suffer in relation to what is understood as good sex; she is putting her chances of being part of the heterosexual interaction at risk. To participate in the heterosexual interaction demands that girls stay within the frame of the cultural norms for gender. To minimise the risk of being raped the demand is simultaneously that girls violate these very same norms. A Catch 22 situation!

Unreflecting notions presuppose that it is, and should be, the responsibility of the girl to say “No”. Girls are expected to take this responsibility and so the cultural norms demand that they accept this Catch 22, which to a very large extent *restricts their space for action*.

Of course, there are boys who really do take “No” for an answer, in whatever way it is said. The boys who do not, however, do not automatically become rapists. There is *an extra space available for them* because it is possible to interpret the “No” as having been said in the wrong way.

### **Notions of the whore**

Perhaps the most manifest limitation for girls in the heterosexual interaction is the risk of being regarded as a whore or a slut. It is impossible to walk through schools all over Sweden today without hearing boys of 10, 11 up to 17, 18 years shouting the word: whore, at girls. The word has become an accepted invective that every girl risks being called, but at the same time there is also a small number of girls in every school who have the reputation of actually *being* a whore.

The Swedish sociologist, Lena Berg, interviewed girls about sexuality (Berg 1999). “Just enough<sup>2</sup>” is the concept that, according to her findings, best describes the girls’ understanding of sexual interaction with boys. The goal is to pass as a “just enough” sexually active girl. If too sexual, there is always the risk of being regarded as a whore, but if too asexual, there is, on the other hand, a risk of being regarded as dull. According to Berg, the girls develop different strategies to manage heterosexual interaction, strategies in order to pass as “just

2 Just enough is not a completely adequate translation of the Swedish word “lagom”. A word that only exists in Swedish and could also be translated as not too much and not too little, or sufficiently, or moderately, or appropriate, or suitable.

enough". The girls make demands for emotional bonding, they make every possible effort to assess the boy's intentions, they wait for a sexual invitation from the boy and they try hard to understand what is really going on in the boy's mind. All this emotional work is done to avoid the risk of being regarded as a whore. (Berg 1999)

My own empirical work points in the same direction as that of Berg and in combination with notions of rape the consequences become even clearer. The notion of the whore imposes strict limitations on girls, they have to be very careful not to sleep with too many boys in order to keep their "reputation". There is no corresponding risk for boys, rather the opposite. The notion of the whore, in addition, provides boys with a justification to do what they want with some girls, without it being regarded as rape. Thus the risk of being labelled a whore restricts a girl's space for action and the notion of the whore, and what you are free to do to her, provides an extra space for action for boys.

### **Alcohol**

The young people in my study interpret drunk boys and drunken girls differently. A boy who is drunk has a legitimate excuse for behaving badly, to act in ways he normally would not. One of the boys says, for instance, that emotions towards the girl are not important at all if he is drunk, and another one says that his friends thought he should have "gone for it" when he had the chance with a girl who was even more drunk than he was. Being drunk provides a space for boys to step outside the boundaries of the ideal relationship.

The situation is different for the girls. They have to be aware that things can happen if they are not careful with drunken boys. One of the girls said: "Well it's a fact of life, everybody knows what drunk boys are like". Drunken boys are located in some kind of state of nature that cannot be dealt with other than by avoiding them. If girls fail to do this, then they only have themselves to blame if something happens. Additionally, girls are not to be too drunk themselves. One young woman, Josefine knows what she is talking about after a boy had sex with her when she was so drunk that she "wasn't really there". Again, the space for action shrinks for girls when they have to be both on their guard against drunken boys and avoid getting too intoxicated themselves.

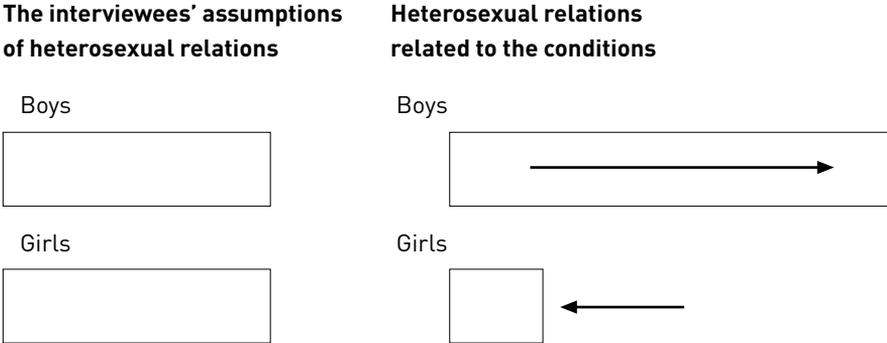
Similar analyses can be made around the other three conditions. The significance of love and the notions of the rapist as deviant can both have the effect of taking away responsibility from boys. If a rapist is someone who is deviant,

the boy next door cannot really be one. If loving someone is wonderful and something to strive for, a boy she loves cannot be a rapist. When all research points out that the majority of rapes are committed by known men and when known men, according to the conditions, cannot be rapists this again opens up for different space for action for boys and girls.

Consequences for girls have to do with notions of rape as the worst possible crime that will ruin a girl for life. A girl has to behave in accordance with these notions in order to be believed. There is one kind of behaviour that is the "right kind" of behaviour. This again limits her space for action even after something has happened to her.

Each of the conditions works differently for boys and girls, expanding or narrowing the space for action, and it can be illustrated as the model below.

**SPACE FOR ACTION**



Thus the options available to young women and young men within the framework of heterosexual interaction are different, and when these different options are related to rape, they may have decisive consequences.

**Opening up space for reflection**

The culturally accepted conditions that constitute the space for negotiation are almost always hidden in discussions about rape. On the level of principle, rape and "good sex" appear to be exclusive categories and at this level young people's attitudes and opinions are clear. My point is that the very wide definition of rape as everything that happens after the girl has said "No" can contribute to maintaining the invisibility of the concrete conditions of young people's everyday life.

The model shows how little space is available for girls and how large a one is available for boys; this is the picture of what young people regard as “normal”. By making this explicit and visible, the “normal” can be seen as quite “extreme”. If rape is regarded as “extreme” and at the same time as everything that happens after the girl says “No”, then the “extreme” is also quite “normal”.

There were several examples in my material of boys who choose not to use the whole space available to them and also of girls who found ways to increase the space for action available to them. The point of my argument is however that the model above shows us the different *possibilities* for girls and boys within heterosexual interaction. Using Catharine MacKinnon’s theory, the different space for action can be understood as currently structuring how girls are positioned in heterosexual interaction:

Women often find ways to resist male supremacy and to expand their spheres of action. But they are never free of it. Women also embrace the standard of women’s place in this regime as “our own” to varying degrees and in varying voices – as affirmation of identity and right to pleasure, in order to be loved and approved and paid, in order just to make it through another day. This, not inert passivity, is the meaning of being a victim. The term is not moral: who is to blame or to be pitied or condemned or held responsible. It is not prescriptive: what we should do next. It is not strategic: how to construe the situation so it can be changed. It is not emotional: what one feels better thinking. It is descriptive: who does what to whom and gets away with it. (MacKinnon 1989)

It is not passivity that characterizes the victim in MacKinnon’s understanding but rather the activity it requires to fight for a space that is too small to begin with.

The conditions which structure whether an incident will be constructed as being something other than rape, something “normal”, can be understood as implying for girls that, in principle, they are not “rapable”, while for boys the implication is that they cannot be designated a rapist. Taking this to the extreme, therefore, only a sober woman who does not have a bad reputation, who has not behaved sexually provocatively and who has said “No” in the right way can be raped, and only by a man who is sober and “deviant” and with whom she is not in love. Thus, the different space for action for girls and boys within heterosexual interaction can be understood as a description of “who does what, to whom, and gets away with it”.

My analysis here has focused on a different space for action for boys and girls in the field of heterosexual interaction. The conditions serve to place the responsibility with the girls. Girls have to learn to say “No” correctly. Girls have to be on their guard against drunken boys and not get too drunk themselves. Girls have to be on their guard against the reputation they can get if they are too sexually active. But what is it that we expect the girls to learn and be on their guard against? Do we want the girls to just accept that “boys will be boys”? My conclusion is that what girls as well as boys do is just participating in a sex/gender culture by following norms that prescribe “normal” heterosexual interaction. The building of a human rights culture demands that we call into question the so-called normal because the “normal” is nothing but specific cultural values.

One problem with rape is that it can be understood as a violation of human rights and as such be the object of debate, but at the same time, as argued here, rape can be interpreted as something “normal”. When understood as something normal, we tend to forget to fight it because it comes too close to us.

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