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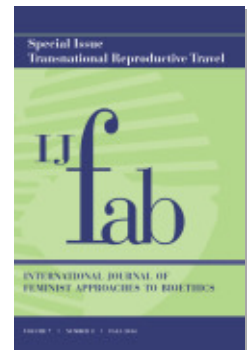
**Women and special vulnerability: Commentary "On the principle of respect for human vulnerability and personal integrity," UNESCO, International Bioethics Committee report**

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# WOMEN AND SPECIAL VULNERABILITY:

## COMMENTARY “ON THE PRINCIPLE OF RESPECT FOR HUMAN VULNERABILITY AND PERSONAL INTEGRITY,” UNESCO, INTERNATIONAL BIOETHICS COMMITTEE REPORT

MARY C. RAWLINSON

In the past decade UNESCO has pursued a leadership role in the articulation of general principles for bioethics, as well as an extensive campaign to promulgate these principles globally.<sup>1</sup> Since UNESCO’s General Conference adopted the *Universal Declaration on Bioethics and Human Rights* in 2005, UNESCO’s Bioethics Section has worked with member states to develop a “bioethics infrastructure.” UNESCO also provides an “Ethics Teacher Training Course” to member states and disseminates a “core curriculum,” primarily targeting medical students. The core curriculum orients itself by the *Universal Declaration on Bioethics and Human Rights* and aims to articulate a set of “bioethical principles” that provide a “common global platform” for bioethics.

The *Syllabus* for the Ethics Education Program reflects UNESCO’s persistent definition of bioethics as focused on “problems raised by advances in science and technology.”<sup>2</sup> In concluding units of the *Syllabus*, “social responsibility and health,” responsibility to future generations, and protection of the environment are presented as special, contemporary problems, not included

among the core questions of bioethics, nor constitutive of its key concepts and principles. There is only passing mention of “inequalities between men and women,” along with inequalities between regions, ethnic groups, rural and urban areas, and in legal status” (ibid., 57).

The report of UNESCO’s International Bioethics Committee (IBC) “On the Principle of Respect for Human Vulnerability and Personal Integrity” appears in this context, as part of a wider effort to disseminate the *Declaration* through a more extended articulation of specific Articles. Article 8 of the *Declaration* explicitly limits the concern for “human vulnerability” to the “applying and advancing [of] scientific knowledge, medical practice and associated technologies.” While the International Bioethics Committee’s recent report on “special vulnerability” must be applauded for including some attention to questions of social and environmental equity, it continues to define vulnerability narrowly, in relation to science rather than justice. Given this narrow focus, the report is unable to adequately assess the role of social and political property regimes in perpetuating these vulnerabilities. Furthermore, by including gender in the class of special vulnerability, the report hides the *structural* role of gender in social vulnerability, at the same time that it relies uncritically on a concept of a universal ethical subject that is implicitly marked masculine.

As Onora O’Neill has argued, this narrow focus on issues raised by advances in science and technology reflects the concern of high-income countries with property rights and liability issues in research, more than the claims of ethics or justice.<sup>3</sup> Moreover, by relying on a discourse of abstract rights, the UNESCO documents lack a critical perspective on the structural vulnerabilities that are perpetuated in the discourse of rights itself. “The emergence of ‘human rights’ is coterminous with the emergence of what are commonly referred to as structural inequalities—that is, with the emergence of forms of inequality that are independent of personal attributes and instead derive from modes of economic, political, and cultural organization.”<sup>4</sup> Indeed, the history of these abstract rights of the “human person” reveals their complicity with the history of property and their production as safeguards of the privilege of property. The mythological accounts of society’s origin in a voluntary contract obscure the way in which these rights were instituted precisely to establish the validity of ownership and to secure inequities of wealth. The institution of the law of property transforms what was held by might into a right. The rhetorical strategies of rights—the fiction of the “state of nature,” the myth of the voluntary social contract, the abstraction of the “person,” the re-creation of man as a generic,

the ideology of equality, and the institution of fraternity as a figure of the social bond—install a social logic that legitimates inequities of wealth as well as the subjection of certain classes of human as the servants of that wealth.<sup>5</sup>

By invoking the generic subject of the rights of man, the UNESCO documents fail to critically analyze the exclusions and inequities that are structurally necessary to the installation of man as the figure of the human. In particular, this logic obscures not only the historical status of women's bodies as the paradigm of property whose exchange cements the bonds of fraternity, but also the gender division of labor on which, as both G.W.F. Hegel and Jean-Jacques Rousseau insist, the integrity of the modern nation state depends. The abstract discourse of rights obscures its own actual history in which women have been *structurally* deprived of agency and voice.<sup>6</sup> By focusing narrowly on science, rather than justice, the UNESCO documents fail to offer any critique of the way in which women have been excluded from the abstract, generic subject of ethics and subjected to *systemic* forms of economic and political deprivation.

The IBC's report on vulnerability relies on two key distinctions. First, it differentiates between general and special vulnerability. All human beings are vulnerable at some moments: fatigue, a case of the flu, or an ugly argument can leave anyone vulnerable. The report, however, focuses on "the 'special vulnerability' of individuals and groups, inasmuch as they are potential recipients of therapies, involved in scientific research or potential recipients of the products or technologies deriving from the advancements and applications of scientific knowledge," again drawing the border of bioethics tightly around medicine and scientific research, as opposed to broader issues of public health, social justice, and environmental justice.

Second, the report distinguishes between "special" vulnerabilities that are personal or individual and vulnerabilities that are social or collective. This first category includes children, the elderly, persons with "reduced physical and mental capacities," "persons with disabilities," and "persons with mental disorders." The second category is even more heterogeneous: the poor, including the homeless, the unemployed, and the illiterate, as well as people involved in ethically dubious research; prisoners, or others who lack mobility and liberty; people subject to "hierarchical relations," such as students, employees, or members of the armed forces; marginalized persons, such as immigrants, nomads, or minorities; victims of war, climate change, or natural disasters; and victims of the "exploitation of resources in developing countries." "Gender discrimination" is included in this list, as one item among others.

What the report fails to recognize is that gender cuts across all these categories: women are more likely to be poor, more likely to be illiterate, more likely to lack access to health care and adequate nutrition, more likely to be marginalized and to have no voice in the counsels that determine the future, more likely to be subordinate in any hierarchical relation, and more likely to be adversely affected by climate change and environmental injustice. Several of the cases cited by the report show how women are differentially and systematically affected by poverty, environmental injustice, or lack of access to education and health care, but the report does not comment on this *structural* and institutionalized vulnerability. Paragraphs 22 and 23 cite cases in which the femininity of poverty is a relevant, but unnoted, structural determinant. Paragraph 24 not only conflates “immigrants” and “migrants,” but it also treats the case of a pregnant woman as an example of the problems of “migrants” in general, as if her lack of antenatal care could be explained by the lack of education programs in immigrant communities, rather than by poverty or sexual prohibition. Paragraph 32 again fails to comment on the *structural* and institutional vulnerability of “a woman of African origin” who has “been abandoned by her husband.” After detailing how she was taken advantage of in clinical research as a bribe to secure treatment for her child, the report comments only on the need to “alleviate poverty” and to put “strict limitations” on research.<sup>7</sup> The specificity of the *structural* vulnerability of women is obscured.

To call half the human race a “special” class seems odd on the face of it, but it is the default position of the history of philosophy and science. The supposedly universal and generic subjects of science, medicine, and philosophy have always been marked masculine, while woman has been rendered either a special case, requiring special analysis, or a difference that makes no difference, that is fully absorbed and accounted for in the generic “man.” The supposedly universal rights of man are ineluctably tied to their violent origin, when the law of property is instituted to suspend the war of all against all. And, the institution of the law of property is inextricably intertwined with the institution of laws of sexual propriety, including both the gender division of labor and the normative difference between heterosexuality and homosexuality.<sup>8</sup> What the IBC’s report fails to recognize is that the discourse of rights itself, focusing as it does on property and sexual propriety, on entitlements and debts, cannot escape its origin in the privileges of fraternity, nor the *structural* exclusions and inequities to which women are subject historically and around the globe today.

In its conclusion, the report invokes “the example of the position of women” to summarize “special vulnerabilities.” The hypothetical voice of the report belies the experience of women within the structures of private property, fraternity, and the rights of man. It is not the case that women “may” be unwanted: rather, the fact is that globally there are more than “a 100 million missing women.”<sup>9</sup> The use of prenatal testing and abortion for sex selection constitutes a serious bioethical crisis in certain areas of the globe, reflecting the continued *structural* devaluation of the subjectivity and citizenship of women. It is not the case that girls “may” be at risk of sexual assault: rather, over a million girls globally are victims of sexual trafficking each year. It is not the case that women “may” find themselves unable to secure economic and political independence: rather, millions of women and girls each year are bartered in marriage, or, worse, given away to pay a debt or restore a man’s honor. UNICEF estimates that in South Asia and Africa over 45 percent of girls are “forced” to marry before the age of 18.<sup>10</sup> Women continue to be systematically deprived of economic opportunity or to be denied a voice in collective decision-making. In the United States, for example, women make 77 cents for every dollar paid to men for equal work, while they make up only 16 percent of the membership of the United States Congress. Around the globe, women are dramatically underrepresented in leadership positions in all areas and have very little say in the counsels that determine the future.<sup>11</sup> Women’s compromised access to health care, nutrition, education, economic independence, and a political voice is not “special,” but an integral feature of the structure and institutions of their societies around the globe.

Perhaps, the discourse of man, the right to property, and the project of mastering nature through science have exhausted themselves. Rhetoric about rights often seems an abstract cover for real inequity.<sup>12</sup> If bioethics were to begin, not with abstract rights, nor from the war of all against all and the right to property, but from women’s experience, its organizing concept would be generativity: how can we remake the infrastructures of our experience in order to better promote health and happiness across generations? Questions of social inequity and environmental justice would be at the center, not the periphery, of the discussion in bioethics. And, women’s experience would no longer be treated as a special case, but as a source of concepts and principles just as universal as man’s.

### Notes

1. UNESCO’s assumption of authority in defining bioethics has not gone uncontested. See, e.g., the critical analyses in *Developing World Bioethics* 5, no. 1, 2005.

2. *Bioethics Core Curriculum Section 1: Syllabus Ethics Education Program*, Sector for Social and Human Science Division of Ethics of Science and Technology, UNESCO, 2008.

3. See, e.g., “Broadening Bioethics: Clinical Ethics, Public Health, and Global Health.” Nuffield Council on Bioethics Annual Lecture, 19 May 2011. Available at <http://www.nuffieldbioethics.org/news/broadening-bioethics-clinical-ethics-public-health-and-global-health>.

4. Anthony Woodiwiss, *Human rights* (London: Routledge, 2005), 7.

5. For a full development of this argument, see Mary C. Rawlinson, “Women’s rights, human rights: Rethinking universalism in bioethics,” in *Feminist Bioethics: At the Center, on the Margins*, ed. Jackie Leach Scully, Laurel Baldwin-Ragaven, and Petya Fitzpatrick (Baltimore: Johns Hopkins University Press, 2010), 107–29.

6. As Luce Irigaray remarks, “Man seems to have wanted, directly or indirectly, to give the universe his own gender, as he has wanted to give his own name to his children, his wife, his possessions.” *Je, tu nous: Toward a culture of difference*, trans. Alison Martin (New York, Routledge, 1993), 31.

7. It is hard to know why the drafters of the report chose to include the bizarre case in paragraph 37, which showcases a woman’s hatred for her sister without illuminating any problem.

8. There is no mention in the report of the extraordinary vulnerability of homosexuals around the world.

9. Amartya Sen, “More than a 100 million women are missing,” *New York Review of Books*, 20 December 1990.

10. Ruth Macklin’s essay in this issue, “A global ethics approach to vulnerability,” gives an excellent account of the systemic and structural inequities to which women continue to be subject globally.

11. “Childinfo.org: Statistics by Area - Child marriage - Statistical table,” [http://www.childinfo.org/marriage\\_countrydata.php](http://www.childinfo.org/marriage_countrydata.php) (accessed 15 May 2012).

12. Was it not ironic that the meetings on the IBC report on vulnerability were chaired by Saudia Arabia at the very moment that research appeared detailing the deleterious effects of enforced immobility on Saudi women, including excessively high rates of obesity, diabetes, and heart disease?