

Why Don't Gender Theorists Talk More about Gender Equality?

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In the course of the last decade, the language of gender equality has become firmly embedded in national and international documents. UN Women was founded in 2010 as the United Nations organisation “dedicated to gender equality and the empowerment of women”. On its website, it elaborates this as creating “an environment in which every woman and girl can exercise her human rights and live up to her full potential.”¹ The Council of Europe, a key international human rights body founded in 1949, which did not even include gender in its original prohibited grounds of discrimination,² now describes achieving gender equality as central to its mission. Its Gender Equality Strategy aims at “an equal visibility, empowerment, responsibility and participation of both sexes in all spheres of public and private life. It also means an equal access to, and distribution of resources between women and men.”³ In Latin America, there is the Gender Equality Observatory, set up by the Economic Commission for Latin America and the Caribbean, which monitors the progress of gender equality in member states. This defines

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¹ <<http://www.unwomen.org/en/about-us>>.

² Gender was added at the last moment at the insistence of Denmark.

³ <<https://www.coe.int/en/web/genderequality/home>>. Somewhat more worrying, the Council's website adds “It means accepting and valuing equally the differences of women and men and the diverse roles they play in society”.

gender equality as “equality in the exercise of power, in decision-making, in mechanisms of social and political participation and representation, in diverse types of family relations, and in social, economic, political and cultural relations.”⁴ I could go on, but any of us could collate similar statements, from both national and international sources, demonstrating the crucial importance (on paper at least) now accorded to gender equality. Most of the mission statements are recent, but the impression they give is that no self-respecting governmental body can now afford to ignore gender equality.

At same time, we are witnessing often vicious attacks on the very language of gender. In Hungary, the Gender Studies Department of the Central European University has recently closed in the midst of major governmental attacks on the University itself; in August this year, the Hungarian government announced plans to pass legislation banning—banning!—gender studies courses in any of the other universities. Even using the term is said to disrupt the natural order in which women are women and men are men, and to undermine the sanctity of the family. And this is not an isolated phenomenon. Both the Catholic Church and many of the evangelical churches have been targeting the language of gender for many years. Before he was elected Pope, for example, Cardinal Ratzinger described the concept of gender as “an insurrection against the limits man carries within him as a biological being”; and through the early 2000s, the Vatican produced a number of theological critiques of gender. In Brazil in 2015, eight state level assemblies voted for the deletion of gender language in their educational policy guidelines; also in Brazil in 2017, Judith Butler was confronted by an angry demonstration at a conference she had co-organised, where her effigy, depicting her as a witch, was burnt.⁵ The normalisation of the language of gender equality in so many governmental bodies is being accompanied by major counter-movements that reject the very language of gender.

We might see this as just the standard pattern: gender equality becomes more mainstream, and then there is a backlash against it. But in this instance, the mainstreaming and the backlash don’t map on particularly neatly, for

⁴ <<https://oig.cepal.org/en/about-observatory>>.

⁵ For further illustrations, see Sonia Corrêa ‘Gender Ideology: tracking its origins and meanings in current gender politics’. LSE Engenderings Blog <<http://blogs.lse.ac.uk/gender/2017/12/11/gender-ideology-tracking-its-origins-and-meanings-in-current-gender-politics/>>.

one of the things that strikes me forcefully about this moment is how little the gender theorists being attacked in this backlash employ the language of gender equality. The key words that appear most commonly in books and articles on gender are terms like agency, subjectivity, affect, while equality languishes as a much less interesting term. I used to think this was because there was nothing much more to say about gender equality: basically, we know we want it; we know we don't have it; and though we clearly face major battles in our attempts to achieve it, there don't seem to be many interesting conceptual challenges in working out what it is. I now think this is mistaken, and that the relative lack of engagement with gender equality in contemporary gender theory speaks to deeper concerns. I want to talk today about some of these: some of the reasons why feminists (and indeed others on the progressive left) seem to have withdrawn from the language of equality. As should become clear, I recognise and share many of the concerns that lie behind the retreat. But I do not at all share the view that we should stop talking about gender equality. We need to understand equality as a transformative—not arithmetic—ideal, but we cannot do without it. In what follows, I pick out three aspects of the retreat from equality.

1. Post-colonial critiques of equality

The first is associated with post-colonial or decolonial critiques. I am thinking here of those like Frantz Fanon, Sylvia Wynter, Walter D. Mignolo, Arturo Escobar, who have highlighted the violence visited on the colonised and enslaved in the very period when what we think of as the modern conception of equality was being articulated (Fanon, 1967; Mignolo & Escobar, 2009; Wynter, 2000, 2003). In *The Wretched of the Earth*, for example, Fanon excoriated the humanism that pretended to a belief in the indelible rights of man, yet practiced a brutal dehumanisation on its colonial subjects. He writes of “this Europe where they have never done talking of Man, yet murder men everywhere they find them, at the corner of every one of their own streets, in all the corners of the globe” (Fanon, 1967, p. 251). This becomes a key point in postcolonial theory: that a high-minded discourse about equality and humanity and the Rights of Man coincided with the violent dehumanisation of most of the world's inhabitants.

We can, of course, tell ourselves a relatively benign story about this conjunction. We can say that when people started articulating notions of equality

that broke with either natural or God-given hierarchies—say, roughly from the sixteenth century onwards—they did not yet have the imagination to see that *all men being equal in a state of nature* (one of the tropes that arises at this time) might mean *all women* too; and that given the assumptions of their period, they did not have the capacity to envisage that it might eventually come to mean *all men and women* regardless of biology, physiognomy, beliefs, cultural practices, continent, and so on. In this more complacent story, it was entirely understandable that equality started out in a limited way, but the logic of the ideas being articulated then pressed beyond those limits to eventually deliver rights for all. This is not, in the view of most post-colonial theorists, nor in my own, a convincing explanation.⁶

One stumbling block is that if later ideas of equality for all were indeed logically implicit in the early formulations, it took a hell of a long time for that logic to assert itself. An even more important stumbling block is that many people *did* have the imagination: in fact, as soon as people started talking about the equality of men in a state of nature, it was argued—sometimes as the reason for rejecting this subversive argument—that once you go down that road, you are going to have to accept that women are equal too. Later on, when the French revolutionaries declared the Rights of Man, the ink was hardly dry on their Declaration when people like Olympe de Gouges, the Marquis de Condorcet, and Mary Wollstonecraft claimed these rights for women too. And it was only two years after the Declaration that slaves in Saint Domingue, later Haiti, took its proclamations as incompatible with slavery, and embarked on the first large scale slave revolution. The denied and excluded were indeed quick to spot that the language of equality could be applied to them. But it was many centuries before the force of such arguments was to be conceded by those in power.

Those writing in a postcolonial or decolonial mode are unimpressed by the happier story. More typically, they argue that the violence and *inequality* were part and parcel of the emerging understanding of equality, and no accidental accompaniment. Consider, for example, the way notions of the human were being reframed and reinterpreted in this period. Sylvia Wynter, Jamaican writer and cultural theorist, provides a compelling illustration in her analysis of the encounters between the Spanish *conquistadores*

⁶ I discuss and reject the notion of an inner logic to equality in Phillips, 2018.

and communities of Caribs and Indians in the Caribbean and Americas in the 16th century, and the justifications the Spanish gave themselves for their destruction and enslavement of indigenous peoples (see also essays in McKittrick, ed., 2015). She writes about the famous “dispute” in 1556, between Bartolomé de Las Casas, the Spanish Dominican priest who came to devote himself to defending indigenous communities, and Ginés de Sepúlveda, who defended the rights of the settlers to subject the Indians to the brutalities and forced labour of the *encomienda* system (for example, in Wynter, 2003). Wynter argues that Las Casas was still thinking within a universalistic Christian ethic, in which the key distinction between humans was the degree to which they approached a state of spiritual perfection. From this perspective, he saw no intrinsic difference between the Spanish and the indigenous inhabitants of the Americas; indeed, considering the brutalities of the invaders, he saw good reason to believe that the indigenous inhabitants had arrived at a higher spiritual state. He also pointed out that there was no justification for treating them as Christ-deniers before they had even been given the opportunity of embracing Christianity.

This was one of the stranger moments in these encounters. There was a brief period in which the Spanish settlers were required—by decree from Spain—to justify their enslavement of indigenous peoples by showing that they had refused the Word of Christ. So any slave-raiding or land-grabbing episode had to be preceded by a notary reading out to those about to be enslaved an entirely incomprehensible theological document in Latin. When the local people failed to respond to this by begging for conversion, any subsequent brutality was deemed justified (Wynter, 2003, p. 294). But this approach still worked—though entirely dishonestly—within the earlier religious mode. The justifications soon moved away from the willingness or otherwise to embrace Christianity to claims about how human people were. Sepúlveda notoriously described the peoples of the Americas as “homunculi”; comparing their capacities for reason with those of the Spanish, he saw them as almost “like monkeys to men”. For Wynter, this is a key moment in the articulation of the modern conception of the human, which was not, then, a particularly inclusive and egalitarian notion, but one marked from its origins by hierarchy and racism and brutality. The classification of humans by reference to their perceived capacity for reason set in train the self-serving justifications later invoked during the slave trade and the colonisation of India and Africa. In the new human norm, white Europeans were, in her

term, “overrepresented”, and this over-representation continues to legitimate racist institutions and discourse well into our own time.⁷

This fuller account of the history of equality has given many pause for thought, though it is notable that Wynter, Fanon, and related writers do *not* say that we should now abandon these deeply tainted notions of the human, humanity, equality, as impossible allies in the pursuit of emancipation. (Some perhaps do think this, but not Wynter or Fanon.) The point, rather, is that once we recognise the inequalities and exclusions contained within the very idea of human equality, we have to abandon the delusion that equality is simply a matter of *extending the scope*, of including more and more people under the banner of the human, of including us regardless of our race, gender, religion, sexuality, and so on. In this argument, we need, more radically, to transform the understanding of the human. In particular we need to break with any vestiges of biologism, including the biologism implied in degrees of rationality. In Wynter’s version, we must come to see the human as ‘a hybrid auto-instituting-languaging-storytelling species’ (Wynter & McKittrick, 2015, p. 25).

I am not myself entirely convinced by her alternative: I tend to the view that we should reject even improved and open definitions of the human as irrelevant to claims about equality, and I have argued this elsewhere in a book on *The Politics of the Human*.⁸ But I do very much share the analysis of the hierarchies and exclusions that were built into the foundations of seemingly inclusive and egalitarian ideals. I also share the view that this calls not for abandonment of these ideals, but for their transformation. And indeed, it is one of the points widely shared by feminists, anti-racists, and theorists of multiculturalism that the pursuit of equality is not best understood as extending the scope of the human, as including more and more of the previously excluded within its remit: what one might describe as the “I too am human, just like you” strategy. Though that formulation can, in certain contexts, be

⁷ In one striking comment she contrasts the way white explorers were perceived by the peoples they encountered in Africa with the way Africans were perceived in their turn: “The non-Europeans that the West encountered as it expanded would classify the West as ‘abnormal’ relative to their own experienced Norm of being human, in the Otherness slot of the gods or the ancestors... For the Europeans, however, the only available slot of Otherness to their Norm, into which they could classify these non-European populations, was one that defined the latter in terms of their ostensible subhuman status” (Wynter, 2003, p. 292).

⁸ As argued in Phillips, 2015b; also in Phillips, 2018, where I take issue particularly with the idea that there is a logic driving the original formulations towards the final inclusions.

extremely effective, it leaves untouched the original “over-representation” of particular kinds of human. We might, and frequently do, employ the language of “I too am human” as a way of exposing inconsistency and hypocrisy. But it is a mistake to represent the exclusions as simply a failure of imagination. There is a deeper problem here, and it argues against simpler strategies of inclusion. It does not, however, render the language of human equality—or, by extension, of gender equality—meaningless.

2. Equality as culturally situated

There is a second line of detachment from equality which also arises in engagement with global power hierarchies, but has been more focused on the substance of what we mean by equality. This has become an increasingly troubled issue in gender theory, where many now write about the difficulties associated with articulating universal ideals of equality or freedom without, in the process, smuggling in our own more parochial experiences and framework. If we believe that knowledge is in some sense situated—and most feminists incline to some version of this view — then we cannot but recognise that our own ideas of what constitutes equality are likely to reflect what we have experienced, read, and learnt from those around us, rather than some straightforwardly universal truth. I say “cannot but”, but of course very often we do not recognise this: it is not easy (and given the risks of political paralysis perhaps not always desirable) to sustain an attitude of continual doubt as regards your own most cherished beliefs. But if we don't recognise the ways in which we are simultaneously enabled and constrained by our context, we can become prey to assumptions of superiority over those who fall short of what we take to be the right way to live gender equality. Equality can then become a way to differentiate ourselves from those who appear to lack it: we can scorn, for example, those women who are obsessively preoccupied with their physical beauty; we can pity, from the other side, those who feel compelled to conceal their bodies from the male gaze in accordance with religious prescription; we can congratulate ourselves on our superiority to the others who submit in multiple ways to patriarchal expectations. This is not a good position for a feminist to occupy, and yet sometimes the language of gender equality has enabled precisely that sense of superiority.

Serene Khader has been grappling with these issues for some time: recognising the dangers of imposing a singular conception of gender equality,

but also very conscious that worries about cultural imperialism can lead to a kind of normative paralysis in which we feel unable to comment on other women's oppression. I am drawing here on an as yet unpublished book (it should be in the book stores by January) entitled *Decolonizing Universalism: A Transnational Global Ethic*. In this, Khader argues that the norm uniting feminism is—and should be—the goal of ending sexist oppression, which she defines as “systemic disadvantage that accrues to a person by virtue of membership, or perceived membership, in a gender—or as a result of a system of gender” (Khader, 2018, p. 51 in manuscript). But in her argument, judging something as oppressive need not depend on applying a preconceived notion of what it is to be equal. Some feminists think that claiming your rights as an independent individual is a necessary component of gender equality, though in the light of many criticisms of the idea of autonomy as self-sufficiency, that focus on equality as independence looks somewhat dubious. Others have argued that equality means the elimination of gender per se: as Susan Moller Okin once put this, “a just future would be one without gender. In its social structures and practices, one's sex would have no more relevance than one's eye color or the length of one's toes” (Okin, 1989, p. 171). Others, again, regard adherence to tradition as necessarily at odds with women's freedom, and see the refusal of traditional dictates as the crucial first step towards gender equality. Serene Khader takes issue with all of these, stressing their tendency to reinforce or install a global hierarchy, a hierarchy of those who think they know and live better.

This aspect of her argument is, I think, relatively uncontroversial: we know that feminist endorsement of overly specific visions of the better life have sometimes become implicated with structures of neocolonial power; and she makes a convincing case that, when conditions are oppressive, simply calling on women to assert their independence or refuse the support of their kinship structures can have devastating consequences for their well-being. There are transition costs, that is, in moving from one set of oppressive circumstances to another that might or might not be an improvement; and simply telling women that they will be better off when they throw off traditional roles is not always helpful. But one could accept these points about context sensitivity (again, I think pretty much all today's gender theorists will accept them) without fundamentally changing one's views about what, in the long run, counts as gender equality. The more difficult question is whether it makes sense to think we can identify op-

pression or *inequality* without drawing on some prior notion of what it is to be free and equal.

Many philosophers would doubt the coherence of separating out the critical from the positive in this way. They would say, to the contrary, that the first task of the theorist is to identify what constitutes justice or equality, and only then use this to identify cases of *injustice* and *inequality*. To put this in the language that became dominant in Anglo-American political theory after the publication of John Rawls' *Theory of Justice*, they believe that we must first work out the ideal theory, and only then consider what to do in the non-ideal world. Khader is challenging this, and I think she is right to do so. It is not clear to me that we need to know what a just society looks like in order to be able to see that we are faced with an unjust one; or that we need to know what a state of perfect gender equality looks like in order to identify conditions of *inequality*. For myself, I tend to the view that any division of labour based on gender is incompatible with gender equality, but I am willing to recognise this as a preference or speculation. I do not need to establish it as the only way to think of gender equality in order to be able to identify circumstances where women are oppressed, disadvantaged and unequal. Talk of "gender equality" risks giving the impression that we know already what this condition looks like; and maybe we should be more restrained in our use of this, and talk more about gender inequality instead. The crucial thing is to refuse inequality, not that we all come to agree on what equality looks like.

3. Equality as implying fixed groups

There is a third and older worry about equality, long rehearsed in the feminist literature, to the effect that the language of equality suggests women equalising themselves with men, in a way that mistakenly equates equality with sameness, and leaves men too much as the standard to which we aspire. In *Feminism and the Abyss of Freedom*, for example, Linda Zerilli argues that feminists should shift their attention from questions of identity and equality to focus more on action and freedom; part of her reason for this is that "the political principle of equality has tended to level all social and sexual differences and to force the assimilation of women to a masculine standard disguised as neutral and universal" (Zerilli, 2005, p. 11). Yes indeed, but this is an argument we have had for many years. I imagine all today's gender

theorists would agree in repudiating what British feminist Eleanor Rathbone described nearly a century ago as a “me-too” feminism that simply claims for women an equal share of whatever rights and resources men have previously achieved for themselves.⁹ That conception of gender equality patently leaves untouched all the important things men didn’t bother to campaign for, including new ways of organising the care work that is so central to women’s experience and has been so poorly addressed by governments of virtually all political complexion.

It also leaves untouched the very conception of gender, for it seems to take it for granted that there are two pre-constituted groups (“the female sex” and “the male sex”; or “the feminine gender” and “the masculine gender”) whose relative position now needs to be equalised. Yet if we think of gender equality in this way, we seem to miss the key thing that we are challenging about the gender order: those seemingly endless attempts to corral us into two distinct groups, to “make us” either male or female, masculine or feminine, and define us through practices of gender. The point here is not just that a language of *equalising the genders* makes it harder to address those who are transgender or define themselves as gender-fluid—though this is certainly true. But the issue is a wider one, and touches on everyone’s need to get beyond the categorisations.

As regards racial equality, it is now widely accepted that the category of race is itself a racist product, attaching as it does various psychological, intellectual, and emotional capacities to the nature of one’s skin colour or one’s physiognomy.¹⁰ If we accept this critique, we cannot then think of racial equality as the pursuit of equality between “race A” and “race B”, for framing it in this way would too readily accept that there are indeed these distinct races. There is arguably a slightly more biological basis for a distinction between male and female, but much the same point applies to gender equality. We cannot think of it as equality between “gender A”

⁹ Rathbone was President of the National Union of Societies for Equal Citizenship in the 1920s, and argued from this position for a “new feminism”, focused less on equal rights with men, and more on issues specific to women, like birth control, ante-and post-natal care, and family allowances. As an MP in 1945, when The Family Allowances Act was finally passed, she was instrumental in ensuring that it was paid directly to the women, not the men.

¹⁰ There are countless authors one could cite here, including Kwame Anthony Appiah, Paul Gilroy, etc

and “gender B”, because framing it like this accepts too much the reality of gender distinctions.

This is a crucially important reminder—though again, it does not mean we have drop the language of equality, just be careful about the way we use it. Zerilli herself does not say we should stop talking about equality, but she does argue that we should shift the focus from equality to freedom, and in doing so she draws inspiration from Hannah Arendt’s conception of the political realm as the arena within which we practice freedom and create the world anew. To me, this is a rather extravagant understanding of the political—not easily recognisable in the actual practices of politics—and it is additionally troubling in the way it threatens to minimise the importance of the social realm. Arendt was famously distrustful of what she saw as the twentieth century preoccupation with poverty, low income, inadequate housing, poor health, and so on, as encouraging an overly instrumental view of politics, and underplaying the world-changing practice of politics. Zerilli distances herself from some of this indifference to the social, but broadly shares Arendt’s perspective. She wants a “freedom-centered feminism” that is striving to bring about “transformation in the normative conceptions of gender” (Zerilli, 2005, p. 180), and she encourages us to see feminism “as a conflict-ridden, world-building practice of freedom” (Zerilli, 2005, p. 177). I have no problem with the idea of feminism as action, nor with the notion (which I have argued myself in other contexts) that claiming rights is more transformative of who we are and how we see ourselves than simply being awarded them. But there is something rather ungrounded in this celebration of freedom and action as if they are ends in themselves. I find I cannot let go of my own preoccupation with women’s greater economic vulnerability, greater vulnerability to violence, and lesser access to political influence and power.

Equality transformed not abandoned

As is, I hope, clear from what I have said, I see much of importance in these reasons for worrying about equality. But I remain, myself, a devotee of gender equality, and I take the message of all three concerns as calling for *transformations* in the ways we understand and deploy notions of equality and inequality, not as reasons for abandonment. I want to end with a brief illustration as regards the issue of abortion—something that has been and continues to be a central issue for feminists in Latin America.

One of the longstanding debates about reproductive rights has been whether we should frame the demand for safe and legal abortion in terms of “a woman’s right to choose”; or, as in the USA, as a privacy right, protected by the constitution; or in terms of our rights to do as we wish with our own bodies; or as a matter of equality. When framed as a woman’s right to choose, it becomes vulnerable to the argument that it legitimates female foeticide. This is a point raised by a number of Indian feminists, including Nivedita Menon, who have pointed out that in highly patriarchal societies, where giving birth to girl children can mark one as an inferior wife, putting one at risk of repudiation or even death, women may well “choose” selective terminations to ensure that they give birth only to boys (Menon, 2004, chapter 2). We could say this isn’t strictly women “choosing” but rather choosing under conditions that come very close to coercion. But even so, the example throws up worries about framing reproductive rights only in the language of a woman’s right to choose, and reminds us that many of the ways we define political goals may be overly shaped by our own more specific experience.

Framing abortion as a privacy right worked successfully for many decades (though not so much now) in the case of the US, but this has also been criticised, most notably by Catharine MacKinnon (1987). As Mackinnon stresses, feminists do not, on the whole, want to shelter behind privacy rights when it comes to other issues: we don’t want violence within the home to be treated as a private matter; we don’t want sexual harassment to be regarded as a private matter of interpersonal relations; we want to challenge much of what is assumed about the public/private divide. I also think it problematic to frame abortion as a property right, because this encourages us to think of our bodies as property, and to think of property as something over which we can assert total control. I don’t have time to expand on this here but in a recent book *Our Bodies, Whose Property?* (Phillips, 2015a) I take issue with the use of the property metaphor to conceptualise our relationship with our bodies, and argue that the implied mind/body dualism fails to recognise the senses in which we simply “are” our bodies. I also take issue with the idea that if something is property then this means no-one else can tell you what to do with it: if we think that, we are refusing the right of governments to impose taxes, or set rent controls, or insist on planning permission, or in any way regulate private property.

Each of these arguments for reproductive rights has its weaknesses, and for me, it is impossible adequately to capture why we must have the

right to free and legal abortion without appealing to equality. At its heart, surely, is the fact that women, and *only* women, get pregnant; that treating abortion as a criminal act subjects women, but *only* women, to unwanted pregnancies; leads women, but *only* women, to die in illicit backstreet abortions; and, given the continuing gender division of labour as regards the care of children, means that women, and *mainly* women, have to find a way to feed and care for children in conditions where they know this to be almost impossible. Refusing women any right to abortion co-opts women's bodies, but *only* women's bodies, to sustain the life of the foetus.

There is a pressing issue of equality here, but it needs to be equality transformed. If we just left it like that, there would be too much of a "me-too" feminism about the argument: it would be like saying "nobody requires men to give over their bodies for nine months, so nobody should require this of women either". That hardly addresses the complexities and potential anguish of abortion, but also, since pregnancy can never be equally shared by women and men, framing the demand in these somewhat arithmetic terms seems to miss the point. I prefer to see the issue as offering a good illustration of what Serene Khader is arguing. We can see that denying access to free and legal abortion oppresses women, and treats them as beings of lesser importance, without necessarily knowing what, in this context, it would mean to treat men and women equally.

So this is my main point, and it's not of course an entirely novel one. Neither equality nor inequality are simple notions, and equality in particular comes to us weighed down with considerable historical baggage. With all this in mind, I am sometimes frustrated with the mission statements we read in national and international documents when they fail to acknowledge the complexity, or represent the goal of gender equality as more straightforward than it is. We need to reclaim equality from overly bland statements, and accept the challenge of complexity. But we need to do this in order to put ways of thinking about gender equality back at the heart of gender theory.

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