

Debating women's human rights as a universal feminist project: defending women's human rights as a political tool

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Introduction

The central aims of this article¹ are twofold: first to debate whether or not women's human rights can underpin a universal feminist project; second to defend women's human rights as a useful political tool that can be used to challenge injustice and discrimination against women. The first section of the article briefly sets out the universality/particularity debate in both human rights theory and in feminist theory. This serves as a point of departure for the subsequent discussion of universality and particularity in relation to women's human rights specifically. Section one of the article is entitled 'debating' women's human rights as a universal feminist project, because this is, indeed, a matter of dispute (as evidenced by the contributions to this forum).² That women's human rights are universal is contested by some feminists although the reasons for their scepticism are quite different from those advanced by ultra-conservatives and religious fundamentalists.³

It is contended that while this debate has been (mis?)represented as one that is characterised by polarised or incommensurable positions, contemporary feminist theorists are increasingly exploring, if not wholly embracing, the possibilities for dialogue or conversation in the interests of negotiating an inter-subjective 'universalism' that might, in turn, form the basis for a transnational feminist practice. In this regard, recognising the need to engage seriously and reflectively with the concept of difference and the actuality of differences – cultural, national, ethnic and so on – among women does not foreclose possibilities for forging some common ground, nor engaging in discussions on apposite strategies for gaining equality.

The second section of the article documents the role that the women's human rights project has assumed in feminist political activism, particularly since the Fourth United Nations Convention on Women, and defends women's human rights as a useful political tool available to both individual women and political activists in local communities and international policy forums to challenge injustice and fight

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² A. Bottomley (ed.), *Feminist Perspectives on the Foundational Subjects of Law* (London: Cavendish Publishing, 1996); Moya Lloyd's article in this forum.

³ Courtney W. Howland (ed.), *Religious Fundamentalisms and the Human Rights of Women* (Basingstoke: Macmillan, 2001).

discrimination in varied locations and settings. While there has been a long history of transnational feminist activism to promote women's human rights, since the Beijing women's conference in particular women's human rights have provided activists with a language with which to articulate claims and have served to infuse diverse groups with a sense of common purpose.

After addressing the two main aims of the article, by way of a conclusion the final section makes the case that this is a time when there is an urgent strategic need to defend the hard-won achievements of women groups 'based on years of building international feminist strategies around common concerns'.⁴ These have born fruit in infusing public discourse and public policy with feminist language and have succeeded in moving forward the women's human rights agenda in significant respects, but are now in danger of being checked and, perhaps, reversed. To summarise briefly, this danger arises from the increasing influence of religious fundamentalists and ultra-conservatives, in their many guises, who are demonstrating considerable political astuteness and organisational skills in a determined effort to roll back the women's human rights agenda. More general shifts in the current international political climate also make the realisation of women's human rights in practice more difficult and the prospect of setback more perilous.⁵

Women's human rights as a 'universal' feminist project?

Are human rights universal?

In her book *The Rights of Others*, Seyla Benhabib remarks that 'our fate as late-modern individuals is to live caught-up in the permanent tug of war between the vision of the universal and the attachments of the particular'.⁶ In the aftermath of atrocities committed by the Nazi regime in Germany, human rights occupied a central place in the United Nations (UN) vision of postwar world order. Since 1945, there has been a gradual but sustained rise in the application of international human rights law, and also an extension of public discourse on human rights, so much so that human rights have 'gained widespread acceptance as international norms defining what is necessary for humans to thrive, both in terms of being protected from abuses and provided with the elements necessary for a life in dignity'.⁷ Indeed, so much so that Michael Ignatieff has claimed that: 'we are scarcely aware of the extent to which our moral imagination has been transformed since 1945 by the growth of a language and practice of moral universalism, expressed above all in a shared human rights culture'.⁸

⁴ Charlotte Bunch and Susana Fried, 'Beijing '95: Moving Women's Human Rights from Margin to Centre', *Signs*, 22:1 (1996), pp. 200–4.

⁵ Doris Bush and Didi Herman, *Globalizing Family Values: The Christian Right in International Politics* (London and Minneapolis: University of Minnesota Press, 2003); Jill Steans and Vafa Ahmadi, 'Negotiating the Politics of Gender and Rights: Some Reflections on the Status of Women's Human Rights at "Beijing plus Ten"', *Global Society*, 19:3 (2005), pp. 227–45.

⁶ Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004), p. 16.

⁷ Hans Peter Schmitz and Kathryn Sikkink, 'International Human Rights', in Walter Carlsnaes, Thomas Risse and Beth A. Simmons, *Handbook of International Relations* (London: Sage, 2001), p. 517.

⁸ Michael Ignatieff, *The Warrior's Honor: Ethnic War and the Modern Conscience* (New York: Metropolitan, 1997), p. 8.

And yet, the development of human rights (in both theory and practice) has been accompanied by ongoing debates on a number of difficult issues. These include legal and political questions concerning implementation and compliance and, most importantly in terms of the subject matter of this article, the issue of whether human rights can be properly considered 'universal' at all.⁹ Limitations of space mean that it is not possible to debate the issue of the universality versus the particularity of rights in depth, suffice to say that universal human rights is consistent with a cosmopolitan vision of how world society should be organised, while communitarians of various persuasions privilege the claims of specific ethical, cultural and political communities over claims evoked in the name of so-called 'universal' doctrines.¹⁰ Historically, cultural anthropologists have tended to position themselves in critical opposition to 'universal' values and transnational processes. Similarly, post-structuralists are apt to regard rights as both historically and culturally specific; arising out of a particular notion of human dignity that arose in the West in response to political and social changes produced by the emergence of the modern state and the rise of early capitalist economies.¹¹ Thus, human rights specifically and cosmopolitan visions generally are apt to be viewed as projects that seek to extend the political, economic and cultural domination of certain social groups in the West and the domination of the West over the rest of the world, undermining the autonomy of specific communities (constituted politically as sovereign states) in the process.

Critics of universal doctrines like human rights raise valid objections that cannot be dismissed easily. However, cultural relativism – in its various guises – is equally problematic. It is no easy task to distinguish between legitimate expressions of identity, community and culture and the (ab)use of 'culture' and 'tradition' to legitimise the exercise of power by authoritarian governments over their subjects, or indeed the arbitrary exercise of power by men over women. Cultural relativism can be evoked as part of the meta-narrative of governments who actively oppose the application of international human rights to their politics in order to protect their privilege and in such circumstances tolerance of relativism can result – unwittingly perhaps – in acquiescence in state repression.¹² A further objection to the doctrine of cultural relativism is that it tends to emphasise the differences between groups rather than the differences within them; cultural groups are rarely characterised by a single set of discrete values.

In an attempt to strike a balance between universal human rights, and respect for cultural difference, Jack Donnelly has sought a middle ground in which cultural differences are not erased, but negotiated in an effort to create a world in which all people are free to deliberate and develop values that will help them live more equitable lives. He argues that rather than remain wedded to a strong cultural relativist stance, one might embrace a 'cultural pluralist' position on human rights. In this way it becomes possible to both champion the universality of human rights, while allowing for some diversity and discretion in how human rights are interpreted

⁹ See Chris Brown, 'Human Rights', in John Baylis and Steve Smith, *The Globalization of World Politics* (Oxford: Oxford University Press, 2004), pp. 689–708.

¹⁰ This is not to say that communitarians are necessarily opposed to all tenets of liberalism and some might in fact be sympathetic to human rights projects.

¹¹ Charles Taylor, *The Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989).

¹² Stephanie Lawson, 'The Culture of Politics', in Richard Maidment (ed.), *Culture and Society in Asia-Pacific* (London: Routledge, 1998), pp. 231–52.

and implemented in different cultural contexts. However, Donnelly is insistent that where the claim of a right to personal autonomy and choice is in conflict with what the dominant interpretation of cultural identity demands, the right to choose trumps the requirements of culture.¹³

Much of the contemporary literature on human rights similarly seeks to go beyond a rigid universal/particular dichotomy by pointing to the 'transformative' potential of human rights.¹⁴ Social constructivists argue that 'Human rights have become part of a norms cascade in the past two decades and have contributed to a significant transformation of the international system'.¹⁵ Furthermore, processes of social change in domestic/national societies have been impelled through the incorporation of human rights norms into domestic systems of law.¹⁶ Human rights norms increasingly affect both international and domestic policy outcomes.¹⁷ Donnelly has similarly claimed that demands for human rights generate demands for social change that in turn allow for the enjoyment of the human rights that individuals have been granted.¹⁸ In the contemporary literature on human rights, the role of transnational advocacy networks in the development of human rights is afforded considerable import. Transnational advocacy networks are represented as 'norm promoting actors'¹⁹ who shame human rights violators, mobilise support from liberal states and international organisations and who open up 'space for civil society actors to reclaim a more independent role in domestic politics.'²⁰

Universality/particularity in feminist theory and practice

The endeavour to simultaneously debate the potential of women's human rights as a universal project while conceding the need to respect diversity among actual women, might at first sight appear to be a paradoxical or contradictory one, but it is one that arises from the need to engage with what has been a core debate in academic feminism since the 1980s. This debate has centred on whether universal projects necessarily 'assimilate all women's identities under a western liberal model of what it means to be human being'²¹ and so should be abandoned, or whether it is possible to hang on to and, indeed, reinvigorate the emancipatory aspirations of feminism by identifying some common experiences, interests and/or goals shared by women in varied locales around the world.

Issues relating to universality and particularity that inevitable arise when the discursively constructed homogeneity of 'women'²² is subjected to critical scrutiny by focusing on concrete cases, have been well documented by feminist scholars over the

¹³ Jack Donnelly, *International Human Rights* (Boulder, CO: Westview Press, 1993).

¹⁴ T. H. Eriksson, 'Multiculturalism, Individualism and Human Rights', in Richard A. Wilson (ed.) (1997). *Human Rights, Culture and Context: Anthropological Perspectives*. London: Pluto Press.

¹⁵ Schmitz and Sikkink, 'International Human Rights', p. 521.

¹⁶ T. Risse, S. C. Ropp and K. Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

¹⁷ Schmitz and Sikkink, 'International Human Rights', p. 521.

¹⁸ Donnelly, *International Human Rights*.

¹⁹ Schmitz and Sikkink, 'International Human Rights', p. 523.

²⁰ *Ibid.*, pp. 531–2.

²¹ Kimberly Hutchings, 'Speaking and Hearing: Habermasian Discourse Ethics, Feminism and IR', *Review of International Studies*, 31:1 (2005), p. 158.

²² Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (London: Routledge, 1990).

past two decades and will be familiar to those with only a passing interest in gender/feminism in International Relations (IR). For this reason, this section of the article will summarise the main points only briefly. During the 1980s, prompted in part by actual fractures and splits among women's groups and NGOs at the Copenhagen UN women's conference,²³ the Western-dominated transnational feminist movement was accused of engaging in a divisive politics of 'Othering' in relation to non-Western women and thus contributing to the disempowerment of women in developing countries.

A debate duly unfolded within academic feminism about whether it was possible to reconcile respect for the diverse identities of actual women with the imperative, which had historically been central to feminism, to establish some unifying 'interests'. Wounded by the charge that Western feminists were (unwittingly perhaps) reproducing North-South power relations while ostensibly acting 'on behalf of' women 'oppressed' by 'backward' traditions and cultural practices, those within the academy who clung on to a project of liberation or emancipation acknowledged the dangers of co-optation into projects that advanced Western hegemony in the name of promoting the advancement of women. Similarly, it was recognised that a pernicious practice of 'Othering' might be manifest in the articulation of universal claims. Nevertheless, while recognising the importance of the social meanings attached to 'woman' in certain localised and cultural contexts,²⁴ in some quarters concerns were raised that an 'ethos of pluralism' might wholly undermine the legitimacy of a feminist politics that 'addressed the concerns of women around the world.'²⁵ In so far as 'economic, social, political, legal and cultural structures that perpetuate gender inequality' remained 'in place throughout the world'²⁶ gender subordination was a 'concrete universal' that was 'transnational in scope.'²⁷

Historically, feminism both in theory and in practice, has involved making normative judgements that condemn the unequal status of women, and 'the dominant gendered relations of power which sustain how the world is.'²⁸ It is important not to lose sight of the degree to which the dynamics of gender relations continue to privilege men over women, differences of class, ethnicity and race notwithstanding. So, for some at least, sensitivity to specificity and difference did not detract from gender as a social relation of inequality, albeit one that was manifest differently and supported through varied institutional structures and practices. Moreover, sensitivity towards power and power relations in the construction of gender and gender relations, led some feminists to adopt a position of scepticism in relation to claims made in the name of 'culture' by (most often male) elites.²⁹

²³ Jutta Joachim, 'Shaping the Human Rights Agenda: The Case of Violence Against Women', in M. Meyer and E. Prugl, *Gender Politics in Global Governance* (Oxford: Rowman and Littlefield, 1999); Myra Marx Ferree and Beth B. Hess, *Controversy and Coalition: the New Feminist Movement* (Boston, MA: Twayne Publishers, 1985).

²⁴ Linda Nicholson (ed.), *Feminism/Postmodernism* (London: Routledge, 1990).

²⁵ See, for example, the discussion, in Inderpal Grewal and Caren Kaplan (eds.), *Scattered Hegemonies: Postmodernity and Transnational Feminist Politics* (Minneapolis, MN: University of Minneapolis Press, 1994), p. 18.

²⁶ 'Progress of the World's Women: Gender Equality and the Millennium Development Goals', (http://www.unifem.org/index.php?f_page_pid).

²⁷ Hutchings, *Speaking and Hearing*, p. 157.

²⁸ *Ibid.*, p. 158.

²⁹ Bunch and Fried argue that the major debate has centred on how culture might limit women's human rights. She argues that women have to learn better how to argue for the universality of

While this debate enjoyed greater prominence and was perhaps afforded more import within the academy, it has resonance for feminist practice (as indicated above). The critique of a feminist practice dominated by Western women, centred largely on the assumptions that underpinned liberal development policies and specifically on the politics of the Women in Development movement, has clear implications for how the efforts of activists promoting women's human rights are viewed, since it can be read as another manifestation of Western imperialism thinly disguised as the promotion of 'universal' values. Moreover, the usefulness and appropriateness of using human rights as a tool for addressing discrimination against women can be similarly questioned in settings where the rights of individuals do not take preference over the claims of the group.

The construction of a feminist political identity and a feminist political project

At this juncture, it is appropriate to turn away from the negotiation of identity and difference in the abstract to the possibility of forging concrete political projects, that at once embrace 'a normative universalism which can sustain feminism as a collective project oriented towards freedom for all women',³⁰ but which also have the capacity to embrace and respect the diversity of actual women.

If a universal feminist project is to be rescued, it is necessary to (re)consider the processes involved in the construction of feminist consciousness and a collective (political) identity among women. The mobilisation of women as social and political actors evidences how the construction of collective identities and 'interests' involves moments of reflexivity in which the politicised identity of 'women' are at once affirmed and yet continually negotiated and revised.³¹ While there are good reasons to reject essentialist conceptions of gender or 'women' and the claims that flows from essentialism, it is important to recognise that women – in varied locations and contexts – nevertheless often regard gender as a site of contestation and a mediating factor in their lives and communities.³² Transnational feminist activism is forged around the discursive construction of 'common interests' that arise from a perception of common experiences of subordination to male/patriarchal authority and which reaffirms the political identity of 'women' at a global level.

That one can identify periods of fragmentation and division within the transnational feminist movement should not be taken as evidence of the bankruptcy of feminism as a 'universal' project *per se*; even while recognising that it takes effort and

rights without implying homogenisation, especially around religion and culture, which can be positive for some women. Human rights are not a static concept, but have various meanings in a range of political, intellectual and cultural traditions. They further argue that women must create a more nuanced conversation that can address the tension between calls for recognising the universality of women's human rights and respect for and nurturing of local cultures and oppositional strategies. This entails women defining the terms of the debate and of 'culture' themselves rather than letting the debate be defined by others (Bunch and Fried, 'Beijing '95').

³⁰ Kimberly Hutchings, 'Speaking and Hearing', p. 157.

³¹ Leila J. Rupp and Verta Taylor, 'Forging Feminist Identity in an International Movement: A Collective Identity Approach to Twentieth Century Feminism', *Signs*, 24:2 (1999), pp. 363–86.

³² Lea Wood, 'Gendered Imagination: Women's Resistance to Islamist Discourse', at: (<http://www.ilstu.edu/~mtavokol/lwood/htm>) (accessed April 2004).

struggle to identify what is 'universal' and that in this struggle social and political power is exercised. In the midst of potentially divisive differences one can nevertheless identify 'moments of collective creation' in which members cohere around 'ideas, identities and ideals' that 'serve to provide a sense of shared purpose, or even a common bond among members.'³³

Focusing exclusively on periods of tension, fragmentation and (often bitter) disagreements that have been apparent in the feminist movement from time to time, detracts from the moments when national and other differences have been transcended and common ground forged around key issues.³⁴ Periods of division might also serve to encourage a rethink of what 'emancipation' or 'liberation' means in diverse culture context and geographical locales. It is through this process of reflection and inter-subjective negotiation that political projects are forged on the basis of shared 'interests'.

Those engaged in transnational advocacy networks should not, therefore, be dismissed as merely instruments of Western imperialism, but rather should be seen as activists who not only facilitate a flow of resources between locally based groups, but who also demonstrate an proclivity to engage in open and constructive conversations about what is necessary to meet womens' needs in varied contexts and situations. Such activity, in turn, opens up the possibility of forging a feminist politics that is both more inclusive and better reflects the actual diversity of women and the diversity of the transnational women's movement as a whole.

That the transnational feminist movement has been characterised by periods of division as well as periods of unity is not a cause for grave anxiety. The stuff of politics is conflict and contestation and this is manifest within political groupings and organisations, however constituted. At moments when tensions and division are most evident, the possibility of unity is called into question, but conflict and division can also serve to encourage greater reflexivity among activists about the basis on which collective identities and interests can be constructed and to generate shared understandings of what unites women despite their differences. In this way, feminist projects are (re)constructed that challenge practices and structures that disadvantage women *vis-à-vis* men.

While one should be careful not to make generalised claims about current practice based on limited empirical examples, it seems that sensitivity to difference is increasingly manifest in many contemporary feminist transnational networks and organisations. The discourse of many organisations now embraces the diversity in women's experience and the complexity of women's identities. Just as the foregrounding of difference over identity in feminist academic circles has generated much greater reflection on the politics of transnational feminism, activists have similarly been forced to enter into a process of collective learning and reflection on the best means to promote pro-woman agendas in diverse societies. This has led subsequently to an increased sensitivity towards difference and a greater understanding that the realisation of such a project might require different strategies according to national and local context. This is particularly evident in cases where activists advocate on behalf

³³ Ron Eyerman and Andrew Jamison, *Social Movements: A Cognitive Approach* (Cambridge: Polity Press, 1991), p. 4.

³⁴ Valerie Sperling, Myra Marx Ferree and Barbara Risman, 'Constructing Global Feminism: Transnational Advocacy Networks and Russian Women's Activism', *Signs*, 26:4, Globalisation and Gender (2005), pp. 1155–1186.

of women, and aim to promote women's human rights specifically, in contexts where the claims of religious, ethnic and national identities have been privileged or foregrounded in national and international political discourse.

A good example of such practice can be found in the transnational network 'Women Living Under Muslim Laws' (WLUML) that advocates a solidarity among women that explicitly recognises 'the complexity and diversity of women's realities in Muslim countries and communities'.³⁵ In stressing the unity and solidarity of Muslim women (and those who empathise or otherwise identify with their cause), the organisation challenges the idea that fundamentalism is the one authentic voice of Muslim identity and community and the 'erroneous belief that the only possible existence for a Muslim women that allows her to maintain her identity (however defined) is the dominant one delineated for her in her national context.'³⁶ WLUML similarly refutes the 'common presumption both within and outside the Muslim world that there exists one homogenised Muslim world.'³⁷

A dialogue on 'women's human rights'

A stated aim of WLUML is to foster dialogue among women's groups in specific communities and progressive and feminist groups at large. Unsurprisingly, given the central concern with difference and the dangers of reproducing dominant power relations while ostensibly seeking to 'liberate' women, appeals to 'dialogue' are prominent in contemporary feminist work.³⁸ As Kimberly Hutchings has noted, 'it is difficult to see, in the absence of metaphysical or essentialist assumptions' how a feminist project can 'proceed in a transnational context without relying on some form of communication as the way forward.'³⁹ Through dialogue, activists might also gain greater awareness of the specificity of gender relations in particular societies, how gender inequalities are sustained and reproduced in local and specific contexts and work out the most appropriate strategies for promoting change at the local level.⁴⁰ Dialogue must, however, be open and do 'justice to the plurality of positions occupied by different women across the globe'.⁴¹ Thus, Christine Chinkin has argued that:

Constructive dialogue techniques can be engaged at the international level through the state reporting system of the human rights treaty bodies and the UN state and thematic rapporteurs. For dialogue to lead to effective change, participants must receive training in self-awareness, gender, cultural and religious sensitivity and in providing the space for all involved to express their needs and interests freely . . . women from all religious

³⁵ See (www.wlum.org).

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ See Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (Oxford: Polity, 1992).

³⁹ The notion of dialogue across boundaries is not uncontroversial, particularly in its Habermasian guise, but this model might be reformulated to accommodate feminist concerns. Hutchings, *On Speaking and Hearing*, p. 162.

⁴⁰ Sperling, Marx and Risman, 'Constructing Feminism', p. 1169. This is particularly important in the current political context where the feminist movement faces profound challenges from conservative if not overtly anti-feminist, forces.

⁴¹ Hutchings, 'On Speaking and Hearing', p. 158.

backgrounds must be accorded opportunities to express their own understanding of the position of women within their own particular society.⁴²

Dialogue involves the reconstruction of the assumptions underlying our everyday practices of communication. By listening to others, participants learn about the extent to which they have had similar experiences, and this marks an important stage in establishing an 'interactive universalism' that has the capacity to make the universal claims of feminism compatible with the pluralism.⁴³ In championing dialogue, one must necessarily defend some core liberal principles since a 'thin universality' is necessary if women, in their diversity, are to be empowered to participate in conversation in the first place, namely universal respect and egalitarian reciprocity.⁴⁴ What is important is that in any such dialogue, activists do not enter into the conversation with a fixed position or unquestioned sense of moral superiority that they are not willing to subject to critical scrutiny. Indeed, the question of what constitutes gender (in)equality, and indeed in the first instance, 'human rights', must be kept disconcertingly open to interrogation.⁴⁵ One, codified, strategy to implement human rights must also be open to discussion.

While liberal feminist values and assumptions have to be subject to critical scrutiny, there is no reason why equality and autonomy, concepts central to human rights, should not serve as a point of departure in a conversation across boundaries. Indeed, one might contend – as a opening gambit in an ongoing conversation – that dialogue cannot be wholly open-ended, since the ultimate ends of feminist dialogue and feminist political projects are to realise a better position for women within specific societies, which includes – although is not limited to – promoting gender equality and autonomy for women. Furthermore, without this appeal to equality and autonomy, it is difficult to see how feminist projects are feminist at all, in so far as feminists challenge discourses that legitimise or naturalise a specific form of social inequality, and place constraints on the ability of women to exercise control over their own lives. Moreover, for activists who are concerned primarily with working out concrete strategies, discourses that currently have some legitimacy have considerable appeal.

One might be inclined to express incredulity at the notion of open and participatory dialogue in the light of the continuing obstacles to women's participation in local, national and international forums. Citing Gayatri Spivak, Hutchings points to the ongoing problems inherent in the inequality 'of exchange between the global 'subalterns' and hegemonic actors, such as metropolitan feminists working in the international NGOs of global civil society' which 'confirms the former's silencing in the global corridors of power.'⁴⁶ But perhaps transnational feminist relationships are a little more complex than this? For example, in their work on transnational feminist advocacy networks, Sperling, Ferree and Risman have argued that efforts to produce change in gender relations now heavily rely on elite and expert social networks in which women's organising has become increasingly professionalised and NGOised. While Sonia Alvarez and others have pointed to the potential this development has

⁴² Christine Chinkin, 'Cultural Relativism and International Law', in Howland, *Religious Fundamentalisms*, p. 61.

⁴³ Benhabib, *Situating the Self*.

⁴⁴ Ibid. See also discussion in Hutchings, 'On Speaking and Hearing', p. 161.

⁴⁵ Wood, 'Gendered Imagination'.

⁴⁶ Hutchings, 'On Speaking and Hearing', p. 164.

to deradicalise the women's movement as a whole,⁴⁷ one can defend transnational advocacy networks in so far as 'transnational organising is not a unidirectional process', but one that can bring 'reciprocal benefits to both local and extra-local groups as ideas flow in and out into the transnational arena'.⁴⁸

Local activism shapes both the values and discourses that are constructed within networks (although by and large resources and material support comes from Western-based groups). In this way, a relationship evolves between local and transnational activists that might be viewed as a negotiated process, rather than the unidirectional imposition of 'global' ideas at the local level.⁴⁹ Christine Chinkin advances a similar view of transborder networks and support groups who, she claims, 'operate through cooperation between women working at all levels, including those working in grassroots organisations'.⁵⁰ The importance of transnational feminist organising lies precisely in the manner that imported ideas and practices constructively interact with local contexts and, in the process, are significantly altered. Moreover, despite inequalities of exchange, networking allows local movements to learn from and build on the successes of others and also benefit from an exchange of ideas and a flow of resources to support their activities.⁵¹

If Spivak's point were to be conceded, the question then arises: what might the alternatives be? One response is to argue that Western women particularly should avoid intervening or interfering in gender struggles in other parts of the world, since strategies have to be worked out that are appropriate to local/cultural/political contexts. Moreover, if the language of human rights is deemed contaminated by its association with Western imperialism, then it will be politically unhelpful to activists on the ground so to speak. However, respect for difference does not necessarily imply political quietism. As Marie-Aimee Helie Lucas has argued, there is a danger that 'well meaning liberals' can become the unwitting 'allies' of fundamentalists, who act in the name of an illusory, 'authentic' and monolithic 'community'. She says:

Those from outside the (in this case) Muslim context, in the name of respect for the Other's culture and religion, or for fear of being accused of racism, as well as those within Muslim contexts who have internalised the notion of betrayal, are unduly reluctant to name and condemn violations of human rights, and particularly women's human rights. In short, not only racists, but enlightened people too align themselves with the most Muslim strategy, excluding all other possibilities as alien to them. By selecting one strategy, an imaginary, ahistorical, immutable image of the 'Muslim Woman' is retained, supporting fundamentalist ideology and essentialising the Other.⁵²

A second response is to acknowledge that current forums are far from 'ideal speech situations', but to also recognise pragmatically that practice rarely meets ideals and that politics seldom takes place under conditions one would like. As Brooke Ackerly has argued, current practice represents a 'best practice' subject to further improvement.⁵³ To avoid the worst effects of past, and undoubtedly some

⁴⁷ Sonia Alvarez, 'Advocating Feminism', *International Feminist Journal of Politics*, 2:1 (1999), pp. 181–209.

⁴⁸ Sperling, Ferree and Risman, 'Constructing Global Feminism'.

⁴⁹ *Ibid.*

⁵⁰ Chinkin, 'Cultural Relativism', p. 62.

⁵¹ *Ibid.*

⁵² Marie-Aimee Helie-Lucas, 'What is Your Tribe?: Women's Struggles and the Construction of Muslimness', in Howland, *Religious Fundamentalisms*, p. 27.

⁵³ Brooke Ackerly, 'Women's Rights Activists as Cross-Cultural Theorists', *International Feminist Journal of Politics*, 3:3 (2001), pp. 311–46.

current, feminist practice in reproducing rather than challenging global power relations, serious reflection and consideration of the most effective means to achieve 'continuing improvement' must be a central part of the feminist project. It was argued above that feminist networks serve as a mechanism through which activists distribute resources, share information and coordinated political activity. They also serve as forums through which dialogue on both the concept of rights and the substantive content of women's human rights can be facilitated. This dialogue can also extend to how best to advance this project in diverse societies, and thus realise the potentialities of human rights in specific contexts.⁵⁴

In summary, respect for difference and sensitivity to the specificity of gender(ed) relations in varied contexts and locales, is both healthy and necessary for the future credibility and success of transnational feminism, as is a vigorous questioning of the claims of (intersubjectively constituted) collective identities and (constructed) 'interests'. However, this does not mean that transnational feminism is a redundant idea(l) nor that women's human rights is a vain and unobtainable project.

Women's human rights as a political tool

Transforming human rights

Championing women's human rights might at first sight appear curious since human rights claims are frequently presented as a core part of a Western liberal philosophical tradition that 'relies on a binary logic in which the feminine has been denigrated as the 'other' of (masculine) reason'.⁵⁵ Moreover, feminist scholars have also questioned the usefulness of legal instruments such as human rights to women because the public/private dualism inherent in liberalism sets limits on their transformative potential. Critics contend that the politics of rights as articulated through liberal institutions embodies various kinds of regulatory power that work to inscribe (Western and masculinist) individualism in existing structures of domination. One might also doubt the usefulness of human rights if women do not have access to the law, or if law courts are dominated by male elites.

With respect to this objection, it should be noted that the 'meaning of human rights is by no means exclusively legal, nor does it rely primarily on the courts', but can be invoked as moral authority and as an advocacy tool.⁵⁶ Furthermore, feminist activism has demonstrated the degree to which through political struggles the meaning of human rights can be expanded and transformed. Furthermore, human rights treaties and instruments have evolved that better address the problems of particular (though not always exclusive) concern to women.⁵⁷ One might point here

⁵⁴ Chilla Bulbeck, 'Women's' Movements in Asia Pacific', in Richard Maidment (ed.), *Culture and Society in Asia Pacific*, pp. 163–84.

⁵⁵ Hutching, 'On Speaking and Hearing', p. 156.

⁵⁶ Dorothy Q. Thomas, 'We are not the World: US Activism and Human Rights in the Twenty-First Century', *Signs*, 25:4 (2000), pp. 1121–4. Thomas also points to the example of Botswana where CEDAW has been used to both educate women about their human rights and to mobilise popular support to change the law: *Ibid*, p. 1123.

⁵⁷ Christine Chinkin, 'Gender, Inequality and International Human Rights Law', in Andrew Hurrell and Ngaire Woods (eds.), *Inequality, Globalization and World Politics* (Oxford: Oxford University Press, 1999).

to the example of violence against women. Once a largely invisible problem, or at least a phenomenon that took place within the familial realm and so was deemed to be outside the scope of both domestic and, certainly, international law. Violence against women has been politicised through feminist activism, so much so that there is now an international consensus that it constitutes a human rights violation.⁵⁸ Moreover, Dorothy Thomas has shown how a human rights approach can simultaneously lend itself to race, class and gender analysis. In the Rwandan context, a human rights approach does not require survivors to split their experiences into categories to pursue legal claims, but recognises difference while eschewing rigid conceptions of identity.⁵⁹

The need for brevity means that it is not possible to set out the detail of the Convention on the Elimination of Discrimination Against Women (CEDAW), the Declaration on the Elimination of Violence Against Women, the convention on the Rights of the Child, the Beijing Platform of Action, or other relevant human rights treaties and associated political documents. Suffice to say that the Beijing conference was a significant event in so far as it strengthened international commitment to women's human rights; the goals of the Platform of Action were better defined,⁶⁰ the inevitable ambiguities and open-ended time frame notwithstanding; it facilitated further progress in the implementation of CEDAW⁶¹ and saw the provision of an Optional Protocol; and whereas NGOs had spent a lot of time and effort arguing among themselves at earlier meetings, this time around diverse groupings focused on common aims and advocated and lobbied more effectively.

Post-Beijing, feminist activists have also organised transnationally to promote a gender-sensitive understanding of human rights and their violations and intraculturally to change local views in such a way that women have been able to make rights claims.⁶² Human rights discourse has been embraced in varied national and cultural contexts, to challenge discrimination, persecution or harm, perpetuated and legitimised by ideologies of gender that naturalise inequality and that reinforce the inferiority/subordinate status of women.⁶³ In this process activists have exercised the political art of taking an existing discourse that has currency in the current practice of international politics and infusing it with new meanings.

It is evident, therefore, that human rights should not be viewed as part of an imposed 'mission of modernity' that merely 'reflects and legitimises Western (and

⁵⁸ Joachim, 'Shaping the Human Rights Agenda'.

⁵⁹ Dorothy Q. Thomas, 'We are not the World', p. 1123.

⁶⁰ In spite of concerted efforts by religious fundamentalists and secular conservatives to the narrow the reach of women's human rights, they are framed through the Platform of Action as indivisible, universal and inalienable. Bunch and Fried 'Beijing '95'.

⁶¹ Back in 1981, Laura Rende pointed out that the implementation of human rights instruments has generally fallen short of ensuring their full applicability to women as an oppressed and vulnerable social group, but she discerned hope for the future in the coming into force of CEDAW and in the work of supervisory organs to be established by under the convention. However, there remain considerable limitations and much effort will be needed by all concerned inside and outside the UN system before an international system of protection of the human rights of women could be said to exist. Laura Rende 'Human Rights and Women's Rights: The United Nations Approach', *Human Rights Quarterly*, 3:2 (1981), pp. 11–31.

⁶² Ackerly, 'Women's Rights Activists'.

⁶³ A. Afsharipour, 'Empowering Ourselves: The Role of Women's NGOs in the Enforcement of the Women's Conventions', *Columbia Law Review*, 99:1 (1999), pp. 129–72; Charlotte Bunch, 'Transforming Human Rights from a Feminist Perspective', in Peters and Wolper (eds.), *Women's Rights, Human Rights: International Feminist Perspectives* (London: Routledge, 1995).

male, bourgeois) interests and values' since, in some contexts, human rights have served as a 'de-legitimising' discourse, or proved to be an 'empowering discourse' that challenges entrenched (gendered) power relations.

Women's human rights and feminist activism

The women's human rights agenda has served to mobilise activists not just in the West, but also across the world to monitor, and in some cases, help to implement both the Convention on the Elimination of Discrimination against Women and the Beijing Platform for Action.⁶⁴ Indeed, many of the transnational networks that currently exist were originally forged as a means of support, a source of resources and a mechanism for local groups to disseminate the views of women in diverse locations. One might cite numerous examples here. The Women's Human Rights net emerged prior to the World Conference of Human Rights Vienna, in 1993 and expanded throughout the Fourth World Conference on Women. WHRnet has subsequently performed an important function in publicising human rights violations across the world. While primarily a peace organisation, Women in Black also campaigns to end 'human rights abuses all over the world'. Similarly, WLUML calls for 'a network of mutual solidarity and information flows' that will 'break women's isolation and provide linkages and support to all women whose lives are affected by Muslim laws' in ways that 'undermine their rights and autonomy'.⁶⁵

Appeals to human rights have provided a powerful tool in the effort to challenge the subordinate position of women, at both local and global levels.⁶⁶ Moreover, appeals to human rights are often useful in putting pressure on states to redress acts of violence against women, particularly when local measures and national instruments have seemingly failed them. Transnational support networks can provide support for local activists and specific individuals. Invoking international human rights treaties and instruments in local struggles – even in societies where human rights discourse is not securely embedded – can be an effective strategy.

One might illustrate the value of an international discourse on human rights, on human rights instruments and on transnational networks with reference to the recent case of Mukhtar Mai. Mukhtar Mai was gang-raped by a group of men after her brother had been seen with a girl from another clan, an act that was deemed to have brought shame upon the group. A judgment made against the men who had committed the offence was later overturned by the Multan Bench of the Lahore High Court. Five of the six men were acquitted and the sentence of the sixth commuted from death to life imprisonment. It was at this point that she made an appeal to human rights' instruments and won support from international human rights groups including Amnesty International, WLUML and Women's Human Rights Net, who ensured that the case received widespread publicity and put pressure of the Pakistani authorities to act. At the time of writing, a retrial of those originally convicted, plus eight others originally found not guilty, is pending.⁶⁷

⁶⁴ The Vienna conference on human rights, the Cairo conference on population and development and the Beijing Platform of Action all included more 'specific targets' and indicators which has proved helpful to activists in monitoring progress and compliance.

⁶⁵ (WLUML.org).

⁶⁶ Chinkin, 'Gender Inequality'.

⁶⁷ BBC News, 28 June 2005. At: (http://news.bbc.co.uk/2/hi/south_asia/4620065.stm).

This case does not illustrate the 'barbarity of Islam', nor does it suggest that Muslim women will never be afforded justice in Islamic societies. The village Imam originally declared the actions of the men to be a 'great sin' and encouraged villagers to report such incidents to the police. Mukhtar was initially afforded a measure of justice, which might not have resonated with what Westerners understand justice to be, but which acknowledged in public the offence against her, affirmed her worth and value within a particular community and afforded her redress. However, it does serve to illustrate that the claims of culture and religion cannot be divorced from social and, in this case, political power (those who attacked her were from a more powerful clan). In such cases, demonstrations of solidarity from both Muslim and non-Muslim organisations and the evocation of human rights was helpful in this particular case.

It was argued above that as activists in varied locations around the world have embraced rights discourse, the strategies that activists have adopted for pursuing and achieving their goals have undoubtedly been shaped by the need to negotiate the competing claims of culture and identity in diverse societies. Grass roots women's organisations affirm and defend the principle of women's rights, while recognising that differing strategies and measures are needed to realise this aspiration in concrete contexts. Brook Ackerly has argued that in trying to bridge the gap between universal principles and local and specific measures, activists in women's groups seemingly embrace an incoherent theoretical position, in so far as human rights are held to be at once local and universal, embraced and contested.⁶⁸ She argues that women's human rights can be used to reinforce norms of international customary human rights law and to assess critically the claims of culturally legitimate deviance from these norms while respecting value plurality across and within cultures. In this way, the universality of human rights might be substantially meaningful even while the realisation of human rights is not uniform.⁶⁹

The reproduction of cultural or national identities often centres on the control of women's bodies and reproductive function. This is why the women's human rights agenda (in relation to reproduction, sexuality, marriage and the family particularly) continues to be contentious, with governments sometimes actively working to impede agreement on what acts should be considered violations of women's rights and dragging their feet on implementation measures (as will be elaborated below). A major challenge facing women's groups at the national and local level, therefore, is how to ensure that effective means to implement relevant treaties and conventions on women's human rights are devised that serve women in different national and cultural contexts.⁷⁰ This is important because (some) national governments have succeeded in exploiting divisions among NGOs to present culture and religion as in some way trumping gender. At Beijing, governments demanded and won the concession that respect for cultural differences would guide the way that specific measures outlined in the Platform of Action were implemented.

⁶⁸ Brooke Ackerly, 'Women's Rights Activists', p. 312.

⁶⁹ *Ibid.*, p. 312.

⁷⁰ Bunch and Fried argue that in international UN meetings, controversies over language are debates about the direction of government policy and so attention has to be paid to the detail of compromises as well as the sub-text of the disputes they represent. Nevertheless getting reluctant governments to agree to even a weak text can represent an advance on their prior position and, therefore, be significant. Bunch and Fried, 'Beijing '95'.

As argued above, this is not necessarily problematic from a feminist perspective, but would be if activists were not able to provide forcible arguments for where, how and to what degree 'culture' allows legitimate deviation from internationally agreed principles and were not able to present concrete proposals for how women's human rights can be implemented in varied contexts in ways that empower women. The role of NGOs in the implementation process and the role of transnational networks in monitoring human rights abuses is, therefore, a crucial concern since it is a future site of struggle. Activists have to ensure that the feminist interest in altering culture 'so as to reinforce the equality, rather than the inequality, of women'⁷¹ is not undermined by the language of implementation that allow loop-holes for governments to frustrate hard won achievements at Beijing and elsewhere.⁷²

In summary, with respect to the use of women's human rights as a political tool, it is evident that while there are some limitations, nevertheless states are clearly vulnerable to their own public rhetoric and declarations. Furthermore, human rights documentations can be successfully used, when and where political opportunities arise, to hold states to account. For example, NGOs recorded the 'list of promises' made by government delegations at Beijing and have subsequently used this to subject states to scrutiny and hold governments to account for their actions, or conversely inaction. Transnational feminist networks clearly play an important role in this process. Bunch and Fried argue that the incorporation of women's human rights by governments, 'enhances women's capacity to build global alliances based on collective political goals and a common agenda' and 'because human rights is a language that has legitimacy among many individuals and governments, the appeal to human rights agreements and international norms can fortify women's organising'.⁷³ As they further contend, the Beijing Platform of Action is a vital tool in this process as it provides an affirmation of women's rights as human rights and outlines many actions necessary to realise women's empowerment.⁷⁴

Conclusion

In this article, it has been argued that human rights cannot be defended in terms of the posited existence of a 'transcendental subject'. Moreover, it has similarly been conceded that, while empirically one might chart the expansion of a discourse on

⁷¹ Wood, 'Gendered Imagination'.

⁷² This was not just an issue at Beijing, but at the 1993 Vienna conference on Human Rights too. The West mounted a strong endorsement of universality in wake of a challenge from Asia-Pacific countries (The Bangkok Declaration) who recognised that human rights were universal but argued that they must be considered in the context of the dynamic and evolving process of international norm setting, bearing in mind the significance of national and regional peculiarities and various historical, cultural and religious backgrounds, and rejected the idea that rights could be measured differently in some countries. But there is little guidance on what this means in operational terms. This is an issue for feminists, precisely because it is in the 'private sphere' where agreement is hardest to reach and so in the absence of such guidance much of the substance of women's human rights – issues such as marriage, divorce, reproductive rights – is up for grabs. Christina M. Cerna: 'Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts', *Human Rights Quarterly*, 16:4 (1994), pp. 740–52.

⁷³ Bunch and Fried, 'Beijing '95'.

⁷⁴ *Ibid.*

human rights and the widespread adoption of human rights treaties around the world since 1945,⁷⁵ women's human rights are yet to be universally recognised and accepted.

However, to make a claim to 'women's human rights' is to affirm a basic equality between men and women regardless of the specificity of gender relations in particular societies and to thereby affirm women's autonomy. Moreover, women's human rights are premised on the notion that there are some 'universals' in women's experiences. While women's human rights continue to be contested in many parts of the world and some feminists scholars might point to the Western and masculinist bias in such concepts, both the language of rights and the political activism organised around the women's human rights agenda has demonstrated the flexibility of human rights discourse and the capacity of human rights to embrace the diversity of women and the specificity of gender relations in varied localities and in specific cultural contexts.

Having set out the case for the defence, as it were, it is appropriate to conclude with a few brief observations on the current status of women's human rights globally, since this is clearly germane to the prospects of women's human rights achieving something like universal acceptance and to the possibilities for exploiting human rights as a political tool in future gender struggles. Here it is necessary to reflect on the implications of the rise of religious fundamentalisms, alluded to above, and the prospects of a roll-back of women's human rights in the existing international political climate. This is particularly important, given that there appears to be a dearth of alternative and/or oppositional discourses currently in circulation that might serve to empower women.

While the potentialities of the women's human rights project have been championed in this article, it is evident that there remains a significant discrepancy between the rhetoric and the reality of the commitment of governments to follow through on public declarations and promises made at Beijing and elsewhere to implement the Platform of Action and CEDAW.⁷⁶ And while feminist organisations along with NGOs have been able to negotiate a number of boundaries and differences in the interests of shunting forward the women's human rights agenda, it has by no means been plain sailing.

Any mention of fundamentalisms and ultra-conservatives in the current international climate is likely to evoke images of the *burqa* and the 'oppressiveness' of Islamic regimes. As noted above, one must not fall into the trap of assuming Islam is a monolithic belief system or practice, nor that is necessarily oppressive to women, but there are, indeed, places and occasions where/when Islam has been evoked to justify oppressive practices. However, in the wake of a deluge of anti-Islamic discourse that has spewed out of the White House since September 2001, one might paused for thought on how, post-Clinton, the US has effectively become an ally of fundamentalist regimes in international forums in opposing many hard-won women's rights.⁷⁷ While women's human rights have assumed an ideological role in

⁷⁵ Wilson, *Human Rights, Culture and Context*.

⁷⁶ Events at the Beijing+Five review served once again to remind activists and theorists alike that the claims of religion, culture and identity can be articulated in ways that offend liberal and secular feminist sensibilities and that conservative, if not overtly anti-feminist, agendas can be promoted in the name of 'women'. Steans and Ahmadi, 'Negotiating the Politics of Gender and Identity'.

⁷⁷ At Beijing an improbable coalition of the Holy See, some Islamic fundamentalist states and assorted Christian fundamentalist organisations, contested previously agreed language (at the Cairo Conference on Population and Development) that placed control of choices on sexuality and reproductive function in the hands of women. The battle over language was settled in favour of

legitimising the War on Terror, there is a gaping chasm between the rhetoric and reality of Bush's commitment to the cause. The growing influence of Christian fundamentalism on the Right in the US does not necessarily mark the end of feminist influence in either US politics or in international politics, but viewed over the longer-term and in terms of what Susan Faludi⁷⁸ has identified as a backlash that has been gathering momentum since the first Reagan administration, there aren't that many reasons to be cheerful.

Certainly, this is not a time for complacency; it will require ongoing agreement on the principle and much of the substance of women's human rights among activists, along with a renewed effort to share resources of various kinds, if the project is to be kept on track. The resurgence of identity politics along with the resurgence of Western – and particularly US – projects to ostensibly promote democracy and human rights, might – and does – generate divisions among women in diverse locations and much complicates the politics of the transnational feminist movement. However, this divisive politics can be resisted and, maybe even overcome if feminist groups and women's organisations (that reject the label 'feminist', but nevertheless sympathise with its basic ethos and many feminist goals), are astute enough to recognise when they are being used and determined enough to push on with an agenda driven by the desire to make the continuing problems of women visible and a matter for urgent political action.

There are numerous obstacles to the realisation of a genuinely inclusive dialogic feminist politics organised around human rights, but this does not refute the strategic and political necessity of speaking 'as women' at a time when (largely) elite men continue to (largely) monopolise both global and local political space and display no such sensitivity, reflexivity or timidity in asserting essentialist claims that prescribe what the role of women should be in specific societies. There are perils in rejecting women's human rights given the growing influence of anti-feminist forces that contest the language of women's equality, equal worth and right to determine, as far as possible, their own destinies. Human rights is premised on some universals, but is flexible enough to accommodate potential differences, while also providing a universal idiom in which to speak about and challenge injustices, at a time when this is sorely needed by activists at both the local and the global level.

retaining the 'Cairo language', although it was taken up again five years later at the Beijing plus 5 Review. In the run up to the Beijing plus 10 Review, a group of prominent NGOs initiated a campaign to try to prevent the event going ahead, fearing that, as with the 'plus 5 Review' in 2000, the women's human rights agenda was in grave danger of being rolled back. In the event, Beijing plus 10 passed off relatively quietly in New York in March 2005, reaffirming most of the political commitments espoused at Beijing and with renewed commitment to move forward on specific areas such as gender inclusion in governance and UN peacekeeping. It seems, then, that at the international level, the feminist cause hasn't quite been dealt the devastating blow that ultra-conservatives and religious fundamentalists had been working for.

⁷⁸ Susan Faludi, *Backlash: The Undeclared War Against American Women*, New York: Anchor Books, 1999).

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