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Doing transnational feminism, transforming human rights: the emancipatory possibilities revisited

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Abstract

This article contributes to cross-disciplinary engagement with the idea of transnationality through a discussion of transnational feminisms. In particular, it reviews and responds to some of the more critical readings of the women's human rights paradigm and its role in underpinning, or not, emancipatory transnational feminisms in a context of increasingly fragmenting globalisation. The author considers two broad categories of critical readings of transnational women's human rights: anti-universalist and praxis-oriented. This includes discussions of recent feminist articulations of the 'cultural legitimacy thesis' and 'vernacularisation' and of obstacles to contesting the oppressions of neo-liberal globalisation through human rights feminisms. Ultimately, the author argues that the emancipatory possibilities of human rights-oriented transnational feminisms reside in dialogic, solidarity-building feminist praxis tied to transnational processes of counter-hegemonic (re)interpretation and (re)claiming of human rights from previously excluded positions.

Key words: transnational feminism, human rights, globalisation

Introduction

In pondering the implications of globalization for feminist endeavors and how feminisms across the globe have addressed the corollary possibilities of globalization, it occurred to me that perhaps the rest of the world was just beginning to trail a course charted by feminists at a point where many feminists were shying away from the course ... [and] conscientious feminists extol the virtues of attention to specifics. (Obiora 1997: 357)

This article contributes to ongoing cross-disciplinary engagement with the 'transnational turn in sociology' through a discussion of transnational feminism as a political project. By 'political project' in this context, I mean purposive, collaborative, cross-border endeavours, usually involving engagement by women's movement actors with state/governmental and/or intergovernmental bodies, aimed at transforming discourses, contexts and constraints, which – it can be argued – disadvantage women and girls in various gender-specific ways. More narrowly, in this article I revisit transnational feminist engagement with 'human rights' in the early 1990s as a formative instance of transnational feminism that has attracted much cross-disciplinary, critical comment and interpretation (e.g. Bunch and Reilly 1994; Ong 1996; Obiora 1997; Keck and Sikkink 1998; Ackerly and Okin 1999; Grewal 1999, 2005; Basu 2000; Bunch 2001; Mendoza 2002; Moghadam 2005; Chinkin, Wright and Charlesworth 2005; Merry 2006; Joachim 2007; Reilly 2007, 2009; Levitt and Merry 2009). In doing so, I pay particular attention to some of the more critical readings of the women's human rights paradigm, its shortcomings and how they are being – or can be – addressed, and its role, or not, in envisioning emancipatory transnational feminisms in a context of increasingly fragmenting globalisation.

In the early 1990s, a wave of United Nations (UN)-oriented, transnational feminist networking emerged intent on making visible and contesting the gendered impacts and meanings of an array of global issues and forces. The UN Decade on Women (1975–85) and a post-Cold War drive to (re)articulate more comprehensive visions of human rights that would recognise the interdependence and interrelation of *all* human rights – economic, social and cultural as well as civil and political – provided particular impetus to these developments. During this time, transnational feminist networks and non-governmental organisations (NGOs) proliferated and began to engage with different sites of the UN where macro-agendas were taking shape, especially in relation to human rights (Bunch and Reilly 1994; Keck and Sikkink 1998), conflict and security (Copelon 2000; Hill 2001) and population and development (Petchesky 2003; Antrobus 2004; Moghadam 2005). Significantly, women’s movement actors from across the Global South as well as the North moved into UN forums in unprecedented numbers and with a remarkable degree of cooperation; they collaborated effectively, across disparate standpoints and identities, in strategic and often successful efforts to ensure the inclusion of different women’s perspectives and critical gender analyses in a wide range of global norm-setting and policy processes. I offer a situated analysis of these phenomena, having spent several years in the 1990s working at the Center for Women’s Global Leadership – a US university-based organisation that is widely recognised (not always positively) as playing an instrumental role in promoting transnational feminist engagement in human rights under the umbrella of what was then called the Global Campaign for Women’s Human Rights (hereafter Global Campaign). Since 1990 a considerable volume and variety of critical analyses have been produced on the women’s human rights paradigm and its ongoing legacy. My contribution to this literature (Reilly 2007, 2009) draws on personal observations of and

participation in the Global Campaign (1991–95) and on subsequent academic projects aimed at situating my account of the campaign and its ripple effects vis-à-vis wider feminist scholarship in the area. Taking seriously the many critiques of what is sometimes called human rights feminism, a main focus of my work has been to distil and draw attention to those aspects of the Global Campaign that can be argued to capture its emancipatory moments and the role of human rights therein.

In doing so, the analysis I offer is fully cognisant of the paradoxes of human rights, which, as described by Costas Douzinas, 'operate in a dual manner; they both conceal and affirm the dominant structure but they can also reveal inequality and oppression and help challenge them' (Douzinas 2007: 108). My aim, therefore, is to garner the insights afforded by the Global Campaign that illuminate the conditions of engaging in feminist human rights activism in ways that reveal and challenge forms of oppression. On this basis, I continue to argue in favour of retaining a commitment to processes of critically (re)interpreting universal human rights, as part of the fabric of emancipatory forms of transnational feminism (Reilly 2007, 2009), and that such forms are possible in the confluence of the following interdependent conditions:

- a critical feminist 'global consciousness' that challenges the systemic interplay of oppressive patriarchal, capitalist and racist power relations across multiple flexible boundaries locally and transnationally;
- practical engagement with mainstream human rights that continually contests its hegemonic concepts and practices in ways that extend the application of human rights to previously excluded and/or marginalised individuals, groups, issues and contexts;

- recognition of the intersectionality of women's identities and experiences across multiple categories and a commitment to reciprocal, cross-boundaries dialogue in the formulation of any 'common' agendas and actions, which such recognition demands;
- practical development of collaborative advocacy networks and strategies, above and below states, around concrete issues aimed at transforming conditions inimical to the substantive realisation of human rights;
- ongoing engagement in 'global forums' and decision-making arenas as sites of transnational solidarity and citizenship.

As the twentieth anniversary of the Second World Conference on Human Rights (Vienna, 1993) approaches – the site of the first formal UN pronouncement that 'women's rights are human rights' – it is timely to revisit the ideas, practical actions and subsequent analyses of the Global Campaign as a frequently cited and sometimes misread example of human rights feminism. Recognising that the 'post-9/11' global environment is very different from the post-Cold War context in which the Global Campaign emerged two decades ago, and that the credibility of human rights in global politics is severely strained (Douzinas 2007), this article considers and responds primarily to critical readings of transnational feminist engagement in human rights offered by 'progressive' critics. For the present purposes, these analyses may be organised into two broad categories: anti-universalist and praxis-oriented. The first generally emanate from a staunch commitment to a postmodern ontology and reject the possibility that transnational women's human rights activism can be emancipatory. The second captures a diverse range of approaches which, while alert to the hazards entailed, remain open to the emancipatory possibilities of women's human rights

activism. Scholars in this category generally approach the problems and failures that attend women's human rights projects as remediable on some level. In doing so, they are deepening understanding of the paradigm as a complex of multidirectional and multilevel processes of rights creation, claiming, legitimation, contestation and/or circulation. Before considering some of these 'anti-universalist' and 'praxis-centred' analyses in more detail, the following section provides a condensed summary of the criss-crossing discursive fault lines that distinguish hegemonic and counter-hegemonic understandings of human rights (Reilly 2009: Chapter 2). These are important to flag, because when women's human rights projects are critiqued only as a mode of 'feminism', without also being understood as modes of 'human rights activism', their counter-hegemonic significance can be missed or misread.

Contesting hegemonic human rights

Counter-hegemonic approaches to human rights – including feminist approaches – entail contestation of multiple axes of meaning that perpetuate the exclusions of dominant human rights discourses including:

- state sovereignty as a foundational principle
- legalism
- neo-liberal prioritisation of civil and political rights
- Western hegemony and cultural essentialism
- gendered configurations of the liberal public-private divide.

First, the established human rights paradigm is rooted in a sovereignty principle that constructs the state as the ultimate source of legal and political authority. This underpins an idea of 'the state' as a unitary autonomous actor that is the best judge of how to conduct its own affairs. The strength of this sovereignty principle in human rights presents a major contradiction; it reinforces the

imperviousness of the state to 'external accountability' while at the same time the 'international community' – powerless 'other' to the sovereign state – is also cast as the enforcer of states' compliance vis-à-vis their international human rights commitments. Combined with Western hegemony, this produces an understanding of human rights as only relevant to 'other' (non-Western) places while also engendering systemic resistance to the application of human rights standards (as external interference) from below as well as above the state.

Second, the promotion of emancipatory, substantive visions of human rights entails a critique of legalism. Simply stated, legalism views the law as an objective set of principles and rules that structure and regulate society and social relations 'from on high', while remaining independent of society. This form of positivism produces static and negative understandings of human rights that limit rather than enable action (Neumann 1957). This is evident, for example, when compliance with international human rights treaties by states is equated with the act of mere formal ratification of treaties, along with states' refraining from acting in egregious ways (such as perpetrating genocide) rather than with positive state actions that enable realisation of 'all rights for all'.

Third, hegemonic human rights operate to equate 'human rights' with liberal 'civil and political rights' and to normalise the idea that the attainment of social and economic rights is 'unrealistic'. This supports processes of deregulation, privatisation and the shrinking state. A counter-hegemonic approach to human rights, in contrast, reasserts the indivisibility of all rights – social, economic and cultural – across public and private domains, including the redistributive role of states and their accountability to individuals and groups within the jurisdiction of states. Fourth, hegemonic understandings of human rights proclaim as universal particular Western-defined, neo-liberal accounts of human rights. Within this

logic, the 'universalisation' of human rights is often equated with processes of Westernisation and modernisation, the reproduction of a false hierarchy of 'the West' and 'the rest', and the justification of imposing Western-defined agendas, especially in less powerful non-Western countries in the name of promoting rights. Any emancipatory approach to human rights necessarily rejects such expressions of the universality of human rights. Equally, however, arguments against human rights grounded in forms of cultural essentialism that justify the subordination of some individuals or groups by others in the name of upholding a group's 'cultural integrity' are equally at odds with an emancipatory understanding of human rights.

Finally, the role of the liberal public-private divide in perpetuating gender inequalities is well documented. In defining the 'private sphere' as beyond public scrutiny, forms of abuse in the home and in private life are thereby eclipsed from view and are not understood as serious 'criminal' violations, as they might be if they occurred between strangers, or as 'human rights' violations if they were to be inflicted by a state actor. The invisibility of abuses in any privatised context – including gender-specific abuses in the home – is exacerbated by the state-centric bias in hegemonic human rights discourse because it only permits state-sponsored violations of civil and political rights to come into focus as 'real human rights issues'. While not discounting the gravity of state-sponsored violations, Hilary Charlesworth suggests that the emphasis on state-perpetrated acts reflects a deep gender bias because it defines human rights according to the criterion of 'what men fear will happen to them' in their relationship with the state, society and other men (Charlesworth 1994: 71). More generally, however, in a context of deepening and widening neo-liberal 'privatisation', this traditional state-centric lens which produces understanding of what counts or not as human rights, means that the possible horizon of

human rights accountability shrinks with the shrinking neo-liberal state. As human experience is mediated through increasingly fragmented, disparate, mobile *and* privatised forms of home, work, social and cultural life, 'human rights' as a horizon of rights-claiming vis-à-vis the state recedes from view. This calls for revised modes of 'rights claiming' and 'accountability holding' that de-centre (but do not jettison) the state and bring into focus violations in seemingly 'privatised' contexts (whether through actions of spouses or of transnational corporations).

All champions of substantive and transformative visions of human rights, by definition, encounter some or all of these deeply engrained expressions of hegemonic human rights in struggles for the recognition of the human rights claims articulated from marginalised positions. From this perspective, meaningful critical readings of such efforts – including the Global Campaign – must consider the 'words and actions' they use in nuanced ways, informed by an understanding of the multiple levels, dynamics and scale of the hegemonic forces that they contest.

Anti-universalist critical readings of women's human rights

The notion that 'women's human rights' are 'Western feminist' constructs is widely held and reproduced in everyday discourses and in most academic accounts. While not a new phenomenon, in a post-9/11 global environment, the hegemonic appropriations of women's human rights rhetoric has taken increasingly egregious forms. The defence of 'women's human rights' has been used instrumentally to justify military invasions of Afghanistan and Iraq, and to engender moral panic around the presence of Islam 'in the West', culminating in some cases in the prohibition of forms of Muslim women's dress in a number of European jurisdictions (McGoldrick 2006). These uses of women's human rights discourse – to legitimise neo-imperialist ideologies and actions – underline the

need for those who promote human rights as tools against domination to continually rearticulate the conditions of the non-oppressive uses of human rights.

Inderpal Grewal (Grewal 1999, 2005) in particular has characterised transnational feminist activism in human rights (exemplified by the Global Campaign) as a form of neo-imperialist feminism. Inexorably, Grewal claims, women's human rights activism perpetuates earlier 'global sisterhood' discourses (Morgan 1984) and as such is deeply implicated in a spurious politics of 'saving brown women from brown men' (Spivak 1988). Further, adapting Foucauldian ideas, Grewal argues that 'feminist activism in human rights is an example of ... governmentality, producing knowledges by subjects who saw themselves as ethical and free, and thus as feminist subjects able to work against and within the state for the welfare of women around the world' (2005: 125). Ultimately, Grewal claims: 'It is unfortunate but unavoidable that the "moral superiority" of US geopolitical discourse has become part of the new global feminism emerging in the US (and worldwide ...)' (2005: 152).

This critique of 'feminist activism in human rights' rejects the possibility that women's human rights activism can be emancipatory. Grewal's totalising conclusion, however, is not persuasive and relies more on the ontological assertion that human rights feminism *is* a form of governmentality than on the evidence offered to support the claim. Without invoking simplistic theory-action binaries, it seems reasonable to suggest that where a multifaceted, transnational advocacy project is the subject of critique, its modes of practical action warrant careful attention if the goal is to deepen understandings of the meanings produced in these processes. In contrast, Grewal uses a brief quotation from a Global Campaign report, which describes some of the advantages of the 'women's rights as human rights' framework as the possibility of:

participant groups placing their own 'existing agenda' in a wider frame; rallying around a 'common cause'; and elevating the status of women's rights by appealing to universal principles (2005: 153). On this basis, Grewal concludes that the Global Campaign is guilty of: 'ignoring historical contingency and context, addressing difference solely with the notion of nonconflictual pluralism and even beyond relativism to a narrative of oppressions that could easily fit into a common framework rather than disrupting it' (*ibid.*). I argue that this characterisation is a misreading of the Global Campaign, mainly because it ignores the counter-hegemonic significance of the campaign's mode of 'doing women's human rights'. However, it is also a very useful articulation of the kernel of many poststructuralist critiques of women's human rights projects and as such is worth unpacking and responding to in some detail.

Rather than 'ignoring historical contingency', the approach expressed in the campaign report (and pursued in practical ways) was to privilege 'contingency'. This was achieved by promoting an understanding of human rights as 'empty universals' that were to be given their content based on articulations to come from diverse, previously excluded women. Towards this end, the Global Campaign organisers devised various mechanisms to facilitate articulation of locally occurring and locally defined oppressions as human rights claims. This was achieved through the use of popular tribunals, collaboratively designed with participants to bring specific, locally defined examples of violations of women's human rights into transnational human rights spaces, that had not hitherto been recognised as such (Reilly and Posluszny 2006). Recognising the counter-hegemonic orientation and role of these practices, Ackerly and Okin (1999: 136) cited the popular tribunals developed as part of the Global Campaign as an example of 'deliberative inquiry' and 'sceptical scrutiny' within a framework of 'feminist social criticism'.

A key purpose of the popular tribunals used throughout the campaign was to weave complex pictures of the different context-specific manifestations of Violence Against Women (VAW) and other forms of oppression and the need for context-specific remedies. In doing so, they resisted and contested gender essentialism by performing contextualised, intersectional analyses that brought attention to the particular challenges involved in overcoming VAW across flexible boundaries of class, ethnicity, sexuality, legal status, geo-location and so on. (For example, one testimony presented the abuse of a migrant domestic worker from Africa by her employers in Italy, while another testimony of a white, middle-class woman and survivor of child incest from the USA, demonstrated the failures of the US justice system in releasing her stepfather after serving only eighteen months of a seven-year sentence [Reilly 1994].) Moreover, many other testimonies brought into sharp focus the differently experienced histories and continuing legacies of colonisation and forms of racism, of the catastrophic policies of international financial institutions and of US militarism, including violations of human rights in the USA and other Western jurisdictions. It is not borne out by the record of these and other actions taken within the context of the Global Campaign, that the logic of the 'women's rights as human rights' framework inexorably reproduced narratives of the superiority of 'the West' or forms of rights-bearing subjectivity conducive only to free-market neo-liberalism.

Similarly, the idea that the Global Campaign exemplifies Western neo-imperialism *because* it promoted a 'common framework' that relied on a notion of 'nonconflictual pluralism' (and implicitly the suppression of difference) is deeply flawed. On a mundane level, Grewal's observation about 'nonconflictual pluralism' is partially accurate insofar as collective practical projects with progressive intent, by definition, purposively bring together actors seeking to construct common ground around which to act in unison –

temporarily and strategically – towards the transformation of conditions identified as oppressive. For Grewal's inference to be persuasive, then, one of the following must hold: (a) that such instances of seeming 'commonality' among 'different' actors are always ultimately colonising because 'nonconflictual pluralism' is impossible in a world where difference ontologically expresses asymmetries of power; or (b) that the instances of 'commonality' claimed or manifested in this particular campaign can be shown to be oppressive for particular empirical reasons. Grewal's reading of the Global Campaign assumes a determining discursive logic that renders impossible the agency of complex and dissenting subjects acting strategically to resist forms of dominating power. Such a view is antithetical to emancipatory practice because it equates instances of strategic claims of commonality as ontological foreclosures of difference. If this starting point is rejected, it follows that critiques of women's human rights activism need to be advanced and answered on the basis of contextualised and critical discussion of its particular ways of 'doing women's human rights'.

Praxis-oriented critical readings of women's human rights

Critics who reject the women's human rights paradigm as giving expression to oppressive neo-imperialist and neo-liberal logic, arrive at this position primarily through the *a priori* premise of postmodern ontology; that any articulation of abstract universals always entails erasure of difference and as such is inevitably an oppressive act. Freedom from oppression resides not in making false 'claims to commonality', it is argued, but in revealing the inequalities and conflicts that inhere in experiences of differences to disrupt dominating power. Problematising this view using the example of the Global Campaign, I have argued that paying attention to the *modes* of action used as much as to the discursive logic in which human rights-claiming is embedded, provides important information

about whether or not the actions taken may be read as emancipatory moments or as hegemonic expressions. In doing so, I concur with other critics who reject manifestations of neo-imperialism in (women's) human rights and its failures to contest the inequalities of neo-liberal globalisation, but also hold on to the ideal of women claiming human rights. They do so, through positing revisions of the paradigm informed by a focus on counter-hegemonic praxis or 'ways of doing' women's human rights that unsettle dominant conceptions (Ong 1996; Obiora 1997; Merry 2006; Othman 2006; Anwar 2009; Levitt and Merry 2009). In this section, I highlight some of the contributions to praxis-centred analyses of women's human rights including feminist adaptations of the 'cultural legitimacy thesis', the notion of 'vernacularisation' and the challenges of putting critiques of global capitalism at the centre of women's human rights advocacy.

Cultural legitimacy thesis

Recognising the imperative of 'delinking the insidious implications of geopolitical power from feminist issues' (Obiora 1997: 372), Leslie Obiora asks: 'how can we achieve a balance between validating a multiplicity of cultural expressions and realizing the global commitment to protect the rights of women?' (1997: 383). For Aihwa Ong, the response to this question lies in recognising that 'feminism and women's rights only make sense in terms of the imagined communities within which people live and, through their embeddedness in local social relations and cultural norms, decide what is good and worthwhile in their lives' (Ong 1996: 108). This view resonates with the cultural legitimacy thesis (CLT) mooted by Abdullahi Ahmed An-Na'im. An-Na'im holds that a 'lack or insufficiency of cultural legitimacy of human rights standards' is a primary cause of violations of human rights around the world (An-Na'im 1992: 19). He affirms existing international human rights

standards, but argues the need to 'enhance their cultural legitimacy', primarily through internal dialogue aimed at developing interpretations of human rights in light of local norms and values. From this perspective, 'adequate legitimacy' achieved 'within each tradition' is a precondition for building 'cross-cultural legitimacy' and agreement on the 'meaning, scope and method of implementing human rights' (An-Na'im 1992: 21). Ultimately, therefore, the 'interpretation and practical application' of human rights in any society 'must be determined by the moral standards of that society' (1992: 37).

CLT has appeal as a seemingly bottom-up dialogic framework that both eschews traditional cultural relativism and rejects the imposition of 'human rights' by dominant powers. However, it also raises well-rehearsed concerns about who speaks for 'the community' and who gets to define its values and how they are enforced. As Obiora notes regarding community-defined norms: 'they may rely on flawed memory and/or on false assumptions of consensus which ignore severe hierarchies and social stratifications as well as the extent to which solidarity is enacted through coercion' (Obiora 1997: 387). Ong and Obiora both point to the Malaysian organisation Sisters in Islam (SIS) as an example of feminist praxis that demonstrates how CLT can work in emancipatory ways. Ong sees SIS as a form of 'feminist communitarianism that combines the liberal right to question, revise, and transform the givens that are represented by some cultural or religious hegemony; yet they do so within the cultural norms or projects of their own community' (Ong 1996: 134).

I share the view of Ong and Obiora that SIS offers an instructive example of a process of situated legitimation of 'women's rights' by framing such claims 'within local culture'. However, it is also important to highlight how SIS is generating and exporting 'global norms' too, which unsettle the dominant hierarchical coding of the

'global' as 'Western' and the 'local' as particular 'Third World'. Significantly, through its more recent campaign – 'Musawah' (Anwar 2009) – SIS is pursuing its critical (re)interpretive feminist praxis to *advance women's rights* in ways that integrate immanent critique of and constructive, practical engagement with, four equally important 'sites of contestation': the requirements of the Muslim faith; international human rights norms; constitutional rights to equality and the empirical context of experiences of Muslim family life. Moreover, through the Musawah campaign, SIS is working actively to disseminate its methodology to other contexts where Muslim law shapes societies and family life. Viewed in this way, as a multilevel and multidirectional process, the Musawah campaign can be understood simultaneously as a complex/situated project that legitimises women's rights claims locally *and* an emancipatory form of transnational feminism that facilitates the generation and circulation of ideas and 'know-how' about 'doing women's rights' in ways that deconstruct hegemonic patterns of geopolitical power.

Vernacularisation and de-centring of hegemonic human rights

In *Human Rights and Gender Violence: Translating International Law into Local Justice* (2006), Sally Engle Merry provides a rich ethnographic analysis of processes of global norm-setting, interpretations and circulation. Specifically, focusing on deliberations at the UN Beijing Plus Five Conference (New York, June 2000), Merry uses detailed examples of text negotiation to reveal the ways in which particular 'local' actors, subjectivities, norms, identities and agendas encounter 'transnational' in the form of UN norm-setting contexts, which she argues must also be understood as particular local spaces with their own norms, values and cultural practices. Parsing debates that 'were time-consuming and opaque, often excruciatingly slow and seemingly irrelevant' (Merry 2006: 38), Merry captures how participants in this

'transnational society live in two local places at the same time, navigating endlessly between them' (2006: 37). In doing so, she disturbs static binary understandings of the relationship between 'local' and 'global' and opens a valuable window on a mutable interplay of forces whereby differently situated 'local' claims encounter each other. These encounters are mostly conflicting, sometimes concurring, but always nudged – within the discursive logic of 'transnational consensus building' that defines UN deliberations – towards producing 'agreed text'. Such text expresses at that moment the available 'common ground' in the interpretation of the 'global norms' that frame the deliberation (*ibid.*). Merry describes how these deliberations were characterised by 'enormous differences' assertively expressed in protracted contentious exchanges (between state representatives) around what exactly are the problems regarding status and rights of women in different parts of the world, and whether global inequalities or religions or cultural practices are implicated, or not, in thwarting women (2006: 46). Against this backdrop, Merry found that 'some areas of commonality' did emerge, most notably when 'a woman from India said, to a spate of applause, that the discussion should focus on common women's concerns, not government concerns' (2006: 46–7). This included, ultimately, agreement on 'the importance of preventing violence against women ... and state responsibility for change' (2006: 47). This example of the struggle to name 'common ground' is telling. It supports the view that the prominence of VAW in women's human rights agendas is indicative of a lived common concern of women across boundaries (rather than a 'false claim of commonality' produced by neo-imperialist forms of feminist activism). It also demonstrates that the naming of VAW as a 'common concern' within such a transnational framework, does not erase but emanates from recognition of the empirical forms and extent of *different experiences of differently situated*

women of VAW and the need – demanded by this recognition – for context-specific, situated analyses and remedial responses.

Subsequent work by Levitt and Merry deepens understanding of this interplay of 'local' and 'global' by exploring how 'ordinary women and the organizations serving them [in local and national settings] make sense of global ideas and norms and *how the global is transformed in response* (my emphasis) (Lasitt and Merry 2009: 443). Using the concept of 'vernacularisation', the authors explore processes of 'local appropriation and adoption' of global norms (2009: 446). This clearly expresses a counter-hegemonic orientation insofar as the locus of concern is away from Western, metropolitan 'transnational' sites of deliberation. Ironically, however, the inherent global-to-local direction implied in the term 'vernacularisation' directs analysis away from considerations of how 'the global is transformed' in and from local contexts. In other words, by framing investigations of 'local sites' in terms of 'vernacularisation', strategies that de-centre hegemonic 'human rights' as distinct from 'translating' them remain in the background.

More specifically, Levitt and Merry's articulation of 'vernacularisation' appears to leave unquestioned hegemonic understandings of human rights as 'inherently powerful because they are imbued with the appeal, power and legitimacy of the international' (2009: 447). Within this scheme, 'vernacularisers' are cast as hybrid elites who act as conduits between the progressive cosmopolitan space where 'global value packages' are generated and the local space where wary 'ordinary' locals must assume the burden of negotiating how much or how little of the 'global value package' they are prepared to accept. This characterisation of vernacularisation reinscribes top-down understandings of 'human rights' and its dubious role within an uncontested modernisation narrative. As a result, when Levitt and Merry's research throws up strong examples of locally generated transformative practice (for

example, the creation of women's courts (*naari adaalats*) in India in response to lobbying by village women), these are not fully considered as potentially 'global' agenda-setting acts. This weakness of the concept of 'vernacularisation' is revealed in the authors' apparent surprise at one of their main conclusions that: 'Indeed, the active seizing of the human rights framework by women's social movements is reshaping human rights itself' (2009: 460). Merry and Levitt have contributed greatly to deepening understanding of human rights as a complex of multilevel processes of negotiation between local and global positions and situated translation. Ironically, however, the concept of 'vernacularisation', while working in one way 'de-centres' the global and privileges particular local spaces, is a backward step in another way, because it takes as given the notion that 'global norms' travel from international/global space to national/local spaces. This closes off recognition of the continual, multidirectional flows of processes of naming, claiming and contesting human rights that are hallmarks of counter-hegemonic, feminist human transnational rights practice exemplified by the Musawah campaign or the emancipatory features of the Global Campaign.

Contesting neo-liberal globalisation

Postcolonial feminist scholarship emerged in the 1980s (Mohanty 1988; Spivak 1988) and deepened critiques of Western, white and class bias in much feminist scholarship produced in the 1970s and 1980s. While it would be inaccurate to characterise all global feminist activism of this period as neo-imperialist, there is no shortage of examples from the time of arrogant interventions by Western feminists intent on saving 'Third World' women from various 'barbaric practices' – with female genital cutting regularly at the centre of debate. Most postcolonial feminist commentary on 'women's human rights' activism, however, sees it as signalling a

departure from previous expressions of dominating 'global feminism' (Mohanty 2003: 249). Breny Mendoza (2002: 310) suggests that the term 'transnational' in place of 'global' feminism could convey this shift and notes that participants in such transnational modes of feminism are clearly 'aware of accusations of ethnocentrism ... [and are dedicated] to praxis rooted in postcolonial critiques ... and committed to the subversion of multiple oppressions'. At the same time, pointing to persistent debates that 'surround the women's rights as human rights movement', she is sceptical that the ethnocentrism of 'feminism in the West' has been 'totally excised' (2002: 309–10). Moreover, there have been major gaps between the rhetoric and the achieved outcomes of transnational feminist mobilisations. Ultimately, for Mendoza, these gaps flow from the 'inadequate treatment of political economic issues ... and their entrapment in cultural debates' (2002: 310). This resonates with Mohanty's call that 'feminists need to be anticapitalists ... and antiglobalisation activists and theorists need to be feminists' (Mohanty 2003: 249). For both, the prospects of emancipatory forms of transnational feminism rest on the practical work of building 'feminist solidarity' across multiple lines in situated ways that directly confront the oppressions produced by neo-liberal globalisation as it works, working in tandem with other forms of domination. Neither commentator precludes the possibility that human rights could play a role in shaping such transnational feminist solidarity. So, what are the obstacles to such a vision?

There are several recurring criticisms of human rights-based approaches in achieving social and economic justice (Tsikata 2004). It is often pointed out that the legalistic and technocratic institutional apparatus of international human rights is generally inaccessible to grassroots organisers and associated more with the top-down imposition of policy than with participatory development. In addition, the focus on the state as the primary locus of

accountability around human rights implementation is a source of particular scepticism. Dzodzi Tsikata notes that in the Global South, given the 'dismantling ... of the state under structural adjustment, the proactive role ... given to the state ... is unrealistic' (2004: 131). Also, on the face of it, a state-centric, rights-based paradigm does not appear to offer much hope for holding accountable international financial institutions, transnational corporations, Western governments or international NGOs for their role in perpetuating global inequalities and related denials of social and economic rights in the Third World. Further, confidence in UN standards has been severely undermined as a result of the UN's perceived unwillingness and/or inability to challenge wealthy, powerful countries and apply the same standards of accountability to them as they do to poorer, less powerful nations. Finally, many in the Global South view human rights simply as another donor fashion and way for wealthy countries and international financial institutions to impose 'conditionalities' on aid and loans to developing countries while eschewing their own responsibility for bad development policies.

These criticisms of the limits of human rights in contesting social and economic oppressions – whether within or between jurisdictions – are well made. They are indicative of the myriad discursive obstacles to articulating social and economic oppressions as human rights issues. Despite these obstacles, however, there are examples of meaningful steps forward which signpost potentially transformative applications of human rights in transnational feminist efforts to seek social and economic justice. For example, more recent International Labour Organisation (ILO) protections, like the Part-Time Work Convention (1994) and the Home Work Convention (1996), strengthen the human rights claims of women as workers in the global economy. The creation of the Montreal Principles – guidelines on implementing women's economic, social and cultural rights, created under the auspices of transnational

network Economic, Social and Cultural Rights Net (ESCR-net) – is also indicative of ongoing sustained efforts to push forward the 'indivisibility' agenda articulated in the Vienna Declaration and Programme for Action (1993). In particular, the Montreal Principles illustrate how champions of this counter-hegemonic vision of indivisible human rights are using the concept of 'due diligence' to challenge the structural inequalities of neo-liberal globalisation:

All States when participating in international financial institutions, trade agreements, or aid and development programs shall apply a due diligence test to assess, foresee and prevent any adverse consequences of trade agreements, structural adjustment programs, development and humanitarian assistance ... Where harm is caused by such agreements ... the responsible States and institutions shall implement compensatory measures. This applies at national, regional and international levels, in public and private spheres of life.

(Working Group on Women's ESCR 2002)

In the context of hegemonic neo-liberal thinking that constrains the promise of indivisible human rights, the above quotation signals a radical revision of dominant human rights. However, the supporters of the indivisibility of human rights behind these words are still a minority in the human rights world and many more progressives within the human rights community must prioritise economic and social rights to bring about a real shift, wherein political and civil rights are no longer seen as the only 'real' human rights. To date, the highlight of achievement of women's human rights activism has been recognition of VAW as a human rights issue – made possible in large part by the transnational feminist solidarity that indisputably grew around VAW understood as a locus of what Chandra Mohanty might call 'common differences'. A similar solidarity has yet to emerge around contesting the different but linked effects of neo-

liberal globalisation in women's lives. If it is to emerge, to be emancipatory it must employ an intersectional lens that recognises the cumulative advantages experienced by some women in relatively privileged locations within the global political-cultural economy and the corollary of intersectional or cumulative disadvantages experienced by others.

Conclusions

In this article, I have revisited transnational feminist engagement with 'human rights' in the early 1990s as a much-commented upon example of transnational feminism. In doing so, I have focused on some of the more critical readings of the women's human rights paradigm and its perceived deficiencies – including questions around the inevitability or not that 'human rights' and 'women's human rights' express Western neo-imperialist and neo-liberal forces. I argue that critiques that pre-emptively jettison women's human rights by virtue of their appeals to universal principles or the possibility of 'common cause' appear to have missed a key point about the role that 'universal claims' can play in shaping emancipatory possibility. The insights of postcolonial and postmodern theorisations have revealed repeatedly how false universalisation from dominant positions – that is, equating the interests of the dominant group with the interests of all – is oppressive and to be resisted. Recognition of women's differences and the intersectionality of experiences of oppression or advantage, along with the hazards of false universalisation, have prompted politically oriented feminist theorisation to (re)conceptualise emancipatory feminisms away from statements of 'content' and toward formulations of emancipatory dialogic practices, around which new feminist solidarities might be negotiated (Mohanty 2003; Yuval-Davis 2006). Transnational forms of feminism that engage in critical (re)interpretations of 'universal' human rights are also

illustrative of this turn. Moreover, feminist versions of the cultural legitimacy thesis (e.g. the Musawah project) and feminist ethnographies of 'local-global' nexuses and processes of 'women's human rights' norm creation, contestation and translation deepen our understanding of 'how to do women's human rights' in emancipatory ways. Ultimately, the counter-hegemonic moment of such strategies resides not in jettisoning universals but in facilitating acts of solidarity in which the content of the 'universal' is claimed from previously excluded positions. Costas Douzinas describes such a process as 'politics proper' (Douzinas 2010: 9):

Politics proper is a short circuit between universal and particular. It takes place when a singular body of excluded (the demos, women, workers, immigrants, the Roma, unemployed youth) puts itself forward as stand-in for the Universal. We the nobodies, who count for nothing, they declare, are All against those who stand only for particular interests. Proper politics is what destabilises the natural order with its groups, parties and interests, which routinely follow the hierarchies of wealth, knowledge and power.

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