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Cosmopolitan Feminism and Human Rights

Niamh Reilly

Abstract

Reilly offers an account of cosmopolitan feminism as emancipatory political practice in an age of globalization. This entails a critical engagement with international human rights law; a global feminist consciousness that contests patriarchal, capitalist, and racist power dynamics in a context of neoliberal globalization; cross-boundaries dialogue that recognizes the intersectionality of forms of oppression; collaborative transnational strategizing on concrete issues; and the utilization of global forums as sites of cosmopolitan solidarity and citizen action.

Evolving patterns of globalization especially in a post–Cold War and post–September 11th environment have prompted new questions about the nature and scope of justice, democracy, and citizenship and their application beyond sovereign states. In this context, there is renewed interest in cosmopolitan discourses, which refocus attention on human rights in the face of global issues such as HIV/AIDS, escalating trafficking in persons, environmental crises, and deepening global inequalities. The reemergence of cosmopolitan discourses also takes place against a backdrop of rising fundamentalist movements (across all religions and regions) that explicitly contest human rights discourse as Western, a threat to national sovereignty, individualist, and “antifamily.” New forms of conflict, including the so-called War on Terror, also pose challenges to proponents of cosmopolitanism who wish to articulate the normative importance of international law and global governance notwithstanding unequal global power dynamics,

democratic deficits throughout UN institutions, and dominant powers' cynical use of international standards.

The model of cosmopolitan feminism offered here rejects the Western-centric, falsely universalized, and undemocratic imposition of narrowly defined understandings of human rights. At the same time, it contests relativist and communitarian claims over individually held human rights when they are used to conceal violations against women in the name of the cultural or religious integrity of the community (Rao 1995; Okin 1999; Shaheed 2001). In doing so, cosmopolitan feminism retains a commitment to critically reinterpreted universal human rights in the context of democratically grounded, emancipatory political projects.<1>

In traditional feminist political theory, the interest in cosmopolitanism is reflected in attempts to theorize global feminism and transnational advocacy, especially in relation to “women’s rights as human rights” (Okin 2000; Ackerly and Okin 1999; Jaggar 2000). This global turn, which is partly a response to anti-universalist and cultural-relativist intellectual currents in feminist thinking, is relatively recent. Until the 1990s, the bulk of feminist political theory presupposed a territorially bounded, Western, liberal “developed” state as its empirical frame of reference. A number of factors have combined to draw the attention of traditional feminist political theorizing to the global arena and the prospects for feminist solidarity and gender justice beyond the liberal democratic state. These include: the rising influence of antiracist, Third World, and postcolonial feminist theorizing from different philosophical perspectives (for example, hooks 1984; Spivak 1988; Mohanty, Russo, and Torres 1991); the surge in transnational feminist organizing sparked by the UN Decade on Women (1975-1985) and extended throughout the 1990s to the present (Antrobus 2004; Fraser and Tinker 2004;

Moghadam 2005); and a growing recognition within feminism of the need to address the gendered impacts of globalization and refocus attention on the interplay between economic, social, and political arenas (Mohanty 2003; Moghadam 2005).<2>

Beyond feminist scholarship, the literature on cosmopolitanism as a political project is primarily concerned with the implications of globalizing trends for how politics are conceived and implemented and how to “democratize” the global arena. Within this literature, neoliberal globalization poses unprecedented “policy challenges” in the form of mass migration, disease pandemics, environmental destruction, and transnational crime, which raise questions about the efficacy of the sovereign state as the principal locus of policy making and governance. These developments also reinforce concerns about the suitability of states—democratic or otherwise—as the primary guardians of human rights in a globalizing age. However, the leading proponents of cosmopolitanism rarely highlight the gendered power dynamics at play in globalization or the global issues that their cosmopolitan visions seek to address (Archibugi, Held, and Kohler 1998; Archibugi 2003; Falk 2004), nor are feminist analyses brought to bear in the elaboration of models of cosmopolitan democracy. This account of cosmopolitan feminism, therefore, builds on recent feminist analyses of the global women’s human rights movement and responds to the gender blindness of mainstream political cosmopolitan scholarship. It is also linked to an emerging international relations literature on “global civil society” (for example, Keck and Sikkink 1998) insofar as it addresses the role of women’s nongovernmental organizations (NGOs) and networks as transnational actors in global forums and considers the ways in which their activities can be understood as constituting new forms of “cosmopolitan citizenship” or as part of a shift to “cosmopolitan democracy.” It is important to note that cosmopolitan feminism does not assume that women are united by a common gender identity or common experience of

patriarchal oppression across regions and other boundaries. Instead, I posit cosmopolitan feminist as a process-oriented framework wherein the direction and content of feminist practice is determined in cross-boundaries dialogue within and across women's movements. Before proceeding to a fuller elaboration of the constitutive elements of this framework, the next section sets out the main tenets of contemporary approaches to cosmopolitanism and signals how cosmopolitan feminism builds on these or departs from problematic aspects of mainstream approaches.

Approaches to Cosmopolitanism

While cosmopolitan thinking takes many forms, Carol Gould's distinction between moral and political cosmopolitanism is a useful one (2004, 166). Moral cosmopolitanism refers to accounts that retain a commitment to treating all human beings with equal concern within a global frame. This is most cogently expressed in the idea of universal human rights, which underpin human freedom (variously defined) and are independent of legal or political status (Habermas 2001; Okin 2000; Nussbaum 1999). Kant was the principal originator of cosmopolitanism in modern political thought. In "Perpetual Peace," he advanced cosmopolitanism to promote peace among nations and foster mutual respect among individuals by virtue of their common humanity. This includes the idea of 'cosmopolitan right' resonant in contemporary accounts of cosmopolitan that embrace some form of discourse ethics (Held 2002; Linklater 1998). Cosmopolitan right entails a universal entitlement and duty to engage in free and open dialogue with others from different cultures and contexts, enabled by the human capacity to "present one self and be heard within and across political communities" (Held 2002, 310). Such Kantian cosmopolitan values flow from the idea that all persons are equal moral, reasoning, and autonomous beings. Consequently,

everyone is entitled to be treated with equal concern and not as means to ends and, equally, everyone has a duty to treat others in the same way. This philosophical grounding of cosmopolitan claims in a particular form of human rationality and ontology is questionable. Nonetheless, a moral assertion of the equality of all human beings and the idea that the well being of persons is paramount in the pursuit of justice, remains at the heart of all contemporary cosmopolitan positions, including the account of cosmopolitan feminism I develop in this article.

Critiques of traditional, universalist accounts of human rights are well established. From communitarian and postcolonial standpoints, they are seen as inimical to cultural diversity or as vehicles for the global imposition of Western liberal values (An-Na'im 1992; Matua 2002). Feminist critics expose how the supposedly universal human attributes posited in liberal political theory, which in turn shape human rights discourse, in fact are examples of false universalization from particular, dominant, male, standpoints. While these critiques are well taken, it is vital to challenge false universalization through emancipatory political projects and not solely in the realm of metaphysics. The global women's human rights movement exemplifies such a project in its refusal to accept discriminatory practices and structural oppression based on morally irrelevant categories of gender, race, class, and so on.

Proponents of political cosmopolitanism built on moral cosmopolitanism are also concerned with specifying the legal, political, and institutional loci of cosmopolitan political practice (Held 2002; Archibugi 2003; Falk 2004). David Held, for example, defines cosmopolitanism as "the ethical and political space which sets out the terms of reference for the recognition of people's equal moral worth, their active agency, and what is required for their autonomy and development" (2002, 313). Advocates of political cosmopolitanism often argue that international law and organizations are already primary loci for cosmopolitan governance,

while acknowledging the need to build democratic legitimacy and deepen democratic practice at the global level. In particular, they point to international human rights law (Beetham 1999; Pogge 2005) and the International Criminal Court (ICC) (Held 2002; Falk 2004) as important ingredients in formulating global governance that is more accountable. Most ambitiously, some envisage a form of world government, underpinned by international law (Held 1995; Falk 2004). In tandem with discussions of cosmopolitan democracy, others explore evolving modes of global citizenship, often with particular reference to the role of social movements and NGOs in cosmopolitan practice (Edwards and Gaventa 2001; Khagram et al. 2002). Skeptics flag various democratic deficits and problems of legitimacy associated with such “cosmopolitical” visions. These include: the potential emergence of a tyrannical world power (Urbinati 2003); the absence of democratic, participatory “bottom-up” channels of decision making (Gould 2004, 170); the ways in which the composition of global civil society mirrors wider political, economic, cultural, and gender power imbalances (Robinson 2003, 169); and the impossibility of facilitating “the ethical-political self-understanding of citizens of a particular democratic life” in a “community of world citizens” supported by a relatively weak “cosmopolitan solidarity” (Habermas 2001, 107).

These are all valid concerns and in the absence of a global, broad-based movement, I am profoundly skeptical about cosmopolitan proposals for a constitutional world government.

However, I agree with proponents of political cosmopolitanism that public international law and UN forums—if they are approached from a critical, transformative perspective—can be key elements in the realization of emancipatory cosmopolitanism. The following framework sets out the conditions under which we can realize such a vision of cosmopolitanism.

My account of cosmopolitan feminism entails five mutually constitutive moments. It is important to emphasize that the different elements need to be taken together to understand cosmopolitan feminism as a transformative political framework. These are:

1. A critical engagement with public international law.
2. A global feminist consciousness that challenges the systemic interplay of patriarchal, capitalist, and racist power relations.
3. Recognition of intersectionality and a commitment to cross-boundaries dialogue, networking, and social criticism.
4. The development of collaborative advocacy strategies around concrete issues.
5. The utilization of global forums as sites of cosmopolitan solidarity and citizenship.

A Critical Engagement with International Public Law

In keeping with other articulations of cosmopolitanism, cosmopolitan feminism expresses a commitment to public international law, particularly international human rights law. Fully recognizing the “limits” of established international law—as a “progressive narrative” and “liberal conception” with a “state-centric focus” (Crawford and Marks 1998), cosmopolitan feminist projects are characterized by a critical, practical engagement with legal discourse and a radical critique of the public-private configuration in international law. In addition to the 1990s global campaign for women’s human rights, other significant examples include efforts to ensure the inclusion of feminist analyses and gender perspectives in the ICC statute and the adoption of UN Security Council Resolution 1325, which addresses women’s roles in peace building and postconflict reconstruction.

The paradigm of international human rights is generally understood in legalistic terms as a body of public international law^{<3>} to be interpreted by experts or as a system of intergovernmental institutions and procedures charged with implementing human rights standards. Cosmopolitan feminism challenges this legalist bias and seeks to integrate the moral, legal, and political elements of human rights into a framework of critical, global citizen action to achieve what Charlotte Bunch calls the “feminist transformation of human rights” (1990). The act of “claiming rights,” therefore, is central to this conception in which international human rights ideas and standards are subject to an ongoing process of contestation, (re)interpretation, and (re)definition. This is different, however, from saying that the content of rights is decided in a relativist vacuum because the struggle to contest the meaning of human rights is always with reference to established human rights standards (Bronner 2004, 147). Consequently, a participative, dialogic process—grounded in the idea that the content of universal human rights must resonate with the concerns of, and be defined by and with concrete, situated women—is integral to advancing women’s human rights claims.

The global campaign for women’s human rights is a particularly strong example of this approach.^{<4>} In the late 1980s, there was a growing recognition within and across women’s movements that violence against women was a universal phenomenon that affected women in every region, even though the form it took differed from place to place (Carrillo 1991). This was pivotal in the emergence of a far-reaching feminist challenge to mainstream human rights concepts and practice. When plans for a UN world conference on human rights were underway in the early 1990s, many questioned the failure of international human rights standards and advocacy to address women’s experiences. This meant asking why abuses primarily affecting

women, such as domestic violence, trafficking, or forced pregnancy had not been taken seriously as human rights issues (Bunch 1990).

With the exception of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), which attempted to deepen the definition and scope of sex-based discrimination as a human rights issue, women's rights have been viewed very narrowly in terms of legal equality with men and are generally invisible or marginalized within the wider human rights machinery. The global campaign highlighted the gendered ways in which traditional approaches to human rights privileged male-defined aspects of civil and political rights in situations where violations are carried out by the state. This includes, for example, denials of freedom of expression, arbitrary arrest, torture in detention, and the death penalty. While not discounting the importance of these issues, Hilary Charlesworth has argued that this constitutes a profound gender bias wherein human rights are primarily defined according to the criterion of "what men fear will happen to them" in their relationship with the state, society, and other men (1994, 71). The global campaign, especially through the use of popular tribunals organized alongside major UN forums, demonstrated how this gender bias served to deny the human rights dimensions of harmful and often fatal forms of gender-based violence, because they occur in "private" contexts of family or community and are generally perpetrated by nonstate actors such as spouses and family members (Bunch and Reilly 1994).

As a result of the campaign, several significant gains were achieved in the form of new international human rights standards. For example, violence against women was recognized as a violation of human rights in the 1993 Vienna Declaration and Program of Action and in the UN General Assembly Declaration on the Elimination of Violence against Women. In 1992, the committee monitoring compliance with the Women's Convention (CEDAW) defined VAW as a

form of gender-based discrimination.<5> In 1999, new complaints and investigation procedures further strengthened CEDAW as an avenue of redress. In 1994, a UN Special Rapporteur on Violence against Women was appointed to investigate the issue and encourage effective governmental, regional, and UN remedial measures. Finally, in 1995, the Beijing Platform for Action (BPFA), which is still considered by many to be a comprehensive “blueprint” for women’s human rights, was adopted by 189 countries. Above all else, therefore, the “women’s rights as human rights” movement is associated with achieving recognition of violence against women as a global, human rights issue.

More recent examples of cosmopolitan feminist engagement with international law build on this recognition. The ICC NGO Women’s Caucus for Gender Justice effectively mobilized the support of women’s networks internationally in its campaign to ensure the incorporation of gender perspectives and feminist analyses in the 2001 Rome statute of the ICC.<6> For the first time in international law, the ICC criminalizes sexual and gender violence as war crimes and crimes against humanity. The caucus also worked to redress the gendered impact of the adversarial character of traditional legal practices, including rules of procedure and evidence that afford particular protections for victims of sexual violence. Some feminist commentators have expressed concern that such measures cannot alter the inherently abusive dynamics of adversarial criminal legal systems, which are fundamentally inhospitable to the pursuit of justice in relation to sexual violence (Mertus 2004). Nonetheless, the act of seeking gender-sensitive legal practice is an important intervention if it unsettles the gendered exercise of power in legal discourses and establishes principles and precedents that can be invoked to advance women’s human rights in other, “safer” contexts. For example, the strategic use of popular tribunals by feminist movements, which are framed in terms of international human rights law and draw on the

expertise and support of sympathetic legal practitioners demonstrate a critical engagement with international law that epitomizes cosmopolitan feminist practice. In addition to the Vienna (1993) and Beijing (1995) tribunals of the global campaign for women's human rights (Bunch and Reilly 1994; Reilly 1996), more recent examples include the Tokyo Women's International War Crimes Tribunal on Japanese Military Sexual Slavery (Chinkin 2001) and the International Initiative for Justice in Gujarat 2002.<7>

Another example of cosmopolitan feminism is the PeaceWomen project, which links NGOs around the world that are focusing on "women, peace and security issues." This initiative secured the adoption of Security Council Resolution 1325 (2000) and continues to coordinate NGO efforts to ensure its implementation. Resolution 1325 is significant because it signals the first time that the Security Council turned its "full attention" to the subject of women and conflict situations.<8> Previously, women were dealt with peripherally as victims or as a "vulnerable group" (Cohn 2004). The PeaceWomen initiative is an important example because the Security Council is the most graphic symbol of masculine power politics and the most powerful decision-making body in the UN system. Unlike many UN agreements, its resolutions are legally binding (albeit selectively implemented or ignored). Just as the global campaign for women's human rights sought the feminist transformation of traditional human rights discourse, and the ICC NGO Gender Caucus extended this to international criminal law, the ongoing campaign to implement resolution 1325 entails a critical engagement with international law aimed at achieving the feminist transformation of peace and security discourses.

A Global Feminist Consciousness

A global feminist consciousness that challenges the systemic interplay of patriarchal, capitalist, and racist power relations is integral to contesting false universalization and neo-imperialist manifestations of supposedly cosmopolitan values. Such a consciousness has antecedents in Charlotte Bunch's account of global feminism, which she defined as: a "transformational feminist politics that is global in perspective [where] . . . the particular issues and forms of struggle for women in different locations will vary [and activists] . . . strive to understand and expand the commonality and solidarity of that struggle" (1990, 303). My understanding of global feminist consciousness also borrows from Chandra Mohanty (1991). Just as she has argued that a coherent Third World feminist standpoint can be located, despite the multiplicity of identities and locations occupied by Third World women, a global feminist standpoint is possible without requiring homogeneity of identity or experience or even an ongoing consensus among women across a range of issues.

From this perspective, the global arena is understood in terms of interconnected patterns of domination and resistance along geopolitical and geo-economic lines, as well as in terms of gender, race, and class. A global feminist consciousness challenges the false dichotomies that pervade understanding of the international arena—especially in the Western, "developed" world. Powerful hierarchical binaries of north/south, Christianity/Islam, secular/fundamentalist, First World/Third World, freedom/authoritarianism are implicated in the construction of harmful stereotypes and the invisibility of inequalities along lines of gender, race, and class. For example, poverty and inequality are major features of the so-called First World; Islam is not synonymous with fundamentalism, terrorism, and antidemocratic values; forms of Christian fundamentalism, pervasive in many regions, also undermine democratic values and potentially promote terrorism

(e.g., attacks on abortion clinics); and free-market privatization is not equivalent to democratization.

More concretely, a global feminist consciousness brings the gendered dimensions of globalization and related global issues sharply into focus and underlines the necessity of bringing feminist analyses to bear in the formulation of cosmopolitan political responses. For example, roughly half of the forty million people living with HIV/AIDS are women in the Third World and the rate of female infection is rapidly exceeding that for males (Amnesty International 2004). This is explained by the continued prevalence of various forms of gender violence, sex-based discrimination, women's disproportionate poverty, and the marginalization of Third World countries on the global stage. Similarly, at least half of the world's eighty million migrants (International Labor Organization 2002) are women, and in some part of Asia this percentage is as high as 70 percent. While migration is inextricably linked to profound economic disparities between countries, women experience migration in gender-specific, racialized ways that leave them more vulnerable than male counterparts and nonmigrant women to violence and exploitative employment, including work in the sex industry. More generally, there is a growing recognition of the unequal, gendered impact of globalization (Streeten 2001). On balance, globalization has made most women more vulnerable to poverty, involuntary migration, economic and sexual exploitation, and related forms of violence against women.<9> While proponents of cosmopolitanism effectively argue that current global problems cannot be "solved" without a cosmopolitan approach, women's experiences equally underscore the need for a feminist cosmopolitan response to globalization. More positively, a global feminist consciousness also recognizes new opportunities for collaboration among groups and individuals

in seeking to advance social justice internationally. The model of cosmopolitan feminism posited here reflects such an optimistic response.

Recognition of Intersectionality and a Commitment to Cross-Boundaries Dialogue, Networking, and Social Criticism

Feminist cosmopolitanism has as its driving process a commitment to action-oriented networking among women across boundaries of class, race, ethnicity, religious and cultural identity, sexual orientation, and so on—both within states and across geopolitical divides. More than three decades of second-wave feminist critiques have underlined the message that any feminist project, academic or practical, cannot be based on an assumption of women as a monolithic group with a “natural” common agenda. This demands a strongly antiessentialist standpoint, which recognizes that even as gendered power dynamics generally work to the disadvantage of women and girls, gendered disadvantage is experienced differently according to other aspects of identity and location, especially with respect to class, race, sexual orientation, (dis)ability, and so on. This recognition of the intersectionality of women’s experience (Crenshaw 1996) means that feminist practice must address shifting forms of “multiple discrimination.” It follows that the priorities of feminist cosmopolitan projects can only be determined in the context of cross-boundaries networking and dialogue. While there are always gaps between principle and practice, evidence of a feminist cosmopolitan commitment to cross-boundaries networking is found in various global feminist networks in the form of participative membership or representative organizational structures.<10>

The centrality of cross-boundaries dialogue in this process of negotiating the nexus of universal principles and particular claims resonates with the emphasis on discourse ethics in the

mainstream cosmopolitan scholarship (Held 2002; Linklater 1998). However, it departs from classic accounts of discourse ethics in significant ways. Feminist criticism has challenged the latter's reliance on "impartialist reasoning" (Held 2002, 312) as well as the very idea that open "authentic dialogue" is attainable wherein participants question their own "truths" and are moved only "by the force of the better argument" (Linklater 1998, 92). Such a vision, while appearing to be radically democratic, fails to comprehend the reality of occupying marginalized subject positions within complex, gendered relations of power that silence and subtly coerce. In contrast, the methodology of cross-boundaries dialogue and networking that underpins feminist cosmopolitanism acknowledges that inequalities necessitate the creation of safe "public" dialogic spaces within and across feminist communities, which may warrant the exclusion of some (Jaggar 2000). This qualified dialogic approach is more accurately captured by the idea of 'feminist social criticism' (FSC) posited by Ackerly and Okin (1999, 136). Cast as a "formula for working toward social change," FSC entails three interrelated elements: *deliberative inquiry* and *skeptical scrutiny* anchored by *guiding criteria*. Okin and Ackerly persuasively use the strategies of the global campaign, and especially popular tribunals, as prime examples of deliberative inquiry and skeptical scrutiny in practice. They also argue that within the campaign these dialogic practices were anchored by the guiding criterion that "all human beings, female and male, are of equal worth" (136). I would argue, however, that a richer concept of indivisible human rights,^{<11>} recognizing the intersectional and structural dimensions of gender inequalities in global perspective, must constitute the "guiding criteria" in South-North dialogue that hopes to produce genuinely collaborative strategies.

Collaborative Advocacy Strategies around Concrete Issues

Cosmopolitan feminism is ultimately an account of emancipatory feminist practice—it only becomes coherent in the context of struggles linked to concrete issues and events. As already noted, in the case of the global campaign for women’s human rights, violence against women emerged as a pivotal unifying issue that galvanized a far-reaching cosmopolitan feminist project. Similarly, the transnational feminist advocacy to address gender justice in the ICC statute was linked directly to wider mobilization of women’s movements against war rapes in the Balkans conflict of the 1990s, and a longer-running campaign for recognition of the human rights of 200,000 “comfort women” who were subjected to sexual slavery by the Japanese military during World War II.

In the late 1980s, the reality or threat of violence in women’s lives came into focus as a global concern, and a growing body of research demonstrated that it cut across all socioeconomic and cultural categories (Pietila and Vickers 1990, 142-48). While women in North America and Europe set up refuges and shelters for victims of battery, in Africa they challenged customary practices that permitted the dispossession of widows or the practice of female genital mutilation. In Asia, groups organized against female infanticide, dowry-related abuse and killings, and trafficking in women. As the global campaign for women’s human rights took shape in the early 1990s, the issue of gender-based violence was a natural focus given the vitality of organizing in every region. An important aspect of the issue of violence was that no region could claim immunity and “developed” Western countries could not evade the issue as one that only occurred in “less developed” countries. This recognition of violence against women as a global phenomenon that takes different forms in different contexts was crucial in underpinning a call for accountability to human rights standards across all regions and cultural contexts and rejecting any defense of such violence on the basis of cultural differences.

The emergence of violence against women as a unifying issue at a global level, therefore, reflected the priorities of local organizations and networks. Importantly, as campaign participants collaborated to develop global campaign strategies, they did so on the understanding that local strategies to counter domestic violence, dowry abuse, female infanticide, female genital mutilation, and so on would be context specific. This standpoint accommodates a wide range of experiences of violence against women. It includes, for example, male violence in the home as well harmful traditional practices that other women perform. This context-sensitive approach contrasts with previous South-North feminist encounters, for example, at world conferences during the UN Decade on Women. During this period, efforts by some U.S. and European feminists to single out female genital mutilation for particular condemnation were perceived (generally correctly) as neo-imperialist and prompted some African women to defend the practice in cultural relativist terms (Joachim 1999, 145).

Utilization of Global Forums as Sites of Cosmopolitan Solidarity and Citizenship

A growing body of scholarship argues that patterns of increased NGO activity around UN forums over recent decades signal the emergence of a global civil society and a shift away from the nation-state as the primary locus of political power. Women's transnational NGO networks are frequently cited as playing a pivotal role in this process (Dickensen 1997; Keck and Sikkink 1998; Joachim 1999; Brown Thompson 2002). Supporting this point, the global campaign for women's human rights targeted a series of UN world conferences beginning with the World Conference on Human Rights (Vienna 1993) and culminating with the Fourth World Conference on Women (Beijing 1995). It utilized these global forums to promote public awareness, develop the campaign, and secure concrete commitments to women's human rights. Through a

combination of strategies that create opportunities for bottom-up participation (popular tribunals, petition drives, and so on) the global campaign and similar cosmopolitan projects also fostered intensive lobbying at local, national, and regional levels. In doing so, participants acquired the knowledge and skills needed to be active “cosmopolitan citizens” and participate in multilevel governance processes. The new women’s human rights measures achieved in the 1990s, therefore, attest to the success of transnational feminist advocacy and the possibility of local nongovernmental actors playing an increasingly visible and effective role in shaping international law and policy.

Addressing women’s transnational organizing around the Beijing women’s conference, Dickens suggested it marked a “global feminist transformation of liberal democracy,” wherein the “possibilities of self-determination, long denied at the nation-state level, may be realized by circumventing the nation-state form above or below” (1997, 110). This very optimistic understanding of NGO activity at UN sites fits with a vision David Held articulated of evolving “cosmopolitan democracy,” wherein the nation-state and civic identity are unlinked and “people can enjoy membership in the diverse communities which significantly affect them . . . and . . . citizenship would extend, in principle to membership in cross-cutting political communities from the local to the global (Held 1995, 272). After September 11th, however, such optimistic accounts of the prospects for cosmopolitan citizenship are less evident and the focus on law has intensified. Held now highlights that the post–World War II “rule based multilateral order” is “fragile, vulnerable and full of limitations” (Held 2005, 15). Held talks less about new forms of cosmopolitan political participation and more about the importance of sustaining progress toward a “truly internationalist or cosmopolitan framework of global law” (10). This emphasis on law reflects an understandable sense of urgency that egregious acts of international terrorism should

not be accompanied by a retreat into national particularism or security policies that potentially erode the foundations of human rights and democracy.

It is also important, however, to consider the gender dimensions of this “backslide” (Chinkin and Charlesworth 2002). Well before September 11th, women’s human rights gains had become the subject of intense backlash in UN, regional, and national policy as conservative governments and NGOs mobilized to contest gains secured under the rubric of women’s human rights.<12> This backlash is linked to the rising influence of fundamentalist political movements and a burgeoning neoliberal resistance to rights-based approaches that are seen as a threat to the advance of economic “progress.” Also, following September 11th, the resurgence of a masculinist military security paradigm at the expense of critical human security and human rights discourses makes it even more difficult to articulate women’s human rights concerns. Once more, they appear trivial in comparison to more important “global security” issues. Consequently, instead of advancing implementation of hard-won global agreements, feminist advocates are expending much energy simply keeping women’s human right on key UN agendas, for example, in relation to the Millennium Development Goals.<13> These events underline the critical importance of sustained cosmopolitan feminist practice that engages with global political, legal, and economic arenas in the struggle to keep a focus on women’s human rights issues at the macro level. Held’s call for strengthened “global law” and emphasis on connecting economic globalization to “manifest principles of social justice” <14> are key elements in any post–September 11th cosmopolitan framework. However, it is also important to keep a focus on creating opportunities for bottom-up cosmopolitan political participation—especially in relation to claiming human rights and reinforcing the legitimacy of human rights standards.

Cosmopolitan Feminism and Human Rights

The account of cosmopolitan feminism developed here recognizes the significance of vibrant transnational feminist advocacy over the past three decades, especially targeting UN forums. While skeptical of the prospects for a constitutional “world government,” I have argued that the example of feminist transnational human rights advocacy fits with cosmopolitan readings of an emerging “global civil society.” As such, it flags new forms of decentered cosmopolitan solidarity and citizenship above and below the state, underpinned by a critical commitment to universal human rights. It also draws attention to the gendered impact of globalization and related global issues, which mainstream cosmopolitan literature generally ignores.

In terms of feminist theory, the embrace of “universal” human rights values by diverse women’s movements presents a quandary. In much feminist scholarship, universalist discourses have come to be viewed as oppressive, totalizing narratives or discredited vehicles of white, male, and Western domination. In addition, the very basis of “the feminist project” appears to be undermined in the imperative to reject essentialism and recognize the diversity of women’s experiences and identities. My account of cosmopolitan feminism attempts to specify the conditions under which it is possible to maintain a constructive tension between endorsing universal values—such as human rights—and what it means to enjoy human rights from the standpoint of particular marginalized experiences and identities. In doing so, cosmopolitan feminism retains a principled commitment to critically reinterpreted universal values including the rule of law, human rights, and secular democratic politics.

This cosmopolitan feminist approach resonates in the practice of countless feminist activists, NGOs, and networks in every region, but perhaps most particularly in the advocacy of Third World feminists. Such advocates are fully cognizant of abuses of universal values (most

recently in the wars on Afghanistan and Iraq). Nonetheless, they seek to (re)articulate and claim their radical promise. This is especially evident in women's movements that have been on the frontline of resisting fundamentalism and intolerance in every region (Abeyesekera 2001). It is not a coincidence that women's movements resisting fundamentalism have been most vocal in the call for "moderation and adherence to principles of international human rights and humanitarian law and standards" in dealing with the September 11 attacks (Abeyesekera 2001). However, this cosmopolitan feminist commitment to international law is qualified by an equally strong commitment to the critical (re)interpretation of such international norms to ensure that they take account of women's lives and facilitate the pursuit of gender justice.

Further, cosmopolitan feminism demands recognition of the gendered impacts of neoliberal globalization and contests the many exploitive hierarchies that structure international politics. To date, however, the women's human rights movement has been most successful in achieving recognition of violence against women as a violation of human rights—whether in the home or in conflict situations. Arguably, the struggle to achieve recognition of women's wider economic and social rights has lagged behind the feminist challenge to the public-private divide—at least in relation to the issue of violence. At the same time, the legitimacy of the international human rights regime is facing profound challenges in a post-September 11th global context. Against this backdrop, the task of deepening and extending the reach of cosmopolitan feminism and using international human rights to challenge the gender dimensions of socioeconomic inequalities and abuses is a major ongoing challenge.

In sum, I have presented cosmopolitan feminism as a model of emancipatory political practice. In particular, I argue that critically reinterpreted human rights potentially offer enormous potential in meeting current global challenges. In making this argument, however, I

fully recognize that the false universalization of human rights—from privileged, male, neoliberal, Western, and state-centric perspectives—continues to undermine the radical promise of human rights. At the same time, all feminist projects must take fully into account the intersectionality of different forms of oppression, across economic, social, cultural, and political domains. However, these problems of false universalization and exclusion are political ones and need to be tackled through emancipatory political projects that expose previously hidden abuses of power and give expression to previously excluded and marginalized voices. Cosmopolitan feminism offers a way of conceptualizing such projects from women's diverse perspectives in a globalizing era.

Notes

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1. This theorization of human rights, as integrally linked to transformative political engagement, is most developed in Kothari and Sethi 1989; Baxi 2002; and Sen 2004.

2. See, in particular, the special edition of the *Indiana Journal of Global Legal Studies* on feminism and globalization (1996-1997).

3. Public International Law encompasses binding intergovernmental treaties and comments by treaty bodies, as well as nonbinding declarations and programs of action produced by intergovernmental conferences.

4. This is not to say that aspects of the campaign have not been subject to critique, for example, in relation to the inaccessibility of UN forums to some women's movements (Dutt 2000) or the structural privilege enjoyed by U.S. NGOs (Romany 1995).

5. General Recommendation No. 19.

6. See the web archive of the ICC Caucus for Gender Justice at:

<http://www.ytech.nl/iccwomen/wigjdraft1/Archives/oldWCGJ/index.html> (accessed January 8 2006).

7. Cockburn 2005.

8. Resolution 1325 recognizes the disproportionate and gender-specific impact of conflict on women and children. Additionally, it calls for women's "full and equal" participation at all decision-making levels in "prevention, management, and resolution of conflict" and for all participants in peacekeeping operations and peace-building processes to "adopt a gender perspective."

9. For analyses of gender, globalization, and trade and related issues visit the websites of Women in Development Europe (<http://www.eurosur.org/wide/home.htm>) and Development Alternatives with Women for a New Era (<http://www.dawnorg.org/index.html>).

10. Examples of such networks include the Association of Women's Rights Development, Development Alternatives with Women for a New Era, and Women Living under Muslim Laws.

11. Indivisibility means that all rights—civil, political, economic, social, and cultural—are viewed as interdependent, inseparable, and interrelated. This idea is pivotal to any claim that seeks to tackle substantive inequality as a human rights issue.

12. For discussions of the backlash see Sen and Correa 2000; Neuhold 2000; and Center for Women's Global Leadership and the Women's Environment and Development Organization, 2000.

13. See, for example, UN 2005 world summit outcomes: gains on gender, mixed results on poverty, peace, and human rights—a report by a coalition of women’s NGOs—at <http://www.cwgl.rutgers.edu/globalcenter/policy/millsummit/reportbackOct12.pdf> (accessed April 4, 2006).

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