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Universal Women's Rights Since 1970: The Centrality of Autonomy and Agency

RHODA E. HOWARD-HASSMANN

This article reviews the development of universal women's human rights since 1970. It begins by discussing how the international feminist movement influenced the development of women's legal human rights, and continues by reviewing three debates in the literature on women's rights. The first debate is whether human rights as originally formulated were actually men's rights; the second debate is about the relationship between culture and women's rights; and the third considers the effects of globalization on women's rights. The author defends a liberal approach to human rights via the principles of equality and autonomy for women, but also argues that the socialist approach is very important for women to achieve their economic human rights. Autonomy, moreover, is the means by which women can negotiate their own way between "Western" style personal liberation, and participation as they see fit in their own religions and cultures.

Autonomy and Agency

In this article, I argue for the centrality of autonomy and agency in the search for women's rights. I define autonomy as the individual's legal and practical capacity to make and act upon her own life choices. Autonomy implies that the individual has her own sense of self, enjoys moral and ethical equality with others and has the right to participate in moral and ethical decisions regarding not only her own private life but also the life of the community

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and country. Implicit in autonomy is the notion of agency: The autonomous woman is (or may be, as she sees fit) an actor—not merely a person acted upon—in her family, in her wider social groups, in economic life, and in the political arena.

Autonomy is not synonymous with radical individualism, as some commentators argue (Woods 2005: 181–184). Nor does agency imply “the individual who is independent and alone, self-reliant and self-controlled” (Hirschman 1997: 462). Rather, autonomous women often make life choices that connect them to others and often put others’ interests ahead of their own. A significant proportion of women in the Western world who enjoy autonomy choose to devote themselves and the resources they control to their children, other members of their family, and their communities. Similarly, in the non-Western world, the more autonomy women gain, the more they devote their resources to their children, their families, and the community. Indeed, empirical research shows autonomous women are far more likely to devote themselves to others than are autonomous men, as studies of comparative spending patterns in such countries as Ivory Coast and Indonesia have shown (Kristof and WuDunn 2009: 194). Thus, autonomous women use their agency in a manner that creates “self-assumed obligation,” entailing “social relations, connection, responsibility, and . . . trust” (Pateman 1992: 180).

Autonomy also means that women have the legal, moral, and personal capacity to make decisions as to where their interests lie, what social roles they value, which of their various identities they choose to emphasize, and which beliefs they hold or principles they emphasize. It is erroneous to discuss women as if the only matter relevant to their life choices is their gender identity. Although all women share biological similarities, and many occupy similar social positions within the family, they are diverse individuals. Other identities, such as their religion or ethnicity, might be more important to them than their gender identity. Moreover, women have diverse social roles, including not only roles such as mother or daughter based in private family relations but also public roles such as employee, employer, politician, or community organizer. They also have various interests, from hobbies to artistic pursuits to memberships in civic or political organizations. And they have diverse beliefs and uphold diverse principles, on some of which they act in the public as well as the private realm. Thus, what might seem to one woman a completely unreasonable choice might seem to another a valuable aspect of her autonomous being, as the section below on culture and women’s rights discusses.

The ideal of personal autonomy is not merely a bourgeois, liberal, Western, or male characteristic, as the section below on human rights as women’s rights argues. It is the product of concrete social, political, and material circumstances that may have originated in the West among bourgeois males demanding protections against sovereign and state, but which increasingly characterized the social ideals and ambitions of non-Western, nonbourgeois women and men, who value the liberalism that allows them to make their own life choices. This stress on autonomy and agency does not presume, however, that women’s choices are unconstrained by economic reality. Even if women enjoy all their civil and political rights and are not subordinate to the authority of men, they are constrained by the resources they can command and by the level of prosperity of the state in which they live. For example, a woman who benefits economically from globalization, as discussed below, is more able to exercise autonomous life choices than a woman who does not. Economic, social, and cultural rights are as important to women’s well-beings as civil and political rights.

To illustrate my argument, I first discuss the international law of women’s rights and how it was influenced by the feminist movement, focusing particularly on aspects of women’s rights crucial to their autonomy that are nevertheless still weakly—or not at all—protected by international law. I then discuss three debates; whether human rights are women’s rights; how culture and women’s rights intersect with or contradict one

another; and the current debate about globalization and women's rights. I argue that human rights have always been women's rights, and to suggest they are not is to deny women's autonomy; that autonomy requires that women be able to choose to conform to or ignore cultural prescriptions; and that globalization may contribute to, rather than undermine, women's autonomy.

Women's Rights and the International Feminist Movement

Human rights are rights that one holds merely because one is a (biological) human being; such rights are equal, universal, and inalienable. These rights derive in law, in the first instance, from the 1948 Universal Declaration of Human Rights (UDHR) and the two 1976 Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights. There are also a variety of other UN documents covering various aspects of women's rights, such as the right to a nationality. The various documents on women's rights culminated in the 1981 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW; Martin and Carson 1996: 214).

Three important aspects of women's lives were missing from CEDAW, undermining their capacity to exercise autonomy. First, nothing in CEDAW explicitly mentioned violence against women. Yet, women are frequently subjected to violence because they try to exercise their autonomy in the sexual, familial, or public realms; for example, by engaging in extramarital sexual relations, by disobeying patriarchal orders, or simply by walking in the street without a male escort. Although this problem had been a preoccupation of the Western and international feminist movements since the 1970s, it was not until the 1990s that the UN addressed it as a central issue. In 1993, activist women at the Vienna Conference on Human Rights held a parallel nongovernmental organization (NGO) conference featuring women from all over the world recounting their personal stories of violence and sexual abuse (Reilly 2009: 77–80). The UN Declaration on the Elimination of Violence against Women followed later in 1993 (United Nations General Assembly 1993).

A second area missing from CEDAW was abortion rights, essential if women are to make autonomous life choices about whether and when to bear children. Instead, CEDAW included an anodyne reference in Article 16(3)(e) to the equal right of men and women to “decide freely and responsibly on the number and spacing of their children.” This specious “equality” right to family planning ignored the reality that men can and do force women to have sexual relations, whether inside or outside marriage, often without the use of contraceptives.

The third omission in CEDAW was the rights of lesbians, essential to sexual autonomy and the capacity to exercise agency without fear of discrimination, harassment, or physical violence. Lesbians' rights were discussed at the 1995 United Nations Beijing conference on women but were opposed by the Vatican and some African, Latin American, and Muslim states. Some delegates at Beijing from less-developed countries argued that rights for lesbians would undermine their religious or cultural values and/or that to discuss the rights of sexual minorities would undermine the dignity of a conference devoted to equality, development, and peace (Day 1996: 49–53).

In 2007, the Economic and Social Council of the United Nations (ECOSOC) granted some gay and lesbian organizations consultative status (Mertus 2009: 63), yet rights for lesbians—and gay men—remained unprotected by any specific UN Covenant as of 2010. Some protections were afforded by UN Human Rights Committee rulings such as in the *Toonen* case, in which the committee ruled that the right to be protected from discrimination applied to sexual minorities (Donnelly 2003: 238–239). Furthermore, in 2007 international jurists assembled to write the Yogyakarta principles on gay and lesbian rights; such drafting

of documents by jurists is sometimes an early step toward institutionalization of new rights by the UN (O'Flaherty et al. 2007).

The articulation of women's human rights was not simply the result of laws or proclamations about women's legal rights, either by individual states or the international system: Rather, it was in large part a consequence of the worldwide spread of the feminist movement. The "second wave" feminist movement in the Western world began in the late 1960s, after the first wave of the nineteenth and early twentieth centuries had won women the right to vote and other civil and political rights, as well as the right to paid labor and control over their own incomes and property, and some control over child custody.

Several types of feminism emerged during the second wave. Liberal-egalitarian feminism originally focused on women's equal rights with men in both the public (jobs, education, housing) and private (marriage, children) realms. This gave women increased autonomy in the family and the public realm; more educational and economic opportunities increased their capacities to act autonomously to sort through their various identities, roles, interests, beliefs, and obligations. However, liberal feminism did not completely address women's need for sexual and reproductive autonomy. What was then considered "radical" feminism (now considered quite mainstream) arose to address misogyny (male hatred of women) and patriarchy (male rule in the private as well as the public domains). Radical feminists also insisted on women's sexual liberation, including not only the right to choose their sexual partners but also their right to pre- and extramarital sexual relations (Firestone 1970).

However, liberal, antidiscrimination rights, even when supplemented by the right to sexual autonomy, did not address all women's needs. While liberal feminists stressed formal equality rights, they paid little attention to economically disadvantaged women. Socialist feminism critiqued both liberal feminism's seeming middle- and upper class bias and radical feminism's preoccupation with personal sexual and familial relations as opposed to public, systemic relations of inequality and oppression (Eisenstein 1979). At the same time, drawing on Engels' classic work *The Origins of the Family, Private Property and the State*, socialist feminism exposed the similarity of intrafamilial relations to class relations (Engels 1884/1972).

In the 1980s, feminists also began to pay increasing attention to the differing identities of women. African American feminists in particular had argued that earlier forms of American feminism did not address their concrete, material needs, disregarding the role of poverty in depriving women of their rights (Pearce 2008: 77). Feminists from other parts of the world also critiqued Western feminists for assuming that there were no differences in the needs of women in different parts of the globe. Many white, Western feminists responded with an auto-critique of their perhaps unintentional cultural "imperialism" in relation to nonwhite and non-Western feminisms. It seemed more appropriate to refer to multiple feminisms, reflecting women's different cultural, "racial," and economic locations, than to one universal feminist movement (Bulbeck 1998).

The history of feminism is essential to understand the evolution of international women's rights. The women's rights perspective incorporates all the types of feminism that emerged in the late twentieth century. Roughly speaking, the liberal variant of feminism was concerned with civil and political rights, especially the right to nondiscrimination and the rights to vote and take part in political life. Civil and political rights were also central to the radical feminist perspective. Arguing that the original purpose of human rights, to protect individuals against the state, was insufficient for women, radical feminists maintained that human rights ought to also protect individuals from violations by other individuals. If women enjoyed protection from arbitrary execution and torture by the state, then they should also enjoy protection against arbitrary execution and torture by

men. Feminist legal scholars such as Catherine MacKinnon and Rhonda Copelon presented powerful arguments that domestic violence against women was torture (MacKinnon 1993; Copelon 1994). The radical feminism of the 1960s and 1970s was also reflected in women's human rights activists' stress on the right to reproductive and sexual autonomy; although, as discussed above, there is not yet any international human right to access to safe and legal abortion. Radical feminism is also reflected in the movement for lesbian rights as a form of sexual autonomy.

Echoing the concerns of socialist feminists, women's rights activists also focused on economic, social, and cultural rights such as adequate standards of health, education, shelter, and nutrition. Activists for women's economic and social rights did not refer explicitly to socialism; nevertheless, they took to heart the early criticisms in the 1970s and 1980s, emanating from both underdeveloped and socialist countries, that claimed that there was a "Western" (developed, liberal, individualistic) bias in the international human rights regime that disregarded economic and social rights.

Finally, postmodern feminism's stress on identity was reflected in the debate on the relationship of women's rights to cultural and/or religious diversity. The earlier generation of women's rights activists and theorists, stressing liberal equality rights, might be said to have been concerned with interest, rather than identity. Women's interest was to be treated identically to men, at least in the public sphere, rather than being confined and constricted by social perceptions of what being a woman meant. Later versions of feminism focused on the different interests of women in different social and cultural locations, as the feminist movement became more international and more aware of class differences. Women's rights activists used the international normative framework to pressure their societies for rights they considered pertinent to their own situation, while rejecting a homogeneous rights discourse that assumed that women's interests everywhere were the same (Coomaraswamy 1993).

An early debate about the meaning of what was then known as prostitution exemplified the different types of feminism and their different approaches to autonomy and agency (Reanda 1991). For some liberal feminists, prostitution was a type of work that some women autonomously chose, and whose choice should be respected. For some radical feminists, sex workers were better viewed as victims of violence against women (Raymond 1998) or of patriarchal relations (Pateman 1999: 62). For socialist feminists, to assume that sex workers autonomously "chose" their work was to deny that many chose prostitution as an alternative to dire poverty. Out of this debate arose the term "sex worker," acknowledging that the sale of sexual services was a type of work and that those who voluntarily engaged in it should be respected, as any other worker should be, even as feminists should protect sex workers against violence and try to ensure that they were not driven into sex work by poverty.

The evolution of the worldwide feminist and women's rights movements also raised some questions about women and autonomy that are still unresolved, as the next three sections discuss. As late as the 2000s, some scholars argued that human rights were not women's rights; some debated the potential conflicts between women's rights to personal autonomy and the right to enjoy one's own culture; and some debated whether globalization improved or undermined women's capacity for autonomy and agency.

Are Human Rights Women's Rights?

A recurring question in the feminist discussion of international human rights was whether "human" rights were actually "men's" rights. Charlesworth, for example, claimed in 1994 that "the definition and development of [human] rights . . . are built on typically male life

experiences and . . . do not respond to the most pressing risks women face” (Charlesworth 1994: 59). In 1998, Peterson and Parisi claimed that “modernist references to an ostensibly universal (non gender-differentiated) ‘human’ are in fact androcentric” (Peterson and Parisi 1998: 132). As late as 2004, Brems reinforced this claim, referring to “the implicit point of reference of human rights (a human being that is male and Western)” (Brems 2004: 11), despite her nod a year earlier to the fact that women do experience many of the same human rights violations as men; for example, religious persecution (Brems 2003: 103).

This claim, that human rights were defined and developed with only male life experiences in mind, is erroneous. There was a concerted and successful attempt by women involved in drafting the UDHR to write women’s rights into it. Representatives from European social democratic states, from socialist states, and from non-Western states such as India and Panama, as well as from women’s NGOs, all insisted that women’s rights be included (Morsink 1999: 116–129). Moreover, to assume retrospectively that, at the time the UDHR was formulated, women did not “need” the allegedly male civil and political rights codified in it is to whitewash history. The UDHR was written in the shadow of WWII, a time when Jewish, Roma, Jehovah’s Witness, and disabled women, among many others living under Nazi rule, might well have profited both from civil and political rights and economic human rights, had they existed. The relevant criterion for men and women immediately before and during WWII was not whether one was “Western,” but whether one was, in the eyes of the Nazis, an “Aryan” or a member of a lesser breed that should either be exterminated or enslaved. The experience of these “inferior”—although now considered Western—women was one of complete denial of all human rights.

In the late 1940s, moreover, non-Westerners and nonwhites, as well as Westerners and whites, were anxious to have a universal declaration of human rights (Lauren 1998: 205–207). Representatives from colonized entities thought that a declaration of human rights could assist them in their fight for independence, while countries with colonies, such as the United Kingdom, opposed rights to self-determination (Morsink 1999: 96–101). That African American and colonial male representatives lobbying the committee drafting the UDHR might not have had in mind the rights of women in their communities does not obviate the fact that human rights were not merely Western or white, either in policy or practice.

Thus, the original UDHR represented neither solely “male” nor solely “Western” points of view. Nor does the international human rights regime currently represent a male, Western point of view that excludes women, even if documents pertaining particularly to women are disregarded. Peterson and Parisi’s reference to “masculine public sphere activities” as the focus of human rights (Peterson and Parisi 1998: 147), as if women did not participate in politics, paid work, or other activities of the public sphere, reproduces the essentialist gender binarism that they claim to critique. Claims that human rights are built on typically male life experiences seem to apply mainly to women who live in prosperous Western democracies where they already enjoy civil and political rights, and where the majority enjoy adequate shelter, food, and health care. In such situations, it makes sense to focus on specifically gender-related rights such as reproductive freedom, sexual autonomy, and protection against personal violence that Western women—as well as all other women—still need. However, in political dictatorships and/or poor countries, women suffer from the absence of all of human rights, civil and political and economic, social, and cultural as well as specific gender-related rights. Civil and political rights, moreover, are absolutely essential if women are to successfully demand their economic, social, and cultural rights. They are a strategic necessity, even if we acknowledge the possibility that they are intrinsically less valuable to women than such rights as adequate nutrition, health care, and shelter.

The contention that human rights reflect “male” life experiences also ignores women’s agency as political, economical, and social actors, reinforcing an outdated stereotype that men are actors in the public realm, who therefore need civil and political rights, whereas women are confined to the private realm. Yet, without the civil and political rights that they already enjoyed, it would have been difficult for second-wave Western feminists to agitate for other rights for women. Women in parts of the world that do not protect civil and political rights find great difficulty in agitating for any type of right. The Mothers of the Plaza de Mayo in Argentina in the 1970s (Malin 1994) risked imprisonment, torture, and death in their quest to ascertain the fates of their children. Many other Latin American feminists fought for civil and political rights against the brutal dictatorships that ruled them and were imprisoned, tortured or executed for demanding “male” rights such as freedom of expression (Acosta 1989). The mothers who took to the streets of Iran after postelection violence in 2010 to ascertain the fates of their imprisoned and murdered children faced similar penalties.

Dismissals of human rights as male and/or Western are unnecessary to draw attention to the actual contributions of feminist scholars and activists to the international human rights regime. One of their most important contributions was to draw attention to human rights abuses in the private realm, which remedied one of the deficiencies of CEDAW, its omission of protection against violence. The state is now obliged to protect individuals whose rights are violated in the private sphere; for example, women can now claim refugee status in some countries if their home countries are unable to protect them from private violence (Alfredson 2009).

Another aspect of the feminist critique of the concept of human rights is the philosophical contention that human rights are a “male” construct because they are based on laws and regulations rather than social interaction. Women, it was contended, were more likely to interact with one another and make cooperative decisions than men, who were more likely to adopt adversarial positions when there was potential conflict. Thus, women are more drawn to an ethic of care than to an ethic of claiming rights (Kymlicka 1990: 262–286). Feminist who adhered to this philosophical perspective often referred to a psychological study by Carol Gilligan, who argued that in experimental conditions in which men and women were asked to make moral judgments, men were more likely to emphasize rights, equality, and fairness, while women were more likely to emphasize responsibility, equity, and need (Gilligan 1982/1993: 144). The extrapolation from this contention was that since human rights, as law, were rule based and relatively inflexible, women were less likely to insist on their rights than on alternative ways of resolving disputes. Even if one were to accept Gilligan’s conclusions, however, extrapolations from evidence about moral dilemmas involving disputes among individuals to moral dilemmas in which individuals claim human rights from the state is problematic.

The notion of the ethic of care did influence some scholars to reconsider the obligation of the state and the community to care about the needs of those who are disadvantaged. The feminist discussion of the ethical bases of morality intersected with a wider discussion in the late twentieth century about whether the emphasis on individual human rights, with their underpinning of individual autonomy, undermined social obligation. Some non-Western commentators on human rights, as well as some Western communitarians, believed that the individualism of human rights undermined family and community (Howard 1995: 86–100). Such commentators claimed that women in non-Western societies did not put priority on themselves as individuals; rather, they prioritized their obligations to their families and the social groups in which they lived. Feminist scholars and human rights activists did not accept the corollary of this position; namely, that since they were preoccupied with obligations

to their families and communities, women did not “need” individual rights, especially rights of protection against family and community-based violence. They defended women’s autonomy and agency against the perception that such independence would constitute an antisocial undermining of collectivist ways of life. Where culture meant that women should be subordinate to men, then some changes would have to be made to the culture.

Culture and Women’s Rights

Women’s rights, notes Beitz, “are not culturally neutral.” While women, like men, have an interest in enjoying “an elemental capacity for self-direction,” the importance of this capacity is not conceded by all cultures (Beitz 2009: 191). Even before the UDHR was drafted, critics raised the question whether a “universal” declaration of human rights would be disrespectful to the cultures of non-Western societies; in effect, whether universal human rights had the contradictory effect of undermining communities’ autonomous rights to enjoy their own culture. Anthropologists were concerned that the UDHR would simply become the latest in a series of attempts by the West to impose its values on other societies (Engle 2001). Once independence had been achieved by formerly colonized countries, women’s rights became one of the key topics in the debate between universality of human rights and the rights of collective groups to enjoy their own cultures.

One of the earliest debates about culture and women’s rights related to female genital mutilation (FGM) and the question of who could legitimately criticize “traditional” practices that seemed to violate women’s rights (Robertson 1996: 615–616). In an effort not to stigmatize Africa and other areas where FGM was practiced (as in parts of Asia and South America), some Western scholars noted mutilatory practices such as cosmetic surgery that were somewhat common in the Western world (Howard 1993). Nevertheless, these relativist arguments sidestepped the difference between the autonomous choice of voluntary self-mutilation by adult women and the involuntary genital mutilation inflicted on female infants and children.

Some African activists had already been trying to eradicate FGM before the custom became well known in the West (Baer and Brysk 2009: 96); Western feminists’ interest in eradicating FGM reinforced African activists’ efforts. By the twenty-first century, it appeared that the individual woman’s right to health and bodily autonomy had trumped any claims to the right to autonomous cultural practice, as far as FGM was concerned; by 2004, at least 14 African countries had officially banned it (Quataert 2009: 174). The 1990 African Charter on the Rights and Welfare of the Child in Article 21(1)(a) and the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa in Article 2(1)(b) obliged states to take steps to eliminate FGM.

While the debate over FGM was relatively easy to resolve, as the practice’s detrimental health consequences for women and girls were so severe, other debates about potential conflicts between women’s individual rights and the right of a society to practice its own culture raised significant questions about Western cultural imperialism. In particular, women’s dress became a symbol of whether they enjoyed personal autonomy. Academic articles proliferated, especially about some Muslim women’s wearing a so-called veil (*hijab*), actually a headscarf that concealed the hair. On the one hand, commentators defending *hijab* argued that women who conformed to religious precepts should present themselves modestly by covering the hair were asserting their own autonomy (Hoodfar 1993). Women’s autonomous choice to wear *hijab*, they argued, was also an assertion of their belonging in the Muslim community, expressing and enjoying their own religio-cultural identity; this right was more important than the “right” of Europeans to protect

their own cultures (Barbieri 1999). Others argued that such codes of dress were inherently oppressive to women and undermined their equality with men, who were subject to no such strictures of dress; “patriarchal contexts set the parameters within which women expressed their agency” (Hirschman 1997: 461).

In Western countries with sizable Muslim citizen minorities or with large-scale Muslim immigration, the question of women's dress was sometimes used to assert so-called national values, such as secularism and gender equality. In 2004, France banned the *hijab* in public institutions such as schools. In late 2010, the center-right government of the Netherlands proposed banning the *burqa*, the full-body covering worn by women in Afghanistan (often against their will) and by some other Muslim women. Earlier in 2010, the province of Quebec in Canada went so far as to deny some public services to women wearing the *niqab*, a full facial covering; although it was likely that this law would be challenged in the courts.

The fuss over Muslim's women's dress—but not over comparable strictures of modesty among, for example, Orthodox Jewish women or women in traditional Christian groups such as Hutterites or Amish—reflected Western unease with “stranger” minority populations, especially after 9/11. It also raised the question of what, if anything, was appropriate public policy for women who seemed to voluntarily subordinate themselves to men. Could women, it was asked, autonomously adopt apparel that seemed to symbolize their oppression, or was such adoption always a response to coercion, whether physical, psychological, or ideological?

Yet, practices in other minority religions that might oppress women were not subjected to the same critique by the larger society as were religious practices among Muslims; for example, whether the religious requirement that a divorced Orthodox Jewish woman obtain a *get* (a document releasing her from her marriage) from her husband should be a legal requirement protected by the state (Tager 1999). Similarly, discrimination against women in the Roman Catholic religion was perceived as a private matter, in which women autonomously chose a religious identity that relegated them to second-class status. Governments did not propose legislation to oblige Catholic women to free themselves from the Church patriarchy, in order to conform to the wider society's secular values of gender equality.

The difference in treatment of Muslim, Orthodox Jewish, and Roman Catholic women might be rooted, however, in the different likelihood of women's actually exercising their own autonomy when they adhere to discriminatory religious provisions. Bennoune argues that Western commentators are sometimes so quick to defend Muslims' apparent right to exercise their own religion that they do not consider the coercion that Muslim women and girls endure, forcing them to adopt restrictive clothing even when they do not want to. Jewish and Catholic women are rarely threatened with violence if they ignore the precepts of their religion, but Muslim women and girls are sometimes threatened with violence, or even murder, if they ignore the rules their male family or community members want them to follow. Bennoune argues that women's equality rights should trump the right to exercise one's own religion; in some contexts, it is necessary to restrict one woman's choice to wear a headscarf, in order to protect the rights of other Muslim women not to be pressured to adopt dress they would prefer not to wear (Bennoune 2007: 386). If, in fact, a woman or girl is coerced into wearing supposedly proper Muslim dress, then her autonomy is not respected.

Meantime, as Muslim women's rights are the flashpoints of debates about women and culture in the Western world, gays' and lesbians' rights are the flashpoint in much of the non-Western world. Like the feminist movement before it, the social movement for gay and

lesbian rights has spread around the world. In Africa, political leaders condemn “gayism,” claiming it is a new form of Western cultural imperialism (Howard-Hassmann 2001: 92). Individuals whose private sexual practices had hitherto been exempt from public notice now find themselves scrutinized for this “Western” form of deviance.

The larger question regarding both Muslim women’s dress and the rights of lesbians is whether women may exercise their own personal autonomy, even if it violates notions of appropriate behavior in the societies in which they live. In the West, some governments decided that Muslim women should not have the right to voluntarily choose to dress in ways that reinforced their collective identity and possibly were an indicator that they were voluntarily subordinate to men. Preexistent legislation already protected women’s rights to privacy, security, and equality; by implication, this meant that no family member or collectivity could forcibly compel a woman to either wear or not wear the *hijab*, *burqa*, or *niqab*. Yet, some governments decided that they should legislate what women should not wear, thus undermining Muslim women’s autonomy and agency. In the non-Western world, some governments used the rhetoric of anti-Westernism and traditional values to control the emerging assertion of sexual autonomy among homosexuals, male as well as female.

The governments that made these decisions, either to impose dress codes or to repress sexual autonomy, claimed that they were enforcing collective values. Yet, values that are truly collective do not need legislative enforcement. Moreover, the international human rights regime privileges individuals over collectivities and bestows upon them the right to ignore or violate collective values. This applies as much to Western democracies that value gender equality as to non-Western states that devalue homosexual activities. In either case, women are entitled to make autonomous decisions that may violate the wider society’s sense of propriety.

Globalization and Women’s Rights

Globalization is often regarded as the most important challenge to the universality of human rights in the twenty-first century. Yet, a case can be made that both in its economic aspects and its political, legal, and social aspects, globalization may well promote women’s human rights. Certainly in the last 40 years, a period roughly coincident with the current round of globalization, women’s material well-being has improved dramatically. Women’s life expectancy at birth increased worldwide from 60.8 years in 1970 to 71.1 years in 2008. The worldwide fertility rate declined from 4.73 births per woman in 1970 to 2.54 births in 2008. In 1980, only 50 percent of females over the age of 15 were literate; this increased to 76.3 percent in 2008. In East Asia and the Pacific, a heavily globalized region, women’s life expectancy rose from 60.2 years in 1970 to 74 in 2008; the fertility rate dropped from 5.59 to 1.94 births between the same years; and the literacy rate rose from 55.7 percent in 1980 to 90.1 percent in 2008. Even the poorest area of the world, Sub-Saharan Africa, witnessed improvements. Women’s life expectancy increased from 46 years in 1970 to 53.2 years in 2008, and the fertility rate declined from 6.72 to 5.11 births (all figures from World Bank 2010a, 2010b). That sub-Saharan Africa has shown the least progress in women’s material well-being might be because most of the inhabitants of that region are among the “bottom billion,” the least globalized people of the world (Collier 2007).

These improvements in women’s material conditions suggest that as a general rule economic globalization has promoted, not undermined, women’s human rights. In many countries that globalized, the average per capita income rose, sometimes substantially over the nonglobalized recent past. Conservative World Bank calculations conclude that between 1981 and 2005, the percentage of the world’s people living on less than \$1.25

per day declined from 51.8 to 25.2, while the percentage living on less than \$2.50 per day declined from 74.6 to 56.6 (Chen and Ravallion 2008: Table 7). Women and their children, as well as men, benefited from this higher income, even though it was unequally distributed both among and within countries, and even though within the family, men were far more likely to control that income than women. Enjoyment of higher incomes helped some women to fulfill their economic human rights without relying on either their menfolk or the state; that is, it permitted women to exercise their economic autonomy.

Many commentators think of economic globalization as a phenomenon that is likely to have only negative effects on women's human rights. The negotiation of structural adjustment programs (SAPs) between international financial institutions and national governments in the 1980s and 1990s is one aspect of globalization; much evidence suggests that SAPs had highly detrimental consequences for women's human rights. For example, SAPs promoted cultivation of cash crops, often resulting in women's losing access to land they had used for subsistence cultivation (Kuenyehia 1994: 425). SAPs also required reductions in public spending on such social services as education and health, which had highly detrimental consequences for women (Abouharb and Cingranelli 2007: 12, 155). The neoliberal culture of marketization privileged programs such as microcredit for women—so that they could become small-scale entrepreneurs—over social welfare programs; moreover, neoliberalism's weakening of the state meant that it was less capable than previously of providing for the needs of women and their children (Rittich 2001).

Despite these observations, Richards and Gellany found in a study of 130 countries from 1982 to 2003 that “in the majority of instances, economic globalization is associated with improved women's status”; globalization of trade, especially, had a “generally positive influence on women's status” (Richards and Gellany 2007: 855, 871). Such an improvement might be explained by the virtuous circle—found, for example, in East Asia—in which women who were employed in new export industries had increased capacity to make autonomous choices about how to utilize their earnings. They tended to delay their marriages, thus reducing their fertility levels, and also invested some of their earnings in education of younger female family members, who in turn could be employed in industry and commence the same virtuous circle (Kristof and WuDunn 2009: xix). On the other hand, Richards and Gellany also found that foreign investment, which required governments to create business friendly environments by, for example, cutting state employment and subsidies, was associated with worsening women's rights, as women lost jobs in the state sector and access to subsidies for basic needs such as water (Richards and Gellany 2007: 872).

Commentators also frequently argue that globalization increases the inequality between men and women, sometimes citing absolute figures for one year without considering trends. Felice, for example, notes that in 2001 the UNDP gender development index “found gender inequality [between women and men] everywhere” (Felice 2003: 170). This is not surprising: In almost all societies, throughout all of recorded history, women have been unequal to men. The appropriate question is whether globalization reduces that inequality, not whether it eliminates it.

Arat claims that “the economic and political structural changes . . . imposed by international lending and developing agencies, have further widened the gender gap in these [Third World] countries” (Arat 2006: 83). Yet, comparative data over time do not verify this claim. The United Nations Development Program began publishing its gender-related development index in 1996, comparing inequalities between males and females in life

expectancy, literacy rates, education, and estimated earned income. Comparisons of these data show that gender inequality declined over the 14-year period of 1993–2007 in many countries. In the six largest emerging economies, namely Brazil, Russia, India, China, South Africa, and Mexico, which collectively comprise about three billion people, gender inequality narrowed between 1996 and 2007 (United Nations Development Program 1996: 138–143, 2009: 181–184). Gender inequality in both years was worst in the least globalized parts of the world. For the same six large emerging economies, the World Economic Forum reported a slight improvement in equality between men and women for the period 2006–2010, calculated over several economic, social, and political variables. Even referring only to equality of women and men in estimated earned income, improvements were found in Brazil, China, South Africa, and Mexico, while Russia remained static, and in India inequality worsened (World Economic Forum 2010).

The standard image of the effects on women of globalization is one of women working for transnational corporations (TNCs), especially in export-processing zones and free trade zones created by international agreements such as the 1988 North American Free Trade Agreement (NAFTA). Many commentators have noted that working conditions in some—if not most—TNCs were extremely exploitative: Workers labored very long days for criminally low pay, with few if any benefits and no job security (Klein 2000: 195–229). Moreover, these women's jobs were often very insecure, as the factories that employed them often closed down at a moment's notice in order to move to cheaper locations. Many women workers were subjected to sexual harassment and gross invasions of their privacy. In factories on the Mexican-US border established to benefit from NAFTA, women were inspected every month to determine if they were pregnant, so that they could be fired before they became eligible for maternity leave (Hertel 2006: 55). Some women working in these Mexican border factories suffered from such severe working conditions and earned so little that the birth weights of their infants were significantly lower than in other parts of Mexico (Kopinak 1995: 37).

Nevertheless, other women benefited from the new job opportunities that allowed them some autonomy. For women who could not rely on their families for support, or who wished to escape arranged marriages or other traditional practices, these new jobs were one step up from begging, sorting through garbage, or becoming sex-trade workers. Moreover, some TNCs adhered to practices that were common in the wealthy West, such as hiring on merit. These practices benefited middle- and upper class women who could present their qualifications and enjoy a greater chance to be hired, promoted or at minimum be taken more seriously within the corporate culture, even as they continued to be disadvantaged by both local and international gender norms (Poster 1998).

Globalization is not only a source of economic autonomy for many women but it is also a source of personal autonomy. Access to one's own income is a major means of empowerment for women; a woman who has her own income does not rely on male family members for her survival and has a higher chance of escaping male control and violence. Management of her income, moreover, empowers her with mathematical knowledge, bargaining skills, and the capacity to make her own decisions. By providing some women opportunities to earn incomes in their own countries, economic globalization also reduces the attractiveness of the more abusive types of international migration.

Globalization has resulted in a new international division of labor in which migrant women are sometimes effectively without the protection of the state in which they formally bear citizenship. Many migrant women are part of a new transnational chain of care, in which women from less-developed countries take on duties such as child and elder care, thus freeing women in developed countries to pursue careers (Maher 2004: 132). Nevertheless,

even these occupations provide opportunities for women to make autonomous choices to earn more money (often sent home as remittances to support their families), to escape pressures to marry, or even to escape the danger of sexual slavery.

The same cannot be said for the international enslavement of girls and women (as well as some boys) for purposes of prostitution or for other purposes such as drug trafficking or forced labor. Customary practices feed into human trafficking, as in parts of Thailand where selling daughters for use in the sex trade has been considered an acceptable way to augment the family income (Muecke 1992). Cultures of abasement, patriarchal attitudes, and impunity of sellers and buyers (Bales 1999) are more influential in fostering the practice of trafficking in women than economic globalization on its own (Fein 2007: 58). Nevertheless, such trafficking exists and is complemented by the growth in sex tourism, in which purchasers travel from richer to poorer parts of the world, where local women sell sexual services and hope for the possible rewards of marriage to a wealthy foreigner and migration to a richer country (Cabezas 2002). While local economies and customs may determine the supply of trafficked women, and in fact more people are trafficked within their countries or regions than internationally, globalization has nevertheless increased demand (Brysk 2009).

Yet, globalization has also helped women to combat sexual enslavement and other forms of sexual violence, through the spread of human right laws and civil society activities. One of the most important effects for women of this legal and normative globalization is the internationalization of legal norms against exploitation of women, including enforced prostitution (Reanda 1991). Since the widespread and systematic use of rape during the wars in ex-Yugoslavia in the 1990s (Niarchos 1995), feminist activists have worked to convince the international community that rape in warfare is more than a crime perpetrated by individuals against individuals; it is at minimum a war crime and, in certain circumstances, a crime against humanity or even a crime of genocide. In 1998, the International Criminal Tribunal for Rwanda declared sexual violence to be a crime of genocide, the first time such a declaration had been made (Amann 1999: 197). This legal ruling, a mere 23 years after Susan Brownmiller published the first feminist study of mass rape as a military tactic (Brownmiller 1975), was a monumental achievement.

Similarly, the attention currently being paid to girl soldiers and their rights, especially but not only in Africa, reflects the globalization of women's human rights norms. However, without a universal right to safe and accessible abortion, girl soldiers and other female victims of violence and war will still be unprotected from unwanted pregnancies resulting from rape, coercion, or seduction by male members of militaries and militias. In this regard, Africa has gone some way to protect the rights of women and girls by specifying in the 2003 Protocol on the rights of women in Africa, Article 14(2)(c), that states are responsible to authorize medical abortion in cases of sexual assault, rape, incest, and when the pregnancy endangers the mother's mental or physical health or the life of the mother or fetus.

The international women's movement itself is in part a consequence of globalization: Easier travel and communication enable women from across the globe to unite to work on common concerns. Thus, the international feminist movement tries to protect girls and women from the adverse effects of globalization, from economic exploitation of factory workers to victims of sex trafficking. Regional and local women's rights groups abound, and international conferences and international NGOs provide venues and encouragement for regional women's organizations; for example, North African women organized a Muslim Women's Parliament that preceded the 1995 Beijing conference on women (Moghadam 2006: 98). Sex workers, empowered by the global movement for women's rights, exercise

their own autonomy by demanding to be treated as rights-bearing individuals (Cabezas 2002: 50–55). That, sometimes, feminists from the “North” and the “South” might disagree over tactics, such as how to protect girl workers from exploitation without reducing their family income (Hertel 2006), does not obviate the power of an international movement for women’s rights.

Global Progress in International Women’s Human Rights

Undoubtedly, by 2010 there had been tremendous progress in women’s international human rights as compared to 1970; no longer could the claim be made that human rights were not women’s rights. Most of the aims of liberal feminists had been achieved; few countries argued by 2010 that women should not have formally equal and nondiscriminatory rights with men. Almost all countries allowed women to vote and participate in political affairs; although in practice, men still dominated both the economic and political arenas. At the same time, human rights had expanded to take into account aspects of women’s lives such as protection from personal violence and the right to sexual autonomy that had not been part of their original mandate. Thus, some aims of radical feminism had been achieved; although women still did not have an international human right to safe and legal abortions, and lesbians still did not enjoy any formal protections of their rights. The principle of universality had overcome claims to cultural relativism, while at the same time recognizing women’s desires to embed themselves in cultural communities that reflected their sense of identity.

However, the aims of socialist feminists had not been achieved. Economic human rights were still weakly protected in both the developed and the underdeveloped worlds, and gross material inequalities still plagued many countries. Social class remained the single most undertheorized aspect of denial of human rights to women and men. Nevertheless, the spread of economic globalization helped to raise the living standards of hundreds of millions of women, even as they suffered the indignities of rampant capitalist disregard for workers’ rights.

As a result, women’s autonomy increased in the political, economic, social, familial, and sexual realms. Hundreds of millions of women were released from the constraints of their traditional customs and roles. Enjoying some economic independence, some education, and precisely the civil and political rights that some feminist scholars had claimed were irrelevant to women, they were more able to make their way as autonomous adults both in their own societies and countries, and in an increasingly globalized world. As never before in human history, women were able to exercise their agency and live their lives as they saw fit.

This does not mean, of course, that women activists, advocates, and scholars should rest on their laurels. Poverty still plagues much of the human race, and the benefits of development and globalization are spread very unevenly. And rights in law or principle do not necessarily mean rights in practice. Eternal vigilance is necessary to protect women’s rights, as all other rights. But women cannot exercise such vigilance without enjoyment of the full range of human—not men’s—rights; without the chance either to remove themselves from their cultural backgrounds or to embed themselves in their cultures and communities, as they see fit; and without the tools to fight against the pernicious effects of globalization at the same time as some enjoy its benefits. The more autonomy they enjoy, the more women can make their own decisions, whether or not to exercise the supposed “men’s rights” open to them, to conform or not to cultural prescriptions, and to resist or encourage globalization.

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