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BOOK REVIEW


Reviewed by Joel Armstrong Schoenmeyer*

Although we do not yet know the full effect of the recent Beijing Conference on women’s quality of life, the conference has at least altered and enlarged the landscape of feminist scholarship. Feminists from the United States and other Western countries have increasingly turned their attentions outward, focusing on issues of common concern for women of non-Western nations and providing forums for authors from those nations to discuss issues indigenous to their own countries. In a new collection of thirty-four essays entitled From Basic Needs to Basic Rights and edited by Margaret Schuler, feminist writers from all over the world analyze some of the most important issues faced by women today.

The essays cover a wide spectrum, both substantively (they address human and women’s rights ranging from safe labor conditions to sexual self-determination) and geographically (they examine countries from Russia to Chile). Schuler has divided the subject matter into five parts. Part I, entitled “Gender and Hierarchy in Human Rights,” provides an introduction to and a framework for the analyses which follow. Part II focuses on “Social and Economic Rights,” while Part III addresses “Religious, Cultural and Ethnic Identity and Human Rights.” Part IV examines the area of “Sexual and Reproductive Rights,” and Part V concludes the book with a discussion of “Activism to Advance Women’s Human Rights.”

In my review of this work, I will adhere to the structure provided by Schuler. In doing so, I will give an overview of the topics addressed in each individual section and then attempt to tie together and further analyze some of the book’s main concepts.

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1. The official name of the conference is the United Nations’ Fourth World Conference on Women.
PART I: GENDER AND HIERARCHY IN HUMAN RIGHTS

One way to understand Part I is as a response to the question, “What is it, exactly, that you want?” Florence Butegwa and Dorothy Q. Thomas each address this question in the context of two “generations” of human rights: “first generation” rights, which include civil and political rights, and “second generation” rights, which include economic, social, and cultural rights. Thomas asserts that a hierarchy exists in which the first generation of rights has taken priority over the second.

Thomas suggests the following three schools of thought in response to such a hierarchy. Traditional human rights activists believe in the primacy of civil and political rights over economic, social, and cultural rights. In juxtaposition are those who believe that the present hierarchy should be reversed and a greater emphasis placed on the cultivation of second generation rights. Butegwa and Thomas occupy the more complex middle ground in this debate. Butegwa believes that the best solution lies in acknowledging the personhood of women: accepting women as human beings entitled to human rights. She argues that women should not have to show they have been discriminated against in order to have a human rights claim which may be specific to women: “The challenge is to reconceptualize human rights to include the human rights of women and to extend beyond dictates of equality to cover concerns specific to women as women.”

Thomas is deeply critical of any rights hierarchy. She believes in “an indivisible and interdependent approach” encompassing all of the “major” rights. For Thomas, a greater recognition of the individual should be the goal. Cautioning against a reversal of the hierarchy—that is, a

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4. Thomas, supra note 3, at 41.
5. Thomas, supra note 3, at 41-44.
6. Thomas, supra note 3, at 41.
7. Thomas, supra note 3, at 44.
8. Butegwa, supra note 2, at 31-34.
10. Thomas, supra note 3, at 54.
11. Thomas, supra note 3, at 54.
schema which would prioritize “second generation” rights over “first generation” rights—she posits that “the promotion of economic, social and cultural rights . . . shares at least one problem with its civil and political counterpart: the potential denial to women of their individual personhood, whether in the private or the public sphere.”

On the surface, such a conclusion makes sense: women should not be forced to prioritize rights, since each woman may place different values upon different rights. A hierarchical approach treats women as a monolithic “thing,” rather than as individuals. It also may lead to the neglect of some subgroups. Finally, it often appears that the true goal of rights hierarchies is to force women to denigrate or even waive certain rights in favor of others. For instance, answering that civil rights are the most important rights may lead to the unjustified conclusion that all other rights are unimportant. The question then becomes one of false choices and Faustian bargains.

However, from another strategic viewpoint, a rights hierarchy generally agreed upon by a large group of women can be effective. Voices in unison aimed at the effectuation of one goal will certainly be more persuasive than hundreds of disparate voices. In the latter instance those responsible for allocating finite resources may either not know how to proceed effectively or may become frustrated with conflicting demands. After all, different rights can sometimes contradict one another. A government may adopt a rights hierarchy in order to avoid the “whipsaw” effect that occurs when various groups seek mutually exclusive or competing rights or resources. For example, one group of poor women may claim a right to career training, while another group of poor women may claim a right to monetary support so that they can stay home and care for their children.

The most successful paradigm might involve a combination of Thomas’ approach and the traditional hierarchical approach she critiques. Such a paradigm would allow women to collectively advance specific, agreed-upon, rights-based agendas without compromising their allegiance to what Thomas calls “women’s individual female personality.”

12. Thomas, supra note 3, at 54.
13. For instance, a national women’s organization in the United States that focuses specifically on the issue of abortion rights may alienate women who feel ambivalent about, or even morally opposed to, the practice of abortion.
14. Thomas, supra note 3, at 55.
PART II: SOCIAL AND ECONOMIC RIGHTS

The second portion of the book focuses on two of the so-called “second generation” human rights: economic and social rights. The authors featured in this section, in contrast to more mainstream human rights scholars, assert that these rights are as important as the civil and political rights of the “first generation.”

In making the case for “second generation” rights, the authors in this section relate “tales from the front.” This book is at its best when, as in these stories, it details the constant struggles and occasional triumphs of women fighting for human rights.

With threats to employment security such as downsizing and outsourcing confronting many workers in the United States, it is not difficult to convince American readers that economic concerns (particularly employment-related ones) play a fundamental part in people’s quality of life. Gladys Acosta Vargas passionately and convincingly addresses these concerns from a feminist perspective. She documents the plight of women in the Colombian flower industry, and shows that every aspect of their employment—from hiring practices to benefits and working conditions—perpetuates, and is perpetuated by, gender discrimination. Acosta addresses the many obstacles workers face in their attempt to promote a safer and more humane work environment.

On a more hopeful note, Rani Jethmalani’s essay entitled Public Interest Litigation in India: Making the State Accountable tells the story of how India’s Supreme Court has developed a doctrine, which they call Public Interest Litigation (PIL), to bolster India’s constitutional guarantee of social, economic, and political justice in national institutions.


18. Rani Jethmalani, Public Interest Litigation in India: Making the State Accountable, in FROM BASIC NEEDS TO BASIC RIGHTS 123 (Margaret A. Schuler ed., 1995).
The Court has articulated its PIL doctrine as follows: “The only solution for making civil and political rights meaningful to these large sections of society would be to remake the material conditions and restructure the social and economic order so that [the poor] may be able to realize their economic, social and cultural rights.” In order to make this restructuring a reality, India’s Supreme Court has liberalized procedural rules such as standing when tackling important social issues like the right of shelter for the poor.

Part II also includes essays addressing the relationship between resource allocation and women’s rights. Some of the authors argue that “economic rights” include the right of access to governmental allocations. For instance, in Women’s Social and Economic Rights: A Case for Real Rights, Lucie Lamarche discusses the benefits of an international human rights forum “that could conclude . . . that the allocation of resources to the military, the nuclear industry or even tax exemptions for companies denies the right to equality of women and other groups . . . .”

Unfortunately, the consequences of Lamarche’s proposal are far more complex than the above quotation demonstrates. Economic and social rights differ from civil and political rights in that they may be construed as “positive” rights which require the government to act on behalf of its citizens. By contrast, “negative” rights only prevent the government from interfering in its citizens’ lives. In my view, Lamarche’s solution creates positive rights and ignores the economic effects of those rights.

Positive rights can have negative social consequences as well. As Philip K. Howard details in his book entitled The Death of Common Sense, the creation of new “rights” results in a zero-sum game. Howard states that “[r]ights . . . leave no room for balance, or for

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19. Jethmalani, supra note 18, at 126.
20. Jethmalani, supra note 18, at 128.
22. One example of such economic effects is the United States’ dilemma involving the “right” to Social Security Old Age and Survivors Insurance, which may be so broad an entitlement as to be unsustainable in its present form. See, e.g., Elizabeth Kolbert, Who Will Face the Music? N.Y. TIMES, Aug. 27, 1995, § 6 (Magazine), at 56.
looking at [situations] from everybody’s point of view . . . ”

Howard’s arguments specifically address the handicapped, but can be applied to any situation in which rights are being created:

What benefits a person with one disability may harm someone with another disability. Low drinking fountains and telephones are harder to use for the elderly or those with bad backs. High toilets make transfer easier from a wheelchair, but make bowel movements harder for everyone else, especially the elderly. Curb cuts are more dangerous for the blind . . . . Warning bumps at the edge of train platforms are good for the blind but bad for those in wheelchairs.\footnote{24}

Finally, Lamarche’s international forum is an inadequate remedy. Would such a forum be charged with ensuring that the United States’ budget was equitable? Such an idea runs contrary to the tremendous value many Americans place on national autonomy.

Margaret Schuler states that one of the aims of the book is to discuss the future of women’s rights through the establishment of an agenda.\footnote{26} However, Part II of the book offers more criticism than concrete or realistic options for achieving economic equality. For instance, Rebecca P. Sewall criticizes the capitalist machinations of the United States and related “capitalist tools” such as the International Monetary Fund;\footnote{27} Roberta Clarke and Joan French criticize resource allocation decisions in poorer nations which claim they lack the resources to provide for “second generation” rights.\footnote{28} But neither of these articles articulates a clear blueprint for action.

\footnote{24} Howard, supra note 23, at 117–18.
\footnote{25} Howard, supra note 23, at 151–52. In Howard’s examples, the rights of the disabled stem from the Americans with Disabilities Act. Howard, supra note 23, at 117. By “rights” I mean “a power, privilege, etc., belonging to one by law, nature, etc.” Webster’s New World Dictionary 515 (Warner Books ed., 1984).
\footnote{26} Margaret A. Schuler, FROM BASIC NEEDS TO BASIC RIGHTS: WOMEN’S CLAIM TO HUMAN RIGHTS 7 (1995).
\footnote{27} Rebecca P. Sewall, Reconstructing Social and Economic Rights in Transitional Economies, in FROM BASIC NEEDS TO BASIC RIGHTS 155 (Margaret A. Schuler ed., 1995).
Traditional Western liberalism in general and Western feminism in particular have yet to find an adequate way to address the intersection between cultural rights and human rights. Some Western activists and scholars who place great value on human rights remain reluctant to force Western definitions of human rights on non-Western cultures, and rightly so. However, sometimes activists and scholars fail to achieve this balance because they do not articulate their underlying assumptions. For example, the criticism of female genital mutilation often does not go beyond the instinct that some things are just wrong.

Unfortunately, as a reasoned statement of policy, “some things are just wrong” is a glaringly insufficient response to those who favor cultural relativism. Many articles in Part III succeed in conveying the complex dynamics of issues such as female genital mutilation. Particularly eye-opening is Asma Mohamed Abdel Halim’s article. Halim reveals much about why Western feminists have been unsuccessful in their efforts to eradicate female circumcision. Halim attributes this failure in part to the West’s inability to understand the ritualistic significance of female genital mutilation. She also ascribes this failure to Sudanese resentment of the West—a resentment which stems from a long history of the West’s attempts to “civilize” the Sudanese people. Halim therefore advocates a new strategy to eradicate female genital mutilation. She eschews “the closed absolutist type of cultural education that ignores the social, economic, and political change around it that are [sic] responsible.” She instead favors “[s]trategies that include legal literacy programs and human rights education at the grassroots level.” This strategy places Sudanese women in control of the discussion of female genital mutilation, while Westerners take more of a supportive or consultative role.

29. Asma Mohamed Abdel Halim, Rituals and Angels: Female Circumcision and the Case of Sudan, in From Basic Needs to Basic Rights 249 (Margaret A. Schuler ed., 1995).
32. Halim, supra note 29, at 263 (quoting T. Doleeb, Sudan National Committee on Harmful Traditional Practices Affecting the Health of Women and Children, Al-abaad al-igtisadia wal igtimaieia wal nafisia limanhangiay al adat ed dara 8 (1993)).
33. Halim, supra note 29, at 263.
As in Part II, the strongest essays are those which tell stories and provide a window into the thoughts and feelings of women living in a variety of cultures and religions. In the past, we most frequently have heard these women’s opinions filtered through their governments or Western feminist groups. The governments usually defend the status quo, saying that the women they govern are happy with their lives. Western feminists, on the other hand, assume that the women in question either are miserable or suffer from false consciousness.34

I particularly like these narratives, especially the articles written by Sharon D. McIvor,35 and by Farida Shaheed,36 because they commit neither of these sins. Instead, these articles provide the reader with case studies of, and models for, women’s empowerment. These anecdotes suggest that, in the quest for women’s rights, smaller may be better, at least for now. Grassroots campaigns for example allow women the freedom to determine their own goals and how to best meet them. These campaigns are especially effective for two significant reasons. First, native women are certainly most aware of their own wants and needs. Second, because these women also know the people and societies against which they are fighting, they are better equipped than outsiders to plan for social change.

PART IV: SEXUAL AND REPRODUCTIVE RIGHTS

Part IV of From Basic Needs to Basic Rights examines sexuality and reproduction. Specifically, this portion of the book focuses on how the patriarchal practice of viewing women as sexual objects represses women’s sexuality. A male-centered view of sexual desires emphasizes only men’s sexual pleasures, and is hostile to women’s pursuit of sexual fulfillment. Not only does such a view deprive women of sexual self-determination

34. For a discussion of feminism and false consciousness in the context of rape, see KATIE RUPE, THE MORNING AFTER; SEX, FEAR, AND FEMINISM 51–52 (1993). My own research into problems confronting Japanese women provides evidence of this dichotomy. Research on file with author. While Japanese government officials declare that Japanese women do not want careers, and Western feminists insist that they do, I found Japanese women to be somewhat ambivalent about working outside the home.

35. Sharon D. McIvor, Native Women’s Rights as Aboriginal Rights, in FROM BASIC NEEDS TO BASIC RIGHTS 267 (Margaret A. Schuler ed., 1995).

and cause harm to their psyches, but it may also lead to physical harm. For instance, Pearl Nwashili reports in her article that women in several African countries engage in “dry sex” solely because it is thought to increase men’s pleasure, even though it can lead to vaginal abrasion and a greater risk of HIV. Similarly, societies where male adultery is accepted and tolerated put women at a greater risk of contracting sexually transmitted diseases.

At the root of this patriarchal view of sexuality is the belief that a woman’s primary duty is to give birth to children. This belief significantly impacts women’s health and contraceptive technology. Nasreen Huq and Tasneem Azim provide a prime example in their essay. Their article reveals that Bangladesh’s health system actively discourages women from removing their Norplant capsules, even if the women are suffering serious side effects.

Like Part III, Part IV addresses the conflict between human rights and cultural rights in the form of religious beliefs. For example, authors Alda Facio and Laura Queralt discuss the fight of Costa Rican feminists to develop sex education manuals for use in Costa Rica’s schools, in the face of strong opposition by officials of the Roman Catholic Church.

Perhaps the best way to avoid the twin evils of cultural relativism and colonialism in the context of sexual and reproductive rights is to develop true international dialogue. Such dialogue would allow Western feminists and women of other countries to share facts and opinions with each other. This dialogue, however, should be driven by the interests and needs of non-Western women as they define them. Information and ideas should be “pulled” from the West by concerned parties in other parts of the world rather than “pushed” on them by the West. It is also important that such a dialogue be a real, two-sided exchange. Westerners must not confuse difference with ignorance, and we must remember that outside perspectives can teach us much about

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38. According to Nwashili, dry sex involves “the use of creams, herbs or other concoctions to ensure a dry, tight, vagina...” Nwashili, *supra* note 37, at 415.


our own values and beliefs. For example, Halim discusses the opinions of Sudanese women concerning the ways in which Western women conform to male standards of beauty. She remarks that many Sudanese women are appalled by Western practices such as breast implants and "eyeliner" tattoos.

**PART V: ACTIVISM TO ADVANCE WOMEN'S HUMAN RIGHTS**

Part V both highlights the major points of the book and illuminates the tensions which exist between individual feminists concerning remedies.

This portion of the book is above all a collection of extremely interesting and informative stories. Once again the reader is propelled around the globe and shown the victories and defeats of women's organizations large and small. Sunila Abeyesekera, for instance, introduces us to Mothers and Daughters of Lanka, a group of women dedicating themselves to peace and human and women's rights during a time of civil war in Sri Lanka. Another author, Verónica Matus Madrid, writes of the Chilean women's movement as one that combines a policy-oriented approach like that of the Sri Lankan women with a strong practical streak that helps train its members to work in the community at large. However, not all of these battles are successful. Irina Jirna's account of women in Russia shows the pervasiveness of stereotypes about feminists. The article also proves the thesis of Gloria Steinem's *If Men Could Menstruate*: those in power (and men in particular) will manipulate any situation or system in order to improve their own standing and oppress the less powerful.

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Conclusion

Even if failures occur along the road to women’s equality, these failures are valuable if they focus attention on the issues that indigenous women (as opposed to outsiders, however well-meaning) find most important. Many of the authors in From Basic Needs to Basic Rights write passionately about their subjects and about the need to do something. Yet simply doing something is not the same thing as doing something effectively. I find some of these authors, particularly those who write about academic subjects instead of personal experience and case studies, much too willing to try problem-solving through the United Nations.*** These situations rarely end with much success. Rather, these tales of United Nations intervention are filled with incorrectly formulated or irrelevant regulations that are enforced incorrectly, if at all.**** I believe that, as Sunila Abeyesekera writes, we must “attempt to

49. For examples of articles that involve the United Nations in at least a large part of their strategy for advancing women’s rights, see Lamarche, supra note 21, at 93–94 (arguing that pressure should be exerted on the United Nations to “define an operative means to respect the interdependence of all existing human rights” and to adopt “additional protocols granting persons and groups of persons a right of petition at the international level in the field of economic human rights”); Rhonda Copelon & Rosalind Petchesky, Toward an Interdependent Approach to Reproductive and Sexual Rights as Human Rights: Reflections on the ICPD and Beyond, in From Basic Needs to Basic Rights 343 (Margaret A. Schuler ed., 1995) (arguing that by focusing on United Nations conferences, women’s rights activists challenge “the piecemeal categorizations and formalistic strategies that have characterized the human rights field in the past” and redefine human rights as women’s needs); Celina Romany, On Surrendering Privilege: Diversity in a Feminist Redefinition of Human Rights Law, in From Basic Needs to Basic Rights 553 (Margaret A. Schuler ed., 1995) (discussing problems with previous United Nations conferences and suggesting changes for overcoming these problems in the future). For a discussion of the intersection between the United Nations and the movement for women’s rights in general, see Charlotte Bunch & Niamh Reilly, The Global Campaign: Violence Against Women Violates Human Rights, in From Basic Needs to Basic Rights 529 (Margaret A. Schuler ed., 1995).

50. See, e.g., Maureen O’Neill, Economic and Policy Trends: Global Challenges to Women’s Rights, in From Basic Needs to Basic Rights 62 (Margaret A. Schuler ed., 1995) (discussing how the Convention on the Elimination of All Forms of Discrimination Against Women is weakened by lack of a specific timetable and by states attaching reservations); Copelon & Petchesky, supra note 49, at 366 (discussing how the document emerging from the 1994 Conference in Cairo is “an important and potentially transformative step” but fails “to address the economic and political problems of privatization and unregulated ‘economic growth,’ escalating racism, sexism, homophobia and the need for alternative approaches to ‘development.’”).
place the voice of women from base communities firmly at the center of international interventions.”

From Basic Needs to Basic Rights is a very worthwhile work. While I take issue with the failure of some of the more academically-oriented authors to discuss real-world, concrete solutions, these weaknesses are more than offset by the “inside look” the book’s case studies allow us into the struggles of women the world over.

51. Abeyesekera, supra note 45, at 458.