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## Human Rights in the Era of Post-Feminist Movement: A Critical Study

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**ABSTRACT:** *The status or aim of universalism of women has been much discussed topic of feminism in the end of twentieth century or post-modern era. Feminism movement is criticized that how is injustice to be judged and condemned if contestation and the openness of ungrounded universalism are the only ideals. My aim in this paper is to explore the commitments of equality latent in feminism and its relationship to 'actually existing' human rights for women as they have been re-worked by the international feminist movement. It argues that feminism can be used to provide support for one possible understanding of equality set in the convention on the elimination of all forms of discrimination against women. So this paper is to highlight some points of gender biases, women exploitation and crimes against women and make women conversant with the basic women rights by putting the laws in action and pave the way for women empowerment.*

**KEYWORDS:** Equality, Human Rights, Feminism, International Feminism, Post Feminism, Justice.

Human rights are progressively important, in actuality and as well as in political theory, as a effect of collective interest in globalization. There is an outreached feministic literature on human rights issues, mainly written by lawyers and activists. The relative success of the international women's movement is, however, in uneasy tension with the highly developed uncertainty of universal rights in mainstream feminist political theory. Challenges to Enlightenment thought and increased emphasis on sexual difference and differences between

women mean that feminist political theorists are wary of universal rights as androcentric and ethnocentric (Phillips 1992). This paper is an attempt to think through the issues raised by human rights for women and to argue that some of these uncertainties, if not misplaced, are exaggerated with respect to the way in which universal human rights are being developed and used in practice. In particular, I shall argue that feminists should support human rights for women as part of a long term strategy aimed at achieving sexual equality.

A right is a freedom legitimizing certain entitlements out of which some are simply by virtue of being human. Human rights are based on the principle of respect and dignity for the individual. The fundamental assumption for human rights is that a human is a moral and rational being who justifies to be treated with dignity. Some theorists claimed that human rights are universal, the premise for human rights charter. However, nations or specialized groups enjoy specific rights that apply only to them, especially in multicultural societies. Human rights by definition are rights that everyone is entitled to irrespective of who they are and where they live. Human rights are conceived as law that help to protect all people from severe political, legal and social abuses. Human rights comprise among others the right to free expression, freedom of religion, right to a fair trial in case of alleged criminal offense, right not be a tortured, right to engage in political activity, right to life, etc. These rights are justified on moral and ethical grounds that exist in law at national and international level.

Women's rights movements in the last two centuries are primarily concerned with equality



or protection from discrimination. This has resulted in political, social, and economic establishing of legislative safeguards against gender and sexual discrimination. In 1928, Virginia Woolf says that,

Towards the end of the eighteenth century a change came about which, if I were rewriting history, I should describe more fully and think of greater importance than the Crusades or the Wars of the Roses. The middle-class woman began to write. (Woolf 64)

Women's rights movements date back to at least the first feminist publication, in 1792, entitled '*A Vindication of the Rights of Women*', by Mary Wollstonecraft, which is considered to be an influential theoretical justification and vindication of women's claim to equal treatment. Feminism is a movement primarily committed to questioning the hierarchical structure engulfing gender, may be the deepest of all hierarchies. Feminism is mostly misunderstood as an attempt by women to dominate, which is far from the truth for feminism is an attempt that does not seek to substitute women for men in the hierarchy but 'to overcome domination itself'.

With the respect of androcentric point of view, feminists have argued that liberal rights and human rights are very least closely related, are not universal all. Exploration of the history of liberalism clarify individual rights were imputed on male heads of household, dependent on the labour of women in the private sphere within which those rights did not apply. It is argued that, the individual of liberal rights is actually not genderneutral, the very form of the liberal law as universal means that women's specific embodiment, concerns and interests are necessarily degraded or neglected. Women's use of supposedly universal rights can only fortify male domination; it cannot bring about genuine freedom or equality for women.

However, feminist political theorists are now explained to see sexual difference as just one among others that contribute to inequalities and

domination. This understanding does not simply mean that feminists should always be aware of differences between women but also that in certain contexts some women may see their adherence to some groups of men more willingly than to other women. This is evident, for example, where women are committed to women's issues and also to struggles against structural racism in which white women may have considerable investment. This critique has particular consequences for feminist thinking about human rights in a global context. Black feminists have argued that, where Third World women are judged in ethnocentric terms to be lacking in human rights, a colonialist logic in which the construction of 'the Other' serves only to legitimate the centrality of man is reproduced (Mohanty73). It does, however, lead to questions about the appropriateness of universal rights in particular contexts, whether on the basis of cultural differences or, increasingly, in relation to particular socio-economic formations.

However since the late 1980s feminists have been influenced by 'post-foundational' analytical tools of post structuralism, genealogy, psychoanalysis, and neo-Marxism in their critical assessment of universal rights for feminist projects. These feminist critiques of universal rights have taken place alongside feminist concerns regarding the neo-colonial trappings of rights discourse and practice. However it can be asserted, that rights are central to the language and issues of justice although sometimes rights and justice are characterized as conflicting ideals. The rights based approaches to justice have been found to help connect our understanding by making equality of rights a primary requirement of any conception of justice. The manner in which rights are conceived to empower individuals directly informs the requirements we place on political institution to achieve and reflect the demands for justice. Rights can be thought of as protection, entitlements and claims, can be negative or positive, legal or moral. Having a right means having a fundamental entitlement to a certain level of capability to function that is,

having a right means being entitled to be empowered with the genuine opportunity to live a life of dignity by being able to do certain things, above a minimum threshold. The contents of rights are grounded in reasoned judgement of a species moral value generally and more specifically in our best determination of what basic capabilities must feature is an individual life so that we can reasonably say her actual life is sufficiently dignified.

Therefore, in eighteenth century, Wollstonecraft wrote *A Vindication of the Rights of Woman* in response to the French Revolution. The rise of middle-class values liberalism, humanitarianism, and egalitarianism all the values that present in Western social and political systems, led Wollstonecraft to invent of new and more powerful roles for women as well as for men. In early stage she propagates the idea of women freedom. Her feminist goal was rejected by the male dominant society, so she was up against; she recognized the oppressive architecture of that bourgeois structure so early in its construction demonstrates her extraordinary insight into the problems of her time as well as our own.

The feminist critique of rights regards the traditional liberal understanding of rights mainly individualistic, as obfuscating the real political issues and isolating people from one another. The first world feminist focus on culture, rather than poverty, as the locus of women's oppression, for example, misses out the role played by economics in the construction of women's identities and concerns in both the first and the third world. More significantly, because of a history of colonialism and economic and political exploitation, when initially the world feminists made their aim to save brown women from cultural oppression imposed by brown men, they were deeply implicated in the eyes of the third world. Just as feminist critics claim that Western society is inherently patriarchal, so are its languages, meaning that our language can better express the "masculine" than the "feminine." Thus, for a woman to speak of the

"feminine," she must attempt to work around the language's inherent masculinity:

The challenge facing the woman today is nothing less than to 'reinvent' language . . . to speak not only against, but outside of the specular phallogocentric structure, to establish a discourse the status of which would no longer be defined by the phallacy of masculine meaning. (Felman10)

It is assumed that a feminist critique of human rights theory is separation of the 'private' and 'public', a distinction that roughly corresponds to the governmental and non-governmental in contemporary parlance. John Locke denies the legitimacy of the divine right of kings without challenging patriarchal familial structure. The patriarchal authority was thought to be divine, political power was deemed to emanate from the governed. A separate sphere of approach referred women to the home, away from the political institutions that make policy and away from a substantial role as well in other 'public' institutions that determine the nature and quality of life in a community. John Lock also rendered that women are the subject of control in patriarchal familial authorities fathers, brothers and husbands with the understanding that familial matters are 'private' and, therefore, beyond the scope of governmental authority and intervention. This resulted in physical and sexual harassment of wives and children throughout the world.

Feminist approaches lead us to ask particular questions and to challenge certain institutional arrangements, suggesting pragmatic and inductive methodologies in seeking answers. The consequences of this analysis and the alternative visions of society that it engenders might be quite profound and ultimately as relevant to men as to women. Feminist criticize that, the term 'rights' emanates from the perspective of its coverage. The coverage can be divided into three types:

- i) Public and private sphere;

- ii) Individual choice and community interest; and
- iii) Formal and substantive equality. Feminist critiques claim that the laws are restrict women's right and freedom by limiting their participation in the public sphere, while claiming the need for the women's huge involvement in the domestic sphere.

The constitution of India declares that India to be a sovereign, secular, social democratic, and republic, guaranteeing its citizens of justice, equality, and liberty and endeavours to promote fraternity among them. Six fundamental human rights are mentioned in the constitution of India such as right to freedom of expression, right to equality, right against exploitation, right to freedom of religion, cultural and education rights, right to constitutional remedies, irrespective of caste, gender and class. But in reality, the Indian society and culture is far away from these rights in which the rights of women are partial. If we have a look at the past history of India, we notice *Sati* custom and early *Child marriage* were practice in Hindu religion and many of cases that are continuing in the present. These practices were deprived the women rights. In India, it is observed that the women are considered as second class citizens whose main purpose of life is to take care of their husbands, children and other members of their husbands' family. In India, blatant and brutal gang rapes occur frequently in many states such as Delhi, Haryana, and Uttar Pradesh are example of these incidents. There are also cases of acid throwing, domestic violence stemming out of dowry, rape, harassment, molestation which are the complicated part of the Indian society. In India, women are deprived of their education because their parents think that it is unfruitful to impart education to girls and they are exploited in public and private centred and are forced to have physical relationship with their bosses and also they are also poorly paid in these sectors. The conditions of women is even worse in the villages and Dalit community where they are deprived from most of their rights such as

freedom of expression, equality, right against exploitation and educational rights.

Feminist critiques of human rights claim that human rights are universal but they argue that in practice the universality of rights of women is not realised, in fact women are not even included as a 'human' with human rights. The slogan 'women's rights as human rights' and variations on the same theme reflect the situation, if human rights are really universal, claim feminists, women's right must also be guaranteed. Women rights do not stem from contracts or agreements but they result from the recognition of what women are and from the consciousness of women's rights mentioned in the Constitution. It is necessary to highlight these basic women problems and make them conscious about their basic rights by showing how constantly they are denied and limited in the enjoyment of the basic rights.

Finally, feminist commitment to de-gendering may mean making difficult judgements against supporting movements which conflict with women's human rights, regardless of whether women are involved in them or not. Such hard decisions increasingly arise as some form of multiculturalism becomes official policy in many liberal democracies. Katha Pollitt has put it, 'multiculturalism demands respect for all cultural traditions, while feminism interrogates and challenges all cultural traditions' (Pollitt 27), support for women's rights as human rights may well come into conflict with multicultural claims for group rights. It is uncontroversial to argue that, in principle, cultural movements demanding human rights that are implicitly damaging to women's individual human rights should not be supported, though in practice decisions may be more difficult where women themselves share the dominant views of the 'community'. It is surely the case that the project of constructing and sustaining transnational human rights culture is incompatible with the denial of all multicultural group rights, not only for reasons of justice, but also for pragmatic, strategic reasons.

The purpose of my paper is an attempt to prove that feminist's critiques not just that extending



human rights to women is compatible with commitments to anti-essentialism and anti-foundationalism, but that it is strongly suggested by the deconstructive equality that these commitments imply. Deconstructive equality is implicit in feminism movement, it is important to be clear about this commitment and the consequences for feminist political theory and practice. Acknowledging deconstructive equality as the implicit goal of feminism counters the allegations of its critics that attention to 'difference' brings feminism all too close to 'indifference'. Once the goal of equality is taken seriously, it is clear both that a progressive human rights culture should be supported as a feminist project and also that there are limits to the interpretation of human rights that should then be endorsed. This paper will be exploring the philosophical implications of human rights and women's deprivation.

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