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ETHNOCENTRISM AND FEMINISM: USING A CONTEXTUAL METHODOLOGY IN INTERNATIONAL WOMEN'S RIGHTS ADVOCACY AND EDUCATION

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In the 1990's, international human rights discourse included a disquieting debate about a perceived clash between universal human rights and respect for culture. Nowhere did this debate play out more vigorously than in the area of women's rights. This debate was troubling.

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1. Universalism is the belief that "international human rights like equal protection or physical security or free speech, religion and association are, and must be the same everywhere." INTERNATIONAL HUMAN RIGHTS IN CONTEXT 192 (Henry J. Steiner & Philip Alston eds., 1996).


Many women had banded together as part of a global women's movement to invade the international human rights arena. That this movement might be seen as imperialistic concerned many of us who worked on international women's issues. A global glance at the status of women continues to reveal a universal truth: women, particularly women of color or women of minority racial groups, experience subordination across borders, across cultures and across social groups or classes. The devaluation of women is evidenced by the aborting of female fetuses and killing of female babies in China and India. The reproductive control of women is severely limited in many other countries. Young girls in Africa, the Middle East and elsewhere experience female genital surgeries. Aboriginal women in Australia suffer violence from outside and within the aboriginal community, yet are wary about the feminist movement because of the history of racism and colonialism. Women of color in the United States face dis-


10. See Penelope E. Andrews, Violence Against Aboriginal Women in Australia: Possibilities for Redress within the International Human Rights Framework, 60 ALB. L. REV. 917 (1997); Larissa Behendt, Aboriginal Women and the White Lies of the Femi-
criminalization in employment while immigrant women experience horrific exploitation. Black women in South Africa struggle to attempt to achieve racial and gender justice. Domestic violence is prevalent throughout the world. International trafficking of women is shocking in its reach. Middle class women in the United States complain of a gender gap in wages and inadequate day care, without thinking about the fact that their lifestyle relies directly on the exploitation of poor women and women of color who are their housekeepers and nannies, and work in factories under exploitative circumstances. Global statistics on poverty reveal that women are more likely to be poor than men.
The international feminist movement has been instrumental in pointing out injustices and advocating that they be remedied. However, their advocacy has been challenged as, at a minimum insensitive to culture, at its worst western imperialism. International law has been criticized for ignoring women's voices and for being insufficiently sensitive to issues of race and culture. Women of color find themselves in a unique position when confronting international law issues such as feminism, race, culture, and human rights. That is, as women we are aware of oppression and the need to work for human rights for women. However, as members of distinct cultural groups we experience western cultural hegemony as we struggle to preserve our cultural values.

The United Nations has responded to global concerns and attempted to focus attention on injustice toward women and racial minority groups. The Convention on the Elimination of Discrimination Against Women (CEDAW) provides for universal human rights for women.


19. The irony of dominant feminist theory, however, is that while it has shed light on patriarchy and limited worldviews of using only male perspectives, and while it has tried to open itself up to the voices of women of color, it has had difficulty with its own version of ethnocentrism. Feminist ethnocentrism is a very subtle issue and difficult to discuss. However, as feminists address global issues and issues of importance to people of color, its limits become more obvious and potentially more dangerous. We have an obligation to examine our own biases.


23. Feminist theory has been a vibrant addition to academic discourse. It has raised consciousness, questioned prevailing assumptions and brought important perspectives into standard canons. It is widely accepted as a legitimate field of academic discourse and outstanding feminist theorists are reaping the rewards of becoming respected academics in their chosen field. Grassroots feminist advocates have had a tremendous impact in improving women’s lives. Feminists have moved to the international stage and have made an important impact. The movement will be strengthened by adding to voices of women of color from around the world.


CEDAW attempts to address the problems of discrimination on the basis of race.\textsuperscript{26} However, the organization insufficiently addresses the needs of women of color around the world. The desire to respect unique cultural values further complicates the fight for advocacy on behalf of women of color. I believe that women of color experience this tension vividly because we experience the need for human rights, the desire to eliminate racism and the need to nurture our cultures.

I have proposed a method of comparative analysis that respects culture by contextualizing analysis of women's issues.\textsuperscript{27} I believe that we can help women around the world improve their lives while retaining their cultural values and identity. We can use comparative law as a tool to help identify laws that successfully address women's needs and those that do not.\textsuperscript{28} comparative theory does not posit an evaluation of the law determining which law or legal system is "better." Rather, comparative theory can illuminate differences based on systemic and cultural diversity.\textsuperscript{29} Understanding these differences can help us understand how best to use law to improve women's lives.

When I travel, teach, live and work in Mexico I am very aware that while I look like my Mexican sisters, I am very different in my cultural context. In the United States I feel like a Mexican.\textsuperscript{30} But in Mexico, I definitely feel like an American.\textsuperscript{31} The ironies of not fitting in as an Anglo American do not escape me. However, I find that I notice how

\begin{itemize}
\item \textsuperscript{27} Antoinette Sedillo Lopez, \textit{Comparative Analysis of Women's Issues: Toward a Contextualized Methodology}, 10 HASTINGS WOMEN'S L. J. (1999).
\item \textsuperscript{28} Id.; Nora V. Demleitner, \textit{Combatting Legal Ethnocentrism: Comparative Law Sets Boundaries}, 31 ARIZ. ST. L.J. 737 (1999) (describing ways postmodernism, law and race, feminism and economics theories can be used by comparativists to help in understanding different legal systems).
\item \textsuperscript{29} Nora V. Demleitner, \textit{Combatting Legal Ethnocentrism: Comparative Law Sets Boundaries}, 31 ARIZ. ST. L.J. 737, 762 (1999).
\item \textsuperscript{31} No matter what our status in the academy, and within the United States, on a global level we are privileged as citizens of the United States. Our immigrant sisters can open our eyes to the many things we take for granted as United States citizens.
\end{itemize}
women are treated differently in both countries. My status as "other" in both countries helps me see things about each culture that are invisible to those within the culture. However, I cannot pretend to speak for my sisters in Mexico. I am not one of them. While I can interact with them, learn from them, partner with them, I will always be an American—a gringita to them.

Gloria Anzaldúa uses the concept of "borderlands" as a metaphor to describe the multiple consciousness of women of color. Inhabitants of the borderlands internalize multiple sources of oppression and have multiple perspectives. While living in the borderlands can be challenging, it can also be the source of strength, power and problem solving. Because inhabitants of the "borderlands" can perceive multiple perspectives, we can be good comparativists.

Academics of color are developing international theories that strike a balance between western concepts of universal rights and respect for culture. In addition, they are pointing out the shortcomings of liberal western thought and proposing theories that are more nuanced and sensitive to the needs of marginalized and oppressed individuals. They take a look at the status of women of color from the bottom up.

As feminists, we seek a world where women can develop to their fullest potential. We seek a world where all women's voices and perspectives blossom and contribute to society. What are the minimum requirements for women to thrive? Using the insights from critical race feminism and contextual comparative theory, global advocates can minimize ethnocentrism and understand how best to advocate for an improvement in women's lives. A contextual comparative theory can be used to see


33. See ELIZABETH V. SPELMAN, INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT, at ix (1988) (stating that the endeavor of defining "women as women" or "sisterhood across boundaries" is the "trojan- horse of western feminist ethnocentrism").

34. For examples of critical race theory scholarship, see generally CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al. eds., 1995); Kimberlé Williams Crenshaw, Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law, 101 HARV. L. REV. 1331 (1988).

how women's rights work or do not work around the world. It can help us answer questions like why does Mexico have an Equal Right Amendment but outlaw abortion? Does protective legislation limit or improve women's opportunities?36

The Convention for the Elimination of Discrimination Against Women37 and the Convention for the Elimination of All Forms of Racial Discrimination (CERD)38 are two International Documents that have potential as tools of advocacy and education in addressing the needs of women of color in the United States and around the world.39 The United States has never adopted CEDAW and recently adopted the CERD with substantial reservations,40 so in the United States, they serve only as tools of advocacy regarding international standards. In advocating for women's rights around the world, a global critical race feminist comparative approach can help advocates use these international documents as tools of effective advocacy to improve women's lives across cultures while minimizing feminist ethnocentrism.

The most obvious limitation of the CEDAW for all women in this country is the United States' failure to ratify it. Nonetheless, it can still be used as a tool of advocacy as an international norm. The CEDAW attempts to create a universal standard for women's rights. The CEDAW prohibits discrimination "in the political, economic, social, cultural, civil or any other field".41 In addition, it requires states "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against


38. The United Nations General Assembly unanimously adopted the Convention Against Discrimination in 1965. Signed by the United States in 1966, it was not ratified until 1994. With its ratification, the United States took Reservations Understandings and Declarations which limit the rights and obligations flowing from the treaty.

39. International law can be used in the courts in litigation as a direct application of a treaty to which the U.S is a party, as an interpretive guide, and as customary international law. In forums outside of litigation, International law is an international measuring stick to determine how a country’s law and society compares to international norms and in Congress, legislatures, in agencies and the media; see Anne Fagan Ginger, The Energizing Effect of Enforcing a Human Rights Treaty, 32 DEPAUL L. REV. 1431 (1993).


women" and grant women rights to be free from discrimination in the family. Article five requires states to make efforts to change their culture where necessary to protect women's rights. Many nation states, particularly those with the worst records in women's rights, took reservations to the convention. Because the Convention requires nation states to change their culture to eliminate the idea of superiority or inferiority of the sexes, global advocates should learn to understand cultural context. Only by understanding cultural context can the document be used to teach women about the need for a change in culture. Cultures are fluid, but lasting change comes from within a culture not from outside.

The Convention on the Elimination of All Forms of Racial Discrimination has been interpreted in ways that may limit its usefulness in advocating for women of color. As many women of color have pointed out, anti-discrimination law posits formal equality. That is it insists that all be treated evenly, but does not take into account unique situations faced by women of color. Feminists of color have described the intersection between race, gender and class in the subordination of women. Using the theories developed by African American feminists, Lisa Crooms has identified the ways in which the Convention Against Racial Discrimination might be used to abandon the principles of formal equality and the diversity of ways in which people of color are discriminated against and disadvantaged. By using theories of women of color to interpret the document, Professor Crooms offers ways of expanding its usefulness in advocacy.

In using both the CERD and CEDAW as tools of advocacy to address subordination issues facing women around the world, the approach I have suggested in comparative legal analysis can help to understand the most appropriate use of these documents as tools of education and of advocacy.

The first step is to examine and understand the cultural context. Prior to any type of advocacy or education, one should review history, literature, ethnography, interview and personal experiences. In addition, demographic, social and educational data can enhance understanding of

42. Id. at Art. 16.
43. Id. at Art. 5(a).
44. For example, Bangladesh, Egypt, Iraq, Morocco, Libya, and Singapore have reserved from Articles 2 and 16 of the Women's Convention while Tunisia and Kuwait have reserved from Article 16; see Meeting of the States Parties to the Convention of the Elimination of All Forms of Discrimination Against Women, 9th mtg., Provisional Agenda Item 7, at 13-39, U.N. Doc.CEDAW/SP/1996/2 (1996).
the country and culture in which the international documents will be used.  

The second step is to understand the legal context. In some countries legal reform is accomplished primarily through legislation; in others, the executive/administrative branch is most responsible. In some, the court system can be an effective mechanism to accomplish legal reform. In some countries, legal reform may have more of an impact on the citizenry's lives than in others. In countries where legal reform is unlikely to affect the citizen's lives, educational programs are likely to more effective so resources should be put there. In most countries both educational and legal reform are necessary to change views about women's roles.

Finally, insights from critical race theory, feminism, cultural studies are helpful in considering how best to pursue an agenda for women. The main lesson is that the women and minority groups within the culture should define for themselves the reforms that are necessary to improve their lives. Many of the lessons from critical race theory, feminism and cultural studies center around self-determination and education. Further a global critical feminist approach can help identify issues that might otherwise be overlooked.

In using the CEDAW and the CERD to advocate to improve lives, we should not impose our values on others. Rather, we should help to empower them to chart their futures for themselves. International advocacy can help us band together across different political, cultural and racial contexts to identify our common quest for improving the quality of life and seeking justice for all and ensuring that women have the opportunity to thrive and create meaningful lives for themselves.

46. Sedillo Lopez at 353-354.
47. Sedillo Lopez at 357.
49. Id.