Empowerment or Estrangement: Liberal Feminist Legal Theory, Muslim Feminist Translations, International Human Rights and Progressing to the Third Wave

In this paper, I argue that Liberalism links the three “waves” of feminism in the United States in so far as they all subscribe to a narrative of “progress”. This narrative is inherent in Liberal Enlightenment thought and because it has been deployed historically as a justification for imperial subjugation that subordinates rather than liberates. In order to reveal this shared ancestry, I compare the Liberal narrative of progress and the lack of civilizational maturity used to justify the denial of Indian subjects’ right to representative government to the Liberal Feminist narrative of progress which prescribes an evolution that takes women through individual rights, formal equality and culminates in the third wave “reclamation” of expressions and behavior that was considered by prior waves to be “oppressive”. Yet, just as the question of imperial subjects’ ability to mature and participate in self governance remained a lingering question for Liberal theorists, the question of the extent to which feminism from “alien” cultures and religions can progress to and fully participate in the third wave also remains open. For instance, when Muslim women demand rights that seemingly subordinate their individual rights or subvert formal equality in contravention of Liberal norms and against the narrative of progress, they are not seen as reclaiming the oppressive, as in third wave feminism, but rather reifying their oppression.

Though Liberal feminism has no vehicle of its own by which it can export its narrative, I argue that it has found a serviceable means of conveyance in the form of international human rights. Thus, the extent to which Liberal U.S. feminism aligns and allies itself with international human rights to export its narrative of progress, it involves itself in a project of subordination rather than empowerment. As such, I consider also the implications of the deployment of international human rights for transnational organizing. I contend that for Muslim feminists committed to empowerment, such alliances by U.S. Liberal feminists can result in estrangement by creating barriers to deep transnational connections to an important theoretical and activist community.

There are two further questions prompted by this analysis that the paper will attempt to answer. First: Is there a way in which women can organize around transnational issues without exporing the narrative of progress through international human rights? And second: How can Muslim feminism become part of the third wave? Both answers are suggested by feminism and anti-subordination work as practiced and theorized in the “periphery” of the global order. By looking at local movements in contexts not informed by Liberal political and legal theory, I suggest that we can get a glimpse of an alternative view of transnational human rights. As to the second question, a possible way to order the relationship among feminists with divergent commitments is suggested by the philosophy of Mahatma Gandhi. Gandhi’s philosophy, shaped by his experience with Indian communal/sectarian politics, comprehended the idea of difference as natural and perhaps even desirable. Rather than attempting to assimilate differences through progress, development, rationality culminating in a civilizational and epistemological universality, he suggested that differences can be negotiated through “friendship” in a way that allows feminists to be aligned with each other without having to internalize particular philosophical worldviews of human flourishing such as Liberalism. This allows for transnational work to be undertaken without the estrangements that Liberal judgments of the “other” inevitably produce. If we fail to disrupt the narrative of progress, transnational alliances among women will remain weak.