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Feminisms *of* Discontent



GLOBAL CONTESTATIONS



edited by
ASHLEIGH BARNES

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Foreword

If there is one main lesson to be learned from the long history of feminist struggles for change, it must surely be the importance of casting the gaze of discontent back onto feminism itself and remaining attentive to the (unintended) detrimental effects that feminist movements for change can have. Yet, as argued in this groundbreaking collection, the dominant strands of feminism, circulating globally today, have become detached from the life-sustaining force of critical self-reflection. In consequence, a great deal of what gets done in the name of feminism has lost touch with its critical history of attentiveness to context, complexity, and its own propensities for complicity in imperial and other 'civilizing' missions. As feminism has gone mainstream, the imperative of feminist discontent seems to have been displaced by the lure of respectability and the reward of inclusion. Reviving feminism's lifeblood of discontent is the dream of this collection and readers are offered many provocations and alternative taxonomies to help make this dream happen with alacrity and passion.

It is significant that the contributors came together in India to explore feminisms of discontent in the context of law. What brought them together was a conference held by the Centre for Women, Law and Social Change at the newly established Jindal Global Law School in Haryana in 2011. This location—on the

periphery of Europe and at the centre of breathtaking economic and social change—ensured that Indian and post-colonial feminist perspectives occupied the conference heartland. In the course of reading this volume, it soon became clear to me that this coming together gave electrifying new life to feminist discontent and signals the emergence of exciting new theoretical paradigms.

The primary targets of the discontent expressed in this volume are particular currents in feminist theory and practice, variously identified as 'subordination', 'dominance', 'structural', 'governance', 'cultural', and 'carceral' feminism. These currents are influential in 'Indian' feminism as well as in 'western' feminism, though for a different constellation of reasons. By identifying the problems with these currents, this collection makes a significant and much-needed contribution to the project of contesting their dominance. The contributors are broadly united in their view of the dangers of feminist analytics that rely on the singular lens of dualistic (sometimes even naturalized) understandings of sex/gender and assume the inevitability of women's subordination and the harmfulness of (hetero)sexuality for women. Such narrow and self-referential feminist paradigms have not only failed to offer persuasive appraisals of contemporary international problems; they have also proved to be highly amenable to serving and legitimating neoliberal and neoconservative projects. That some feminist endeavours are more susceptible to serving counter-feminist power than others, because of their dogmatisms and blind spots, is not a new insight. What this volume adds, however, is a compelling sense of urgency to resist, challenge, counter, and dislocate the strong influence of these strands in feminist thinking.

As I read my way through the volume, the momentum of my own discontent grew as contributors, over and over again, illustrated the inadequacies of feminist responses to a host of contemporary controversies including the sexual abuse allegations directed at Wikileaks founder Julian Assange, the 'Slutwalks' that were organized around the world to protest the view that women 'should avoid dressing like sluts' if they want to be safe, and the involvement of women prison officers in the routines of sexual abuse at Abu Ghraib in Iraq. Other contributors focus on analysing the broader context within which these debates are situated,

urging a richer and deeper feminist engagement with contemporary developments, like the neoliberal privileging of 'freedom' over 'equality', the disappearance of politics in the rise of technocratic ordering and control of our lives, and the taken-for-granted Europeanness and anthropomorphism of humanism's underlying assumptions. Together they urge a resurgence of feminist discontent that insists on reading these events in the context of their larger setting, taking account of intersecting relationships of race, caste, sexuality, religion, class, ethnicity, and disability, incorporating broader analytical frames offered by postcolonial and queer theory and centring a concern with redistributive goals.

Discontent has always been the life-blood of feminism. This has kindled feminist solidarity and vision, as well as disagreement and division. As a diverse movement, we are dependent on all these products of discontent to challenge and shape our analyses of present realities and our visions of the future. Long live feminisms of discontent.

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Introduction

Discontenting Feminism

ASHLEIGH BARNES

The conference 'Feminisms of Discontent' was held in 2011 to grapple with the discontent shared amongst certain feminist scholars regarding the political project of feminism. Questions engaged with at the conference covers issues such as the place of feminism in the legal arena, the market, as well as its role in 'victim politics', neo-liberalism, and religion. For example, has the era and thus the efficacy of feminism ended? Should feminism cede, for example, to queer or post-colonial scholarship in the search for new ways to think about political and legal transformation? What does 'queer' and/or 'post-colonial' scholarship have to offer that can avoid some of the traps that have produced the discontent in feminist thinking? How can feminism engage law in ways that can be transformative? Or is there still work that can be done, needs to be done or that is being done by feminism? Gender? A queer post-colonial feminism? What is the 'added value' of these scholarships and how can they avoid being yet another hegemonic project and retain its critical edge, especially in the legal arena? The conference and now this book

explore various sources of discontent, as well as the casting of such discontent as negative.

While terms such as 'gender justice', 'access to justice for women', or 'women and law' continue to be the focus of feminist activism—there seems to be a sense of nostalgia for the past, a longing for the 'golden era' of feminism. Brenda Cossman notes in Chapter 1 that the heady days of feminist critique and theorizing have given way to attrition, atrophy, and even outright abandon. She argues that once engaged feminist scholars have seemingly moved on to greener pastures. In this way, feminism as a whole appears to be discontent. Apparently, we even need to take a break from it (see Halley 2008).

Nonetheless, it seems that such a break requires, not respite from the entire project of feminism as such, but rather a break from a certain brand of feminism. Maybe feminism needed a break because the focus of feminism—gender/sex—too often results in an essentialism of both female/male, and who are dominated (females)/dominators (males). Third wave feminism has recognized that 'feminism' as a project has been exclusionary, despite its emancipatory claims (see Kapur 2005; Spivak 1987).¹ We simply cannot claim as Catherine MacKinnon famously did that she was 'here to speak for those, particularly women and children, upon whose silence the law ... has been built' (1987: 198, 204). Claiming to speak for all women and even children is surely a persuasive call to arms. It is grand. It is also exclusionary. In this way, feminism has revealed the 'dark side of [its own] virtue' and has become complicit in the marginalization of certain women, despite its emancipatory claims (Kennedy 2004).² Judith Butler (1990: 4) argues that,

[t]he premature insistence on a stable subject of feminism, understood as a seamless category of women, inevitably generates multiple refusals to accept the category. These domains of exclusion reveal the coercive and regulatory consequences of that construction, even when the construction has been elaborated for emancipatory purposes. Indeed, the fragmentation within feminism and the paradoxical opposition to feminism from 'women' whom feminism claims to represent suggest the necessary limits of identity politics.

Even if one escapes this trap set by the exclusive focus on gender/sex and rejects the essentialized unitary category 'woman', feminism then loses its grand theory and as such much of its political purchase. It seems that there is this understanding that an essential united identity postured against some essential united form of domination, yields one, the floor, the space to have a voice, or as Butler has said 'you've achieved recognition, status, legitimation; and that is the end of your struggle ... becoming sayable is the end of politics'.³ Maybe then it is not feminism itself that is discontent; but rather certain feminists—longing for the 'grand' and radical, but finding only the 'local' and 'non-essentialist' as a viable political project. The discontent about current grand feminist projects sets in, and at the same time so does the fear of being immobilized by a non-essential identity politics as we grapple with the difficulty of envisioning such politics. Who is 'us' and who is 'them'?

Yet the key to political struggle is to fracture the limitations imposed by normalizing identity categories, even and maybe especially those imposed by feminism itself. This fracturing is precisely a source of discontent and at the same time provides hope for a more inclusive political and legal engagement. Dianne Otto has argued that by not 'seeking and maintaining unity at all costs against monolithic understandings of domination', a coalition relies on the possibility of dialogue across vast differences in power and knowledge (1999: 34). In this way, her concept of coalition gives up 'the desire and the apparent safety of certainty and prescription', as well as arguably at least some political purchase, and learns 'how to live and act so that differences and incommensurabilities can inform and contest the practices of individual identities and collective solidarities' (Otto 1999: 34–35). Butler argues that universals/identities or as Otto calls coalitions can be affirmed in too far that they are 'empty' when they are said, but given meaning when applied and redeployed in ways that cannot be fully anticipated.⁴

What then can be taken from feminism and post-modern insistence of non-essential political identities? In Chapter 1 Cossman argues that feminism has developed an expertise in analyses that continues to have purchase; that can be and are put to use in

contemporary discourses. Feminist analysis has been and continues to be called upon to critique other essentialist projects, such as colonialism and heteronormativity, and will continue to open up space for excluded voices. Further, Cossman urges a move from criticism, in other words fault-finding, to critique, in other words, 'the attitude, the art, the will not to be governed like that, not in this way, not at this price, not by them'. Cossman argues that feminism, as an intellectual project, needs this disruption and disorientation.

Viewing feminism as a mode of analysis or critique, as Cossman urges us to do in Chapter 1, enables such analysis to be used against feminism itself and how 'we' is defined. If feminism is not about finding fault with some essential united form of domination, feminism itself can continually be broken down for its own exclusions. This disruption and disorientation through critique has opened and continues to open up two possibilities: (1) critique of feminism's own exclusionary practices and blind spots, as well as (2) a mode of analysis along other identity categories outside of gender, for example, hetero/homo (as has already been done) or adult/child.

While the grand and sweeping theories of feminism surely have political purchase, the exciting work of feminism seems to be in its methodology developed over decades by some remarkable academics. What now becomes the work of feminism is the application of a particular feminist methodology—asking basic questions about who is served by a particular set of politics. The chapters of this book demonstrate this engaging work, whether applying such questions to feminist campaigns or to other identities categories. Section I, includes chapters that engage with feminism itself.

In Chapter 2, Ratna Kapur examines the 'Slutwalk' campaigns around the world and queries whether they advance or limit feminist legal politics. Rather than offering a transformative or revolutionary politics, the Slutwalk is a form of feminism 'lite' or a clearing gesture enabling the possibility of feminist theoretical positions to emerge that have hitherto been marginalized or ignored in feminist legal advocacy. Kapur contends that this 'space clearing' is a cyclical process rather than one based on end

goals and outcomes. It's about constantly engaging in critique for the purpose of space clearing and to ensure that the conceit that turned feminism of a certain kind into a self-righteous proselytizing project is finally laid to rest, while newer incarnations are allowed to flourish. This space clearing or disruption and disorientation, enable the feminist project to be 'open-ended'. The effects of campaigns such as the 'Slutwalks' are 'empty' when they are said, but given meaning when applied and redeployed in ways that cannot be fully anticipated.⁵

Kerry Rittich examines in Chapter 3 the framework through which equality and freedom have been approached. Rittich notes that much of feminist engagement has depended upon foundational assumptions about the role of the state, the possibilities of law, and the social contract as means through which equality and inclusion are to be achieved. She urges us to examine our preoccupations and blind spots, such as a focus on public law and constitutional and human rights. Her discussion highlights the enormous costs and benefits at stake in the area of economic governance.

To begin thinking about applying a feminist critique to particular versions of feminism that are exclusionary, in Chapter 4 Margaret Thornton examines how the acceptance of neoliberalism (and its adulation of the market, competition, the private accumulation of wealth, and the promotion of the self) has contributed to gender inequality. Thornton argues that religious fundamentalism and neoliberalism enable patriarchal imperatives in the name of freedom from regulation, including anti-discrimination laws. As such, feminist scholars have accorded less attention to the rise of religious fundamentalism out of misplaced deference for individual free choice. According to Thornton feminist reliance on the neoliberal state and its protection of patriarchal imperatives in the name of freedom induces a sense of melancholia.

In Chapter 5 Lakshmi Arya investigates certain foundational concepts that underlie Western feminist theory—concepts such as normativity, selfhood, and action—and how they inform its political horizon of emancipation. Further, she questions whether these concepts have salience in other, non-Western cultures. Have these precepts and the possibility of emancipation

they engender informed the feminist horizon in cultures such as the Indic too, and to what effect? Arya relies on the Mysore archive to ground this inquiry. She contends that ethnographic material for the nineteenth to mid-twentieth century Mysore shows that there were a plethora of practices in Mysore that exceeded normative social arrangements of marriage, inheritance, divorce, and fidelity. Arya inquires what these practices tell us about ways of life in Mysore and whether these ways of life defy the absolute 'oughts' and 'ought-nots' of normativity? Does the 'adulterous woman' exist as an absolute category in Mysore, as she does for Western feminism? Arya contends that so far (Western) feminist politics has largely posited its praxis as emancipation from normative prohibition. She raises the questions of whether Indian feminism derived these frames without theorizing the specificities of the Indian context seriously and how these questions can be re-thought.

Section II turns the focus to explore the application of feminist critique to other identity categories. As an interesting note, if feminism only promoted a critical approach to gender, it has, in my opinion, done some amazing work. Yet, as I sat in on a renowned feminist international law scholar's presentation of her response to Halley's *Split Decisions* (2008), I was surprised. After her presentation, the usual discussion took place of whether sexism still existed/whether feminism was necessary. This was unsurprising. Then, one academic asked something to the effect of, 'do you think feminism is selfish in a way, as it only applies to women, whereas the law or other methodologies are more global in their application'. Outside of the 'deconstructing gender necessarily involves deconstructing masculinity' and the 'are the law and mainstream methodologies engaging with law global at all' responses, another colleague noted that in his field of expertise, law and sexuality, feminist mythology was foundational. My own work with the identity category 'child' exclusively relies on a feminist deconstruction. Feminism has had a tremendous practical and theoretical impact on notions of gender. While engaging with feminism as seen in Section I remains incredibly important and more than 'enough', indeed feminism has impacted much critical thought outside of gender. Section II aims to explore the

ways in which feminist critique has been exported outside of the category 'women' and applied in other contexts.

In Chapter 6, I employ a post-modern feminist lens to examine and critique the identity of the 'child' in the UN Convention on the Rights of the Child (CRC). This chapter argues that the CRC's articulation of the category 'child' is exclusionary. Several childhoods in the west and in the global south contradict the CRC's vision of childhood as a period of irresponsibility/immaturity and the CRC's vision of the family as responsible, happy, and safe. Not only does this genealogy reveal international law's difficulty with imaging difference, but also the politics in choosing one 'child' as deserving/unproblematic and all others as undeserving/problematic.

In Chapter 7, Vasuki Nesiah utilizes a feminist critique to investigate the configuration of the identity category 'victim' of human rights catastrophe as a window into the transitional justice field and 'the crisis imagination'. Nesiah argues that the visibility of the 'victim' in the transitional justice field is structured through the interplay between *icons* and *measures*, between discourses and practices that venerate the category of victimhood as the sacred on the one hand, and discourses and practices that situate victims in the verification practices of governance and social science on the other. She notes that truth commission procedures perhaps best embody this duality in the structure of visibility laying emphasis on both the iconic image of victims conveying a sacred truth through their testimonies, and their incorporation into databases, surveys, indicators, and other measurement practices to enable a verifiable account regarding patterns of victimization, victim priorities, or the efficacy of such mechanisms. Victims emerge in sanctification practices as carriers of individual injury, telling depoliticized stories of personal experiences of human rights violations. With measurement practices, Nesiah contends that areas that were once regarded as political are now coded as expert knowledge; issues that were previously contested as ideological are now legitimated as good governance.

In Chapter 8, Maneesha Deckha contends that postcolonial feminism has highlighted how gender works in conjunction with other markers of culturally constructed difference (culture, nationality,

race, class, sexuality) in Othering processes. Yet, she argues that both western feminist theory and postcolonial feminisms have accepted a masculinist and colonial human/nonhuman binary. Deckha argues that to further its critical and anti-essentialist engagement with the complexities of gendered Othering processes and bring about social change, feminism must adopt a posthumanist sensibility.

In Chapter 9, Aziza Ahmed notes that feminists approach questions of war, the consequences of war, and equality within the military from a diverse range of perspectives. Ahmed argues that some feminist projects have willingly or unwillingly supported the erasure of Muslim men as victims of the war on terror. She explores the assertions of 'anti-imperialist feminist scholars' who critique 'imperial feminism' for its support of the war on terror alongside the proposition by queer theorists that feminism's reliance on male/female subordination has the potential to not only obscure harm in times of war but also perpetuate it. Ahmed focuses on the Abu Ghraib prison photos that depict, in part, female soldiers torturing male Iraqi prisoners. In conducting this analysis Ahmed reveals the analytical limitations of dominance and cultural feminists, particularly with regard to male harm at the hands of women.

In Chapter 10, Arvind Narrain raises similar questions and critiques for 'queer politics'. In the light of the decision of the Delhi High Court in *Naz Foundation v. NCR Delhi*, Narrain questions the focus of a queer politics. He asks whether the task of queer politics is just to press for the inclusion of citizens discriminated on the basis of their gender and sexuality within the existing democratic framework. Alternatively, Narrain questions whether one can take a step further and argue that there are implications of the queer perspective for the larger question of democratic practice. Using the example of the challenge to Section 377 in contemporary India, Narrain argues that a queer perspective can throw up questions about the way democracy is practiced and makes the argument that the re-imaging of a democratic future is an integral part of a queer political vision. Thus the imagination of a queer politics should not merely be about access to rights for queer citizens, but to question structures which limit the very potential of human freedom.

This book not only explores various sources of discontent, but also suggests that such discontent should not be cast as a negative phenomenon. For such discontent, as pointed out by Otto in the forward, means that we are forever engaged, forever open to examining the ways in which our politics may be exclusionary and inadequate. There will always be work to be done within notions of gender and the law, but also the feminist critique can be and is useful in analyzing other forms of exclusion. Far from being negative, discontentedness should be embraced and encouraged as it allows politics to remain open-ended, brought into question over and over again. Our sympathies must lie with exclusion, even at the relinquishment of grandiose.

Notes

1. See for example: Spivak (1987), Kapur (2005): 'Postcolonial feminism is in part a challenge to the systems of knowledge that continue to inform feminist understandings of women and the subaltern subject in the postcolonial world, and seeks to create a project of inquiry and interrogation that will better inform feminist projects that speak to and for these subjects.'

2. See Kennedy (2004) assessing the human rights regime as part of the problem.

3. Butler, J. (2000) interview with Olson, G. and Worsham, L. reprinted in Salih, S. (ed) (2004) *The Judith Butler Reader*, 337.

4. Butler, J. (2000) interview with Olson, G. and Worsham, L. reprinted in Salih, S. (ed) (2004) *The Judith Butler Reader*, 339.

5. Butler, J. (2000) interview with Olson, G. and Worsham, L. reprinted in Salih, S. (ed) (2004) *The Judith Butler Reader*, 339.

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