

Latin America, Feminism, and Human Rights: Response to Vidal and Tompkins

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In 1975 Susan Brownmiller made the then-startling claim that rape was an instrument, not just an unfortunate consequence of war, deployed to reward soldiers, demoralize enemy populations, destabilize ethnic and national identities, and do physical harm.¹ Women who were sexually violated bore the shame, and often the children, of rape. Brownmiller's feminist analysis of rape in wartime was transformative, but the transformation took time to take hold. It was not until a quarter of a century later, in January of 2001, that reporter Andrew Osbourne went to the war crimes tribunal held in the aftermath the bloody breakup of Yugoslavia and reported that

Mass rape and sexual enslavement in time of war *will for the first time* be regarded as a crime against humanity, a charge second in gravity only to genocide, after a landmark ruling from the Yugoslav war crimes tribunal in The Hague (emphasis added).²

In July 1, 2002 the International Criminal Court made it official by adopting the Rome Statute that called "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" a crime against humanity (Article 7, section 1G).³ As I write this, in 2008, a television documentary on the war in Congo calls it a woman's war, from the words of one of the women who is living through it: first they rape the women. If, sadly, the practice of rape as an instrument of war has not subsided, at least today rape is recognized by the international community as a war crime, as a form of torture committed on the bodies of political prisoners, and as a violation of human rights. It is extremely unlikely that this change in perception about rape would have occurred had it not been for feminist theorists, feminist NGO's, feminists within human rights organizations, and the feminist-inspired change in the discourse around sexual crimes that shifted perceptions and empowered

survivors of sexual violence to speak out against the crimes against them instead of silently bearing the shame of having been raped.

As we learn in Feminism 101, if subaltern groups are not specifically named and included in laws, rights, and duties pertaining to “persons” (or, worse, “men”) and if the effects or conditions of their subalternity are not affirmatively addressed in these conventions, they will be effectively ignored, subsumed into, and swamped by the dominant classes, their issues set aside until “more important” questions are settled; and the inequalities will continue. Moreover, despite Hernán Vidal’s anxiety about an imagined and caricatured academic feminism that foments “una discriminación revanchista contra ‘los hombres’,” the assertion that women (or children, or indigenous people, or the disabled, or the poor, or sexual minorities) are protected by human rights does not take away the rights of the dominant classes. It does, admittedly, put a crimp in the unstated privilege of dominance that permits the abuse of members of those subordinated groups. More to the point, however, is that the inclusion of subalterns enlarges the scope and transforms the meaning of “human rights” as a whole. For example, since only women undergo pregnancy, childbirth, and lactation, the inclusion of the right to determine one’s reproductive life as a human right in international conventions is likely to occur only if women are affirmatively included in the category of the human. Nevertheless, an extension of this right—not to be forcibly sterilized—may affect men as well as women.⁴

Still, even when women are explicitly included in the category of the human, their rights are sometimes overlooked. The 1948 UN Declaration of Human Rights, written in the wake of the Holocaust, is a legal instrument originally designed to protect the rights of targets of state violence and subsequently expanded to include rights that are curtailed due to traditional cultural practices around, for example, racial, ethnic, class and even gender differences. The Declaration was and is an international project, by which I mean, in traditional international relations terms, that the players are sovereign nation states. It presupposes an adversarial relationship between the global order and the individual nation state and, as critics have noted, tends to reinforce power relations among states, to say nothing of culturally constructed notions of what is a right, what constitutes a violation of such rights, and who is fully human. Thus, despite the fact that women are explicitly included in the 1948 Universal Declaration of Human Rights, the human rights of women continue to be curtailed insofar and as long as the unstated norm of what counts as a right continues to be based on the experience of men and the cultural norms that subordinate women to men.

The limitations that hobble a feminism of privilege have in most contemporary feminist scholarship been thoroughly examined and accounted for, thanks to healthy, constructive challenges. The same is beginning to happen around the discourse of human rights, not least by feminist thinkers. There is no practical way to separate the strands of thought that compose

today's human rights feminism or feminist-inflected human rights. Lila Abu Lughod, a feminist anthropologist well-respected for her work in post-colonial theory, for example, twines elements of a variety of discourses—human rights, post-colonialism, transnational feminism—to argue that human rights discourse, crafted by hegemonic nations, functions to maintain global inequalities.⁵ Latin America is certainly not a part of the hegemonic North, but it is Western (and Christian) enough to hew to claims of individual rights against which other subaltern, and more recently decolonized, nations strain. As Mary Ann Glendon points out, the Latin American perspective on human rights is grounded both in Western tradition and in the experience of colonization.⁶ It is thereby both legible to hegemonic Western readers and responsive to non-hegemonic realities.

Nor do Latin American feminists respond to human rights discourse in a manner totally consonant with Abu Lughod, even if they may agree with her about the problematics of women's rights. Reading, as they do, from a region whose situation is less post-colonial than what we might call post-neocolonial, they find at least some of their concerns addressed in the founding human rights documents of the twentieth century. Latin Americans did, after all, participate in the production of those documents in the early years of the United Nations. In fact, the extraordinary 1948 shift in human rights language to include social and economic rights was the work of a Chilean, Hernán Santa Cruz, who recommended them to the committee, charged with writing the UN Universal Declaration on Human Rights. This substantive change in the final document makes contemporary human rights law responsive to some of the most pressing needs of poor Latin Americans.

According to Glendon, the 18-member committee assigned to write a document on human rights in response to the atrocities committed by the Nazis in World War II included three Latin American nations (Uruguay, Chile, and Panama). Moreover, when the Canadian chair of the committee requested national human rights documents from member nations as a way of mapping the territory of human rights and in order to see if indeed there was some agreement among member nations on what they might comprise, Cuba, Chile, and Panama were the first three to submit documents; and those of Chile and Panama subsequently became the primary models of the declaration. After the document's initial draft was completed, it was sent on to the eight-member drafting committee of the Human Rights commission, on which Santa Cruz sat.

Although he did not represent a center of power, Santa Cruz had a substantial range of privilege as a man, as a Westerner, and—of course—as a member of the drafting committee; and as such his proposals for the document were legible to his colleagues. His contributions to a document itself based on a Latin American-inspired draft that echoes Las Casas, resonate strongly with Latin Americans, men and women, feminists and not, so that a progressive Latin American feminist attitude toward human rights

is largely positive. In the eyes of Latin American feminists, it appears, human rights conventions may well need to be modified and expanded to include and take account of women's difference from and similarity to men, but they are fundamentally sound.

Nevertheless, women's rights were not much on the agenda of the drafters—Santa Cruz's recommendations also included the right to life of the unborn, without consideration of what that might mean for the women constrained to bear them. Moreover, although the final document included women among those who could make claims on human rights, women's presence in the Declaration was not a foregone conclusion. The original draft, written by a committee of men, made no such mention. It was a woman, Minerva Bernardino, who made the motion to amend the preamble to the Universal Declaration to specifically include women. Bernardino was another Latin American, and one of the few women delegates to the United Nations. Bernardino represented the Dominican Republic at the San Francisco Charter Conference of the United Nations in 1945. A feminist activist in her home country since the 1920's, Bernardino was also the delegate who insisted that the charter include the commitment "to ensure the respect for human rights and fundamental freedoms without discrimination against race, sex, condition or creed." Bernardino, who honed her feminist activism in *Acción Feminista Dominicana* beginning in the late 1920's, was later instrumental in establishing the UN Commission on the Status of Women.⁷ Her commitment to human rights for everyone (not for women at the expense of men, as Vidal might have it, but "without discrimination against race, sex, condition or creed"), together with her commitment to transnationalism at the UN as well as to opposition to home grown political repression, remain a hallmark of Latin American feminism.

According to Kathleen Teltsch, Bernardino was influential in changing the language of the original charter to refer to "free human beings" instead of "free men."⁸ Bernardino's literary career was limited to the writing of an autobiography, but her attention to the gendered nature of language and her insight into the slippery exclusions of women in the apparently generic masculine make her a precursor of feminist linguists who made the same arguments as she did, thirty years later and with the benefit of academic training and an active women's movement. Vidal is right when he says we need to pay attention to the feminism of Latin America, if only to learn this history. But what we bring to that study is precisely our expertise as scholars of language and literature, and of cultural production writ large.

Taking gender as a category of analysis as well as a concept to be interrogated, feminism intervenes in a naturalized social order that undergirds masculine normativity. As a practice and a social movement, feminism begins with the observation that, holding other constants in abeyance, women and girls are disadvantaged in relation to men and boys in

ways that are culturally constructed and therefore can be changed. Human rights covenants that explicitly include women can be part of such change.

Unlike Marxism or psychoanalysis, ways of parsing the world that have been compared—and linked—to feminism, feminism has no founding text, no examinations required to practice it, no party platform, no membership card, not even a secret handshake. As Vidal notes, with a certain amount of disapproval, this lack of structure inhibits mass mobilization; there can be no discipline without a central committee or a governing board. What feminism's structurelessness affords, however, is great flexibility and agility. It has been very responsive to criticism about its own exclusions and to theoretical challenges concerning even the very stability of its foundational assumptions. It continues to be compelling both as a social movement and as a site of theorizing because it responds quickly to real need. Both as a practice and as a site of theorizing, feminism is a fruitful place to work through issues of human rights, raising questions not just of who is included under the rubric "human," but just where they are positioned in what has been called the Family of Man.

Feminism acts as a litmus test for the universality of human rights claims. If women are left out, or if certain gender-specific acts like forced child-bearing, most rape, and most forced sterilization are not seen as violations of human rights, then the underlying assumption, that women are human only in those ways that they share men's life experience, becomes clear. If maleness is the standard, violations that can only be perpetrated on women are special cases, and as such have been historically excluded from international conventions. Moreover, when the lapses are remedied, it is largely because women (whether organized under the rubric of feminism or otherwise) insist on it. Nevertheless, even women's political organizations may come to feminism as a secondary concern. The Mothers of the Plaza de Mayo began as a human rights organization organized and run by women with no gender analysis, but at least one of its branches now takes discrimination against women as one of its issues.⁹

Cynthia Tompkins writes her overview of the intersecting histories of feminism and human rights in Latin America with the subtlety and insight of a thinker who has long been part of the scholarly project of Latin American feminist literary studies. After a synopsis of the history of feminism in a range of Latin American countries, Tompkins zeros in on a key issue for Latin American feminists today: the feminization of poverty in Latin America, a product of neoliberal globalization processes. As Tompkins points out, "the impact of neoliberalism may be explained in terms of the tension between progressive views of political development, which focus on "social justice, political equality [...], environmental justice" and the goal of economic development, which is to strengthen the global capitalist market, since 'neoliberalism requires and thrives on inequality' (Schutte, *Feminism* 185)." Ofelia Schutte, whom Tompkins cites in this passage, is a Cuban

feminist philosopher working in the United States, a transnational actor like Tompkins, and for that matter, Vidal. The difference in their thinking, however, is that Tompkins and Schutte are attentive to the nuances of transnational feminism in relation to Latin America. For them, that transnational feminism is also a strand in the web of neoliberal globalization suggests that, ironically, there is some good to be had of globalization, and that Latin Americans can be the subjects, as well as the objects, of global flows. Tompkins and Schutte credit past and contemporary contributions of Latin American feminism to its own history and to transnational debates and chronicle complicity with and resistance to the bureaucratization of feminism and the subordination of the most culturally challenging aspects of its agenda via the rise of powerful NGO's and government agencies. Vidal, on the other hand, molds his hand-picked cases (a radical lesbian manifesto on the one hand and the Catholic Church's teachings on the other) to fashion a Manichean dichotomy that he only belatedly, half-heartedly sidesteps.

Tompkins goes on to take literary texts written by women as an important site for reanimating feminist debates within the parameters of postmodernist understanding of contingent identities and relational subjectivity that understand ethics –specifically personal and collective responsibility to the Other-- to be at the core of feminist transformative projects. Unlike Vidal, who dismisses feminist literary analysis as having nothing new to offer, Tompkins rearticulates the relationship between women writers and feminist critics. The one writing, the other reading and then taking up the writing in another mode, they provide a site for reconceptualizing relations of power. In Tompkins's formulation, this is no Pollyanna gesture of happy global conviviality. Rather, she assesses the discontinuity of disensus, describing a potent but potentially dangerous scene of emerging knowledges that may provide sites of interconnection but that expose the interacting subjects to even deadly mis-apprehension.

In contrast to Tompkins, Vidal refers to his feminist informants as if they all speak in the same voice. The list of women he interviewed for his paper is remarkable; it is too bad he did not see fit to differentiate among them or to record their actual words. Unlike Tompkins, who both quotes and cites each of her sources, Vidal deprives his reader of seeing the differences among the feminists whose words he paraphrases. Apart from being ethically questionable, Vidal's practice here is methodologically unsound. He homogenizes, summarizes, and interprets the words of his informants all in one gesture, thereby precluding his reader from making their own assessment of their utterances.¹⁰

One wonders if Vidal is writing in good faith. He first discredits feminist work for being relativist and essentialist; his somewhat reductivist and simplistic reading rehashes his earlier polemic with Nelly Richard in which he disapproved of the postmodern turn in Chilean intellectual circles. He spends a great deal of space challenging Margarita Pisano's *El triunfo de*

la masculinidad, a radical lesbian feminist text that, though resounding, is hardly at the center of contemporary feminist thought in Chile or anywhere else in Latin America. According to Vidal, Pisano argues, among other things, that a reformist agenda will always eventually capitulate to the masculinist underpinnings of the structure it purports to change and that only a revolutionary, complete break with patriarchal culture can hope to achieve change. Although the radical separatism that Pisano advocates has long since been abandoned as utopian and in the end impracticable by the vast majority of feminist theorists and activists around the world, Vidal goes on to make a good case for it by settling on papal feminism as the feminist agenda that best coincides with the agenda of human rights. While I am loathe to characterize John Paul II's warmed-over tracts proscribing homosexuality, contraception, and abortion as a feminist text, the former pope himself did so; and Vidal apparently agrees.¹¹ I find it hard to believe that a hoary Marxist like Vidal really credits the papal claim that the Christian bible's division of time into eras marked by Eve's transgression on the one hand and Mary's gift of redemption on the other, is a reputable form of historicization, but he seems to do so. I kept waiting for him to say, "just fooling," but Vidal really does appear not only to accept the pope's own characterization of the continuing subordination of women as a new kind of life-affirming feminism (no contraception, no abortion, no divorce—what else is new), but to affirm it. He goes on to express his own concern about the declining birthrate among Chileans. It's hard to take this stuff seriously.

Vidal mentions his interchangeable feminists, who reinforce his belief that the feminist literary analysis that is going on in departments of Spanish and Portuguese in the United States doesn't bring anything new to the table. He then prescribes a course of action: it would be far better for feminist scholars in those departments to turn their scholarly efforts to the study of Latin American women's movements. (Elsewhere in the essay he decries interdisciplinary work as insufficiently theorized, yet that is the sort of work he is asking for here.)

Vidal is simply wrong about what feminist scholars in Spanish and Portuguese are doing these days, and perhaps he misunderstood what his informants were saying. (We can't really know if he misrepresents them, given his penchant of ventriloquizing unnamed people.) In fact, feminist work in our field continues to develop and evolve. It is one of the important sources of the burgeoning of GLBT-Q analyses (see Susana Chávez Silverman and Bradley Epps among many others).¹² Feminist scholars like Debra Castillo have, in recent years, joined forces with scholars in other fields to produce radically new analyses that link cultural production to social and economic conditions of women.¹³ Others have done important investigations of the gendered nature of phenomena from nation-building to torture (see Jean Franco, Ileana Rodríguez, Mary Beth Tierney Tello).¹⁴ Feminist performance theory has given us extraordinary insights into

resistance to human rights abuses in Argentina as they intersect with theater, street performance, and dance (see Diana Taylor and Marta Savigliano).¹⁵ They have made important interventions into performance theory more generally.¹⁶ Others examine resistance literature (Ana Forcinito, Francine Masiello),¹⁷ memory and political movements (Mary Jane Treacy),¹⁸ the hegemonic body (María José Cambolor Bono).¹⁹ In other cases, feminist scholars like myself often write about subjects that may not specifically be about women or feminism, but that are informed by a perspective that takes gender as it intersects with other categories of subalternity as a critical lens through which to view the world. Jean Franco's *Decline and Fall of the Lettered City* is an outstanding example of this sort of feminist writing.²⁰

With a focus on gender and sexuality, as well as on race and ethnicity rather than on traditional geographical and historical literary taxonomies, feminists have been in the vanguard of trans-Atlantic, pan-American studies, and the transnationalization of the very notion of Americanism in the United States (see Debra Castillo, Doris Sommer, Sylvia Molloy).²¹

Other feminist researchers in our field perform the important task of attending to newly emerging women writers or recovering the work of overlooked ones, taking them seriously as producers of culture.²² Still others attend to crucial pedagogical issues as they relate to the larger political culture.²³ None of this work should be trivialized, nor is it, as Vidal suggests, merely “respondiendo a agobios muchas veces del todo personales [que] buscan notoriedad recurriendo a la teatralización de conflictos míticos entre lo masculino y lo femenino” (72). The only mythification going on here is Vidal's own mystification of feminist scholarship, which seems torn out of Rush Limbaugh's playbook. (Vidal even has the bad taste to echo Limbaugh's execrable term, “feminazi”—which makes light of the devastation wrought by National Socialism in an effort to be cleverly demeaning and dismissive of feminism.)

In contrast to Vidal, Cynthia Tompkins writes responsibly about the complex interweave of feminism and human rights in Latin America and elsewhere. Unlike Vidal, who ham-handedly insinuates that feminism is perniciously imperialistic and overtly worries that it threatens to harm men, Tompkins recognizes the risks of a feminist analysis that is not supremely self-attentive within the context of the overall good of feminism as both theory and practice. She importantly calls for “awareness of our privilege in *El norte*, anchored as it is in the global networks which ensure the supremacy of Western capitalism.”

Tompkins goes on to enact a feminist scholarship that itself is a social practice that takes, as she says, “Emmanuel Levinas' ethical imperative of responsibility toward the other, awareness of our role in the oppression of Latin American women, and a commitment to improve their lot” as its starting point, and “concludes by calling for: increased political participation of women and a rearticulation of current political systems and practices,

gender awareness in grassroots movements, and the need to contest received epistemologies” (1 or 2).

Tompkins’s complex understanding of the intertwined nature of feminist and human rights praxes permits us to see just how the sorts of challenges and risks of privilege that Vidal not only takes as the whole of feminism, but distorts beyond recognition, need to be taken into account as part of an intricate DNA-like double helix composed of human rights and feminism. Composed of multiple strands, some broken and some strong, some powerful in their encompassing vision and others weakened by their own myopia, feminism and human rights strengthen and challenge each other as they spiral up and around each other in a movement that binds them irretrievably. The one is impossible without the other.

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- ¹ Susan Brownmiller, *Against Our Will: Men, Women, and Rape*. NY: Ballantine, 1975.
- ² Andrew Osbourne, “Mass Rape Ruled a war Crime.” *The Guardian*, Friday February 23 2001. <http://www.guardian.co.uk/world/2001/feb/23/warcrimes>. March 23, 2008.
- ³ The Rome Statute was drafted in 1998 and corrected in 1999, 2000, and 2002.
- ⁴ It really should no longer be necessary to point this out, but Vidal’s tired trotting out of papal proclamations that claim to support women but deny them control over their own bodies suggests that such reiterations are indeed still required.
- ⁵ Lila Abu Lughod, “The Debate about Gender, Religion, and Rights: Thoughts of a Middle East Anthropologist.” *PMLA* 121:5 (October 2006): 1621–1630.
- ⁶ Mary Ann Glendon, “The Forgotten Crucible: The Latin American Influence on the Universal Human Rights Idea.” *Harvard Human Rights Journal* 18 (Spring 2003) no pagination (Electronic publication). <http://www.law.harvard.edu/students/orgs/hrj/iss16/glendon.shtml>. March 23, 2008.
- ⁷ See the New York Times obituary, <http://query.nytimes.com/gst/fullpage.html?res=9406E6D81E3FF937A3575AC0A96E958260>. March 23, 2003.
- ⁸ Kathleen Teltsch, (no title) in Amy Janello and Brennon Jones, *A Global Affair: An Inside Look at the United Nations*. Introduction by Brian Urquhart. London and New York: I.B. Tauris:1995, p. 296.
- ⁹ This is the counterpart to feminist organizations focused on any of a range of objectives that that eventually come to see human rights as one of its issues.
- ¹⁰ At one point in his essay Vidal dismisses interdisciplinary scholarship (even as he tells feminist scholars in Spanish departments to transgress disciplinary boundaries in which they have been trained to study Latin American feminist movements). A little attention to accepted practices of ethnographic research in the qualitative social sciences would have served his readers better. We have something to learn from our colleagues trained in other disciplines.
- ¹¹ The texts Vidal commends us to are the apostolic letter, *Mulieres Dignitatem* (1988), and the encyclical *Evangelium Vitae* (1995—as Vidal points out, the year of the Beijing conference).
- ¹² Susana Chávez Silverman, “Trac(k)ing Gender and Sexuality in the Writing of Alejandra Pizarnik.” *Chasqui: Revista de Literatura Latinoamericana* 35:2. (November 2006): 89–108; Bradley Epps, *Passing Lines: Sexuality and Immigration*. with Keja Valens and Bill Johnson-González. Cambridge, MA: David Rockefeller Center for Latin American Studies and Harvard University Press, 2005.

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- ¹³ I refer to Debra Castillo's current research with María Gudelia Rangel Gómez, Armando Rosas Solís, and Carlos Castillo-Chavez tentatively titled *Este ambiente de noche: La prostitución femenina en Tijuana*.
- ¹⁴ Jean Franco, "Rape and Human Rights." *PMLA* 121:5 (Oct. 2006): 1662–64; Ileana Rodríguez, *Women, Guerrillas, and Love: Understanding War in Central America*. Minneapolis: London: University of Minnesota Press, 1996; Mary Beth Tierney Tello, *Allegories of Transgression and Transformation: Experimental Fiction by Women Writing Under Dictatorship*. Albany, New York: SUNY Press, 1996.
- ¹⁵ Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas*. Durham: Duke University Press, 2003; Marta Savigliano. *Tango and the Political Economy of Passion*. Boulder: Westview Press, 1995.
- ¹⁶ See, for example, Vicky Unruh, *Performing Women and Modern Literary Culture in Latin America: Intervening Acts*. Austin, TX: University of Texas Press, 2006.
- ¹⁷ Ana Forcinito, *Memorias y nomadías: géneros y cuerpos en los márgenes del posfeminismo*. Santiago, Chile: Cuarto Propio, 2004; Francine Masiello, *The Art of Transition: Latin American Culture and Neoliberal Crisis Publication*. Durham, NC: Duke University Press, 2001.
- ¹⁸ Mary Jane Treacy, "Memories Left: Carmen Castillo and a Politics of Forgiveness." *Intertexts* 9:2 (2005 Fall): 153–72.
- ¹⁹ Camblor Bono, María José, "Psicosis disolutiva del cuerpo hegemónico en Los vigilantes, de Diamela Eltit." *Espéculo: Revista de Estudios Literarios* 36 (2007 July-Oct): no pagination. (Electronic publication.). (2007) March 23, 2003.
- ²⁰ Jean Franco, *The Decline and Fall of the Lettered City: Latin America in the Cold War*. Cambridge: Harvard University Press, 2002.
- ²¹ Debra Castillo, *Border Women: Writing from La Frontera*. Minneapolis: University of Minnesota Press, 2002; Doris Sommer. *Bilingual Aesthetics: A New Sentimental Education*. Durham: Duke University Press, 2004; Doris Sommer, ed. *Cultural Agency in the Americas*, Durham: Duke University Press, 2006; Sylvia Molloy, *Poéticas de la distancia: Adentro y afuera de la literatura argentina*, Grupo Editorial Norma, January 2006.
- ²² Francine Masiello, *Dreams and Realities: Selected Fiction of Juana Manuela Gorriti*. Annotated edition with introduction, chronology, and bibliography. New York: Oxford University Press, 2003.
- ²³ Mary Louise Pratt, "SOFA: Toward a History of the Future." *Tulsa Studies in Women's Literature* 26:1 (2007 Spring): 53–60.
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