

Chapter 06

Walking the Tightrope: Sri Lankan Women's Rights NGOs between Universalism and Relativism

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Introduction

This paper is an attempt to understand how Non-Governmental Organizations (NGOs) working on women's rights in Sri Lanka negotiate between the universal framework of such rights and the particular realities of women that complicate this understanding. During the war torn past of the island, though women's rights organizations worked tirelessly for their cause across the country, the rights discourse was, justifiably, preoccupied with rights of a more fundamental nature concerning the physical security of persons in a situation of war. The post-war situation, however, has opened up greater space for the discussion on women's rights to be centered in the rights discourse, particularly given the disproportionate impact of the war on women who were left behind following the demise of their male relatives as a result of the war. More than a decade following the end of armed hostilities, many NGOs (and other organizations) have stepped in to help return lives to normalcy, and women constitute an integral part of their strategies. In other parts of the country too, the absence of war has meant that more attention can now be devoted to more subtle forms of rights violations against women, and women's organizations are using this opportunity to mobilise on the issue more than in the past. In all these theatres, however, a perennial question is whether these mandates are actually reflective of the problems of the women

they seek to serve, and whether their strategies are context-sensitive enough to be effective.

In this paper, we wish to delve deep into these questions within a framework of critical reflection on fundamentals such as the ultimate purpose of feminist activism, i.e. preserving and promoting women's agency, and the degree of contingent variation possible on it before it may be considered a commodification of this core purpose. To do so, we first review relevant literature on the question of women's agency in which we primarily anchor our analysis. Next, we discuss the normative standpoints and strategies of a few selected women's organizations in Sri Lanka, followed by an appraisal of the extent to which they invoke universal rights norms in the particular realities of women they seek to serve. We conclude with some observations, and clarify our stance on the issue, flowing from the discussion.

Methods and Methodology

A qualitative approach was employed in this study that is best suited to understand how NGOs in Sri Lanka work on women's rights, negotiating between the Universalist conception of them and the local milieu/context. To this end, representatives of five NGOs were approached based on our prior connections working in the sector. Having an already close connection with the respondents greatly helped the cause of the study, as interviews were relaxed conversations in which the respondents freely explored their stances on a range of issues, without reservation. However, we could not afford the luxury of in-person interviews due to the ongoing COVID-19 pandemic and the challenges it presents to close contact situations. Accordingly, we altered our study design to replace the traditional face-to-face qualitative data collection process with a 'socially distant' method facilitated via videoconferencing platforms and phone calls, depending on the requirements of the respondent.

Gaining informed consent from respondents is widely regarded as central to ethical research practice. Obtaining consent will prevent personal integrity violations and safeguard the freedom and self-determination of the respective participants of the study (NESH, 2016). According to Israel

& Hay (2006), informed consent implies two related activities: participants need first to comprehend and second to agree voluntarily to the nature of the research and their role within it. In line with this, we obtained verbal consent from all respondents for expert interviews. The respondents were contacted beforehand either over email or phone, and appropriately informed of the research objectives, list of key questions, and issues that the study touches on, in order to give them the time to think and prepare in this regard. Secondary data also took a significant place in this study. They were collected from a multitude of sources including books, previous research works and reports, and journal articles among other things.

A Conceptual Approach

Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human. It is on this basis that women are entitled to enjoy human rights and fundamental freedom. The global commitment to equal human rights for women has progressed rapidly during the last 50 years with the drafting of international and regional human rights conventions and the emergence of the women's movement (Symonidas, 2020). Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and values of the United Nations (UN) as well. The UN pays particular attention to women's rights, in accordance with the Charter's provisions on equality. The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights that articulates fundamental rights and freedom for all humans without distinction of any kind, including sex and gender. Following the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966 explicitly affirmed the obligation of state parties to ensure the equal rights of men and women to enjoy all civil, political, social, and economic rights outlined in the two Covenants.

The UN Commission on the Status of Women established in 1946, has been instrumental in initiating and developing foundational normative frameworks on women's human rights (Jones & Manjoo, 2019). The UN

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women (DEVAW) owe their existence to the work of this Commission. The CEDAW is often described as an international bill of rights for women (Charvet & Kaczynska-Nay, 2010). As a gender-specific instrument, it acknowledges the shortcomings of other human rights regimes (Hellum & Aasen, 2013). According to the CEDAW, women must be accorded equal rights to those of men and be able to enjoy all their rights in practice. Article 2 of the CEDAW urges member states to respect their core obligations and requires states to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women. Campbell & Swenson (2016: 135) note that CEDAW could also play a transformative role in domestic jurisprudence on gender equality. Under the Convention, a CEDAW Committee was established to oversee its implementation by state parties. The Committee makes recommendations on any issue affecting women to which it believes the states parties should devote more attention.

Women tend to be particularly vulnerable in post-war contexts, experiencing issues related to gender-based violence, economic insecurity (stemming from the death of the breadwinner or general resource depletion due to war), and stigmatization (if they are survivors of the ‘losing side’). The United Nations Security Council Resolution 1323 aims to undo women’s gendered insecurities and it stresses the importance of promoting women’s participation in post-war decision making. The UN Security Council Resolution 1889 on Women and Peace and Security further emphasizes the importance of women’s inclusion in all stages of the post-conflict process. The resolution notes that women are increasingly underrepresented in post-conflict processes due to stigmatization and gendered insecurities. The adoption of General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-conflict Situations by the CEDAW Committee has strengthened and applied the CEDAW Convention to a diverse range of settings affected by political crisis and conflict (Swaine & O’Rourke, 2015).

Women’s participation in politics and public life is vital for their voices to be heard and perspectives to be counted in the drafting of policies, regulations,

and laws that protect and promote their rights. General Recommendation No. 23 on Political and Public Life adopted by the Committee recommends that state parties ensure equality between women and men in the right to vote, eligibility to run for elections, and hold public office at all levels of government. It also recommends ensuring equal participation in policy formulation and implementation, and participation in non-governmental organizations and associations concerned with public and political life (CEDAW, 1997).

The preamble of the Declaration on the Elimination of Violence against Women (DEVAW) states that violence against women is rooted in the historically unequal relations of power between women and men. As such, the adoption of the DEVAW was considered a seminal development in addressing violence against women. It is also viewed as a 'normative force' that influences international standards concerning violence against women (Charvet & Kaczynska-Nay, 2008). The preamble to the DEVAW recognizes that effective implementation of CEDAW would contribute to the elimination of violence against women. Truly peaceful societies not only have an absence of violent conflict, but also adopt measures to promote effective social inclusion and integration of women and men. Meeting international human rights standards and the realization of everyone's rights may contribute to the creation of a human rights culture.

In spite of their admitted merit, the Universalist assumptions underpinning the above framework – and in fact all purportedly 'global' human rights instruments – have been widely attacked for that very reason (see, in this regard, the work of Tibi, 1990; Onuma, 1999; Lindolht 1997; Weeramantry, 1997; Constantinides, 2000; Brown, 2007). This critique, and the key response to it, is known as 'cultural relativism', or the approach that regards Human Rights as only having meaning relative to the culture in which a person lives, and that 'Universalism' is an attempt of the West to hegemonize the global moral order. Criticisms of this latter approach have been made, on the grounds that cultural relativism "seems to be guilty of logical contradiction. If human rights are based in human nature, on the simple fact that one is a human being, and if human nature is universal, then how can human rights be relative in any fundamental way?" (Donnelly, 1984: 403).

However, the universal-relative dichotomy tends to de-center the issue of women's agency in the debate by focusing largely on unhelpful binaries such as 'Western-other' and 'individual-group'. These have the propensity to quickly degenerate into culture wars that portray women as either singularly victimized by certain cultural settings or very, very empowered by certain others. This "false and disabling dichotomy between notions of victimization and agency in feminist theory and practice" (Schneider, 1995: 389) obstructs the possibility of a more expansive understanding of 'agency' that is neither liberal (in the sense of privileging the notion of a completely autonomous individual making the choices that she wants), nor communitarian (in the sense of leaving choice-making capacity so contingent to contextual dynamics it loses its meaning).

'Agency' is, admittedly, a tricky word. The politics surrounding it immediately positions it in the liberal-individualist camp, inherently and in stark opposition to the communitarian project. These first impressions effectively ensure oversights regarding agency that may exist *within* a largely communitarian setting, much the same way that agency may not quite be present in a so-called liberal-individualist setting. Consider, in this regard, the following quote by Badran (2006, as cited in Zimmerman, 2014: 149) on what the implications of Islamic feminism should be in different cultural settings: "... there is no line between East and West with respect to Islamic feminism as it is an inter-Islamic phenomenon developed by Muslims throughout the world, which promotes both gender equality and social justice in the East and more pluralistic societies in the West with equal rights for all, whatever ethnicity, religion, or gender."

Various scholars have suggested alternative ways of viewing agency by re-conceptualising it through the use of intersectionality as a framework (Crenshaw, 1991; Salem, 2013). In this vein, they propose focusing on the lived realities of women in order to understand the complex and multiple ways in which agency can manifest even in seemingly 'hopeless' situations. In this exercise, understanding their gender not as a standalone category, but rather as one that is simultaneously intertwined with other markers of identity such as race, class, and regionality (among other things) will enable

one to understand different conceptions of limits, oppression, and freedom. As Nivedita Menon puts it, "... feminism requires us to recognise that 'women' is neither a stable nor a homogeneous category. This question of the entanglement of 'gender' with other identities arises in a variety of contexts globally..." (2012: 149).

For instance, as Schneider (1995) argues, the actions of women who have "mobilized their resources to keep themselves and their children alive, and ultimately acted to protect themselves" (388) in an abusive partnership have not traditionally registered with lawyers and judges as acts of agency. Rather, this sort of action is usually framed in a narrative of victimhood that does little to help us understand her conscious choices as a mother covertly negotiating the difficult circumstances in the interest of the safety of her children. This struggle against prevailing conditions in order to secure a better state of affairs, we submit, qualifies as an instance of reclaiming agency in however restricted a sense.

Of course, this by no means implies that women should continue to endure in these situations, negotiating the difficult realities on a regular basis and never exiting. However, our endeavour here is to bring to attention that there are actions short of 'exit' that are equally constitutive of agency, when understood in a nuanced way that is more in line with the lived experiences of women. This conversation is important for the purpose of awakening a political consciousness among women regarding their relative disadvantage as a sex category. To this end, it is necessary to acknowledge the specific experiences of disadvantage that women face *on the basis of* their sex that would be useful to highlight the underlying structural reality of patriarchy cutting across all contextual variations (Educards, 1994, emphasis added).

Educards explains how emphasizing the relative over and above the universal might come at the cost of women's rights issues being relegated to the private sphere, and therefore being regarded as essentially apolitical. "[I]n order to challenge the sexual power structure, women must transcend the established political order by acting together, according to their common (but class- and context-differentiated) experiences as women. Operationalized, this

notion of patriarchy means focusing on how women (do not) organize and act in specific contexts” (184). Given the flat, blind ‘arrogance’ of the Universalist project, and the very dangerous ‘anything goes’ tendency of its alternative relativist project, neither “will grant women agency as a collectivity” (ibid). Therefore, discerning patterns of oppression across multiple experiences will both “enable us to see our lives in the context of the lives of other women ... [and] will create opportunities for us to engage in effective agency against our circumstances of oppression because we can achieve more if we act together than if we act as individuals” (Isaacs, 2014: 154).

This is indeed a very fine balance to negotiate. Mobilizing women on the common basis of gender, while also engaging with the rich detail of their lived experience without falling into the trap of the Universal-relative dichotomy requires keeping the point in sight. Arundhati Roy draws our attention to this problem in the following quote:

The battles, as usual, have been played out on women’s bodies, extruding Botox at one end and burkas at the other. (And then there are those who suffer the double whammy, Botox *and* the burka.) When, as happened recently in France, an attempt is made to coerce women out of the burka rather than creating a situation in which a woman can choose what she wishes to do, it’s not about liberating her but about unclothing her. It becomes an act of humiliation and cultural imperialism. Coercing a woman out of her burka is as bad as coercing her into one. It’s not about the burka. It’s about the coercion. (2014: 37)

Taking our cue from the discussion above, we hope to attempt at transcending the Universal-relative dichotomy in the rights discourse which fails to speak to the real issue at stake here, that of women’s agency. As Abu-Lughod (2002) opines, “a more productive approach ... [would be to] contribute to making the world ... a place where there is the peace necessary for discussions, debates, and transformations to occur within communities” (789). In other words, a world where the necessary structural conditions are

present to re-visit questions of agency and oppression without having the discussion spiral into a culture war, so that reclaiming agency would constitute a common pursuit rather than the project of a dominant some. Abu-Lughod's appeal to using "a more egalitarian language of alliances, coalitions, and solidarity, instead of salvation" (ibid) when engaging in this exercise may be a helpful starting point to eschew the damaging binaries here.

In the light of these reflections, we wish to thematically organize our study around the issue of women's agency, and interrogate how a purely Universal or relativistic understanding of rights can obscure-or even compromise this central point. In order to more specifically anchor what we mean as 'agency' in this context, we draw on Paulo Freire, who in his *Pedagogy of the Oppressed* famously states that:

The oppressed must-see examples of the vulnerability of the oppressor so that a contrary conviction can begin to grow within them ... As long as the oppressed remain unaware of the causes of their condition, they fatalistically "accept" their exploitation. Further, they are apt to react in a passive and alienated manner when confronted with the necessity to struggle for their freedom and self-affirmation. Little by little, however, they tend to try out forms of rebellious action (2005: 64).

This, Freire argues, will give rise to a 'critical consciousness' that will in turn enable women and men to humanize more fully. The vulnerability of the oppressor (the patriarchal order and the men and women who partake in it knowingly or otherwise, in this instance) according to Freire can be found in their articulation of this critical consciousness as "anarchic" and one that "may lead to disorder". In doing so, a "fear of freedom" is instilled in the oppressed, and they are then found being ever so thankful for the oppressive order in which they live, because they think it gives them security (35).

Drawing on this conception, we understand 'agency' as any conscious action on the part of the actor, made within limitations she is conscious of, and

is ready to bear the responsibility of the consequences for. It is crucial for us that these conscious actions seek to, in some way, alter the conditions within which they take place, such that they are able to experience the potential of their humanness more fully. These conscious actions, while admittedly very contingent upon their context, will also, over time highlight certain common patterns that women will only be able to uncover by association with others and by learning about their experiences. It is this sharing that will pave the way for collective action against shared experiences of oppression, marginality, and injustice that would, in turn, make it possible for women to mobilize on the common basis of their gender.

In this essay, therefore, our aim is to pay attention to but also go beyond culture, and look into other structural realities that condition women's multiple understandings of their rights, and how such multiplicity, conditions the work of women's rights organizations and their mandates. We propose that the question of agency cuts across all these various situations, and provides the much-needed guidance for women's rights organizations when designing their interventions without appearing to be blind, while also not compromising their feminist politics. This work, hopefully, will constitute useful reference material for organisations working on women's rights in Sri Lanka not only in relation to programmatic ends, but also as an invitation to revisit their own assumptions regarding women's rights and feminist activism.

NGOs in Sri Lanka: Norms, Frameworks, and Strategies

Non-Governmental Organizations (NGOs), both national and international, are considered an indispensable component in the functioning of the international human rights regime (Steiner, Alston & Goodman 2007). They make an enormous contribution at the national, regional, and international levels for better protection and promotion of human rights. They can play a crucial role in teaching and localizing human rights and the struggle to promote and protect women's human rights in the world (Goel & Tripathi, 2010). The United Nations (UN) recognizes NGOs as international actors and has accorded them consultative status, enabling them to attend UN meetings and make written submissions and oral presentations. Their shadow

reports are used in subsequent deliberations in the review processes of the periodic reports of state parties. NGOs have been present in Sri Lanka from the beginning of British rule in the form of local counterparts of organizations affiliated with Christian missionary efforts in the British overseas empire (Wickramasinghe, 2001). Contemporarily, one can find thousands of NGOs operating throughout the country.

In order to broach the subject of the compatibility between the work-politics of women's rights organizations and the worldviews of the beneficiaries of their interventions, we first sought to acquire an understanding of the normative frameworks and modes of engagement of the women's organizations we approached. As revealed by these discussions (as well as our personal experience working with them on prior occasions), NGOs working for women's rights in Sri Lanka primarily draw their ideological inspiration from the international framework on women's rights that we have specified at the outset. Their mandates are geared towards gender equality at the most fundamental level, and to this end varyingly also towards economic and political empowerment of women, elimination of violence against them, labour rights of women, questioning the portrayal of the woman in popular culture, women's sexual and reproductive rights, and policy level changes, among other things.

Accordingly, many expressed strong opinions about the importance and necessity of an international framework for women's rights as a point of reference for their work. Some claimed that "relativism is all okay until you're in trouble"¹, with others echoing that it is important that women have a support structure to rely on during times of need. One respondent pointed out how feminism is "one of the most connected movements in the world", arguing that "the relativist critique doesn't take sufficient account of how post-colonial nations accommodate absolute ethno-nationalism which also oppresses women".² She further stated that "even though initiatives like law reform admittedly have limitations in how much they can speak to the people,

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1. Respondent of a national women's rights NGO in Sri Lanka, personal communication (virtual), 12/04/21
 2. Sri Lankan women's rights activist, personal communication (virtual), 26/04/21

they are nonetheless important because they open up a space for debate on crucial issues”, citing as an example the Prevention of Domestic Violence Act of 2005 and the debate surrounding it in Sri Lanka. While acknowledging the inequalities prevalent in the politics of enforcing human rights standards internationally, she also held that the normative substance of the international human rights framework nonetheless provides an important resource for women seeking protection from or redress for rights violations: “If this rights framework was not there, where would the subaltern subjects go?”

It is important to note that this seeming bias towards Universalism was in fact not so. The respondents highlighted the importance of context in their work, and how that significantly reshapes the understanding of women’s rights. Women’s reproductive rights stand out in this regard. One respondent recalled how her organization has on numerous occasions collaborated with government health officials to promote reproductive rights of women, but how said officials were confined to a cultural conformist framework of birth control within the parameters of the marriage institution, abortion only in the case of a threat to the mother’s life, and so on.³ Another also referred to similar experiences when working with women employed in the Free Trade Zones (FTZs), whose landlords staunchly oppose any sort of measure taken to this end (including distribution of condoms and conducting workshops on safe sex) because of the stigma that they will have to bear in the neighbourhood. Such interventions, therefore, need to be carefully designed in a way that continues to enable women to exercise their reproductive rights, while being culturally discrete.

According to another respondent, however, too much sensitivity to culture and other such local contingencies may actually compromise the primary mandate of an organization working to preserve women’s rights, which is making available a support structure during times of need so that women are able to bear the cost of making choices. As an example, she referred to an organization offering marriage counselling to curb domestic violence, but has refused on many occasions assistance to longstanding beneficiaries

3. Respondent of a national women’s rights NGO in Sri Lanka, personal communication (virtual), 12/04/21

who wanted to divorce continuously abusive spouses. In this instance, she said, the aim of the organization in question was to avoid becoming unpopular among the locals so that they can continue their work.⁴ Their contribution to helping women reclaim their agency, however, is put to question because of such withdrawal.

These practices may well contribute, perhaps unwittingly, to establishing certain ‘boundaries’ to feminist activism. This in turn can sap the courage out of women who have to make radical choices if they are to reclaim their agency. While women’s organizations do have to be mindful and respectful of the contexts they work in, the approach of ‘treading carefully’ might actually feed into the pervasive apathy of these neo-liberal times, ultimately serving to maintain the gender status quo with a few ‘progressive’ frills attached for political correctness, which then serves to “blunt the edges of political resistance” as Roy (2011: 43) would have it.

This is not a one-way affair, however. As repeatedly flagged in the conversations that we had, women’s organizations themselves continue to struggle with the increasing lack of interest in the younger generation to be politically mobilized on issues involving women’s rights. The atomizing and isolating influence of the neo-liberal economy only serves to reinforce and worsen these marginalities by stripping women (and of course men) even of their previous support structures in the extended family, community, and workplace. For instance, a respondent shared that it is increasingly difficult to encourage women working in the FTZs to unionize for their socio-economic rights, because of both the fear of losing the job, and the appeal of the idea of ‘independence’ they associate daily-waged jobs with (due to the mentality that they get to ‘choose’ who they work for, stay back whenever they want, etc.).⁵

This speaks to a central theme of this paper, i.e. intersectionality (specifically that between gender and class), whereby one is not simply a woman (or even a working woman, for that matter), but rather also part of

4. Sri Lankan women’s rights activist, personal communication (virtual), 26/04/21

5. Respondent of a NGO specializing in labour rights in Sri Lanka, personal communication (virtual), 21/04/21

an extremely disempowered segment of society that is, by virtue of this fact, pushed to ever more precarious forms of work. The rationale for contract labour takes place within these constraints, wherein ‘precarity’ appears as having greater agency compared to the usual conditions in which they live (Skanthakumar, 2017). What constitutes a right in this context is complicated by both gender and class, and may in fact render one right a violation of another (for instance, the fear that exercising the right to association to win a set of other economic rights such as fair wages and safe working conditions may violate the right to a livelihood). Women’s organizations constantly attempt to work their way around these problems through sustained engagement by way of conducting awareness raising activities and maintaining networks.

What, however, is happening to agency in such conditions? Drawing on Freire’s ideas and our own understanding of agency modelled on them, we submit that the situation involving FTZ workers does not indicate any agency. Women living in the FTZs are so constricted by the oppression of the order in which they live, we only see them preoccupied with negotiating daily life on these subaltern terms. Their refusal to unionize, while completely understandable, is demonstrative of this state of affairs. Agency in this kind of situation would necessarily consist in a) them becoming critically aware of the very artificial, deliberate, ‘engineered’ nature of their plight (rather than resigning into simply ‘accepting’ it) and b) taking initiatives, however small, to change the conditions in which they live; these initiatives may be as micro-thought no less significant-as insisting on spending a couple of minutes more on their lunch break, or as organized as joining a demonstration or even unionizing. It is when this political consciousness develops that people come to realize the commonness of their experience in spite of contextual variation, and it is that realization that makes emancipation even a remote possibility.

How do women’s organizations view the issues of agency and political mobilization? What are the strategies they employ to ensure due recognition for contextual variation when engaging with overarching themes such as agency and politicization? Do such strategies, however unwittingly, lend themselves to perpetuating a dominant conception of the problem’s women face? We visit these questions in the next section.

Negotiating between Universal Mandates and Particular Realities

It is perhaps worth reiterating that the dominant strand of feminism that views the woman as an individual with a set of rights that she is entitled to, and enjoys first and foremost as an individual, is fundamentally incompatible with the real-life experience of women-and in fact anyone-even in the West. This practice of regarding the individual as quite isolated from larger social realities, with which only interaction is presumed, is a key vulnerability of the liberal tradition that has drawn its fair share of criticism. “Michael Sandel, for instance, criticizes liberalism for its unrealistic conception of an “unencumbered self” which denies the possibility that any roles, commitments, or community membership should be constitutive of the self” (as cited in Brems, 1997: 159).

It is when making their case in this individuated sense that feminists working quite sincerely for the betterment of the women in their societies almost automatically align themselves with ‘liberal feminism’, a strand that is charged with blindness to very real differences in lived experience. When articulated thus, feminism ceases to be relevant to women living in different contexts, and may in fact even unwittingly lend itself to perpetuating a dominant, supposedly ‘Universal’ narrative of what constitutes women’s rights (Coomaraswamy, 1999). It is needless to state the irony of this development, given the historical struggle of the feminist movement against this very vice, i.e. domination.

Many feminists have relentlessly pushed back against such overarching conceptions of women’s rights that tend to act as exogenous arbiters of what does and does not count as women’s issues, women’s agency, women’s rights, and so on. As Stephen (2009) put it: “... the language that feminism speaks is, in our experience, also one of dominance which we have been struggling against.” As such, issues such as women’s liberation should be approached with sensitivity not only to the various socio-economic contexts within which women live and perceive their reality, but also to different conceptions of what ‘rights’ and ‘liberation’ mean as a result of such difference.

For that, we need to confront two more big issues. First is the acceptance of the possibility of difference. Can we only free Afghan women to be like us or might we have to recognise that even after "liberation" from the Taliban, they might want different things than we would want for them? What do we do about that? Again, when I talk about accepting difference, I am not implying that we should resign ourselves to being cultural relativists who respect whatever goes on elsewhere as "just their culture," I have already discussed the dangers of "cultural" explanations; "their" cultures are just as much part of history and an interconnected world as ours are. What I am advocating is the hard work involved in recognising and respecting differences—precisely as products of different histories, as expressions of different circumstances, and as manifestations of differently structured desires. We may want justice for women, but can we accept that there might be different ideas about justice and that different women might want, or choose, different futures from what we envision as best ...? We must consider that they might be called to personhood, so to speak, in a different language. (Abu-Lughod, 2002: 787-8)

Drawing on the insights above, it needs to be re-emphasized that we cannot assume a morally neutral stance of 'anything goes' in relation to relativism. As Winter (1994) articulates, such claims of non-interference display an alarming degree of indifference to what are clearly regressive, deplorable assaults on the agency of the woman. Such stances, she states, simply are a way of demanding that "the legal institutions of 'our patriarchy' respect the customs of 'their patriarchy'" (958), all the while leaving the core issue of women's agency unaddressed. In Winter's prescription, the reluctance to question what is unambiguously an exploitative situation, whether in a non-Western culture or otherwise, is to turn a blind eye to the corrosive reality of patriarchal control. As a respondent of this study also opined, this sort of approach runs the risk of "shedding feminist sensibility to do culture".⁶ We must endeavor here to caution that this is by no means to justify 'Western'

6. Sri Lankan women's rights activist, personal communication (virtual), 26/04/21

interventions, but rather to ‘call spades, spades’ irrespective of the cultural/ structural setting, in the interest of reclaiming women’s agency (understood as the ability to act or make choices that seek to change the oppressive conditions within which one lives).

How is this fine balance between non-interference and enabling women to preserve/ reclaim their agency achieved? In their quest to find innovative ways of ensuring (and oftentimes restoring) women’s agency without compromising their communality, some respondents shared that they have introduced intra-community support mechanisms for issues of mental health and even divorce and its related hardships, rather than extending external support that would over time invite objections. Though the groundwork for these mechanisms have indeed been laid through specific, donor-funded projects, this operational logic ensures not only that the element of ‘interference’ is kept to a minimum, but also that these mechanisms endure well beyond the lifespan of a project.⁷ In terms of agency, they make available for women certain support mechanisms that can empower them to make costly choices – such as confronting an abusive partner or even exiting such a partnership – that would otherwise not have been possible.

Another respondent quoted the work of feminists who have worked within the Muslim community in Sri Lanka on reforming the Muslim personal law within a framework which the community would be culturally comfortable with. This involves calling to attention how the interpretation of Quranic verses is largely a reflection of the patriarchal attitudes and values of the men who were involved in it (given that doctrinal authority lies with them), and that alternative interpretations that respect women’s agency are in fact possible.⁸ Scholars such as Shukri (2015), Shah (2006), and Jawad (2003) have made similar observations, highlighting the contingency of Quranic verses and how, therefore, their meanings are not absolute but rather open to re-interpretation. In this endeavour, it is possible to discern an attempt

7. Respondent of a national women’s rights NGO in Sri Lanka, personal communication (virtual), 12/04/21

8. Sri Lankan women’s rights activist, personal communication (virtual), 26/04/21

at opening up a cultural space by challenging the dominant narrative, thereby renegotiating the relations of power in a manner more favourable to women.

Yet, other respondents claimed to focus more on the family-based needs of women such as economic empowerment as a means of ensuring/ restoring their agency through increased decision-making capacity that economic security introduces.⁹ This approach is admittedly vulnerable to criticisms of undermining women's agency by perpetuating their role as the 'sacrificing mother' who puts the needs of the family before those of her own. However, this respondent claimed that no talk of rights is possible until and unless the more fundamental question of economic security is addressed, and so this is used as a strategy to pave the way for a discussion by first ensuring the freedom to think. Additionally, and as already mentioned, this may contribute to the mother having more of a say in the household than she usually does, if she is instrumental in facilitating access to additional financial resources. This, therefore, may count as an initiative towards securing women's agency by way of changing the conditions of marginality such that women are free to choose – for themselves and their families.

As already mentioned, some respondents also use sustained engagement as a strategy to raise the necessary awareness on rights issues pertaining to women, thereby aiming at critical consciousness. This is, however, not to say these women are completely oblivious to the exploitative conditions within which they live. Perera-Rajasingham's (2016) work in the FTZs observes how "astutely critical of neoliberal and gendered forms of exploitation" (375) they are, as demonstrated by the plays they perform in theatre groups they have formed in collaboration with women's organizations in their very limited leisure time. The trick for these organizations seems to be in mobilizing this critical consciousness in women to fight for their rights. In this sort of situation, it is possible to see that the gap between the Universal and the specific is somewhat lessened, with the element of critical consciousness mediating between the two.

9. Respondent of a provincial women's rights NGO in Sri Lanka, personal communication (virtual), 11/04/21

Conclusion

What, in essence, are we saying? On one side is the universal narrative with all its logical force, but largely devoid of nuance and thus the ability to resonate with a vast number of women living in different conditions. On the other, there are the particular realities of the lived experiences of women within the confines of which some ‘rights’ may not appear as such at all. Attempting to reconcile these two runs its own serious risks by either appearing as a snobbish, you-don’t-know-what’s-best-for-your intervention, or one that chooses to ignore glaring instances of rights violation in the name of respecting diversity of experience.

Our proposal is that we change the terms on which this debate takes place, and thereby avoid falling into the trap of this dichotomy. If, instead, we center the issue of women’s agency in this debate, we will never lose sight of what is really at stake here. However, ‘agency’ should not be understood in the restrictive sense of the classical liberal tradition, whereby choices are seen as a result of individuals exercising their free will, without regard to the structural conditions that shape them. Nor should it be made to appear as purely an expression of the values they subscribe to, as a result of their socialization. Where, then, is one to look for agency?

It is here that Freire’s understanding of the matter may be helpful. What we understand as agency here has to do with developing a critical consciousness of conditions of oppression, and initiating conscious action to change things in however small a way. During the course of this, the oppressed will realize the commonality of the structures and logic of oppression across contextual variations, which alone will enable them to mobilize politically as a category.

Now, this may well sound as though we are making a case for Universalism. And we are. But the Universalism we appeal to here lies in the right of every human to be free from oppression, both of culturally/ structurally imposed restrictions as well as cultural imperialism. Thus, whenever people work towards changing the conditions in which their freedom is curtailed,

whenever they make ‘choices’ within those conditions that seek to-in however minimal a way-alter those conditions, we perceive it as an act of agency.

Therefore, we view the situation in which a single white mother of a not-so-rich background ‘enjoys’ sexual license (insofar as potential partners view her as ‘approachable’ given the lack of structural security that a strong personal economy would afford), just as oppressive as the situation of a new Indian bride forced out of her job to ‘serve’ her husband better; and an American teenager being forced, by extreme peer pressure (and sometimes outright bullying), into fitting the stereotype of the dominant understanding of femininity (or masculinity) as qualitatively no different from a woman being forced behind a veil. The inverse is also true, in that the choice of a wife to continue to take care of her ailing husband without walking out of the marriage-when she is fully able to do so-is, for us, as indicative of agency as when a woman chooses her career over her intimate relationship, given that in neither case is there submission to coercion.

What is important, then, is understanding the conditions within which choices are made and whether they seek to undo prevailing oppression, in however small a way. If people living in a certain situation organically and consciously seek to change those conditions in which they make choices, because they feel those conditions restrict their possibility of ‘becoming more fully human’ to borrow from Freire, and because they believe that all the alternatives available equally deny them this possibility (like in the case of contract labour in Sri Lanka’s FTZs), it is very much an act of agency. Even if the order they are trying to change thus is a so-called ‘progressive’, Western one that, for instance, forces people out of their preferred choice of dress in the name of cultural liberty, it is, by this understanding, an act of agency that could go a long way in upholding the feminist spirit.

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