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## Transportation Turns

#### Mobility and transportation infrastructure key to feminism

The Gender Blender Blog, March 26 2009, “What does public transportation have to do with feminism?” http://thegenderblenderblog.wordpress.com/2009/03/26/what-does-public-transportation-have-to-do-with-feminism/

As a New Yorker who is a frequent user of public transportation, this pisses me off A LOT. Public transportation also is, in many ways, a feminist issue. Why, you ask? Well, women tend to use public transportation more than men do and therefore having affordable, efficient and quality public transportation is important because it enables more women to have access to mobility in and around the public sphere, which is typically defined as a male domain. After all, we womenfolk are supposed to just hang out in the household while men go out and make the big bucks. Most people (men and women) work outside the home now and they don’t all work within walking distance from where they live. Taking the train or the bus is often the cheapest and quickest way for them to travel around. For working moms living in cities who rush from home to work to their child’s school to pick them up and back home, public transportation is usually the most convenient way for them to travel. Not only does it avoid local traffic (driving around New York City is always a nightmare), but it is cheap and fairly quick too. After the fare hikes and service cuts (this is not the first time the MTA has done it, but these are some drastic cut backs), this will no longer be the case.

## High Speed Rails Turn

#### High speed rail provides unique employment opportunities for women

Advancing Women in Transportation, July 11, 2012, “California High-Speed Rail Bill—An Opportunity for Job Creation and Career Growth,” https://www.wtsinternational.org/california-high-speed-rail-bill-an-opportunity-for-job-creation-and-career-growth/

The Authority’s Board Chair said that the Legislature’s action sets in motion a Statewide Rail Modernization Plan for California. Not only will California be the first state to build a high-speed rail system to connect its urban centers, CHSRA will also modernize and improve rail systems at the local and regional level. This plan will improve mobility for commuters and travelers alike, reduce emissions, and put thousands of people to work while enhancing their economic competitiveness. The California decision to move forward with $8 billion in High Speed Rail projects and other urban passenger rail programs adds to the growth of high speed rail in America. Already on the East Coast, AMTRAK has an ambitious plan for a $151 billion redevelopment of the Northeast Corridor to allow the use of high-speed trains. Dana Hook, WTS International Vice Chair and Vice President at HNTB in San Diego, is excited about the career growth this can mean for professionals in the transportation industry, particularly women. “This is huge,” said Hook. “These large transportation projects provide great opportunities for women in transportation by being part of the planning, design, and construction of this exciting infrastructure. Women can take advantage of these opportunities by staying up to date on what is happening in rail design and participating in the local process for high speed train travel.”

## Totalization DA

#### Feminism totalizes patriarchy.

Diana Relke, University of Saskatchewan, 2000**,**  “Reversing the Field: Father-Figure / Mother-Ground and the Reproduction of Patriarchy,”, http://www.usask.ca/wgst/journals/repro-patriarchy.htm

The material fact of female bodies is something that most contemporary feminist theory can’t adequately confront because of its retreat into an unmodified culturalism—an “understandable overreaction to naturalism,” as Terry Eagleton calls it, but an overreaction nonetheless (Eagleton 94). “For culturalism, which joins biologism, economism, essentialism and the like as one of the great contemporary reductionisms, there is no question of a dialectic between Nature and culture, since Nature is cultural in any case” (92). “**To claim that we are entirely cultural creatures absolutizes culture with one hand while relativizing the world with the other**” (95). Indeed, **culturalism is as totalizing as the universalism it denies**—and **this is certainly exemplified in the decision to put patriarchy on the Feminist Index of Forbidden Topics**. What **I am suggesting** in this paper is that **we at least consider putting the word patriarchy back into theoretical play**. Patriarchy is, after all, a topic that continues to preoccupy some of our most distinguished male theorists—Daniel Boyarin, Richard Trexler, and Thomas Laqueur, to name only three in the field of postmodern cultural studies who have taken patriarchy to places where most feminist theory refuses to go. **Revisiting patriarchy as a useful theoretical term will require that we examine the historical circumstances that led to its abandonment in the first place**. It **will also require that we acknowledge the extent to which our embrace of culturalism and our retreat into dreams of a** technological **utopia** populated by happy cyborgs **are a capitulation to the politics of disappearance.**

#### The K totalizes patriarchy. Male violence must be situated in order to make change. The K places women perpetually in the victim role

Chandra Talpade Mohanty, 1986, Under Western Eyes, http://blog.lib.umn.edu/raim0007/RaeSpot/under%20wstrn%20eyes.pdf)

Fran Hosken," in writing about the relationship between human rights and female genital mutilation in Africa and the Middle East, bases her whole discussion/condemnation of genital mutilation on one privileged premise: the goal of genital mutilation is "to mutilate the sexual pleasure and satisfaction of woman" ("FGM," p. 11). This, in turn, leads her to claim that women's sexuality is controlled, as is their reproductive potential. According to Hosken, "male sexual politics" in Africa and around the world "share the same political goal: to assure female dependence and subservience by any and all means" ("FGM," p. 14). Physical violence against women (rape, sexual assault, excision, infibulation, etc.) is thus carried out "with an astonishing consensus among men in the world" ("FGM," p. 14). Here, **women are defined consistently as the victims of male control—the "sexually oppressed." Although it is true that the potential of male violence against women circumscribes and elucidates their social position to a certain extent, defining women as archetypal victims freezes them into "objects-who-defend ­themselves," men into "subjects-who-perpetrate-violence," and (every) society into powerless (read: women) and powerful (read: men) groups of people. Male violence must be theorized and interpreted within specific societies, both in order to understand it better, as well as in order to effectively organize to change it." Sisterhood cannot be assumed on the basis of gender; it must be forged in concrete, historical and political practice and analysis**.

## Guilt DA

#### Transforming privilege is unproductive and self-referential – you ignore the Other in this process

SoniaKruks, the Robert S. Danforth Professor of Politics at Oberlin College, 2005, “Simone De Beauvoir and the Politics of Privelege,” *Hypatia*, Volume 20, Number 1

**One problem of a politics of self-transformation is that it may easily collapse into a long-drawn-out, rather self-referential, even self-indulgent, concern with one's own feelings, attitudes, and actions, a kind of "care of the self,**" or a personal therapeutic. Indeed, as Frye herself has noted, "projects of consciousness-raising and self-analysis are very susceptible to the slide from 'working on yourself' to 'playing with yourself'" (Frye 1992, 148). More often, however, **working on oneself, "unpacking one's invisible knapsack" stuffed with the subtle benefits of privilege, leads to a guilt-ridden focus on the self. But this too may be unproductive.** Thus Frye also talks of experiencing all her thoughts and actions as being poisoned with privilege (147), and in Invisible Privilege, Stephanie Wilderman writes that, however hard she struggles against it, "I fear that my own racism will make things worse, causing me to do more harm than good" (Wilderman 1996, 20). **Since the attempt to expunge one's own last vestiges of obliviousness to race, or insensitivity, can never be brought to an adequate closure, "working on oneself" may heighten one's feelings of guilt in ways that only lead toward despair, self-hatred, and demobilization.**7 [End Page 183]Sandra Bartky helpfully has argued that we should distinguish between guilt as an emotion and guilt as "an existential-moral condition." The latter arises simply by virtue of who we are (white, middle class, heterosexual, and so on). She points out that we may be guilty in this existential-moral sense, implicated in a system of privilege and exclusion, irrespective of whether we feel guilt as an emotion (Bartky 2002, 142). But, conversely, I want to suggest, those practices that heighten emotions of guilt may not always be the best way to go about addressing the "existential-moral" condition of guilt in which we find ourselves. **Guilt** as an emotion may well be an important moment of an initial "conversion" process, in which we become aware of our privilege, but it **may become quite crippling as a basis for effective long-term political action.**8

## Essentialism DA

#### Gender realism imagines the world in white terms. Nothing is universally woman, and saying something is so marginalizes women.

MariMikkola,Philosophy Department, University of Stirling, U.K., 2006**,** “Elizabeth Spelman, Gender Realism, and Women,” *Hypatia*, Volume 21, Number 4

Uncle Theo holds a realist view of pebbles: he thinks that individual pebbles share the very same universal feature of pebblehood that makes individual pebbles (as opposed to, say, sand). **Feminist theorists** (on Spelman's view) **hold a parallel realist view of gender: individual women share the very same universal feature of womanness that makes individual women** (as opposed to, say, men). **Women qua women, then, have in common the very same feature of womanness found in all and only women. Spelman went on to argue that no such universal exists and thus that gender realism** (of any kind) **must be false.** Spelman maintained first that **the gender realist view,** which she took much of feminist theory to hold, **had resulted from white middle-class Western feminists falsely theorizing gender and gender oppression from the perspective of "white solipsism,**" the tendency to "think, imagine, and speak as if whiteness describes the world" (Adrienne Rich, quoted in Harris 1993, 356). As Spelman explained: **If . . . I believe that the woman in every woman is a woman just like me, and if I also assume that there is no difference between** [End Page 80] **being white and being a woman, then seeing another woman 'as a woman' will involve seeing her as fundamentally like the woman I am.** In other words, t**he womanness underneath the Black woman's skin is a white woman's, and deep down inside the Latina woman is an Anglo woman waiting to burst through an obscuring cultural shroud.** (1990, 13) In Spelman's view, **white Western middle-class feminists have assumed that women all share some single feature and have theorized this feature as the one *they* possess. In doing so, they inadvertently created a notion of womanness where the common nature underneath the distorting cultural conditions is "white, middle-class, heterosexual, Christian, and able-bodied"** (Minow 1993, 339). Furthermore, this false notion of womanness, Spelman claimed, was "being passed off as a metaphysical truth" (1990, 186) thereby **privileging some women while marginalizing others.** White middle-class Western feminists simply did not understand the importance of race and class and by focusing on women merely as women (ignoring race and class differences) **they "conflate[d] the condition of one group of women with the condition of all"** (1990, 3).

#### What makes a woman a woman is different for all women. All parts of our identities make up who we are and can’t be separated out into things like a universal notion of woman.

MariMikkola,Philosophy Department, University of Stirling, U.K., 2006**,** “Elizabeth Spelman, Gender Realism, and Women,” *Hypatia*, Volume 21, Number 4

**Spelman**'s discussion of white solipsism **pointed to a** further **mistaken assumption** that she believed **feminist theorists held: what makes one woman a woman is the same as what makes another woman a woman.** On the contrary, she claimed, "**gender is constructed and defined in conjunction with elements of identity such as race, class, ethnicity, and nationality**" (1990, 175). As a result, **what makes it true that two women are women is not that they share some common nature we can separate from other aspects of their identities**: What makes it true that Angela and I are women is not some 'woman' substance that is the same in each of us and interchangeable between us. **Selves are not made up of separable units of identity strung together to constitute a whole person.** It is not as if there is a goddess somewhere who made lots of little identical 'woman' units and then, in order to spruce up the world a bit for herself, decided to put some of those units in black bodies, some in white bodies, some in the bodies of kitchen maids in seventeenth century France, some in the bodies of English, Israeli, and Indian prime ministers. (1990, 158) Spelman argued that **those committed to gender realism had falsely assumed a woman's womanness is a neatly distinguishable part of her identity separable from all other aspects of the woman's identity (such as her racial, cultural, and class identities).** **This was because**, Spelman thought, **the realist picture of gender falsely entails that all women qua women share the very same feature of womanness regardless of any other features they possess** (such as those invoked [End Page 81] by racial and class identities). **A woman's womanness** (on this realist view) **will remain unaffected by her race and class.**

## State Disengagement DA

#### Feminism’s historical roots are in liberalist analyses of power

Ruth EGroenhout**,** Department of Philosophy at Calvin College,2002**,** “Essentialist Challenges to Liberal Feminism,” *Social Theory and Practice*, Volume 28, Number 1

A third reason why **feminism has good reason to continue to locate itself in the liberal tradition** is that **the basic analysis of power that is central to feminism finds its historical roots in liberal thought. Power analyses are central to feminist theory, and a basic understanding of how power affects human interactions has been a staple of feminist analyses** for as long as there have been feminists. In some contemporary circles, feminist attention to power is presented as deriving from the thought of Foucault, from whom feminists have certainly learned. (6) But feminists were offering analyses of power differentials in society well before Foucault appeared on the scene, and some of the more perspicuous analyses were offered by Harriet Taylor Mill and John Stuart Mill in the nineteenth century. **It is no accident that one finds a careful analysis of how power affects relationships between men and women in these thinkers; their liberal commitments provided a natural location from which to analyze the ways in which power affects individual relationships.**

#### Liberalism has a view of the human that is key to feminism

Ruth EGroenhout**,** Department of Philosophy at Calvin College,2002**,** “Essentialist Challenges to Liberal Feminism,” *Social Theory and Practice*, Volume 28, Number 1

Finally, **liberal political thought is based on a respect for the rational capacity of the individual. On this view, humans are more than stimulus response machines. They are capable of making decisions that are the result of critical reflection, and critical self-reflection, and are not purely determined in their actions by the biological and social forces that act on them. Both biological and social determinism truncate moral analysis in ways that make the wrongs done to women by sexism too limited. Both types of determinism rule out concern for wrongs that are not analyzable in terms of either biological harm or social value. The liberal picture of human nature**, as more than either biologically or socially determined, **is a crucial aspect of the feminist analysis of the wrongness of sexist oppression. Sexual oppression, and social systems that perpetuate sexual oppression, are morally evil because they limit or deny women's capacity to reflect on and determine their own lives. Sexism also causes immeasurable harm to people, and its consequences are a part of the evil it causes, but it would be wrong even if it were practiced in ways that did not result in either impoverishment or sexualized violence against women.** It is wrong, ultimately, **because it treats some humans as less than human, and limits their freedom to take responsibility for their own lives.**

#### The individualism of liberalism respects the rational deliberation each is able to perform and protects rights

Ruth EGroenhout**,** Department of Philosophy at Calvin College,2002**,** “Essentialist Challenges to Liberal Feminism,” *Social Theory and Practice*, Volume 28, Number 1

**Liberalism grounds its basic rights in human nature, a nature characterized by rationality and autonomy. There are really two separable aspects to this claim.** We might call the first the **individualism** thesis **and** the second the **rights** thesis. **Both rely on the notion that there is something morally significant to human capacities for rational deliberation**. The first notes that humans are properly thought of first as individuals, not as units in a larger whole. **The respect that liberalism accords humans is accorded prior to and independently of membership in any particular community or class.** It is worth noting, of course, that one need not think recognition of the individual's status precludes a concomitant recognition of the familial, social, and cultural contexts within which individuals live and form their identities. But liberal thought, in the form I am considering here, refuses to wholly subsume individual identity into group identity, and defends the liberty of the individual to reject familial or social constraints as well as the capacity of the individual to do so. This individualism arises naturally out of the conception of rationality functioning in liberal **thought. Because each individual has the capacity to exercise rational deliberation, each should be accorded respect, as an individual, as he or she decides what sort of life to live and how to pursue his or her ends.** The rights thesis entails that **the respect individuals should be accorded is best articulated in terms of rights, politically protected liberties or entitlements. Classical liberal theory takes its name from the notion that each individual should have a sphere of liberties that are protected from other individuals and from state encroachment. Like individualism, the notion of rights or protected liberties is naturally grounded in respect for the individual's rational capacities.** Which rights need to be protected is, of course, a contested issue in liberal thought. Libertarians defend a rather minimalist notion of protection, limited largely to protection of negative rights such as the right to own property. Rawlsian liberals and others defend a more expansive notion of rights, including rights to education and welfare, because these provide the basic necessities for exercising one's rational capacities. But in either case, the rights being protected are justified on the basis of the individual's capacity to exercise rational judgment and so act freely and be held responsible for his or her choices. This notion of rights naturally leads to a third thesis of liberal thought, that of a necessary, but limited state.

#### Liberalism recognizes the individual as a self-determining being, which is central to women’s liberation

Ruth EGroenhout**,** Department of Philosophy at Calvin College,2002**,** “Essentialist Challenges to Liberal Feminism,” *Social Theory and Practice*, Volume 28, Number 1

Given the general account of social and political justice offered by this strand of liberal theory, are there reasons for feminists to be committed to liberalism? Four reasons come to mind. The first combines a historically grounded pragmatism with a basic philosophical concern. **The notion of individual rights has been a politically powerful tool in the fight against sexual subordination. The history of the struggle against women's oppression has shown that women need to be able to make decisions for and about their lives as individuals.** **The right to make decisions that determine the course of one's life,** in fact**, has been a central right in the fight for women's liberation.** There is a deep disagreement between feminism and certain versions of communitarianism, both because women know too well the dangers of being treated as a member of the class or social role of Woman (5) and because traditional values have frequently been the source of women's oppression. The struggle to be recognized as an individual in one's own right, and the respect accorded that individuality in law and in society has been too hard won to be given up lightly. Further, the individual is not valued, in liberal thought, because of a specific role that she or he is required to play in society, but instead is valued as an autonomous, that is, self-determining being. **Because the self-determination of the individual is a central liberal value, and because the state is justified insofar as it protects and enables self-determination, liberalism also requires that the state be accountable to and potentially modifiable by the individual. This commits the liberal theorist to the re-definition and re-evaluation of political and societal structures, and to the protection of the individual's liberty to analyze, criticize, and work to change those structures. These are core feminist values as well; feminism's goal is a world in which women are free to determine the course of their own lives and to play a significant role in political and social decision-making. As long as these remain central feminist values, feminists have reason to place themselves in the liberal tradition.**

#### Liberalism is self-correcting. Your criticisms of liberalism are only a reason to be reflective in advocacy of it.

Ruth EGroenhout**,** Department of Philosophy at Calvin College,2002**,** “Essentialist Challenges to Liberal Feminism,” *Social Theory and Practice*, Volume 28, Number 1

In making these arguments for a feminist liberalism I am not unaware of the many important criticisms feminists have leveled against liberalism. (7) **An unthinking account of individualism can become isolating and destructive, and an unreflective application of the notion of rights can be dehumanizing and disempowering.** But **these criticisms**, I would argue, **are better seen as reasons to be cautious and reflective in our advocacy and development of liberal theory, than as reasons to give up on liberal theory all together. They suggest** that what we need is, in Virginia Held's words, **a limited liberalism,** (8) **one that is always open to the need for modifications and changes to better meet its own aspirations. But such a self-limiting, self-correcting liberalism is nonetheless a liberalism, and perhaps a liberalism that is more true to liberal thought than a rigid, autocratic liberalism that resists change.** Further, **most criticisms of this type are most forceful when they point to the inadequacy of a liberal conception of the self as an account of a full human life. But if what liberal theorists advocate is instead understood as the bare minimum necessary for a decent human life, and if liberal theory also offers the individual an opportunity to decide for herself the further components of a full human life, these criticisms lose some of their force.**

#### Law shouldn’t be rejected because it is masculinist, it just needs more perspective

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

However, one should not equate this broad agreement among feminists with homogeneity in jurisprudential approaches. Feminism is not a single "theory," "school," or "methodology" of social commentary, [15](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT15) but rather a genre. [16](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT16) This is not to say that feminist theories can only survive within a "postmodernist" theoretical framework that denies all objectivity or possibility **[End Page 664]** of universalism. [17](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html#FOOT17) **Feminists of any theoretical orientation need not abandon their core concerns or arguments merely because those arguments assume certain cultural or universalistic philosophical values. No feminist need happily acknowledge her complicity with "masculinism" or imperialism and "struggle" with "her ensuing crisis of self-legitimation."** [18](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT18) **The fact that a jurisprudential (or other) theory might be ethnocentric, masculinist, or otherwise biased does not make it *per se* useless or wrong from either an epistemic or broadly theoretical point of view. It merely means that it will neither express all meaningful observations or perspectives, nor formulate an empirically based *Weltanschauung*.**

**S**overeignty and rights guarantee a likelihood to protect women’s interests against violations

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

Equally important, **this traditional view of state sovereignty fails to reflect the shift in the basis of state sovereignty that has taken place since 1945**. States increasingly act, as the United States did in Grenada and Haiti (the latter with approval of the UN Security Council) to reverse counter-democratic military coups, or as NATO did in Kosovo to prevent ethnic cleansing of Albanians by Serbs, on the assumption that sovereignty proceeds from the will of all of the people, and not from the mere fact that a particular government happens to have *de facto* rule over the country. Furthermore, this is evident, for example, in the European Union's guidelines for recognition of new states, which make democracy and respect for human rights a precondition to the recognition of a new state government. [56](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT56) **By encouraging political and civic freedoms within states, international law fosters the norms and institutions that diminish the need for actual** **[End Page 673]** **intervention to protect human rights. If international law guarantees women the right to vote, the state will be much more likely to protect women's interests. Democratic societies that guarantee fundamental political and civic rights,** they would argue, **will also tend to protect their citizens against other violations of human rights, such as rape, private torture, domestic violence, or undisclosed medical experimentation.** This position stems from the perception (discussed below) that the international legal system has limited resources and must assign priorities. [57](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT57) In any case, as Rebecca J. Cook has pointed out, a state government may object on grounds of sovereignty to being held responsible for violations of human rights, but it will virtually never claim that sovereignty *entitles* it to violate human rights under international law, even within its own territory. [58](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT58) This makes claims of sovereignty an obstacle to the actual enforcement of human rights law, but not to its development as an enforceable legal doctrine.

#### Feminist criticisms of the state misunderstand it as a monolith

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

Finally, **the feminist critique of statehood ignores the limitations of sovereignty within the state itself.** Those authors who begin their critique of statehood from the assumption that the world order is composed of unitary states interacting like bricks (i.e., states) forming a house (i.e., a world public order), with no actual interpenetration, fail to understand the political realities underlying the international legal system. [59](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT59) As Karen Knop explained: [I]t is clear that whatever the analogic conventions of international law, **the State is not a unified self. It encompasses a variety of groups and performs a variety of functions**. . . . **International law deals with this issue of 'fit' between State and population by giving peoples the right of self-determination, most often realized as statehood**. . . . By fetishizing sovereignty, international law has ignored what is actually happening in the international legal community, who the actors really are [sic], and what each one does. [60](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT60) Presumably, Professor Knop did not intend to reify international law, but rather meant to say that proponents of positivistic theories of international law do the fetishizing. In other words, **the problem with state sovereignty is not that international law "fetishizes" it, but rather that many scholars use it as a crutch to oversimplify the structure of international relations. Unfortunately, many feminists who seek to criticize the perceived public/private [End Page 674]** **divide on an international level have based their comments on the overly simplistic "bricks forming a house" model**. [61](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT61)

#### Removal of the state leaves patriarchy intact, need to use the tools the state gives you to fight patriarchy

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

Even if there were a strong distinction on the international level, however, some feminists would take issue with the assumption that the Western concept of the public/private divide troubles women worldwide, or even most women in the West. In the first place, the criticism of the construct cannot be valid in those societies in which the public/private divide barely exists. [62](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT62) In those in which it does, the state is hardly "irrelevant" to most women. **Women use the apparatus of the state domestically when they call upon it for economic assistance, or for protection from violence or discrimination. In real representative democracies, women have the same basic political tools as men** (e.g., the rights to vote, assemble, and speak freely), **although they may not have the same means of mass influence** (e.g., disposable income and access to the media). **More problematic to any feminist criticism of the concept of states is the observation that, even where the state structures break down, patriarchy still flourishes**. [63](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT63) **If removal of the state does not diminish patriarchy, women have little complaint against the concept of the state** *per se*.

#### Saying the State is irrelevant overshadows how culture forms identity

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

Internationally, the state may or may not be an equally relevant source of protection and empowerment for women as it is for men. **To claim that the state is simply irrelevant is to claim that gender overshadows nationality and culture-**-a highly contentious assertion among women and men alike, and **particularly when coming from feminists who claim that gender itself is a construct of culture.** [64](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT64) Karen Engle has claimed that **when feminists** **[End Page 675]** **complain that international law has excluded regulation of the "private"** (i.e., intrastate) sphere, **they really mean to say that international law excludes women: "Paradoxically, we [feminists] are often the ones who attach the label 'private' to women's activity that we see as omitted.**" [65](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT65)

#### Law enables protections for women that don’t exist in the private sphere

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

More broadly, it is certainly possible, as Rebecca J. Cook and Doris Buss have argued, that, in some if not most cultures, **the private world is a woman's refuge from unwanted public interference**. [66](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT66) **The alignment of private power determines the desirability of state intervention, and**, in some cases, **women have achieved the power they desire. Feminists in the U**nited **S**tates and Ireland, for example, **have sought to put women's reproductive choices beyond state jurisdiction precisely for this reason.** Eliminating all distinction between acts that should be subject to state regulation and acts that are purely private, as some feminists have advocated, [67](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT67) exposes women as much as men to unwanted intrusions upon their personal liberty, and subjects them to the cultural patriarchy that democratic governments seek to moderate. For this reason, in spite of her earlier and confused claim that the distinction between public and private should be collapsed, Professor Engle has correctly argued that **international law can offer women protection unavailable in the private sphere or in the domestic law of their respective countries.** [68](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT68) Similarly, Professor Knop has cautioned that the diversity of women's experiences with the internal aspects of the public/private divide "suggests that a single strategy or theory concerning [the international aspects of state sovereignty] may be neither possible nor desirable." [69](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT69) **International law is a potentially powerful tool for feminists to influence the state to protect them from individual abuses.**

## Framework

#### Your answers to framework are essentialist, they presuppose a commonality amongst women

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

Notwithstanding the general diversity of feminist theories, feminists generally favor two primary feminist techniques of social science analysis not commonly used in these male-dominated disciplines. [19](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html#FOOT19) First, **feminists** "ask the woman question"; that is, they **question how legal rules or practices affect women as a class or fail to account for women's perspectives.** [20](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html#FOOT20) In other words, **they seek to expose hidden assumptions and biases in seemingly neutral legal rules, as well as the real-world impact of those rules on women.** [21](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT21) **This method is** perhaps the **most popular** insofar as feminists of many different schools agree on its value. **However**, a minority of dissenters argue that "**asking the woman question" assumes a false gender-based homogeneity of perspectives or concerns**. In other words, "**asking the woman question" pretends that any given legal rule impacts women in roughly the same way, regardless of race, ethnicity, class, religion, disability, or other factors**. Of course, **almost all rules will tend to affect some women differently than others; feminism itself presupposes that women are homogenous in some significant respects, or else the term "feminism" loses its** **[End Page 665]** **meaning entirely**. [22](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT22) At the very least, that homogeneity includes the shared experience of male oppression, even if it is manifested in many different ways. [23](http://muse.jhu.edu/journals/human_rights_quarterly/v022/22.3fellmeth.html" \l "FOOT23)

#### Rules key to make decisions and create social change

Aaron Xavier Fellmeth, 2000**,** “Feminism and International Law: Theory, Methodology, and Substantive Reform, *Human Rights Quarterly*, Volume 22, Number 3

The problem with denying underlying theory is that it gives no basis for the selection of relevant facts. **If nothing is a "given," nothing can be taken away. As for bright-line rules, they are commended not only because people "are not always good judges," but they also carry the benefit of predictability and projecting social control into the future. Legal systems usually aspire to exert *ex ante* preventative control as well as *ex post* justice. Regardless of whether one believes the deterrent is effective or desirable for any particular law, the broad social impact must be considered.** For example, the intent of the law requiring minors to seek parental consent before obtaining an abortion is at least partly designed to influence young girls to abstain from sex or to use birth control. By weakening the rule, Bartlett would undermine its deterrent value. Bartlett may not find such deterrence of sufficient value or efficiency to warrant support for the particular rule, but the broader purposes and consequences are properly weighed.

#### Rules allow clear resolution. Feminism shouldn’t do away with rules entirely

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**The rejection of rules** also **leads to immense administrative costs**. Intensive fact finding for each problem case can be extremely inefficient. **Rules lower administrative costs by establishing heuristics that streamline dispute resolution and social control.** Of course, **feminists often take issue with the ways in which legal systems favor the reduction of administrative costs over the prevention of suffering by women. However, this disagreement does not seem to stem so much from disagreement about the utility of rules *per se* so much as a difference about where a particular rule should stop and administrative or judicial discretion should begin.**

## Perm

#### Feminism needs to learn how to build coalitions with other movements, single issue organizing is politically ineffective and fails to recognize the interlocking nature of oppressions

Natalie Fixmer & Julia T., Wood, 2005 “The Personal Is Still Political: Embodied Politics in Third Wave Feminism.,” Women's Studies in Communication, Volume 28

Consistent with third wavers' insights is Heckman's (2000) argument that feminism must "move from identity politics to a politics of identification.... in which political actors identify with particular political causes and mobilize to achieve particular political goals" (p. 304). This kind of identification leads third wavers to become "true compatriots and allies because of our dreams and perceptions, which match much more closely than our skin and hair" (Bondoc, 1995, p. 179). Third wave feminists' allegiance to inclusive solidarity and politics also seems to embody Laclau's belief that to engage only the struggles of one's own specific group is to be politically ineffective. In an interview, Laclau (Worsham & Olson, 1999) stated that, "if only the particularity of the struggle is recognized without entering into relations of solidarity with other groups and engaging in wider struggles at the level of society, then the group will be totally enclosed in its particularized demands and its actions will have no hegemonic consequences at the wider level" (p. 149). In this way, third wave politics reflect a commitment to building coalitions and a kind of solidarity that fully recognizes and attempts to work with both interlocking facets of identity and the interlocking nature of oppressions.