



## **THE REVIEW OF THE ARTICLE OF FEMINISM, IMPERIALISM AND THE MISSION OF INTERNATIONAL LAW BY ORFORD, A.**

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### **ABSTRACT**

Parallel to the reform movements, the position and rights of women gradually began to engage in the international agenda. Women consistently focused background of the international arena before the 18th and 19th centuries, because international arena has war, conflict and some ethical problems, it is, therefore, women did not affect any solution in the arena. For brief information, women want to be part of the newly established order in the international community after the Cold War and also on the desire to be effective in international law revealed the importance of the feminist movement after the 20th century. Furthermore, after the September 11 terrorist attacks have affected international law and the new concept emerged. In this article, a brief summary was given about the Feminism, Imperialism and the Mission of the International Law, which is Anne Orford's article; in general, the article will be criticized. Within the framework of the article, some of the ideas will be discussed.

## **1. INTRODUCTION**

The theory of feminism is generally accepted that men have many rights such as, political, cultural and economic rights in the international era and women who want to take and have these rights like men and expand their roles in the international community. Other important points for women who have innate features of peaceful and support their men in the international or national community so, women have an important role to support peacekeeping and peace-making missions (Orford, 2002), but it must to say that women have every time most affected from war and conflicts. Therefore, women must be protected from external dangers by the international community and international law.

The idea of European Imperialism has been one of the main pioneers of the feminist movement in the 19th century. During this period, feminists tried to spread their ideology by producing heroes. The aim of the women who living in the industrialized countries, they demonstrated their thoughts or ideas to third world women.

By the end of the Cold War, the world has gained momentum on the economic-based formations, and it is, therefore, come to the fore as various organizations such as the World Trade Organizations and the World Bank. In the international economic organizations, international lawyers cannot be more effective or have not taken any specific roles played by these institutions as a security crisis, but with these organizations, globalization has been increasing in the world. However, on the one hand, hunger and poverty is the main problem for the Third World people, while the other side of the wealth. This is both legal and illegal means. Korhonen (2000) mentions that, "international law is not finished system" and according to that law is still evolving and therefore, it can be both sides.

In this article, a brief summary was given about the Feminism, Imperialism and the Mission of the International Law, which is Anne Orford's article; in general, the article will be criticized.

Within the framework of the article, some of the ideas will be discussed. Firstly, brief information will be given about the feminist movement and then these ideas will be criticized. Secondly, the relationship between imperialism and feminism will be detailed. The last section of the article will be about the relationships between international law, economy and feminism.

## 2. DISCIPLINING OF FEMINISM AND SOME CRITIQUES ABOUT THEIR ROLES

Feminism is a theory which built its own discourses against the dominance of men in the international arena. One of the main aims of the feminist movement in the 19th and 20th centuries, women who did not have the same condition with men and therefore, prevent them from everything and keep the same level with men. According to Charlesworth et al., feminism or women's movements have been started since at least late nineteenth and early twentieth century in some developing countries. (Charlesworth, Chinkin & Wright, 1991) Before the 19th century, the basic doctrine that women were seen as one of only dealing with home affairs and they did not understand other jobs or could not succeed without it. Therefore, women had been deprived from economic, cultural and political rights.

One of the other basic aims of feminism in the women's movement seems to be removed from the area of sexual reproduction, as well as all the men and women in the social-producing project has ground to a position in the international arena and to bring an action.

Although the feminist approach has some specific targets for improving women's rights in the international arena without economic and political rights, Gayatri Spivak mentions that "White men... saving brown women from brown men" (Orford, 2002). According to this approach, white women generally are seen as an ideal for Third World Women and they can protect themselves from outside attacks. On the other hand, according to D'Amato, women's behavior and their position sometimes like animals (Orford, 2002), because, if animals weak or injured, others will abandon or kill it in there. I believe that we cannot compare women and animal, because women have their own mind and ability and they can protect themselves from everything. Animals just have a natural ability, and they cannot improve themselves.

With the development of international law since the 21st century, women's rights have taken place in the international literature. In addition, another issue should be addressed in this process, including the legal system in the 21st century, international development and women's rights in the violence suffered by women through international law and lawyers are taken to protect women against rape and other similar events.

Teson argues that "liberal internationalism assumes a right to democratic governance, and holds that a state may not discriminate against individuals, including women" (Teson, 1992). On liberal principles of domestic liberal women liberationists trust and liberal feminists rely on liberal principles of domestic.

According to the Charter of the United Nations in the field of human rights have been some obligations such as non-discrimination and equal opportunity for women in the international community. The Articles 1, 8 and 55 of the United Nations Charter, which have been clearly revealed about the equality and human rights (The Charter of the United Nations). According to the Article 1 of the UN Charter, if there is a problem in the international arena as economic, cultural, social or humanity, no one have language, religion, race and gender discrimination of human rights and freedoms of everyone being subject to be shown respect. It seems clear that gender discrimination have been trying to eliminate in the international community.

Generally, First World Women or from highly industrialized countries, women have some information about Third World Woman such as their victimization, life hassles, and so on. In addition to this, when First World Women investigate these areas, they can be part of the tradition of imperialism and therefore, the Third World Woman becomes the object of

knowledge of these people. On the other hand, Hilary Charlesworth argues that, women often have a quiet or silence location in international law (Charlesworth, 1999), because the silence of women is caused to maintain international stability. Otherwise, Charlesworth mentions that, "Women are not completely absent from the international legal order" (Charlesworth, 1999), and women's human rights have been developed by the UN and other international organizations, therefore, women will participate to the legal order in the international arena. Up to this time, women have the victim of violence or victims of armed conflict and they have mother sense, and these factors will affect their ideas about the international law when they attend the meeting or rule-making conferences in the international arena, and they can look very limited way. In other words, women must be needed to protect from any war and conflict.

Charlesworth in her article mentions that some international agreements, such as the Declaration on the Elimination of Violence against Women adopted by the General Assembly in 1993 (Charlesworth, 1999; The UN General Assembly Resolution), makes violence against women in terms of the issue of international agenda, but these types of international agreements failed to create a common point between women and human rights (Charlesworth, 1999).

To sum up, women have been participated to the international arena mid-20th century and they are protecting by the UN and other international organisations, but there are some differences between First World and Third World Women. As mentioned above, Spivak's argument that women do not need to white men protection in the international arena. They can protect themselves from external dangers or other conflicts, but firstly, they must give up their mother sense and secondly decide their role in the international arena. In the second section, the more information will be given about the relationship between feminism and imperialism.

### **3. FEMINISM AND IMPERIALISM**

One of the main points of having a combination of feminism and imperialism, women who living in industrialized countries have an impact to Third World Women and change their location and life style in the international arena. Because, according to them, they thought that in the Third World women had some difficulties and they only accepted as a sexual object.

As Orford argues that imperialism was a "subject-constituting project" (Orford, 2002), and it aimed in the nineteenth century to put its own ideas to other countries. When they make this, they use literature or other things such as use international law or lawyers to investigate and help them. But apart from that feminist theory do not support imperialism in the international arena, because they created a heroine in the literature and their ideas about the imperialism is a violence of imperialism (Orford, 2002). Although feminists do not support the imperialism, they have used it. As Spivak mentions that, "it seems particularly unfortunate when the emergence perspective of feminist criticism reproduces the axioms of imperialism" (Spivak, 1985), because they use some communication devices such as mentioned above that literature which an information-retrieval approach for Third World.

On the other hand as Orford mentioned in her essay that feminist individualism stakes two different register styles in the international arena. One of them is childrearing (Orford, 2002; Spivak, 1985) which is the normal social reproduction of sexual, and this is a normal attribution for women or gender. Another is the imperialist project for feminist individualism called social mission of civil society and its name soul-making (Orford, 2002; Spivak, 1985). According to these registers women want to attend international arena as an actor.

Another important point in here that feminist theory or feminist analysis of international law did not focus on the economic situation in the Third World Women. The Third World is a

backdrop for feminist theory, but imperialism might affect their ideas, and they can share their spoils with white men or other men.

Last point to the relationships between imperialism and feminism as Orford mentions that, “international legal feminists have not been able to ensure that their versions of feminism can enter the contest for meanings in the security and economic areas” (Orford, 2002). According to that in the some areas such as economic or military conflicts, women are playing the major role in here as an object, and they have many difficulties, for example, some people use them for sex trade, rape and they cannot make money as others.

As mentioned above that although feminists do not support the imperialism, they have had to use it in their ideas. Imperialism can be subject-constitution project, but, it aims generally to share its own ideas other countries or Third World. Therefore, it can get much spoil from there, and this situation may be attracted feminists.

#### **4. FEMINISM AND INTERNATIONAL LAW**

As it is mentioned above that the main aim of the feminism is to move women from the sexual reproduction in the men’s field of social-subject production. Therefore, they give some idea about the men who are located at interest of international issues. Particularly, in the economic integration women do not have a common idea. As Orford argues that, according to feminists, economic integration is increasing, and it can be harmful to the international arena and everyone must also pay attention in this context (Orford, 2002). On the other hand, Stark mentions that, “forces shaping global integration affect women differently” (Stark, 2007), and therefore, global economic integration will affect women in a different way such as some of it can be very delighted and another can be a disaster.

After the Cold War, international arena gave up the political problems between the two big powers and economic integration has been started effectively. In this term, International Monetary Fund (IMF), The World Bank and the World Trade Organization (WTO) have been very effective in the international era. Feminists may be right for their ideas about the ancient hatreds or ethnic tensions between the states, but the international era is evolving, and therefore, states have to forget some political problems with each other.

After the Cold War, many states have established and some of them can be rogue state or have some terrorism problems. But this is not to say that it can affect economic integration in the international community. Nowadays international economic improvement decides everything and political issues sometimes forget from the international community. On the other hand, in this period, international organizations may affect other state politics as economic side and it can be an intervention for their citizens.

When we come back to Adam Smith’s Wealth of Nations, Shapiro argues that he does not consider about politics and thinks just economic improvement and another point is that he does not care the division between rich and poor (Shapiro, 1993). Feminist theory cares about the division of labour rights. They argue that, international economic integration can create inequality between the Third World and First World, because especially women, who living in Third World, makes money less than others. Spivak mentions in his book that problem, “whereas Lehman Brothers, thanks to computer, earned about USD 2 million for...15 minutes of work’, the entire economic text would not be what it is if it could not write itself as a palimpsest upon another text where a woman in Sri Lanka has to work 2,287 minutes to buy a t-shirt. The post-modern and pre-modern are inscribed together” (Spivak, 1998). According to Spivak’s idea, in the international arena does not have common price quantity and therefore every person can earn different quantity of money. Separately, we cannot obstruct globalization, because nowadays every country nearly uses same product and same quality but these differences will derive country’s system and money value. Also, it should be noted

that, international companies or organizations establish their works in the Third World, because these states will be very cheap for labor force, but they have to change their work quality in their work area.

As it is mentioned above that international law is still evolving and therefore, it is not a finished work. International law can be read and interpreted differently, because all theories have various meanings from person to person, it is, therefore, we have to look different side every time.

If you need to specify a separate spot, as Orford argues that, “globalization is represented as making possible and made possible by global telecommunications, the mobility of workers, education and the neutralization of distance” (Orford, 2002). Globalization cannot be prevented by anyone. It uses everything in the world, and it can have some bad situations such as refugee problems, human rights abuses and so on. Therefore, international laws have to protect all people from every bad situation. Globalization can be managed, but just law, and international organizations can change this position.

After the 9/11 terrorist attacks, international law may be damaged, but after these attacks many lawyers have found themselves working on international problems and international human rights abuses (Brooks, 2002), and terror is the most global issue with this term. The concept of self-defence again interpreted by the USA and some Western countries, and terror is part of a cycle of violence (Orford, 2002). According to the author’s general idea, terror did not affect all system, but it changes some clarifications.

In this section, some information was given about the relationship between feminism, international law and economic globalization. Generally, although feminist theory and the author do not support globalization, they cannot prevent anything from it. International law and international organizations are created as the result of globalization and also nowadays economic integration is more important rather than other politic problems. We have to change some inequality in the international arena such as price or work quality.

## **5. PERSONAL ASSESSMENT AND CONCLUSION**

In the article, I agree on some points with the author. For example, women have some difficulties in the Third World as economic rights and integration of the social life, and another important point in the article is that women are the victims of conflicts or war, and they care this point and give some alternative points to keep and protect them for those.

But in my opinion, the article does not have a streamlined structure. For instance, when it gives information feminist argument about the Third World women and international law, another sentence gives a different point about poverty or other. Particularly last part of the article which is the self-defence and the USA and Western countries politics, it does not have any specific point with the article and it does not give any information about the feminist view. Last point for the international economic integration, we cannot prevent anything from economic integration, because after the Cold War, economic politics have been increasing and we cannot reject it. Every country has its own values as economic side and, it is, therefore, price will change from state to state, but we have just one chance for this reason, we can change positively just work conditions.

In summary, international law is neither conceptual nor procedure, gender-based concept. People who support feminist act does not want to change international law or arena; they just want to participate with the same rights, opportunities and voices international areas like men. Although, they want these rights, they oppose to imperialism. If they do not use imperialism or the device of imperialism, they cannot be succeeding these duties. On the other hand, after the establishment of the UN, they have had many rights in the international arena and still these rights have been improving. Last but not least, feminists or women had to care

international conditions at the time, because everything changes very fast and they can have many rights which are aforementioned and better conditions at this time.

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