

2007

María Lugones's Work as a Human Rights Idea(I)

Berta E. Hernández-Truyol

University of Florida Levin College of Law, hernandez@law.ufl.edu

Mariana Ribeiro

Follow this and additional works at: <https://scholarship.law.ufl.edu/facultypub>



Part of the [Civil Rights and Discrimination Commons](#), and the [Human Rights Law Commons](#)

Recommended Citation

Berta Esperanza Hernández-Truyol & Mariana Ribeiro, *María Lugones's Work as a Human Rights Idea(I)*, 18 Berkeley La Raza L.J. 29 (2007).

This Article is brought to you for free and open access by the Faculty Scholarship at UF Law Scholarship Repository. It has been accepted for inclusion in UF Law Faculty Publications by an authorized administrator of UF Law Scholarship Repository. For more information, please contact rachel@law.ufl.edu.

María Lugones's Work as a Human Rights Idea(1)

Berta Esperanza Hernández-Truyol*

Mariana Ribeiro**

INTRODUCTION

This essay utilizes a human rights lens to examine María Lugones's work and its praxical application. María Lugones, a Professor of philosophy and the Director of the Center for Interdisciplinary Studies in Philosophy, Interpretation, and Culture at the State University of New York at Binghamton, is a philosopher, activist, and exciting educator. She is a preeminent figure in feminist philosophy. Her life's work fights the oppression of outsiders by the dominant culture—be it of minority cultures within the dominant culture or outliers within a minority culture. She emphasizes this tension in multiple locations including ethnicity, race, gender, and sexuality. She writes, grappling with the intersections of these geographies, from numerous and shifting subject positions: she is Latina in the *estados unidos*; a woman in a man's world; a lesbian in a straight world; an activist for equality in a heteropatriarchal society. Lugones's work is about problems that exist and, most significantly, about finding human solutions by forming coalitions where outsiders work together to understand each other and with the majority to enlighten all about the plights experienced by different lives. Her foundation is about multidimensionality, the coexistence of multiple oppressions, and how to liberate the increasingly strangled soul. She is truly inspirational. Students often talk about how she has changed their lives; how they see the world differently after being in her courses and reading her works. The same is true for her readers, friends, and family—she transforms us with her words and her work.

We develop the Lugones/human rights analysis in three parts. In Part I, we present the human rights framework. This part briefly discusses key human rights documents which include the Universal Declaration as well as treaties that elucidate and enumerate the civil, political, social, economic, and cultural rights—rights to which persons are entitled simply because we are human beings. Human rights treaties also include agreements that protect particular persons or groups—children, women, racial minorities—as well as the environment. Following this introduction, we address three aspects of the human rights paradigm that are most pertinent and

* Levin, Mabie & Levin Professor of Law, University of Florida, Levin College of Law, Gainesville, Florida. I wish to thank Mariana Ribeiro for her terrific presentation of and work on this essay. I also thank Cindy Zimmerman for her editorial and word processing assistance. Of course, huge thanks are due to María Lugones for her magnificent work.

** J.D. (University of Florida '06). I wish to thank Professor Berta Hernández-Truyol for her friendship, support, and inspiration.

directly related to this project: (1) the idea of the indivisibility of rights; (2) the right to self-determination of peoples; and (3) equality/nondiscrimination principles.

Frequently, discussions about human rights are structured in terms of hierarchical generations—the so-called first generation civil and political rights; second generation social, economic, and cultural rights; and third generation solidarity or group rights. Instead of such a segregation of rights approach, we embrace the indivisibility and interdependence model that the human rights documents embrace. Such a paradigm is the proper framework to pursue and promote human thriving.

In Part II, we analyze Lugones's parallel ideas of (1) hybridity/multidimensionality of "others;" (2) self-care/autonomy/agency of persons; and (3) equality/hyphenation principles. We will show that these constructs beautifully dovetail with the human rights framework. Part III presents a real exercise that shows the utility of a Lugones-driven human rights analytical model in attaining praxis. We conclude in Part IV that the reconstructed human rights framework can effectively deploy the desired and shared Lugones aim of human liberation.

I. THE HUMAN RIGHTS FRAMEWORK

Modern international human rights law is a post-World War II phenomenon. Its development can be attributed to the monstrous violations of human rights committed during the Hitler era and to the belief that these horrendous violations, and possibly the war itself, might have been prevented had an effective international system for the protection of human rights existed in pre-war days. President Franklin D. Roosevelt eloquently espoused the international human rights cause as early as 1941. In his famous Four Freedoms speech,¹ President Roosevelt called for "a world founded upon four essential human freedoms,"² which he identified as "freedom of speech and expression," "freedom of every person to worship God in his own way," "freedom from want," and "freedom from fear."³ President Roosevelt's version of "the moral order"⁴ as he characterized it, became the clarion call of nations that fought the axis powers in World War II and constituted the foundational ideas for the United Nations.⁵

After the 1948 embrace of the non-binding Universal Declaration on Human Rights⁶ ("Universal Declaration"), many in the international community hoped to adopt the ideas presented in that ground-breaking document in a single covenant. This document would afford protection for a range of rights—not only the civil and political but also the social, economic, and cultural rights—included in the Universal Declaration. But after almost two decades of debate, States adopted two

1. Franklin D. Roosevelt, U.S. President, The Four Freedoms, Address before 77th U.S. Congress, Jan. 6, 1941, available at <http://www.libertynet.org/edcivic/fdr.html>.

2. *Id.*

3. *Id.*

4. *Id.*

5. See Thomas Buergenthal, *International Human Rights Law and Institutions: Accomplishments and Prospects*, 63 WASH. L. REV. 1, 3 (1988).

6. Universal Declaration of Human Rights, U.N.G.A. Res. 217 (III. 1948), adopted Dec. 10, 1948.

separate covenants—separating out protection of “first” and “second” generation rights: the International Covenant on Civil and Political Rights⁷ (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights⁸ (“ICESCR”).

The historical context that resulted in these two separate treaties elucidates and underscores the perceived hierarchies of values that give primacy to civil and political rights over economic, social, and cultural rights. In fact, it was the then second world (the Communist countries) and the third world (the newly independent African and Latin American countries, at last free from colonialism) that championed and demanded economic rights.⁹ These rights, classified as positive rights, require governmental intervention for the betterment of the population. The “developed” nations, on the other hand, wanted to emphasize the civil and political rights in the Western individualistic tradition. These are “negative” rights as they create a geography free from governmental interference rather than requiring any proactive action from the government.

Thus, although the United Nations General Assembly adopted both the ICCPR and the ICESCR, the international community, based on the bifurcation, perceived a hierarchy of rights that gave preeminence to the negative civil and political individual rights. Indeed the priority that has evolved between the two groups of rights, even contrary to the indivisibility preambular language of the Universal Declaration, the ICCPR, and the ICESCR,¹⁰ becomes apparent by the nature of the obligations undertaken by States. By ratifying the ICESCR, a State Party does not assume the obligation of immediate implementation found in the ICCPR. Rather, as the language of Article 2(1) of the ICESCR indicates, by ratifying the Economic Covenant a State undertakes the obligation merely to take steps “to the maximum of its available resources” in order to achieve “progressively the full realization” of those rights.¹¹ Unlike the ICESCR, which calls for progressive implementation tied to available resources,¹² the ICCPR imposes an immediate obligation “to respect and ensure”¹³ the rights it proclaims and to take whatever other measures are necessary to bring about that result.

Although many claim the universality of origin and applicability of civil and political rights, the development of these rights has been nationalized,

7. International Covenant on Civil and Political Rights (Dec. 16, 1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976 [hereinafter ICCPR].

8. International Covenant on Economic, Social and Cultural Rights (Dec. 16, 1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976 [hereinafter ICESCR].

9. Berta E. Hernández-Truyol, *Human Rights Through a Gendered Lens: Emergence, Evolution, Revolution*, 1 WOMEN & INT’L HUM. RTS. L. 3 (Kelly D. Askin & Doreen M. Koenig eds., 1999) [hereinafter Hernández-Truyol, *Gendered Lens*].

10. ICCPR, *supra* note 7, at pmb1 (“Recognizing . . . the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.”); ICESCR, *supra* note 8, at pmb1. (“Recognizing . . . the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.”). See also Universal Declaration, *supra* note 6.

11. ICESCR, *supra* note 8, at art. 2(1). But see HENRY STEINER & PHILIP ALSTON, INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS 237-63 (2d ed. 2000) (suggesting that the difference in language does not create a lesser obligation).

12. ICESCR, *supra* note 8.

13. ICCPR, *supra* note 7, at art. 2(1).

politicized, and gendered.¹⁴ The notion of human rights that emerged, rather than being truly universal, was rather normative, cast in the mold of the “white, Anglo, Western, European, Judeo-Christian, educated, propertied, heterosexual, able-bodied male norm.”¹⁵ Such rights are regarded as merely “formal freedoms” or “paper freedoms” that neglect and even turn a blind eye to the realities of today’s social conditions—conditions that adherence to the rights contained in the ICESCR would go a long way to alleviate.

As a practical matter, however, the bifurcation of the Universal Declaration into two separate, unequally valued treaties symbolizes the idea that people’s identities and lives can be easily divisible and atomized.¹⁶ This bifurcation suggests that our political citizenship can be neatly separated from our cultural, economic, and social selves. Many view this flawed severability concept as a tool of domination and oppression.¹⁷ In sum, the shift from a unitary view of rights to the split in the covenants can be viewed as an exercise of power by the “developed” nations over the “under-developed” nations.

Moreover, before engaging the relevant documents and specific rights, it is important to acknowledge that the human rights system suffers from some weaknesses, reflected in critiques that it is hierarchical, gendered, racialized, and imperialistic. Whereas the human rights discipline has Western liberal origins that are particularized as well as relativistic and can be viewed as imperialistic or colonial, it can be reconceptualized to have a pluralistic and universal foundation. Maria Lugones would admonish, correctly, that such reconceptualization should be done in light of plural concerns not just another single axis analysis.¹⁸ However, our analysis embraces the utilization of a reconstructed pluralistic human rights framework that incorporates the feminist critique that the human rights agenda as crafted fails to consider the condition and needs of women, the Asian critique that challenges the framework as Western, the third world critique that underscores the system as Northern and industrialized, and the anti-colonialist critique that notes the structure was crafted during colonial days and has not accommodated changes. This formulation promotes personhood and is counter-hegemonic.¹⁹

14. Hernández-Truyol, *Gendered Lens*, *supra* note 9, at 5.

15. *Id.*

16. AUDRE LORDE, *SISTER OUTSIDER* (1984) (on atomization of identity).

17. Berta E. Hernández-Truyol, *Borders (En)Gendered: Normativities, Latinas, and a LatCrit Paradigm*, 72 N.Y.U. L. REV. 882 (1997) [hereinafter Hernández-Truyol, *Borders (En)Gendered*].

18. See, e.g., María Lugones & Joshua Price, *The Inseparability of Race, Class, and Gender in Latino Studies*, 1 LATINO STUD. 329, 331 (2003) [hereinafter Lugones & Price, *The Inseparability*] (noting that “[t]his re-conception should not go back to an analysis that centers class as more fundamental and separable from the issues of gender, race or sexuality”).

19. See, e.g., Hernández-Truyol, *Gendered Lens*, *supra* note 9; Berta E. Hernández-Truyol & Sharon E. Rush, *Foreward: Culture, Nationhood, and the Human Rights Ideal*, 33 U. MICH. J. L. REFORM 233 (2000); Berta E. Hernández-Truyol, *Building Bridges IV: Of Cultures, Colors, and Clashes—Capturing the International in Delgado’s Chronicles*, 4 HARV. LATINO L. REV. 115 (2001). See also HILARY CHARLESWORTH & CHRISTINE CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST ANALYSIS* (2000) (feminist critique); W. THEODORE DEBARY, *ASIAN VALUES AND HUMAN RIGHTS* (1998) (Asian critique); Makau Mutua, *The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties*, 35 VA. J. INT’L L. 339 (1995) (Africanist critique); Makau Mutua, *A Third World Critique of Human Rights*, http://www.ceu.hu/legal/universalism%20and%20local%20knowledge%20in%20HR%202003/Makau_text.htm (last visited June 22, 2008) (third world critique); R. Panikkar, *Is the Notion of Human Rights a Western Concept?*, 30(120) DIOGENES 75 (1982) (Eastern critique).

There are several categories of international agreements that present the ideas of indivisibility of rights, self-determination of peoples, and equality of persons. One class of agreement addresses general rights. Two such significant agreements are the ICCPR²⁰ and the ICESCR.²¹ These covenants define a broad range of rights in their respective civil and political and social, economic, and cultural categories. Both covenants contain a few common substantive provisions, all of which are pertinent to the focus of this essay: (1) similar preambular language on the indivisibility of rights;²² (2) a common Article 1(1)²³ providing for the right of self-determination;²⁴ and (3) a common Article 2²⁵ articulating equality/nondiscrimination clauses.²⁶

The second type of treaties that illuminate Lugones's work as human rights centered are regional agreements. For example, the American Convention on Human Rights²⁷ ("American Convention"), the European Convention for the Protection of Human Rights and Fundamental Freedoms,²⁸ and the African Charter on Human and Peoples' Rights²⁹ ("African Charter") provide regional human rights protections. Because of their geographic focus, these instruments can engage the idea of local culture.

Interestingly, Latin America and Africa, the two regions (other than the Communist states) that originally opposed the bifurcation of the rights included in the Universal Declaration advocated by "developed" nations, have created their own convention-based system that integrates civil and political rights and economic, social, and cultural rights. This approach embraces the indivisibility ideal and accepts that all classes of rights are equally important for human well-being.

20. ICCPR, *supra* note 7.

21. ICESCR, *supra* note 8.

22. Provisions for indivisibility of rights are included in other human rights documents. Convention on the Elimination of All Forms of Discrimination against Women, U.N.G.A. Res. 280, 19 I.L.M. 33 (1980), adopted by the U.N.G.A. on Dec. 18, 1979, entered into force Sept. 3, 1981 [hereinafter CEDAW], pmbl. & art. 3; Convention on the Elimination of All Forms of Racial Discrimination, 5 I.L.M. 352 (1966), entered into force Jan. 4, 1969 [hereinafter CERD], arts. 2 & 5; American Convention on Human Rights, 9 I.L.M. 673 (1970), entered into force July 18, 1978 [hereinafter American Convention], art. 16; African Charter on Human and Peoples' Rights, 21 I.L.M. 59 (1981), adopted June 27, 1981, entered into force Oct. 21, 1986 [hereinafter African Charter], pmbl. & art. 22.

23. ICCPR, *supra* note 7, at art. 1(1); ICESCR, *supra* note 8, at art. 1(1).

24. Provisions for self-determination are included in other human rights documents. CEDAW, *supra* note 22, arts. 7, 9, 10; CERD, *supra* note 22, pmbl., art. 5; American Convention, *supra* note 22, art. 23; African Charter, *supra* note 22, pmbl., art. 20.

25. ICCPR, *supra* note 7, at art. 2(1) ("Each State Party . . . undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction . . . without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."); ICESCR, *supra* note 8, at art. 2(2) ("The State Parties . . . undertake to guarantee that the rights . . . will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.").

26. Provisions for equality/nondiscrimination are included in other human rights documents. CEDAW, *supra* note 22, at pmbl., arts. 1, 2, 4, 5, 7-16; CERD, *supra* note 22, at pmbl., arts. 1, 2, 4, 5, 7; American Convention, *supra* note 22, at arts. 1, 8, 17, 24, 27; African Charter, *supra* note 22, pmbl., arts. 2, 18-20, 28.

27. American Convention, *supra* note 22.

28. European Convention for the Protection of Human Rights and Fundamental Freedoms, 312 U.N.T.S. 221, signed Nov. 4, 1950, entered into force Sept. 3, 1953.

29. African Charter, *supra* note 22.

The American Convention³⁰ rejects the idea of hierarchical rights. It recognizes that persons possess multidimensional complex identities that cannot be atomized and still retain the essence of a human being. Although the American Convention guarantees some two-dozen broad categories of civil and political rights, the Convention also contains an undertaking by State Parties to take progressive measures for “the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards.”³¹ Unlike the obligations of a State Party under the ICESCR, where the State obligates itself merely to take steps “to the maximum of its available resources” in order to achieve “progressively the full realization” of these rights,³² the American Convention uses stronger language and requires a State Party to adopt whatever measures may be necessary and reasonable under the circumstances to ensure their full enjoyment.³³ Although the American Convention allows State Parties to derogate from their obligations “[i]n time of war, public danger, or other emergency that threatens the independence or security,”³⁴ unlike the ICCPR, the American Convention also declares that “the judicial guarantees essential for the protection” of the non-derogable rights may not be suspended.³⁵ The catalog of non-derogable rights is also longer than that of the ICCPR.³⁶

Even within the list of non-derogable rights found in Article 4 of the ICCPR, there exists a possible hierarchy. The list of non-derogable rights found under Article 4 of the ICCPR is uncontroversial; it includes rights that have reached a consensus within the international community as being central to an individual’s human existence. The ICCPR’s list of rights that are derogable in times of “public emergency which threatens the life of the nation”³⁷ are rights that have implications on State sovereignty and executive privilege. Thus, it creates a hierarchy in which internationally recognized rights take prominence over rights with respect to the enforcement of which State Parties have discretion in order to protect the welfare of the state and national security. These provisions that allow State Parties to derogate from their obligations in times of public emergency which threatens the life of the nation are partially balanced by Article 5(1), which prohibits the imposition of restrictions or limitations aimed at the destruction of the rights or “their limitation to a greater extent than is provided for in the present Covenant.”³⁸ In practice, particularly in States that lack a strong and independent judiciary, the provisions that

30. American Convention, *supra* note 22.

31. *Id.* at art. 26.

32. ICESCR, *supra* note 8.

33. American Convention, *supra* note 22, at art. 2.

34. *Id.* at art. 27(1).

35. *Id.* at art. 27(2) (specifically noting as non-derogable the rights to judicial personality, life, and humane treatment; freedom from slavery, ex post facto laws, conscience and religion; rights of the family, to a name, of the child, to nationality, to participate in government, “or of the judicial guarantees essential for the protection of such rights”).

36. Compare *id.* with ICCPR, *supra* note 7, at art. 4(2) (noting as non-derogable the inherent right to life, art. 6; the right to be free from torture, art. 7; the right to not be held in slavery, art. 8; the right not to be imprisoned merely on the inability to fulfill a contractual obligation, art. 11; the right not to be held guilty of a criminal offense that under national or international law does not constitute a crime, art. 15; the right to recognition everywhere as a person before the law, art. 16; and finally the right to freedom of thought, conscience, and religion, art. 18).

37. ICCPR, *supra* note 7, at art. 4(1).

38. *Id.* at art. 5(1).

permit derogations provide justification for non-compliance by governments that are prone to violate existing human rights obligations.

The African Charter, sometimes referred to as the "Banjul Charter,"³⁹ like the American Convention, rejects the division between political rights and social rights that the "developed" nations of the North and the West advocate. The African Charter differs from the ICCPR and the ICESCR in a number of respects. First, the African Charter proclaims not only rights but also duties of both the State Parties and of individuals.⁴⁰ Second, it codifies peoples' group or solidarity rights—such as the right to development⁴¹—as well as individual rights.⁴² Third, and significant to this discussion, the African Charter, beyond protecting solidarity rights and guaranteeing civil and political rights, also protects economic, social, and cultural rights.⁴³

Another noteworthy aspect of the African Charter is the emphasis that it places on African tradition expressed in its preamble as well as in the articulation of myriad rights and duties.⁴⁴ The preamble speaks of "the virtues of [African] historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and people's rights."⁴⁵ The preamble also refers to the principle of indivisibility of social and solidarity rights that inform and are prevalent in the African Charter:

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee

39. African Charter, *supra* note 22.

40. *Id.* at arts. 24–29.

41. *Id.* at pmb., arts. 20(1), 22(1), 24.

42. *Id.* at ch. I ("Human and Peoples' Rights"). In Africa, there exists a fundamental concept of *ubuntu* and this concept is very difficult to render into a Western language. *Ubuntu* speaks of the very essence of being human. "When you have *ubuntu* you share what you have." It is to say "My humanity is caught up, is inextricably bound up in yours, we belong in a bundle of life." In Africa we say, "A person is a person through other persons." It is not, "I think therefore I am." It says rather: "I am a human being because I belong. I Participate, I share." DESMOND TUTU, NO FUTURE WITHOUT FORGIVENESS 31 (1999). The African Charter seems to address only individual rights in its first part, beginning in Article 2, which states that every individual is entitled to the enjoyment of the rights and freedoms under the Charter without discrimination, and ending in Article 17, which states that every individual has the right to an education, to take part freely in the cultural life of his community and to the promotion and protection of morals and traditions recognized by the community. The remainder of the rights section of the African Charter is exclusively dedicated to the people's group or solidarity rights, with all the subjects of the articles being "the family" and "all peoples." African Charter, *supra* note 22.

43. See, e.g., African Charter, *supra* note 22, at arts. 14 (property), 15 (work), 16 (health).

44. Rights that reflect the emphasis that is placed on African tradition in the African Charter are delineated in Art. 17(2) ("Every individual may freely, take part in the cultural life of his community."); Art. 17(3) ("The promotion and protection of morals and traditional values recognized by the community shall be the duty of the state."); Art. 21(4) ("State parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity."); *Id.* Duties that reflect the emphasis that is placed on African tradition in the African Charter are delineated in Art. 29(7) ("To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society."); Art. 29(8) ("To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity."); *Id.*

45. *Id.* at pmb.

for the enjoyment of civil and political rights.⁴⁶

The obligations assumed by the State Parties to the African Charter are strikingly different than those obligations found under the previously discussed covenants. For example, the African Charter places greater emphasis on negotiation and conciliation. According to African conception of law, disputes are not settled by contentious procedures, but through reconciliation⁴⁷, which generally takes place through discussions that end in a consensus. The result of this process is that there are neither winners nor losers.

Article 1 of the African Charter spells out the basic obligation of the State Parties to the Charter, providing that they "shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them."⁴⁸ Article 62 complements this obligation by requiring the State Parties to report biennially "on the legislative or other measures" they have adopted to give effect to the rights recognized and guaranteed by the Charter.⁴⁹

The African Charter establishes two other important obligations on State Parties. Article 25 imposes a "duty" on the State Parties "to promote and ensure through teaching, education and publication, the respect of the rights and freedoms [the Charter guarantees] and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood."⁵⁰ This provision, if imaginatively and creatively constructed, could prove helpful to non-governmental human rights organizations in developing a useful program of human rights education in Africa. Article 26, in addition to declaring that the State Parties have a duty to "guarantee the independence of the Courts," provides that the Parties "shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection" of the rights set forth in the Charter.⁵¹ Although it is not clear whether the phrase "national institutions" refers to governmental as well as non-governmental institutions, both types of bodies could play an important role in legitimating the human rights debate in individual African countries.

Thus, the American Convention and the African Charter, by adopting the indivisibility and interdependence paradigm, recognize the complexity of needs that must be met in order to enable human thriving. Such a realistic and pragmatic approach, much like Lugones's work, debunks the persistent idea that civil and political rights are of greater value than economic, social, and cultural rights. Moreover, this paradigmatic move effectively challenges the flawed scheme that suggests that human personalities and identities are divisible into discrete, unrelated parts.

The third type of human rights agreements pertinent to an analysis of Lugones's work is the international agreements that focus on specific populations. In this regard, two particular conventions are pertinent in analyzing Lugones's work:

46. *Id.*

47. *See, e.g., id.* at art. 48.

48. *Id.* at art. 1.

49. *Id.* at art. 62.

50. *Id.* at art. 25.

51. *Id.* at art. 26.

the Convention on the Elimination of All Forms of Discrimination Against Women⁵² ("CEDAW"), which addresses the condition of women, and the Convention on the Elimination of All Forms of Race Discrimination⁵³ ("CERD"), which addresses matters of race. Both are important rights documents vis-à-vis Lugones's work because they address two foundations—sex and race—of her analysis of subordination.

In 1965, the UN General Assembly adopted the CERD, which has been described as "the most comprehensive and unambiguous codification in treaty form of the equality of races."⁵⁴ CERD proscribes racial discrimination, defined in the treaty as:

[A]ny distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin [having] the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁵⁵

Interestingly, this definition establishes a racialization-of-differences paradigm that comports with the *estado unidense* predominant view of race. Such a view collapses national and ethnic identities into racial identity. By such a rhetorical move, the definition transmogrifies national and ethnic identity into racial categories. Thus, CERD created a very particularized, inadequate, and distorted concept that erases the significant—and different—identity categories of color, ethnicity, descent, and nationality.

Similar to CERD's goal of ending racial discrimination, CEDAW seeks to eradicate sex-based discrimination. In 1979, the United Nation General Assembly adopted CEDAW in an effort to recognize and remedy women's disparate and subordinated position world-wide. CEDAW seeks to do away with discrimination against women that impairs the enjoyment by women of "human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."⁵⁶ Quite significantly, CEDAW expressly recognizes that women's subordination often is grounded on gendered cultural tropes. Consequently, it requires State Parties to change existing laws and to adopt new norms to ensure women's equality.

The structural bases for existing and persisting gendered power imbalances can be explained, in part, by the traditional emphasis on civil and political rights over social and cultural rights. The inclusion in CEDAW of civil and political rights as well as social, economic, and cultural rights acknowledges that both sets of rights are of critical importance to women's full personhood. CEDAW thus embraces women's right to equality in the realistic context of the complex, multidimensional beings they are.

52. CEDAW, *supra* note 22. The United States has not ratified this convention.

53. CERD, *supra* note 22. The United States has not ratified the convention.

54. Egan Schwelb, *The International Convention on the Elimination of Racial Discrimination*, 15 INT'L & COMP. L. Q. 996, 1057 (1966).

55. CERD, *supra* note 22, at art. 1(1).

56. CEDAW, *supra* note 22, at art. 1.

Regrettably, the effectiveness of CEDAW in promoting the protection of the rights it guarantees has been severely undermined by the many reservations⁵⁷ made by State Parties in ratifying this treaty. In fact, CEDAW is the most reserved-against treaty in history.⁵⁸ Thus, even as State Parties purportedly commit to promote women's equality and full personhood, the dominant (here patriarchal) culture influences and undercuts that promise by the use of reservations. Most of these reservations seek to preserve various national or religious institutions that are in conflict with CEDAW's basic premises of equality.⁵⁹ It is noteworthy that the United States has signed but has not ratified CEDAW.

Hugely interesting (and flawed), particularly in light of the indivisibility paradigm of the ICCPR and ICESCR and of Lugones's emphasis on women of color, is the reality that CEDAW is silent on race and CERD is silent on sex. Unfortunately, particularly in a context that appears to integrate the indivisibility paradigm, one of CEDAW's weaknesses is that it does not integrate race into its gender-centered construct, a vacuum that parallels the failure of CERD⁶⁰ to integrate gender into its race-centered construct.

To be sure, where cultural practices are concerned, it is important, on the one hand, to protect traditions from the improper imposition of outsiders' imperialistic and patriarchal ideologies. On the other hand, however, culture should not be utilized as a pretext to shield norms that perpetuate women's or racial minorities' subordination.

Notwithstanding the weaknesses and omissions shared by the ICCPR and ICESCR, as well as CERD and CEDAW, these documents can be positively used to provide context to a project of liberation. By deploying the reconstructive idea that is necessary to develop a non-hegemonic human rights construct, CERD's and CEDAW's flaws can be transmogrified to contribute to full human well-being. For example, CERD's conflation of race with color, ethnicity, descent, and nationality

57. See Vienna Convention on the Law of Treaties, U.N. Doc. A/CONF. 39/27 (1969), entered into force Jan. 27, 1990 (defining reservation as "a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State"). *Id.* at art. 2(1)(d). The United States has not ratified this convention, but accepts it as customary law.

58. See U.N. Division of the Advancement of Women, Reservations to CEDAW, available at <http://www.un.org/womenwatch/cedaw/reservations.html> (last visited Feb. 27, 2006); see also Julie A. Minor, *An Analysis of Structural Weaknesses in the Convention on the Elimination of All Forms of Discrimination Against Women*, 24 GA. J. INT'L & COMP. L. 144 (1994).

59. Many states, however, enter reservations to certain articles on the grounds that national law, tradition, religion, or culture are not congruent with Convention principles. For example, the government of Bangladesh does not consider itself bound by the provisions of Arts. 2 and 16(1)(c) because they conflict with Shari'a law based on the Holy Quran and Sunna. The Kuwaiti government also does not consider itself bound by Art. 16(f) because it conflicts with the provisions of the Islamic Shari'a. Some states draw their reservations so widely that the effect cannot be limited to specific provisions of the Convention. For example, Saudi Arabia adopted CEDAW with the reservation that the country will not observe any terms of the Treaty that conflict with the norms of Islamic law. Thus, a predicament develops between the state's domestic laws and CEDAW's provisions. In this context, reservations allow for the ratification of CEDAW only to the extent that the Treaty's provisions correlate to existing domestic law in a particular state. CEDAW allows states to commit to women's equality, while simultaneously admitting that those particular states do not intend to grant equality to women. UN Treaty Collection, CEDAW, available at <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty10.asp> (last visited Feb. 27, 2006) (listing all declarations and reservations made by State Parties to CEDAW).

60. See *supra* notes 54–55 & accompanying text (discussing CERD).

can be utilized to establish global acceptance of the indivisibility of multiple identity components rather than to suggest erasure of differences between/among those categories. As María Lugones has so poignantly observed, "I realize that separation into clean, tidy things and beings is not possible for me because it would be the death of myself as multiplicitous and a death of community with my own."⁶¹

II. THE WORK OF MARÍA LUGONES

The work of María Lugones can be utilized to focus on the same ideas of human reality articulated in the human rights framework. She engages the complexity of humans—the indivisibility of their identity components—through her concepts of hybridity/multidimensionality.⁶² Similarly, Lugones captures the human need for self-determination—a right embedded in the human rights framework—in her work on autonomy, agency, and self-care.⁶³ Finally, her quest for an anti-subordination ideal, like the human rights mandate for equality and nondiscrimination, comes to life in her call for the recognition of and respect for the equality of cultures and her observations on hyphenated identities.⁶⁴

The ideology that human personalities can be atomized into clean, pure parts—like the original reading of the definition of race discrimination in the CERD suggests and as the indivisibility construct of the ICCPR and ICESCR reject—is anathema to the reality of human existence. This flawed view of personhood as severable is reflected in the Western idea that civil and political rights are of greater value than economic, social, and cultural rights. In her work, Lugones views this required fragmentation, forced on people by "developed societies," as a form of oppression much like non-Western peoples—peoples from the South and the East—

61. María Lugones, *Purity, Impurity, and Separation*, 19 SIGNS: J. OF WOMEN IN CULTURE & SOC. 458, 469 (1994) [hereinafter Lugones, *Purity*].

62. See María C. Lugones, *On Borderlands/La Frontera: An Interpretive Essay*, 7 HYPATIA 31 (1992) [hereinafter Lugones, *On Borderlands*]; María Lugones, *Hablando Cara a Cara/Speaking Face to Face: An Exploration of Ethnocentric Racism*, in MAKING FACE, MAKING SOUL/HACIENDO CARAS: CREATIVE AND CRITICAL PERSPECTIVES BY FEMINIST OF COLOR 46 (Gloria Anzaldúa ed., 1990) [hereinafter Lugones, *Hablando*]; Lugones, *Purity*, *supra* note 61; Lugones, *The Inseparability*, *supra* note 18; María C. Lugones, *Playfulness, 'World'-Travelling, and Loving Perception*, 2 HYPATIA 3 (1987).

63. See María Lugones, *Hard-to-Handle Anger*, in OVERCOMING RACISM AND SEXISM 203 (Linda A. Bell & David Blumenfeld eds., 1995); María Lugones & Joshua Price, *Problems of Translation in Postcolonial Thinking*, ANTHROPOLOGY NEWS 42, Apr. 2003; Lugones, *Hablando*, *supra* note 62; María C. Lugones, *Tenuous Connections in Impure Communities*, 4 ETHICS & THE ENV'T 85 (1999); María Lugones & Elizabeth V. Spelman, *Competition, Compassion and Community: Models for Feminist Ethos*, in COMPETITION: A FEMINIST TABOO? 234 (Valerie Miner & Helen E. Longino eds., 1982); María Lugones, *On the Logic of Pluralist Feminism*, in FEMINIST ETHICS 35 (Claudia Card ed., 1991) [hereinafter Lugones, *On the Logic*]; Lugones, *Purity*, *supra* note 61; María Lugones & Joshua Price, *Dominant Culture: El Deseo por un Alma Pobre (The Desire for an Impoverished Soul)*, in MULTICULTURALISM FROM THE MARGINS: NON-DOMINANT VOICES ON DIFFERENCE AND DIVERSITY 103 (Dean A. Harris ed., 1995) [hereinafter Lugones & Price, *Dominant Culture*]; María Lugones & Joshua Price, *Encuentros and Desencuentros: Reflections on a LatCrit Colloquium in Latin America*, 16 FLA. J. INT'L L. 743 (2004) [hereinafter Lugones & Price, *Encuentros*].

64. See María Lugones & Pat A. Rosezelle, *Sisterhood and Friendship as Feminist Models*, in FEMINISM AND COMMUNITY 134 (Penny A. Weiss & Marilyn Friedman eds., 1995); Lugones, *On Borderlands*, *supra* note 62; María Lugones, *Motion, Stasis, and Resistance to Interlocked Oppressions*, in MAKING WORLDS: GENDER, METAPHOR, MATERIALITY 49 (Susan H. Aiken et al. eds., 1998); Lugones, *Hablando*, *supra* note 62; Lugones, *On the Logic*, *supra* note 63; Lugones, *Purity*, *supra* note 61; Lugones & Price, *Dominant Culture*, *supra* note 63; Lugones & Price, *Encuentros*, *supra* note 63; Lugones & Price, *The Inseparability*, *supra* note 18.

view the separation of civil and political from social, economic, and cultural rights.

For example, Lugones finds that the “other”—the dual, hyphenated personality—is an Angla/o creation, which subordinates the “other” aspect of the self. The “other” is not—and cannot be—a hybrid cultural self because hybridity would require equal recognition and respect for all identity components. According to Lugones, it is part of the Angla/o imagination (and reflective of its dominant posture) that “outsiders” keep “their” culture and assimilate—a colonialist position that is intrinsically contradictory if both cultures were equally respected and understood as informing the “real” fabric of everyday life. Lugones explains that the Angla/o imagines each Mexicana/Americana as having a dual personality: the “authentic” Mexicana cultural self and the “American” self. In using the Mexicana/Americana example, Lugones writes that the Angla/o imagination construes “Mexicana” as the essential nature of an exploitable being who is a practitioner of futile and ornamental culture.

[T]he success of the White Man’s control of the world is debatable; but his success in making other people act just like him is not. No culture that has come in contact with Western industrial culture has been unchanged by it, and most have been assimilated or annihilated, surviving only as vestigial variations in dress, cooking or ethics.⁶⁵

Thus, the “authentic” Mexicana craft shops exhibit “*santos, trasteros, colchas, reredos*.”⁶⁶ Being “American” is what supposedly gives “others” membership in the “real” culture. Being “American” is what transmogrifies others into functioning citizens, albeit functioning citizens of a second class, because of the non-normative identity component. Thus, if the American part of an outsider’s hyphenated being is what makes others “real citizens,” then the Mexicana part is purely superficial and, thus, worthless in the eyes of the dominant American society. Therefore, as central to the understanding of cultural domination and oppression, we must draw the contrast between structural, here American, and ornamental, here Mexican, cultures.

Lugones explains that a culture is considered dominant when it significantly or exclusively informs the institutional structure and values of the society, and when the processes through which it came to inform itself involve the reduction of other cultures to ornaments.⁶⁷ These ornamental, non-dominant cultures, however, are necessary for the perpetuation of the dominant culture in two major ways. One, they lend the dominant culture a sense of its own importance and originality. Two, at the same time as the ornamental cultures are judged to be inferior, their presence is socially valuable because they underscore the requirement to use a certain set of values and norms in order to be understood as a full subject. In this regard, other cultures’ internalization of Angla/o ideals of progress and competency intensifies and reinforces the dominant structure and its mandates and, in so doing, renders the

65. Ursula K. Le Guin, *Feeling the Hot Breath of Civilization*, N.Y. TIMES, Oct. 29, 1989 (reviewing MARIO V. LLOSA, *THE STORYTELLER*) (Helen Lane trans., 1989), available at <http://query.nytimes.com/gst/fullpage.html?res=950DE3D6103FF93AA15753C1A96F948260>.

66. Lugones, *Purity*, *supra* note 61, at 471. Authors’ translation: saints, old furniture, quilts, retables.

67. Lugones, *On Borderlands*, *supra* note 62, at 35.

"other" exploitable. In this regard, the outsider still will not be able to achieve full participation in Angla/o life because as a colonized subject s/he is unable to define her/himself. Rather, the dominant structure defines the outsider and, in the process, subordinates her/him.

The atomization of a personality is part of the mythical portrait of colonized peoples. The split renders the self unable to be culturally creative in a moving culture.

This inability to be "culturally creative" makes people, mestizos, chicanos, not quite at ease in one's own cultural skin, precisely because it is not one's own but a stereotype and because this authentic culture is not quite an alive culture: it is conceived by the Anglo as both fixed and dying.

As american, one moves; as mexican one is static. As american, one is beyond culture; as mexican, one is culturally personified. The culturally split self is a character for the theatrics of racism.⁶⁸

Throughout her writings, Lugones correctly depicts and makes known to her readers the paradox of cultural domination, which works against both self-determination and equality. "The term culture is used within the Anglo culture to mark differences from its own conceptions of people and things."⁶⁹ Thus, Lugones, as well as Joshua Price, observe that Anglas/os "act" whereas non-Anglas/os "practice" their culture. This perspective allows the dominant culture to conceive of non-normative corporal subjects and their culture as fixed and ritualistic rather than creative. "Anglo culture conceives of itself as expressive of what is universal, and so beyond culture in a narrow, provincial sense: it is postcultural, it is not a culture at all."⁷⁰ In this way, it is the "truth;" it is the dominant and ruling voice, the one that defines the self, i.e., the only one free to engage in self-determination and to decide equality. Dominant culture thus sets itself up as the norm to which all must conform in order to be equal. In so doing, it both embraces indivisibility by particularizing in the norm those combined traits of the dominant force in terms of race, gender, language, sexuality, socio-economics, and religion and turns it on its head by pathologizing and rendering inferior and subordinate any deviation from the dominant traits.

III. LUGONES'S WORK AS A HUMAN RIGHTS PRAXIS

*We are the interdependent intersections of our race, gender, color, ethnicity, nationality, ancestry, culture and language.*⁷¹

The theory that the Angla/o culture envisions itself as "post-cultural" and beyond culture was played out exactly as Lugones predicted throughout her writings in a small, in-class exercise performed by Professor Berta Hernández-Truyol during a class on culture in a human rights course. The challenge was outwardly simple.

68. Lugones, *Purity*, *supra* note 61, at 471.

69. Lugones & Price, *Dominant Culture*, *supra* note 63, at 105.

70. *Id.*

71. Hernández-Truyol, *Borders (En)Gendered*, *supra* note 17, at 883.

First, she asked the students to self identify, i.e., to answer the question "Who am I?" Second, she asked students to be anthropological observers and describe who she was.

What turned out to be the most interesting part of the experiment emerged the next day when Professor Hernández-Truyol shared with the class the results of the project. The first and more interesting result is that only "others" described themselves in racial or ethnic terms. This outcome is a performance of the adornment paradigm Lugones articulates. It is the non-normative cultural trappings that define the self. The class was diverse, with many non-Angla/o students being indistinguishable in dress, education, accent, and language from their Angla/o counterparts. Yet, they remain self-identified as ethnic/racial "others."

The results of this exercise show that the course traveled towards becoming an "other" is necessarily culturally relative,⁷² sometimes individualized, and always complex. It becomes obvious as reflected by the students' answers that the "othering path" depends on one's original location. The journey to end performance of self will differ between persons; it depends on whether one is born into or finds oneself as a designated minority within a minority or the majority culture or if one is born into the majority culture.

This simple and yet quite telling exercise demonstrates two very explicit outcomes. First, atomization of identity simply makes no sense to minorities whose multiple identities are interdependent and indivisible parts of the whole. Thus, the multidimensionality of both foreigners and minorities in the United States is in tension with the dominant legal paradigms that take a single-attribute, analytical approach to identity. Second, persons' life experiences inform their perspective in an outcome determinative manner. Individual perspectives of who we think we are as individuals are inextricably intertwined with experiences—personal, social, cultural, educational—and beliefs—religious, civil, political—that influence both perspective and analysis.

The second interesting result of the project was that the students were much more descriptive of who they perceived Professor Hernández-Truyol to be than who they perceived themselves to be. Indeed, while most students defined her in ethnic and gender terms, there were two categories used to define Professor Hernández-Truyol that were not at all utilized by the students when self-identifying: sexuality and weight. Lugones's philosophical writings explain this outcome: our ethnicities and races are key markings of the power structure. Thus, for example, "White/Anglo women can see themselves only as simply human or as simply women."⁷³ The result of the class exercise confirms this. Majority men and women see themselves, uncomplicatedly, as human or as men or women. There is a silence on any markings. It is precisely because of this silence and this lack of desire to mark majoritarian traits while continuing to mark others that the unmarked group is dominant and the marked subordinated.

72. On cultural relativism, see Berta Esperanza Hernández-Truyol, *To Bear or Not to Bear: Reproductive Freedom as an International Human Right*, 17 BROOK. J. INT'L L. 309, n.53-54 & accompanying text (1991).

73. Lugones, *Hablando*, *supra* note 62, at 49-50.

CONCLUSION

*Si No Miras, Vata, Nunca Veras Nada.*⁷⁴

This lack of recognition of “self” traits, their erasure except in “others,” “is a radical form of passivity toward the ideology of the ethnocentric racist state that privileges the dominant culture as the only culture to see with and conceives this seeing as to be done non-self-consciously.”⁷⁵ In hindsight, after rereading the works and critical theories of María Lugones and thinking back on that small, in-class project, it holds true that recognition of who we are, including all our multiple dimensional complex identities, is the first step in combating racism and ethnocentrism. To create a new universe of meaning Lugones suggests that a new *Raza Mestiza* must emerge.⁷⁶ Instead of becoming this dual, fragmented, hyphenated person, one must cross from one collectivity to the other and decide to stake her/himself in the border between the two, where s/he can take a critical stance and take stock of her/his plural personality.⁷⁷

As a practical matter, the decision by the drafters of the American Convention, African Charter, CEDAW, and CERD to include both political and social rights and to give them equal weight goes against the view held by “developed” countries. This is particularly true of the United States’ approach that people’s identities can be easily divisible, that political selves can be neatly separated from cultural and social selves—a vision perceived by many, including María Lugones, as a tool of domination and oppression. Thus, in order to resist and to reject the dominant culture’s imposition of the neatly split self—a political self completely separate and distinct from the cultural self—“others” must declare communities public space and break the conceptual tie between public space and monoculturally comprehensions by Anglas/os. It requires that the imagination, language, and conceptual framework as well as its structural underpinnings of the public become hybrid.

The use of hybrid language can be deployed as a multi-layered empowerment tool for “outsiders,” especially Latinas in the *estado unidense* dominant Angla/o society. If Latinas, who are second-class citizens in the majority world because of our *Latinidad* and in our *mundo Latino* because of our womanhood,⁷⁸ talk back, if we “habla[mos] p’atras,”⁷⁹ we exercise self-determination; we become visible by raising our voices both within and outside our culture. The use of language also *empodera a las Latinas* within the majority culture by making us autonomous, giving us agency, making our voices heard.

In juxtaposition, however, the inability to communicate in one’s own language is a tool of colonial power as it silences, destabilizes, subordinates, and marginalizes. The Latina’s view not only of her own personal world with its many dimensions and layers, but also her view of the outside world, if presented in a foreign tongue, will not be painted through her eyes, expressed in her own words, or

74. *Id.* at 51. Author’s translation: “Hey Girlfriend, if you don’t look you won’t see.”

75. *Id.* at 65.

76. Lugones, *On Borderlands*, *supra* note 62. Authors’ translation: hybrid race.

77. *Id.*

78. Hernández-Truyol, *Borders (En)Gendered*, *supra* note 17.

79. *See id.*

constructed through her palette. One's other-lingualism becomes alienating, depriving one of membership and full citizenship in English/Angla/o monolingual society. Moreover, ostensibly similar roots in words can have dramatically different meanings depending on language. In studying whether competition and competitiveness are useful and desirable from a feminist perspective or whether they are harmful and to be avoided, Lugones makes a powerful observation: "[T]hough the Latin *competere* means 'to come together,' the English compete means 'to strive against.'"⁸⁰ The dominant linguistic meaning of competition results in persons working in opposition to others—a far cry from a coming together. The dominant forces are to choose meaning and create frameworks; to own the right to define persons and communities; to arrange a hierarchical order of things. Thus, language and the lack of a hybrid language that can accommodate the multidimensionality of Latinas becomes a major factor in deciding who belongs in and who can affect the structural fabric of culture.

In addition to the use of hybrid language as a form of resistance and rejection of the dominant Angla/o imposition of the neatly split self, the conceptual framework of the public must also become hybrid. "Outsiders"⁸¹ and more specifically Latinas', multidimensional and multilayered identities require a method, afforded by this multidimensional discursive model, that expands and transforms legal theoretical constructs into an inclusive whole. A multidimensional discursive model is aware of, sensitive to, and inclusive of the multilayered factors constructing Latinas' identities. Thus, this inclusive model urges that Latinas' voices be heard in order to render Latinas' needs, wants, interests, and concerns a central part of the analysis. The multidimensional strategy looks at the barriers created by the conflation of identities rather than at isolated and separate aspects of identity to deny the existence of barriers. In order to transform Latinas' status from *olvidadas*⁸¹ not able to affect the world and cultural structure around them to active participants in both the public and the private realms, given Latinas' diversity with respect to citizenship, language, class, race, ethnicity/ancestry, sexuality and religion, any studies of Latinas, regardless of the analytical focus—be it class, education, work or economics—needs to consider their multilayered positions, locations, and spaces.

It is time to accept and admit that the "isolate-a-single-trait" monolingualism of the popular/traditional Angla/o approach is fatally flawed in its efficacy/validity for studying certain "outside" populations or groups, such as Latinas. The problem of the *estado unidense*/Western construct—legal and social alike—is that one must choose a single identity. However, "others" are part of more than one collectivity. This hybridity/multidimensionality trope mirrors the indivisibility paradigm that recognizes the flow of segregation of rights and, by analogy, atomization of identities.

It is paramount to develop, expand, and transform new and existing methodologies if we are to engage the reality of peoples' lives—such as outsiders and Latinas. Such a multidimensional discursive model embraces a critical Latina-feminist analysis, a broader perspective that will move *las olvidadas* from the

80. Lugones & Spelman, *Competition, Compassion and Community*, *supra* note 63, at 237.

81. Authors' translation: forgotten women. See generally Berta E. Hernández-Truyol, *Las Olvidadas: Gendered in Justice/Gendered Injustice—Latinas, Fronteras, and the Law*, 1 J. GENDER, RACE & JUST. 353 (1998).

margins of the superficial ornamental culture to the center of the legal and philosophical discourse and, thus, to the center of the structural culture. Such a move will effect autonomy, grant agency, embrace hybridity, promote equality, and perform hyphenation.

