



2005

Transversal Feminism and Transcendence

Deseriee A. Kennedy

Touro Law Center, dkennedy@tourolaw.edu

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/scholarlyworks>



Part of the [Law and Gender Commons](#)

Recommended Citation

15 S. Cal. Rev. L. & Women's Stud 65 (2005)

This Article is brought to you for free and open access by the Faculty Scholarship at Digital Commons @ Touro Law Center. It has been accepted for inclusion in Scholarly Works by an authorized administrator of Digital Commons @ Touro Law Center. For more information, please contact lross@tourolaw.edu.

TRANSVERSAL FEMINISM AND TRANSCENDENCE

DESERIEE A. KENNEDY*

I. INTRODUCTION

In an effort to protest the operations of oil drilling companies in Nigeria, a group of women blocked access to oil platforms and demanded concessions for their community. Their actions received worldwide attention due in part to the ability of a small group of poor, unarmed, black women to shut down a multimillion dollar operation. While this alone is significant in a world where women often lack power and influence, the women's protest attracted worldwide interest largely due to their threat to disrobe and afflict the workers with the "curse of nakedness."

Frustrated with the failure of private companies, government and local leaders to effectively negotiate for better conditions for their community and families, and armed with traditional cultural beliefs and rituals, these women took action.¹ While it is unclear if this group readily identified their actions as "feminist," they still conveyed a powerful statement about the role of women in the struggle for better economic and environmental conditions under which to raise their families. Arguably their movement is a brand of feminism that does not neatly fit into the commonly understood categories of the U.S. feminist movement.

* Associate Professor of Law, The University of Tennessee College of Law; LL.M. Temple University School of Law, 1995; J.D. Harvard University, 1987; B.A. Lehigh University, 1984.

1. "Working with the local people in the Niger Delta has also given me an opportunity to experience and appreciate the pains and feelings of a people who are completely neglected and separated from any form of civilization and government support. They have suffered in the midst of plenty and have had to endure and live in an environment that they once called home They have had to cling to their culture as their only form of identity." Anemiyeseigha Annie Brisibe, *Niger Delta Women For Justice, Effective Strategies in Advocacy and Networking as a Means of Empowerment* (2000), <http://www.ndwj.kabissa.org/ArticlesResearch/AB1/ab1.html>. Niger Delta Women for Justice includes a number of African ethnic groups, including the Ogoni, the Ijaw, the Oron, the Ikwerre, the Egi and the Warri. See *Niger Delta Women For Justice, Annual Report*, <http://www.ndwj.kabissa.org/AnnualReport/annualreport.html> (last visited Nov. 15, 2005).

These women's actions represent a challenge to political, social and economic institutions and structures. By threatening to reveal their naked bodies in protest, these women challenged stereotypes about gender hierarchies and African women. Moreover, they presented a challenge to institutional structures and national and international policy. They captured the attention of the world not because their work was women-driven and feminist-focused, but because they used cultural traditions to display the power of African women in their society.² In so doing, they fundamentally challenged Western notions about the women in general, African women in particular, and commonly accepted forms of social protest.

The protest was organized by a group of women from different ethnic groups who coalesced around the impact of the multinational corporations on their local communities. These women "constituted 'political actors' or 'messengers'" who transmitted a message of injustice and empowerment³ and, as such, are an example of "transversal politics."⁴ By recognizing feminism as a collective of different feminisms that are as varied and diverse as women are, transversal feminism may allow feminists to transcend differences that have alienated some women from the movement.⁵ By focusing on a methodology for coalition building around issues, transversal feminism refocuses feminist theories on activism and struggle, rather than oppressions.

Section II of this article briefly describes several feminist legal theories that have generated significant debate in the literature. It analyzes feminist legal theory and suggests that, despite a diversity of theories and approaches to gender equity, it has yet to successfully include the interests, concerns and strategies of African women in the diaspora. Section III proposes a theory of transversal feminism and transcendence. By building on a foundation of debates about transversal dialogue and politics, transversal feminism can connect the interests and strategies of African women in the diaspora with those of Western feminists. Transversal feminism can help create cross-cultural connections between and among women by focusing on "survival issues" and working within Western nations to improve the policies and institutions that adversely affect the

2. For a discussion of the importance of valuing cultural traditions and values in human rights analyses, see Hope Lewis, *Embracing Complexity: Human Rights in Critical Race Feminist Perspective*, 12 COLUM. J. GENDER & L. 510, 515-16 (2003).

3. PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT* 245 (2000).

4. NIRA YUVAL-DAVIS, *GENDER AND NATION* 88 (1997).

5. Despite its acceptance of difference in focus and approach to feminism, transversal feminism retains a belief in core feminist values that support the autonomy and bodily integrity of all women. For a further discussion of core feminist values see *infra* note 79 and accompanying text.

families and communities of black women worldwide. Transversal feminism goes beyond identifying intersecting oppressions or fostering empathy for the subordination of others and instead suggests a way in which to achieve collaborative coalitions and alliances across boundaries. It urges respect for women as members of collectives that shape their perspectives and interests. Transversal feminism empowers women by respecting their ability to harness cultural beliefs and traditions in a way that brings about effective change for their communities. It creates a methodology for a global feminist activism and sets forth a methodology for transcending differences to create alliances that allow the development of interconnected feminisms.

In addition, section III details the Niger Delta Women for Justice struggle as an example of transversal feminism. This portion of the article attempts to place the protest in context by briefly describing the rich history of women-led protests in Nigeria and suggests that the protest resulted from the cultural practices of Africans that are part of an overall pragmatic feminism which stems from a tradition that views genders as complementary. Finally, Section IV concludes the article by discussing some of the lessons to be learned from transversal dialogue and politics.

II. U.S. FEMINISM: DIVERSE BUT NOT INCLUSIVE

Feminism defies a single definition and is diverse in its approaches and theoretical underpinnings. Scholars have defined four principle categories of feminism:⁶ liberal feminism, cultural feminism,⁷ radical feminism,⁸ and postmodern feminism.⁹ Liberal feminism is focused on equality of rights and opportunities without regard to gender. Cultural feminism begins with the premise that women are uniquely different from men in ways that matter to legal principles and institutions and posits that those gender differences should be valued and taken into account. Radical feminism is rooted in the belief that society views and treats women as subordinate to men and that fundamental institutions, structures and policies are based on a male perspective that results in the subordination

6. Antoinette Sedillo López, *A Comparative Analysis of Women's Issues: Toward a Contextualized Methodology*, 10 HASTINGS WOMEN'S L.J. 347, 355 (1999); Patricia Cain, *Feminism and the Limits of Equality*, 24 GA. L. REV. 803, 806 (1990).

7. See generally CAROL GILLIGAN, *IN A DIFFERENT VOICE* (1982).

8. See generally CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* (1987).

9. Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1990) (critiquing feminist theory for engaging in "gender essentialism" which obscures the voice of black women).

and subjugation of women. Most observers and scholars associate radical feminist theory with issues of sexuality. Postmodern feminism asserts that feminist theory essentializes women and their experience in a way that privileges white, middle-class, heterosexual, Western women. Anti-essentialist theory consists of a number of different threads, all of which criticize feminism for failing to respect the diversity of women.¹⁰

Black women and other women of color have been central to challenging mainstream feminism as essentialist.¹¹ At various points in history, the women's movement has exhibited prejudice and lacked sensitivity toward black women and their concerns.¹² This perspective, which holds that feminism marginalizes the issues and concerns of black women, has persisted over time with roots that predate the antebellum period.¹³ Black women and others criticize feminism for being irrelevant and insensitive to the plight of African Americans, and a number of activists and intellectuals have leveled charges of racism and elitism at the feminist movement.¹⁴ Some credit the fundamental role of particularly vocal black women of the civil rights and feminists movements in placing the exclusion of black women from feminism at the forefront of the global campaign against patriarchy.¹⁵

10. False universalism, gender imperialism, and anti-essentialism are of some of the postmodern feminist theories that challenge mainstream feminism. See generally MARTHA CHAMALLAS, INTRODUCTION TO FEMINIST LEGAL THEORY (2d ed. 2003).

11. Texts produced during the second wave of feminism that discussed the multilayered identity and experiences of women of color, how they lived their lives on borders and the need to bridge these borders include: PAULA GIDDINGS, WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA (1984); THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR (Cherríe Moraga & Gloria Anzaldúa eds., 1983); ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE (Gloria T. Hull et al. eds., 1982); GLORIA I. JOSEPH & JILL LEWIS, COMMON DIFFERENCES: CONFLICTS IN BLACK AND WHITE FEMINIST PERSPECTIVES (1981); BELL HOOKS, AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM (1981); ANGELA DAVIS, WOMEN, RACE, AND CLASS (1981).

12. BELL HOOKS, FEMINIST THEORY: FROM MARGIN TO CENTER 2 (1984).

13. For a history of black women activism for women's rights, see, e.g., NELL PAINTER, SOJOURNER TRUTH: A LIFE, A SYMBOL (1996); GIDDINGS, *supra* note 11; DARLENE CLARK HINE & KATHLEEN THOMPSON, A SHINING THREAD OF HOPE: THE HISTORY OF BLACK WOMEN IN AMERICA (1999).

14. bell hooks criticizes the feminist movement as elitist and asserts that "[w]e must now work to change its direction so that women of all classes can see that their interest in ending sexist oppression is served by feminist movement To build a mass-based feminist movement, we need to have a liberatory ideology that can be shared with everyone." HOOKS, *supra* note 12, at 160-61. Feminism has also faced similar criticism for its treatment of lesbian, transgendered, and differently-abled women. See, e.g., Sumi K. Cho, *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*, 1 J. GENDER RACE & JUST. 177 (1997); Elvia R. Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 BERKELEY WOMEN'S L.J. 103 (1994).

15. YUVAL-DAVIS, *supra* note 4, at 118; see also Marjorie Pryse, *Trans/Feminist Methodology: Bridges to Interdisciplinary Thinking*, 12 NWSA JOURNAL 105, 108 (2002).

Criticisms of the feminist movement persist. Even black women, who identify themselves as black feminists and recognize the roles that patriarchy and sexism play in the subjugation of women, are critical of, and often reluctant to identify with, mainstream feminism.¹⁶ For example, Patricia Hill Collins discusses the “matrix of domination” which describes the intersecting nature of oppressions and “the overall social organization within which intersecting oppressions originate, develop, and are contained.”¹⁷ At best, “[t]he relevance of the women’s movement to black women has been a controversial topic.”¹⁸ Often feeling forced to choose between gender and race struggles, African American women have frequently chosen to focus their efforts on race rather than gender discrimination.¹⁹

Feminist legal scholars have similarly challenged feminist legal theory and anti-discrimination principles as marginalizing black women and undervaluing the singularity of black women’s experiences.²⁰ For example, Kimberle Crenshaw identified the harms that arise from the failure to acknowledge the intersectionality of oppression in antidiscrimination principles,²¹ while Angela Harris critiqued the gender essentialism of feminist legal theorists.²² Legal feminist theorists have challenged women’s rights theorists to be more inclusive, to avoid essentialism, to adopt a multiple consciousness²³ and to become world travelers.²⁴ These and other efforts seek to redefine the scope and

16. See, e.g., COLLINS, *supra* note 3, at 5-7; HOOKS, *supra* note 11.

17. COLLINS, *supra* note 3, at 227-28 (“All contexts of domination incorporate some combination of intersecting oppressions, and considerable variability exists from one matrix of domination to the next as to how oppression and activism will be organized.”).

18. Filomena Chioma Steady, *Introduction*, in *THE BLACK WOMAN CROSS-CULTURALLY* 1, 3 (Filomena Chioma Steady ed., 1981).

19. COLLINS, *supra* note 3, at 235; The Combahee River Collective, *A Black Feminist Statement*, in *ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE*, *supra* note 11, at 18-19.

20. See, e.g., Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. L. F. 139, 157 (analyzing the ways in which feminist theory and anti-discrimination principles obscured the “multidimensionality of Black women’s lives” and introducing the concept of intersectionality); Harris, *supra* note 9, at 585 (challenging the work of feminist legal theorists as failing to recognize the differences in experiences and reality for black women, thereby silencing their voices).

21. Crenshaw, *supra* note 20, at 157.

22. Harris, *supra* note 9, at 585. Harris defines “gender essentialism” as “the notion that a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience.” *Id.*

23. Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 *WOMEN’S RTS. L. REP.* 7 (1989).

24. Isabelle R. Gunning, *Arrogant Perception, World-Traveling and Multi-Cultural Feminism: The Case of Female Genital Surgeries*, 23 *COLUM. HUM. RTS. L. REV.* 189 (1991-92).

boundaries of feminism to make it increasingly more relevant and effective in addressing the needs of all women.

While some scholars and courts accept the importance of understanding the intersection of gender and race to form a unique prejudice,²⁵ many black women focus primarily on race as the key source of prejudice and discrimination.²⁶ Seeing racial discrimination against their families and communities as paramount, many black women devalue feminism because, in their view, reproductive rights and the glass ceiling lack an immediacy of concern. With 24.7% of black families living in poverty, a 10.3% unemployment rate in the black community, and 16.6% of black men in jail, jobs, financial security, law enforcement and the criminal justice system are viewed as more pressing problems for the black community.²⁷ Moreover, black women often see feminism as a threat to racial solidarity because they assert a perspective that focuses on unity between black men and women in the face of racism; these black women often reject the dichotomous relationship between men and women advanced in many feminist theories.²⁸

For the majority of black women, liberation from sexual oppression has always been fused with liberation from other forms of oppression, namely slavery, colonialism, neocolonialism, racism, poverty and illiteracy. Consequently, the black woman's feminism has relevance in human terms rather than narrow sexist terms. The manifold nature of oppression not only heightens consciousness about the economic basis of oppression but also indicates its roots. For the black woman, the enemy is not black men

25. Crenshaw, *supra* note 20, at 139.

26. The Combahee River Collective, *supra* note 19, at 18-19.

27. U.S. Census poverty statistics reveal a 24.7% poverty rate for blacks and a 12.7% poverty rate for the nation. CARMEN DENAVAS-WALT, BERNADETTE D. PROCTOR & CHERYL LEE HILL, U.S. CENSUS BUREAU, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2004 9 (2005), available at <http://www.census.gov/prod/2005pubs/p60-229.pdf>. According to the Bureau of Labor Statistics, the March 2005 unemployment rate is 10.3% for blacks and 5.2% overall. See Bureau of Labor Statistics News, http://www.bls.gov/news.release/archives/empst_04012005.pdf (last visited Aug. 29, 2005). Department of Justice Bureau of Justice Statistics for 2001 show that 16.6% of black men have served time in state or federal prison compared with a 2.7% rate overall. Moreover, for the same year, 64% of prison inmates belonged to racial or ethnic minorities. Criminal Offender Statistics, <http://www.ojp.usdoj.gov/bjs/crimoff.htm#findings> (last visited Aug. 29, 2005). See also MELVIN L. OLIVER & THOMAS M. SHAPIRO, BLACK WEALTH, WHITE WEALTH, A NEW PERSPECTIVE ON RACIAL INEQUALITY (1997).

28. The Combahee River Collective, *supra* note 19, at 16; HOOKS, *supra* note 12, at 162 (suggesting that the feminist movement needs to work to attract women "who have caring bonds with men [who] have drifted away from feminist movement because they feel that identification of 'man as enemy' is an unconstructive paradigm"); Crenshaw, *supra* note 20, at 161-62.

but history.²⁹ Black women often see themselves in partnership with men in the struggle against racial discrimination.³⁰ Therefore, the act of collaborating with men against racism while struggling against them in feminism is an act which black women reject as too radical and see as a practical impossibility.

A complicating factor in urging black women to join feminist struggles is the ambivalence felt in recognizing sexism within the black community. Filomena Chioma Steady wrestles with the reality of sexism within and without the black community and the need to avoid essentializing men when analyzing sexism. She states,

In my view, since sexism exists in the black community as well, sexism is relevant to the black woman Recognition of the operation of racism and class is important in preventing false polarizations between men and women. Rather than seeing men as the universal oppressor, women will also be seen as partners in oppression and as having the potential of becoming primary oppressors themselves. Above all, by studying the black woman we can avoid isolating sexism from the larger political and economic forces operating in many societies to produce internal colonialism, neocolonialism and economic dependency—all of which affect *both* men and women in Africa, the Caribbean, South American and the impoverished sections of the United States.³¹

Kimberle Crenshaw makes a similar argument in assessing how black women are differently situated than white women with regard to the issue of rape.³²

Global feminism responds, in part, to the concern of privileging white women in the feminist debate. “Placing African-American women’s experiences in a transnational context simultaneously provides a new angle of vision on U.S. Black feminism as a social justice project and decenters the White/Black binary that has long plagued U.S. feminism.”³³ Yet the global feminist movement has faced criticisms similar to those raised by black women with regard to U.S. feminism. Efforts by Western feminists to address international women’s issues like female genital mutilation have raised concerns about cultural imperialism and relativism. Chandra Mohanty reproaches Western feminist discourse for its tendency to

29. Filomena Chioma Steady, *The Black Woman Cross-Culturally: An Overview*, in *THE BLACK WOMAN CROSS-CULTURALLY* 7, 34-35 (Filomena Chioma Steady ed., 1981).

30. *Id.* at 27-28.

31. Steady, *supra* note 18, at 3 (emphasis in original).

32. Crenshaw, *supra* note 20, at 157-60.

33. COLLINS, *supra* note 3, at 233.

construct "women" as a homogenous group.³⁴ Mohanty writes that the focus of Western work too often becomes a search for "a variety of cases of 'powerless' groups of women to prove the general point that women are powerless."³⁵ Mohanty asserts that Western feminist discourse constructs Third World women as implicit victims of a generalized male violence.³⁶ Instead of theorizing and interpreting male violence within specific socioeconomic formations, Western feminism positions women as frozen into powerless (female) and powerful (male) groups of people, and constructions of "women of Africa" tend to be characterized by "common dependencies or powerlessness (or even strengths)."³⁷

Moreover, anti-essentialist theories have been challenged as essentializing the other.³⁸ Some intellectuals assert that, in an effort to identify the oppressed and their oppression, scholars have insisted on an identity for the marginalized other that leaves little room for individual, cultural and geographic differences.³⁹ Thus, for example, identifying black women as African American conceals the rich diversity of black women in the United States who may identify with cultural roots from diaspora countries other than the United States.⁴⁰ American black women are a diverse group whose Puerto Rican, Caribbean, South or Central American, Brazilian, or other roots affect their cultural traditions, perspectives, oppression and activist agendas.⁴¹ Racial categories also have a tendency

34. Chandra Mohanty, *Under Western Eyes: Feminist Scholarship and Colonial Discourses*, in *THIRD WORLD WOMEN AND THE POLITICS OF FEMINISM* 51 (Chandra Mohanty et al. eds., 1991).

35. *Id.* at 57.

36. *Id.* at 57-58.

37. *Id.* at 59.

38. See Harris, *supra* note 9, at 585. Angela Harris explicitly asserts that through her critique of the essentialist nature of feminist legal theory she does not seek to essentialize black women and their experiences and acknowledges the need to recognize differences. See *id.*

39. See *infra* note 40.

40. COLLINS, *supra* note 3, at 27-28.

41. See Pryse, *supra* note 15, at 108. Pryse asserts that transversal politics are an alternative to identity politics which "[assume] all persons who fall into particular category (such as 'blacks,' 'Jews,' 'women,' 'heterosexuals') share a common perspective. Such an assumption equates individual identity with group identity rather than acknowledging that differences exist that do not fall into the categories constructed under the rubric of 'identity politics.'" *Id.* This article asserts that the recognition of group differences in developing collaborative coalitions and strategic activism can occur without categorization, and, further, that the harms suggested by the absence of categorization do not apply to developing collaborations. Rather, it is enough that individuals define their own categories so long as groups working as feminists retain core "feminist values." See Harris, *supra* note 9, at 586, 607. Professor Harris suggests that feminist legal theory should reject categories and generalizations and instead suggests that "we make our categories explicitly tentative, relational, and unstable." *Id.* See also Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 *STAN. L. REV.* 1161 (1995) (discussing the harmful effects of categorization).

to hide class divisions within the black community as well as prejudices in the black community against gays and lesbians.⁴² On the other hand, identifying these differences raises concerns about fragmenting opposition and interest groups in ways that would dilute their effectiveness.

There remains a need, however, to develop effective theories and methodologies that avoid the essentialism of women both within and outside of the feminist mainstream.⁴³ It is necessary to acknowledge “core feminist concerns” while at the same time respecting the situational and cultural differences of women. Filomina Chioma Steady asserts,

Within the framework of what can be regarded as a universal feminism, black women share similar problems with other women. These are problems that fall within the sphere of discrimination against women. Problems surrounding the roles of childbearing, women’s health and nutritional status, and female participation in the labor force, have not been satisfactorily resolved in many parts of the world. Additionally, numerous injurious practices such as wife-beating, rape, female circumcision, sexual harassment, and forced marriage exist in many societies However, several factors set the black woman apart as having a different order of priorities Bourgeois feminism fails to deal with the major problems of equitable distribution of resources to all socioeconomic groups. Such an approach leads to a concentration of energies on sexual symbolism rather than on more substantive economic realities.⁴⁴

A theory which recognizes the work of indigenous women in their own communities and identifies their own issues and strategies is key to the evolution of feminist theory. As Patricia Hill Collins notes,

In a transnational context, women in African nations . . . have not sat idly by, waiting for middle-class White women from North American and western European nation-states . . . to tell them what to do These women are not just “theorizing” about oppression; their theory emerges from within the practical terrain of activism.⁴⁵

42. COLLINS, *supra* note 3, at 27-28.

43. For example, Leti Volpp asserts the need to “broaden and shift” feminist values to include Third World women and an authentic assessment of worldwide oppressions that impact women. Leti Volpp, *Feminism Versus Multiculturalism*, 101 COLUM. L. REV. 1181, 1184 (2001).

44. Steady, *supra* note 29, at 23-24. Johanna Bond argues that “unqualified embrace of universalism within the international human rights movement has led to a static understanding of human rights, one that assumes that victims of human rights violations all experience those violations in the same way.” Johanna E. Bond, *International Intersectionality: A Theoretical and Pragmatic Exploration of Women’s International Human Rights Violations*, 52 EMORY L.J. 71, 80 (2003).

45. COLLINS, *supra* note 3, at 232.

Additionally, feminism should be defined broadly to include work by women on behalf of their families and communities, since the work of mothers and daughters against racial, ethnic and cultural oppression is feminist even though these feminist movements and “much of the emerging feminist consciousness and the current movement toward feminist agendas in each country remains hidden.”⁴⁶

They remain hidden because the chaotic economic and political conditions there cause primary emphasis to be placed on survival issues. But they also remain hidden because governments allow political and economic events to monopolize national public media space and foreign attention, thus downplaying the cultural and gender developments which they sometimes find troublesome.⁴⁷

A global feminist theory that addresses the common agenda of Third World women, such as issues of hunger, drought, potable water, health care, disease, education and violence, can do much to increase the relevance of the women's movement.⁴⁸ Such an agenda would focus primarily on the issues of survival facing many impoverished women in the U.S. and abroad.⁴⁹ It would harness the energy and imagination of women to work on behalf of families and communities that include men.⁵⁰

III. TRANSVERSAL POLITICS AND DIALOGUE

Transversal feminism explores “how women can enter into dialogue concerning their material and political realities without being required to assert their collective identity politics in such a way that they cannot move outside their ideological positioning.”⁵¹ Transversal feminism presents an

46. Gwendolyn Mikell, *Toward a New Politics of Representation*, 21 FEMINIST STUDIES 405, 418 (1995).

47. *Id.*

48. See COLLINS, *supra* note 3, at 237-38; see also Adrien Katherine Wing and Tyler Murray Smith, *The New African Union and Women's Rights*, 13 TRANSNAT'L L. & CONTEMP. PROBS. 33, 36-53 (2003) (describing issues facing African women).

49. Rosalyn Terborg-Penn, *Overview*, in WOMEN IN AFRICA AND THE AFRICAN DIASPORA XV (Rosalyn Terborg-Penn et al. eds., 1987). Dr. Terborg-Penn suggests that theories and research methods should be developed for studying women in the African diaspora. *Id.* (“Applicable techniques require understanding the cultural context and acknowledging black women's definitions of themselves, as well as their means of expression.”).

50. López, *supra* note 6, at 357. Professor López asserts, “Feminist thought is in its infancy. While we, as feminists, have learned to deconstruct and criticize patriarchy, we have not convincingly created an alternative view. Comparative analysis can help us learn about other cultures and become more sophisticated in developing a coherent alternative philosophy.” *Id.*

51. Pryse, *supra* note 15, at 108. See also YUVAL-DAVIS, *supra* note 4, at 88.

alternative to essentialism and identity politics.⁵² Rooted in “transversal politics,”⁵³ transversal feminism is “about the politics of the construction of a radical political group as a collective subject, in which there is a constant flow of communication both horizontally and vertically.”⁵⁴

Israeli feminist Nira Yuval-Davis identifies three principle characteristics of transversal politics.⁵⁵ First, transversal politics is based on a belief that each individual’s perspective is based on that individual’s positioning in the world and, therefore, each individual has a unique perspective, which makes “any knowledge based on just one positioning . . . ‘unfinished.’”⁵⁶ As a result, “the only way to approach ‘the truth’ is by a dialogue between people of differential positionings.”⁵⁷ Second, “transversal politics follow the principle of the encompassment of difference by equality . . . notions of difference should be encompassed by, rather than replace, notions of equality.”⁵⁸ Yuval-Davis rejects the notion that there can be hierarchy of difference and instead requires respect for difference.⁵⁹ Third, transversal politics differentiates—both conceptually and politically—between positioning, identity and values. People who identify themselves as belonging to the same collectivity or social category can actually be positioned very differently in relation to a whole range of social locations (e.g., class, gender, ability, sexuality, stage in the life cycle, etc.). At the same time, people with similar positionings and/or identities can have very different social and political values.⁶⁰ From this Yuval-Davis cautions feminists and activists to view themselves as advocates who should be reflective and conscious of the multiplexity of specific

52. Pryse, *supra* note 15, at 108; Nira Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, in THE BRISTOL LECTURE SERIES ON THE POLITICS OF BELONGING (June 2004), available at <http://www.bristol.ac.uk/sociology/ethnicitycitizenship/nyd2.pdf>; YUVAL-DAVIS, *supra* note 4, at 88.

53. According to Nira Yuval-Davis, “transversal politics are used both descriptively, referring to political activities and organizing that have been taking place in a variety of locations, and normatively, as a model of political activism which is worth following.” Nira Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, *supra* note 52, at 15. See also YUVAL-DAVIS, *supra* note 4, at 88; Pnina Werbner & Nira Yuval-Davis, *Introduction: Women and the New Discourse of Citizenship*, in WOMEN, CITIZENSHIP AND DIFFERENCE 9-10 (Nira Yuval-Davis & Pnina Werbner eds., 1999).

54. Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, *supra* note 52, at 16. See also YUVAL-DAVIS, *supra* note 4, at 88.

55. Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, *supra* note 52, at 16.

56. *Id.*

57. *Id.*

58. *Id.* at 16-17.

59. *Id.* at 17.

60. *Id.*

positionings, and not to view themselves as representatives.⁶¹ This distinction requires feminists to view themselves as participants in a struggle rather than as leaders of the oppressed. This approach makes it easier to ensure respect for and collaboration with the individuals on whose behalf activists are working. Another implication Yuval-Davis identifies is that “advocates do not necessarily have to always be members of the constituency they advocate for. It is the message, not the messenger that counts.”⁶² Thus, identities or categories become secondary to issues and concerns.⁶³ Individuals who share concerns for and commitments to issues can work through collaborative coalitions formed around these concerns through dialogue. In this way, unified categories of women who share attributes or identity become less important than the ability to dialogue with others in a way that recognizes and respects their specific positioning without granting to any one group the center or “privileged access to the ‘truth.’”⁶⁴

Effective dialogue, however, requires the ability to identify and empathize with the condition of the other. This effort requires what Yuval-Davis identifies as “rooting” and “shifting.”

The idea is that each such “messengers” and each participant in a political dialogue would bring with them the reflective knowledge of their own positioning and identity. This is the “rooting.” At the same time, they should also try to “shift”—to put themselves in the situation of those with whom they are in a dialogue and who are different from them.”⁶⁵

This shifting becomes possible, according to Yuval-Davis, through a dynamic process of listening, imagination and empathy.⁶⁶ Yuval-Davis cautions that shifting does not require “losing one’s rooting and set of

61. *Id.*

62. *Id.*

63. The focus on “the message” and not the messenger may reduce fears that anti-essentialism may become impossibly reductional thereby making the feminist movement ineffectual. See, e.g., Harris, *supra* note 9, at 607 (“No categories at all . . . would leave nothing of a kind of women’s movement, save perhaps a tepid kind of ‘I’ve got my oppression, you’ve got yours’ approach.”).

64. Nira Yuval-Davis, *The Cairo Conference, Women and Transversal Politics*, 6 *WOMEN AGAINST FUNDAMENTALISM* 19 (1995), available at <http://waf.gn.apc.org/journal6p19.htm>. See also Trino Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism and Sexism (or Other Isms)*, in *PRIVILEGE REVEALED, HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* 85 (Stephanie M. Wildman et al. eds., 1996) (discussing the tendency of members of the dominant group to take the “center” in discussing oppression and the harms that result).

65. Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, *supra* note 52, at 19.

66. *Id.* at 21.

values It is vital in any form of coalition and solidarity politics to keep one's perspective on things while empathizing with [and] respecting others."⁶⁷

Similarly "[t]ransversal politics requires rejecting the binary thinking that has been so central to oppressions of race, class, gender, sexuality, and nation."⁶⁸ "[T]ransversal politics requires *both/and* thinking. In such frameworks, all individuals and groups possess varying amounts of penalty and privilege in one historically created system."⁶⁹ The theory begins with an appreciation for the intersection of multiple oppressions,⁷⁰ underscoring the need for multiple consciousness⁷¹ and world traveling,⁷² and it suggests a methodology for achieving these goals. Moreover, it focuses feminist theory on how rooting and shifting can facilitate effective collaborations around issues that, while retaining their core feminist values, refuse to define the scope or boundaries of feminism. At the center of transversal feminism is the recognition of the ability of groups to define their own issues and strategies for success and the avoidance of the "professionalization of feminist advocacy."⁷³ By so doing, feminism retains its authenticity and avoids a "stratification and top-down quality."⁷⁴

It is through the processes of rooting and shifting and respectful dialogue that cooperative coalitions and alliances can be created.⁷⁵ Yuval-Davis states, "[t]he transversal coming together should not be with members of the other group 'en bloc,' but with those who, in their different rooting, share compatible values and goals to one's own"⁷⁶ "The struggle against oppression and discrimination might (and mostly does) have a specific categorical focus but it is never confined just to that category."⁷⁷ Activism and struggle are essential to the effective use of

67. Yuval-Davis, *supra* note 64, at 19.

68. COLLINS, *supra* note 3, at 245.

69. *Id.* at 246.

70. *See generally* Crenshaw, *supra* note 20.

71. Matsuda, *supra* note 23.

72. *See* Gunning, *supra* note 24.

73. Yuval-Davis, *Human/Women's Rights and Feminist Transversal Politics*, *supra* note 52, at 33.

74. *Id.* In fact, Yuval-Davis asserts that "[t]o a large extent feminism has stopped being a mass social movement and has become the full time business of trained experts." *Id.* Professor Crenshaw was similarly critical of the feminist and black liberation movements for their tendency to rely on a top-down approach. *See* Crenshaw, *supra* note 20, at 167.

75. Yuval-Davis, *Human/Women's Rights and Feminist Transversal Politics*, *supra* note 52, at 16-19; YUVAL-DAVIS, *supra* note 4, at 88.

76. YUVAL-DAVIS, *supra* note 4, at 130; Yuval-Davis, *supra* note 64, at 21.

77. Yuval-Davis, *Human/Women's Rights and Feminist Transversal Politics*, *supra* note 52, at 19-20.

transversal feminism. In addition to the direct advancements that may be achieved through activism, communities are empowered through engagement in active opposition to oppression. Particularly in communities in which groups such as women are perceived as lacking real power, activism reminds these groups of their ability to effect change through mass movements.⁷⁸ Activism encourages autonomy and self-expression in ways that can re-invigorate communities. In one respect, activism may, in a thermodynamic sense (“bodies in motion tend to stay in motion”) discourage stasis and encourage critical engagement on a continued basis.

Transversal politics have proved a useful methodology for thinking about global feminism since they encourage connections made without regard to the boundaries of nation states. The theory is also particularly salient for black women and other women of color who, although dispersed globally, may share some commonalities of oppression.⁷⁹ The possibility for coalition building presents few boundaries, yet it is important to place limitations on transversal feminism. Yuval-Davis correctly suggests that, despite the flexibility of the methodology, there are certain feminist core values which cannot be compromised.⁸⁰ The manner in which those values are manifested will vary according to the needs, goals and cultural beliefs of those involved in the struggle and the extent to which coalitions can successfully be formed.

The Niger Delta Women for Justice project provides an example of the success of and potential for change from transversal feminism.⁸¹ During the summer of 2002, news outlets began reporting on protests by

78. Collins notes how few black children learn about and witness the activism of black women, which may contribute to a negative group identity for these children. COLLINS, *supra* note 3, at 223.

79. Collins discusses the need to accept that we “bear some responsibility for systemic violence targeted to other groups.” COLLINS, *supra* note 3, at 247.

[W]hereas all systems operate in framing the experiences of Black women transnationally, different configurations of such systems have saliency for Black women differently placed within them. Overall Black feminist knowledge and the transversal politics that might guide Black women’s activism share important features. Both rely on paradigms of intersectionality to conceptualize intersecting oppressions and group behavior in resisting them. Both are collaboratively constructed, making it virtually impossible to extract either from actual power relations. Both exhibit moments of collaboration and confrontation necessary for constructing knowledge and building coalitions.

Id. at 248. Professor Harris notes the importance of feminism moving the direction of “creative action” and not “shared victimization.” Harris, *supra* note 9, at 612. Similarly, Leti Volpp critiques a tendency by Western feminists to focus on “cultural violence or subordination.” Volpp, *supra* note 43, at 1181-83. The current article suggests a methodology for achieving that goal and presents an example of its successful application.

80. See Yuval-Davis, *Human/Women’s Rights and Feminist Transversal Politics*, *supra* note 52, at 37; YUVAL-DAVIS, *supra* note 4, at 130.

81. Werbner & Yuval-Davis, *supra* note 53, at 29-30.

Nigerian women against ChevronTexaco and Shell taking place in the Niger Delta.⁸² According to media reports, in one incident, a group of Nigerian women “stormed” the offices of ChevronTexaco and Shell and demanded employment opportunities, infrastructural development and microcredit lending programs.⁸³ Women occupied four ChevronTexaco oil-pumping stations in the Niger Delta for 10 days.⁸⁴ Their demands included that Chevron build schools and hospitals in their villages, employ more of their people and pay cash compensation for polluting the water.⁸⁵ Some papers reported that the women threatened to take off their clothes as a method of prompting a response from the companies.⁸⁶ Known as the “curse of nakedness,” the threat of disrobing in public is a powerful traditional shaming method which is based on the power of community influence. Sokari Ekine, an international representative for Niger Delta Women for Justice, states,

These are mature women and for mothers and grandmothers to threaten to strip is the most powerful thing they can do. It’s a very, very strong weapon. Chevron is American, but they have Nigerian men working for them, and women are held in particular esteem in Nigeria—and if a woman of 40 or 70 takes her clothes off a man is just going to freeze.⁸⁷

After days of negotiations, company executives agreed to build schools, clinics and town halls, and to provide electricity and water systems.⁸⁸ The company also agreed to give jobs to at least twenty-five residents and help build fish and chicken farms.⁸⁹

These events represent a multilayered and variegated history. Peeling away the layers of the story reveals no simple answers; rather, it exposes the complex and dangerous reality of the tightly woven relationship

82. See *Oil Company Appeases Nigerian Women*, USA TODAY, July 15, 2002, available at <http://www.usatoday.com/news/world/2002/07/15/nigerian-women.htm>; Tania Branigan & John Vidal, *Hands up or We Strip*, THE GUARDIAN, July 22, 2002, <http://www.guardian.co.uk/print/0,3858,4466062-103691,00.html>; Dan Issacs, *Oil Firm Angry at Nigerian Protest*, BBC NEWS, August 17, 2002, <http://news.bbc.co.uk/1/hi/world/africa/2199686.stm>; Dan Issacs, *Nigerian Women Stage New Oil Protest*, BBC NEWS, August 16, 2002, <http://news.bbc.co.uk/1/hi/world/africa/2198103.stm>; *Nigerian Women Get Results*, CBS NEWS, July 19, 2002, <http://www.cbsnews.com/stories/2002/07/17/world/main515416.shtml>; *Shell Reaches Deal to Restart Nigerian Oil Flows*, WALL ST. J., January 5, 2005, at A8. See also López, *supra* note 6. According to López, a comparative analysis should include “the actual experiences of women.” *Id.* at 357.

83. *Oil Company Appeases Nigerian Women*, *supra* note 82; Branigan & Vidal, *supra* note 82.

84. Branigan & Vidal, *supra* note 82.

85. See *Nigerian Women Get Results*, *supra* note 82.

86. Branigan & Vidal, *supra* note 82.

87. *Id.*

88. *Id.*

89. *Id.*

between a world economy dependent upon oil extracted from poor countries and the impact of economic and foreign policy that underlies these events.⁹⁰ The women's protest was orchestrated and conducted in a region that experiences devastating poverty in spite of the presence of multinational corporations.⁹¹ Women in the region are often the target of the federal police and army, and they are the victims of rapes, beatings, murder and prostitution. The women in the region have also suffered the loss of their fathers, husbands and sons as a result of violence.⁹² Extracting oil from the region has had a devastating effect on farming, fishing, water supplies, the local environment and the health of the local citizenry.⁹³

The events also raise the issue of the use of nonlegal means to assert political and civil rights as well as the power of cultural traditions as a means of gaining economic and political leverage. The protests demonstrate how local activists harnessed the traditional practices of indigenous peoples to combat contemporary problems.⁹⁴ The protests exemplify the power of grassroots efforts to combat issues of social and political injustice.⁹⁵ The women relied on grassroots activism and protest to form a kind of pragmatic, action-based feminism that is motivated by immediate concerns of survival borne out of impoverished conditions and an extractive economic structure. They used their bodies to harness power and to create leverage. Unlike many other media reports of African women as victims of genital mutilation, rape, torture or radically harsh punishment under Sharia, the ChevronTexaco story places African women in a position of strength and power. In contrast to many media reports about ethnic strife and violence, the oil company protests have been led by a multi-ethnic group of women. The women of the Niger Delta have a long history of protest against injustice despite reports that the event was unprecedented. This example of the activism of African women has historical and cultural roots. In fact, some assert that the origins of

90. See generally James Whittington, *Nigeria's oil wealth shuns the needy*, BBC NEWS, December 28, 2001, <http://news.bbc.co.uk/1/hi/business/1732196.stm>; Uche U. Ewelukwa, *Centuries of Globalization; Centuries of Exclusion: African Women, Human Rights, and the "New" International Trade Regime*, 20 BERKELEY J. GENDER L. & JUST. 75, 78-81 (2005); Emeka Duruigbo, *The World Bank, Multinational Oil Corporations, and the Resource Curse In Africa*, 26 U. PA. J. INT'L ECON. L. 1, 2, 22-24 (2005).

91. Ewelukwa, *supra* note 90, at 78-79. See generally Whittington, *supra* note 90.

92. Niger Delta Women for Justice, <http://www.ndwj.kabissa.org> (last viewed November 7, 2005).

93. *Id.*; Duruigbo, *supra* note 90, at 22-24.

94. Branigan & Vidal, *supra* note 82.

95. Ewelukwa, *supra* note 90, at 79.

American feminism lay in African culture and the role African women have played historically in social and economic groups in Africa.⁹⁶

The significance of their actions is magnified by the lack of power and resources of the ethnic groups to which these women belong vis-a-vis the multinational corporations and the Nigerian government, as well as the role of women in contemporary African society.⁹⁷ Nigeria, the largest country in Africa, is located on the continent's Western coast. The Niger Delta is located in southern Nigeria and it is home to about 10 million people, which is approximately 14% of the overall population. More than 40 ethnic groups with links to the linguistic groups of Ijaw, Ebo and Igbo live in the region. The Delta contains one of the world's largest wetlands, which is the largest in Africa.⁹⁸ The land is resource-rich and features an abundance of oil, natural gas, timber, wildlife.⁹⁹

Multinational corporations ("MNCs") began drilling in Nigeria in 1956, and in 1978 Niger Delta lands were expropriated through the Land Use Decree Act.¹⁰⁰ Now the "Niger Delta is flooded with MNCs such as Royal Dutch Shell, Elf, Texaco, Chevron, Mobil, Agip and WillBros."¹⁰¹

The country's oil wealth has had a devastatingly negative effect on the local communities and their economies.¹⁰² Despite the presence of multinational oil companies in the region, many people in this region lack running water and electricity, and have few job opportunities.¹⁰³ "Schools often have no roofs or books, hospitals have no equipment or windows, there is little work, the villages have no sanitation, and the largest town,

96. Works discussing African feminism include: Steady, *supra* note 29; AFRICAN FEMINISM: THE POLITICS OF SURVIVAL IN SUB-SAHARAN AFRICA (Gwendolyn Mikell ed., 1998); Filomena Chioma Steady, *African Feminism: A Worldwide Perspective*, in WOMEN IN AFRICA AND THE AFRICAN DIASPORA, *supra* note 49.

97. Valentine Udoh James, *Trends and Conundrums in the Feminization of Development Processes in Africa*, in THE FEMINIZATION OF DEVELOPMENT PROCESSES IN AFRICA, CURRENT AND FUTURE PERSPECTIVES 3, 8-24 (Valentine Udoh James & James S. Etim eds., 1999).

98. Dr. Ibibia Lucky Worika, *Deprivation, Despoilation and Destitution: Whither Environment and Human Rights in Nigeria's Niger Delta?*, 8 ILSA J. INT'L & COMP. L. 1, 4-6 (2001).

99. Annie Brisbe, *Niger Delta Women for Justice, Effective Strategies in Advocacy & Networking* (2000), <http://www.ndwj.kabissa.org/ArticlesResearch/AB1/ab1.html>.

100. *Id.*

101. *Id.*

102. Worika, *supra* note 98, at 4-6.

103. "[O]ne of the most contentious issues in post-colonial Nigeria has been the struggle over the vast economic resources of the Niger delta and in particular the impact of that exploitation on the peoples of the region." J. Oloka-Onyango, *Reinforcing Marginalized Rights in an Age of Globalization: International Mechanisms, Non-State Actors, and the Struggle for Peoples Rights in Africa*, 18 AM. U. INT'L. L. REV. 851, 861-62 (2003).

Port Harcourt, is one of the most polluted.”¹⁰⁴ The oil extraction has resulted in serious environmental and ecological problems in the region, polluting water supplies and killing fish.¹⁰⁵ The development and oil wealth has not improved the lives of women in the region; in fact, much of the region’s poverty is caused in part by the oil drilling.¹⁰⁶ Similar effects are felt in other regions impacted by MNC development. In fact, “[s]everal studies indicate that growth and modernization in many developing countries have done little to improve the condition of women . . . [this] makes a convincing argument about the plight of women and children as a result of development that does not look out for their interests.”¹⁰⁷ In addition, the ongoing struggle between local residents and governments that support the work of MNCs in Africa has resulted in significant violence against women and men in their communities. Some of the violence has been state sanctioned. The most infamous example of such violence was the 1995 execution in Nigeria of Ken Saro-Wiwa, an Ogoni tribesman, for protesting Shell’s practices in the Ogoni land in the Niger Delta.¹⁰⁸

While oil exploration and the related violence in the region have had an overall negative impact on local communities, women in the region have been uniquely affected.¹⁰⁹ Women in the region live with violence and, as often occurs in regions experiencing political and military upheaval, rape has become “a ritual amongst the occupying military and armed police forces as well as security personnel employed by the oil companies.”¹¹⁰ General Sani Abacha seized power in a coup in 1993.¹¹¹ During his six-year rule his “security forces took the offensive and terrorized [sic] the Niger Delta people. During this period women paid a high price for their activism. The military and armed police have brutalized whole communities, assaulting and beating indiscriminately.”¹¹² “Women in villages, farms, or fishing grounds that are located close to oil facilities are

104. Branigan & Vidal, *supra* note 82.

105. *Id.*

106. Genoveva Hernandez Uriz, *The Application of the World Bank Standards to the Oil Industry: Can the World Bank Promote Corporate Responsibility*, 28 BROOK. J. INT’L L. 77, 78 (2002).

107. James, *supra* note 97, at 8.

108. Timothy L. Fort & Cindy A. Schipani, *Ecology and Violence: The Environmental Dimensions of War*, 29 COLUM. J. ENVTL. L. 243, 271 (2004); Oloka-Onyango, *supra* note 103, at 865.

109. Sokari Ekine, *Women in the Niger Delta: Violence and Struggle* (1999), <http://www.ndwj.kabissa.org/ArticlesResearch/Sok1/sok1.htm>.

110. *Id.*

111. Sokari Ekine, *Fightback From the Commons: Gendered Class Alliances and Petroleum Struggle*, AUTHORSDEN, March 13, 2005, <http://www.authorsden.com/visit/viewarticle.asp?AuthorID=26747&id=17420>.

112. *Id.*

at most risk of sexual abuse—daily harassment, prostitution and rape—by oil workers both foreign and Nigerian including security guards.”¹¹³ The denigration of the environment and traditional methods of sustainability have resulted in increased reliance on prostitution.¹¹⁴ Efforts to maintain the hierarchy and imbalance of power have also resulted in various forms of physical violence including beatings and floggings as well as violence against property.¹¹⁵ Farms have been ransacked and had produce stolen, and market women have had their stalls and wares destroyed.¹¹⁶ Even when violence is not present, its effects are felt.

Violence does not actually need to take place, once it has been established as the norm. It is enough to know that violence is a possibility. Women walk in fear as they try to go about their daily work—fear of being raped, of being beaten or maimed. In addition many husbands, fathers and sons have been killed or maimed leaving women to assume even greater responsibilities.¹¹⁷

Oil extraction in the area impacts the women of the region directly through the official and unofficial violence directed toward them, but their lives are also adversely affected by the impact of MNC activity on the environment, fishing, farmlands and the health of the women and families. According to activist groups working on behalf of these women, livelihoods are destroyed and locals complain of skin conditions, bronchial problems and miscarriages.¹¹⁸

The Niger Delta Women for Justice (NDWJ) is a non-profit, non-sectarian, civil society organization founded in 1998.¹¹⁹ It was formed in order to respond to the problems members identified as growing out of the MNC oil extraction.¹²⁰ NDWJ works closely with other grassroots organizations and women’s groups in the ethnic nationalities native to the Niger Delta.¹²¹ “It is committed to improving the personal, economic, and educational status of women and to ensuring that their environmental and human rights are upheld.”¹²² NDWJ works to empower local women,

113. Ekine, *supra* note 109.

114. *Id.*

115. *Id.*; Worika, *supra* note 98, at 9-14.

116. Ekine, *supra* note 109.

117. *Id.*

118. *Id.*

119. Niger Delta Women For Justice, Who We Are, <http://www.ndwj.kabissa.org/PrgommeActivities/prgommeactivities.html> (last visited Nov. 15, 2005).

120. *Id.*

121. *Id.*

122. Brisbe, *supra* note 99.

particularly rural women, through programs which are designed to help the women combat human rights violations from the Nigerian government and multinational oil companies.¹²³ Observers assert that NDWJ is a well-organized, well-planned, multilayered grass roots organization.¹²⁴

The NDWJ represents one of a number of efforts to protest MNCs in the Niger Delta and is only one instance of the effective use of cultural traditions and beliefs to gain concessions for the women and their communities. For example, in 1984, in the Ogharefe Uprising, women demanded the oil company pay them for seized lands, pollution damage, a reliable water well and electricity.¹²⁵ The oil company refused, so the women protested and prevented oil workers from entering or leaving the site.¹²⁶ The women also threatened to strip naked in protest.¹²⁷ The women did in fact strip, and the oil company relented.¹²⁸ In a similar protest in 1986, women in Ekpa also threatened nakedness in order to gain concessions from MNCs.¹²⁹ Again in 1998, women joined together to make similar kinds of demands in what became known as the EGI women's revolt. Instead of threatening nakedness these women used song and dance to protest.¹³⁰ Then in 1999, the NDWJ organized a demonstration against the raping and molesting of women and young girls as well as the beating and killing of young men in Yenagoa, Kaiama and other Ijaw villages.¹³¹ These women's organizations continue to protest and agitate for positive change for themselves, their families and their communities. Unable to isolate the harms that happen because they are women, such as rape and prostitution, from the harms inflicted on the men and the local environment, these women have coalesced around issues that are not singularly feminist. This coalition is fueled by the power of women in African society to demand some level of respect from their communities.

The protests of contemporary Nigerian women are grounded in a history of activism and what some scholars have termed "African feminism."¹³² Some of the most significant women's protests in Africa's

123. Niger Delta Women For Justice, *supra* note 119.

124. Brisbe, *supra* note 99.

125. Ekine, *supra* note 109.

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. Steady, *supra* note 29, at 28; Steady, *African Feminism*, *supra* note 96, at 5; Pamela Yaa Asantewaa Reed, *African Womanism & African Feminism: A Philosophical, Literary, and*

history include the Dancing Women's Movement in 1925 and the Sprit Movement in 1927, "which were all about genuine rejection of colonial rule and Western culture."¹³³ Both protests stemmed from what women perceived as challenges to their traditional status as women in their societies by the imposition of colonial rule and Western gender roles. Similarly, the War of 1929 in Nigeria is one of the best-known examples of African women's resistance to the colonial system.¹³⁴ Following a series of localized protests, rebellions and demonstrations throughout the region against the imposition of a poll tax, the women rioted en masse in 1929 and told the colonialists to leave.¹³⁵ This became known as the "Women's War."¹³⁶ The causes of the war included the economic disadvantages that women felt under the new colonial system.¹³⁷ Ibo women attacked a British colonial station in response to the British plan to tax women as well as men.¹³⁸ The women relied upon the "particularly female weapons of song, dance and ridicule" to oppose the taxes.¹³⁹ "At the end, more than fifty-three women were gunned down in Calabar province. Although the women failed in their attempt to overcome the oppressors, their actions went down in the annals of the history of Nigeria for challenging the colonial government."¹⁴⁰

The methods used by Nigerian women to protest oppression are rooted in African culture. Song, dance and ridicule are prominent features of women's protest in Nigerian history. Women's groups repeatedly use their bodies and their voices to achieve their goals. These methods, along with the "curse of nakedness," call upon cultural traditions and the historical role of women as leverage to force concessions. The curse of nakedness is effective since "[d]isrobing by women in public is considered a serious and permanent curse."¹⁴¹ "Symbolically, in many African societies, the female

Cosmological Dialectic on Family, 25 WESTERN JOURNAL OF BLACK STUDIES 168-176 (2001). See generally López, *supra* note 6, at 357 (discussing the importance of placing feminist theories in a cultural context that includes a respect for the historical context of that culture).

133. IFI AMADIUME, REINVENTING AFRICA, MATRIARCHY, RELIGION & CULTURE 125 (1997).

134. Steady, *African Feminism*, *supra* note 96, at 12 (citing Caroline Ifeka-Moller, *Female Militancy and the Colonial Revolt: The Women's War of 1929, Eastern Nigeria*, in PERCEIVING WOMEN (Shirley Ardener ed., 1975)); Ewelukwa, *supra* note 90, at 78-81.

135. Steady, *African Feminism*, *supra* note 96, at 12.

136. AMADIUME, *supra* note 133, at 125.

137. *Id.*

138. Steady, *African Feminism*, *supra* note 96, at 12. The war began when the government tried to tax market women in colonial Africa. James, *supra* note 97, at 24.

139. Ekine, *supra* note 109.

140. Kofi Johnson and R. Babatunde Oyinade, *Women and Politics in Nigeria: An Appraisal*, in THE FEMINIZATION OF DEVELOPMENT PROCESSES IN AFRICA, *supra* note 97, at 25.

141. Ekine, *supra* note 109.

body has always been viewed as an asset, as a sacred vessel carrying life, and as a source of strength and pride."¹⁴²

Ridicule and scapegoating are also used as effective mechanisms for neutralizing tensions between the sexes. These can take the form of direct taunts, group pressure, or ritual satire In Nigeria, among the Ekperi and Edo-speaking people in the Midwest State, songs of ritual license are often used to release tensions between the sexes.¹⁴³

These performances are used to "shame local male authorities as well as to give voice to women's communal grievances and demands. The songs and dances were formulated, practiced and polished during women-only meetings, and unveiled at public events like markets or town festivals."¹⁴⁴ "Nigerian women . . . proved to be active defenders of traditional African religion as well as the customs and practices . . . that gave 'coherence and meaning to the social fabric.' In his regard, women may be seen as the earliest cultural nationalists."¹⁴⁵

While modern Nigerian women have, when necessary, formed and participated in grassroots advocacy, their role in society and politics is rooted in the status of women in pre-colonial Africa rather than exemplary of contemporary gender roles.¹⁴⁶ The current status of African women differs dramatically from the role of women in pre-colonial African society.¹⁴⁷ "[I]n the precolonial era, women played important and significant roles in the market scene."¹⁴⁸ "Colonialism brought tremendous

142. Steady, *supra* note 29, at 32.

143. *Id.* at 33-34.

144. *Id.*

145. Felix K. Ekechi, *Historical Women in the Fight for Liberation*, in *THE FEMINIZATION OF DEVELOPMENT PROCESSES IN AFRICA, CURRENT AND FUTURE PERSPECTIVES*, *supra* note 97, at 97. One of the puzzling issues for Western feminists about Female Genital Mutilation or Surgery has been the role women play in carrying out and perpetuating a practice they see as important to retaining their cultural integrity. For a discussion of Female Genital Mutilation, see generally Gunning, *supra* note 24; Hope Lewis, *Between Irua and Female Genital Mutilation: Feminist Human Rights Discourse and the Cultural Divide*, 8 HARV. HUM. RTS. J. 1 (1995).

146. Ifeyinwa -E. Umerah-Udezulu, *The State and Feminization of Developmental Processes in West Africa*, in *THE FEMINIZATION OF DEVELOPMENT PROCESSES IN AFRICA*, *supra* note 97, at 88-89. For a discussion of gender inequities and discrimination against women in Nigeria, see James, *supra* note 97, at 24.

147. Colonialism adversely affected women's status and roles in African societies, and since colonialism, "women have been systematically excluded from new opportunities. Moreover, while women have borne the brunt of the economic crisis in Africa . . . they still continue to devise strategies to exploit the few opportunities that do exist and (re)gain some autonomy." Lucia Fort et al., *Gender Inequality Around the World: Comparing Fifteen Nations in Five World Regions*, in *COLOR, CLASS, & COUNTRY: EXPERIENCES OF GENDER* 131, 133-137 (Gay Young & Bette J. Dickerson eds., 1994).

148. James, *supra* note 97, at 5. See generally CHEIKH ANTA DIOP, *THE CULTURAL UNITY OF BLACK AFRICA* (1978).

changes in women's position in African societies. It separated women from working side by side with men because it established jobs that took the men away from their families."¹⁴⁹ Nigeria's pre-colonial political system has been described as a bisexual political system, in that some specific roles in politics and life are assigned to men and others to women.¹⁵⁰ "In such a society, as among the western Igbo for example, the role of 'mother of the community' cannot be taken up by a man, nor can a man function as the interceder on behalf of the community with 'Mother Earth.'"¹⁵¹ Modernization and westernization robbed women of their traditional political powers.¹⁵² After colonialism, African women became disfranchised and were robbed of some of their traditional power.¹⁵³ The contemporary role of women with which many feminists are familiar often includes inequality with regard to inheritance, property ownership, education and access to jobs.¹⁵⁴

However, despite the changes in women's status post-colonialism, recent protests by women in Africa gather their strength, in part, from a cultural acceptance of the traditional roles and power of women. These grassroots efforts take an "empowerment" perspective that relies on indigenous views of women's roles and asserts a position that "calls for the redistribution of power . . . so that poor women can participate in controlling and influencing the directions in which development occurs."¹⁵⁵

This empowerment perspective has given rise to the identification of a brand of feminism based on the tradition of autonomy in the performance of sex roles in African societies.¹⁵⁶ The women's protests against MNCs in the Niger Delta are not only examples within a larger history of women's activism, but may be part of a tradition of African feminism. Thus, while NDWJ provides an example of the practice of, and potential for, transversal politics and dialogue, it is important to acknowledge its roots in a history of African feminism. Moreover, an understanding of African feminism expands upon and gives texture to the practice of transversal politics.

149. *Id.* at 8.

150. Kamene Okonjo, *Women's Political Participation in Nigeria*, in *THE BLACK WOMAN CROSS-CULTURALLY*, *supra* note 18, at 82.

151. *Id.*

152. *Id.* at 86.

153. Umerah-Udezulu, *supra* note 146, at 88-89.

154. James, *supra* note 97, at 8.

155. Amy Beer and Christine List, *Looking at African Women: Media Representations of Feminism, Human Rights, and Development*, in *THE FEMINIZATION OF DEVELOPMENT PROCESSES IN AFRICA*, *supra* note 97, at 62.

156. Steady, *supra* note 29, at 28.

According to scholars, African feminism is activist-centered, family and community oriented and respects women's role in society as equal to but different from men.¹⁵⁷ African feminism takes on the issue of multiple oppressions and deals with women first and foremost as humans.¹⁵⁸

African feminism combines racial, sexual, class and cultural dimensions of oppression to produce a more inclusive brand of feminism through which women are viewed first and foremost as human, rather than sexual, beings. It can be defined as that ideology that encompasses freedom from oppression based on the political, economic, social, and cultural manifestations of racial, cultural, sexual, and class biases. It is more inclusive than other forms of feminist ideologies and is largely a product of polarizations and conflicts that represent some of the worst and chronic forms of human suffering [T]his type of feminism has the potential of emphasizing the totality of human experience, portraying the strength and resilience of the human spirit and resounding with optimism for the total liberation of humanity. African feminism is, in short, humanistic feminism.¹⁵⁹

Steady asserts that "various economic, social, cultural, and political elements have interacted to produce a special brand of African feminism, despite differences in nationality and class among African women on the continent and in the diaspora."¹⁶⁰ African feminism also derives from a greater comfort with sexual egalitarianism in traditional African, rather than Western, societies.¹⁶¹ Steady maintains that African peoples historically lived and worked communally and "stressed cooperation and distribution, rather than individualism and accumulation."¹⁶² This "communal ownership facilitated women's access to land and ensured a certain degree of control over their labor, as well as some decision making about their labor input. The sexual division of labor was essentially parallel, rather than hierarchical, lines, thereby giving, in general terms, equal value to male and female labor."¹⁶³ Steady goes on to assert that

157. Steady, *supra* note 29, at 28-34 (identifying four main themes: "female autonomy and cooperation," "nature versus culture," "the role of ridicule in women's worldview," and "the centrality of children").

158. *See id.* at 34.

159. Steady, *African Feminism*, *supra* note 96, at 4 (emphasis in original). Steady notes the exploitation of African resources and its people "added other dimensions to [African] feminism—namely, liberation from white oppression and destruction of the ideology of racism." *Id.* at 8-9.

160. *Id.* at 5.

161. *Id.* at 2. For example, Africa is one of the few areas in the world where matrilineal societies exist in significant numbers. *Id.*

162. *Id.* at 5.

163. *Id.* at 5-6.

[p]arallel autonomy, communalism, and cooperation for the preservation of life are more useful concepts in developing an appropriate framework for examining African feminism than the frameworks of dichotomy, individualism, competition, and opposition, which Western feminism fosters. Men and women in traditional African societies had spheres of autonomy - in economic, social, ritual and political terms - ensured by various mechanisms of checks and balances. Women's ability to utilize these mechanisms was an important aspect of their feminism.¹⁶⁴

...

[F]or women, the male is not 'the other' but part of the human same. Each gender constitutes the critical half that makes the human whole. Neither sex is totally complete in itself to constitute a unit by itself. Each has and needs a complement, despite the possession of unique features of its own.¹⁶⁵

Thus, African feminism requires a partnership between men and women, and at the same time it is based on an "abnegation of male protection and a determination to be resourceful and self-reliant."¹⁶⁶ It rejects hatred for or blaming of men and recognizes that they are also oppressed.¹⁶⁷ In addition, an African woman in traditional societies gains status in large part due to her reproductive capacity and her role as mother.¹⁶⁸ "The importance of motherhood and the valuation of the childbearing capacity by African women is probably the most fundamental difference between the African woman and her Western counterpart in their struggle to end discrimination against women. For African women, the role of mother is often central and has intrinsic value."¹⁶⁹ African feminism is experientially based and focuses on "survival and greater self-reliance."¹⁷⁰ African feminism responds to the political, economic and environmental issues facing indigenous cultures. "In every instance, it will be found that research or social protest launched on behalf of or by women themselves is invariably motivated by economic and political considerations rather than feminism per se."¹⁷¹ In fact, black women in the United States and throughout the diaspora have exhibited African feminism. For example, black women actively protested "against the

164. *Id.* at 8.

165. *Id.*

166. Steady, *supra* note 29, at 35.

167. *Id.* at 35-36.

168. *Id.* at 29.

169. *Id.*

170. *Id.* at 36.

171. Achola O. Pala, *Definitions of Women and Development: An African Perspective*, in *THE BLACK WOMAN CROSS-CULTURALLY*, *supra* note 18, at 210.

system of slavery, which exploited female slave labor in production and reproduction and abused female sexuality and biology.”¹⁷² Steady looks to Sojourner Truth, Harriet Tubman and Nanny Maroons of Jamaica as examples of manifestations of an African feminist approach.¹⁷³

African feminism has provided a model for NDWJ and for other activist women's groups that have focused on issues key to the survival of their communities and their socio-economic status while being respectful of culture and traditions.¹⁷⁴ One social scientist notes, “[t]he African woman today is concerned . . . with the specific, immediate needs of surviving famine, hunger, drought, disease, and war.”¹⁷⁵ Moreover, placing the NDWJ efforts within a larger historical and cultural context challenges the current view that Third World societies lag behind the West in their understanding and promotion of feminist ideals and that the subordination of women is embedded in these cultures.¹⁷⁶ A contextual understanding of women's activism in Africa allows Western feminists to begin to engage in the shifting process central to transversal feminism. Because the NDWJ gain their power, in large part, from deeply ingrained cultural values and traditions that value and respect women and their roles in society, the NDWJ may not only challenge stereotypes about African women but may provide a ground upon which others can seek commonality in their struggle.

Moreover, by focusing concerns over the impact of MNCs, the NDWJ successfully bridge differences to build coalitions across ethnic groups.

In addition to using particularly female weapons, the 1980s Delta women's struggles forged new solidarities and re-configured old ones. Key was the unity of women and some men, often sons, against a few older and more powerful men who were targeted as having sold out the community in deals with the oil companies and government.¹⁷⁷

The potential for coalition building using the principles of transversal dialogue is extensive. Natural coalitions for the work of the NDWJ may include activist groups along Cancer Alley, an area in the Deep South along the Lower Mississippi River Industrial Corridor, where local residents and the community are experiencing environmental and public health impacts

172. Steady, *African Feminism*, *supra* note 96, at 9.

173. *Id.* at 10.

174. Pala, *supra* note 171, at 211; Mikell, *supra* note 46, at 405.

175. COLLINS, *supra* note 3, at 237-38.

176. Volpp, *supra* note 43, at 1181 (challenging the assumption of many Western feminists that Third World cultures are more gender-subordinating than those in the West).

177. Ekine, *supra* note 109.

associated with the heavy industry located there. Despite differences in citizenship, political and economic power, language and culture, a dialogue about the impact of the extraction and production of oil and oil derived products can create an effective coalition that strengthens both groups. While the form of activism each group may take may vary, a level of respectful dialogue and support can occur.

Similarly, Wangari Mathai's Green Belt activism in Kenya is another natural ally of the NDWJ:

Wangari Mathai's Green Belt movement began with issues of urban ecology and gradually taught women that they could become shapers of their own agro-economic destinies. Led by Mathai, this was a grassroots movement among women to reclaim their environment, restore "green spaces" in which they could produce food, and revive women's agrarian strategies which had been of benefit to them and their communities. The movement helped to produce a large woman-oriented constituency for later politicians The National Committee on the Status of Women became the beneficiary of Mathai's consciousness raising among women and helped women elect forty-five female civil leaders and six parliamentarians.¹⁷⁸

Although facing somewhat different environmental and political issues, as well as differences in citizenship and ethnic groups, the Green Belt Movement and NDWJ share an opposition to the impact of Western patriarchy and imperialism on their countries and, ultimately, their local communities.

These coalitions can and should affect feminist perspective and actions on what may initially seem to be issues far removed from feminist concerns. These movements represent large scale grass-roots organizing and protests by women. Transversal feminism argues for the need of mainstream feminists to become active allies with the women of color who are fueling these movements and for women of color across the diaspora to join forces across class lines and other divides. The theory provides the forum for indigenous women to define their issues, frame their protests, and rely on cultural practices and values in crafting their movement. By yielding the center of activist discussions to the oppressed, the movement becomes more credible and less alien to those it purports to represent. In the context of responding to the environmental, economic and gender impact of oil exploration and other MNC effects, an understanding of the ways in which African women are struggling against MNCs can inform legal debate and action on issues such as the use of the Alien Tort

178. Mikell, *supra* note 46, at 405.

Statute,¹⁷⁹ IMF and World Bank Policy and clean energy bills. These dialogues can engage feminisms that would attract the interest of women who decline to identify with traditional feminist theories. Though it focuses on the message and not the messenger, transversal feminism can bridge gaps between disparate groups on issues such as corporate responsibility and environmental justice.

The NDWJ serves as a perfect junction connecting African feminism and transversal feminism. The direct action campaigns of the NDWJ transcend the often impervious boundaries between and within the categories of ethnicity, gender and generation. Equally important, the transversal feminism of the NDWJ portends the ability to create meaningful coalitions between women who are differently situated across class, geographical and cultural spaces, but all of whom are referred to as "black."

IV. CONCLUSION

Transversal feminism may be an effective bridge to create a feminist theory that is diverse and inclusive. By emphasizing the importance and relevance of individual experience and perspectives, it reinforces the importance of anti-essentialism and intersectionality in developing effective feminist legal theory. Transversal feminism, while similar to anti-essentialism and intersectionality, in that it recognizes the importance of valuing differences among groups, cautions against homogenizing others in the development of feminist theory and practice, and it is sensitive to the impact of multiple oppressions on the lives of women. However, transversal feminism goes beyond those theories by promoting a methodology for creating effective and respectful coalitions which can focus on activism. Activism grounded in transversal politics would respect the cultural traditions and history of the group as well as the communities in which women live. It suggests that the most effective coalitions are built around issues and should not be based on group identity. Transversal feminism also rejects binary thinking that encourages an oppositional relationship with men. Because of these differences, transversal feminism may provide a more palatable form of feminism for black women and other women of color who historically have felt alienated from and offended by

179. 28 U.S.C. § 1350 (1948) (granting jurisdiction to aliens for torts against the "law of nations"); *see, e.g.*, *Wiwa v. Royal Dutch Petroleum Co.*, 392 F.3d 812 (5th Cir. 2004) (alleging that the oil refineries rely on Nigerian police and military to carry out threats and acts of violence against protesters in the Niger Delta.); *Wiwa v. Royal Dutch Petroleum Co.*, 226 F.3d 88, 91, 94, 106 (2d Cir. 2000); *Sosa v. Alvarez-Machain*, 542 U.S. 692, 698-99 (2004).

mainstream Western feminism. It allows feminists to build bridges without regard to differences in sex, sexual orientation, class, nation-state, ethnicity or language, since coalitions would be created based on similar views and approaches to issues.

