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'Beyond international human rights law – music and song in contextualised struggles for gender equality'

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ABSTRACT

While human rights law remains the foremost tool for the advancement of women's rights, particularly in the eyes of lawyers and legal scholars, this article highlights other approaches in the struggle for gender equality worthy of attention. Elsewhere this author has argued that the hegemony of Western thought in feminist theory and human rights law has inhibited the recognition that across the globe a variety of different epistemologies, discourses, and approaches are being used for advancing gender equality. This article builds on this claim by drawing attention to the role of music and song as part of contextualised feminist resistance efforts, both by social movements and artists/artistic collectives. The outlined examples revert to music both as a form of resistance to dominant patriarchal structures and a form of advocacy to change those inequalities. As such, this article attempts to connect the scholarship on transnational legal feminism with that of music.

KEYWORDS Transnational law; transnational feminism; human rights; music

Introduction

While, particularly in the eyes of lawyers and legal scholars, international and national human rights laws remain as the foremost tools for the advancement of gender equality and, more specifically, women's rights, it is suggested that there are other approaches in the struggle for gender equality that are worthy of attention. Elsewhere this author has argued that the hegemony of Western thought both in feminist theory and human rights law has inhibited the recognition that across the globe, a variety of different epistemologies, discourses, and practices are being used for the advancement of gender equality.¹ This paper builds on this

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¹ Farnush Ghadery, 'Contextualization as a (Feminist) Method for Transnational Legal Practice' in Peer Zumbansen (ed), *Oxford Handbook of Transnational Law* (Oxford University Press 2020); Farnush Ghadery, 'Sticking to Their Guns: The United Nations' Failure to See the Potential of Islamic Feminism

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claim by drawing attention to the role of music and song as part of contextualised feminist resistance efforts, both by feminist social movements as well as artists and artistic collectives. The outlined movements, collectives, and individuals revert to music both as a form of resistance to dominant patriarchal structures in their societies and as a form of advocacy with the aim of changing those structural oppressions and inequalities. As such, this article attempts to connect the scholarship on transnational legal feminism with that of music.

Although the question of how music can be used to further the aims of the international human rights agenda has been the concern of both scholarship and international human rights practice,² this article is less concerned with such instrumentalised use of music where music is merely an appliance in the toolbox of international human rights law. Rather, it is interested in examples where music becomes its own embodiment of resistance with the aim of creating change and social and political transformation. Human rights, in this context, is then not perceived in its legal positivist sense of a framework of specific international legal norms, but rather as a site of contestation and struggle for justice.³ In this approach to connecting music to human rights and other social justice objectives, music ‘may not simply act to promote them but also to construct them.’⁴ As such, the paper will focus on instances where the artists, collectives and movements that have used music and song in the pursuit of gender equality take an active role in framing and constructing their resistance and rights claims in their specific contexts.

The paper begins by considering the connection between music and human rights as well as the critiques they have been subjected to in relation to their claims to universality in Part I of this article. It then moves on to giving an overview of examples of artists’ and artistic collectives’ as well as broader feminist movements’ use of music and song as part of their contextualised struggles for gender equality in Part II. Part III concludes by demonstrating the potential of connecting human rights discourse and feminist practice with music and why the role and value of music and song should be given more attention in this context.

in the Promotion of Women’s Rights in Afghanistan’ in Javaid Rehman, Ayesha Shahid and Steve Foster (eds), *The Asian Yearbook of Human Rights and Humanitarian Law* (Brill Nijhoff 2019).

² Nomi Dave, ‘Music and the Myth of Universality: Sounding Human Rights and Capabilities’ (2015) 7 *Journal of Human Rights Practice* 1; Ian Peddie, *Popular Music and Human Rights*, vol Volume 2: *World Music* (Ashgate 2011); Chérie Rivers Ndaliko, *Necessary Noise: Art, Music, and Charitable Imperialism in the East of Congo* (Oxford University Press 2016).

³ Dana Collins and others, ‘New Directions in Feminism and Human Rights: An Introduction’ (2010) 12 *International Feminist Journal of Politics* 298, 310.

⁴ John Street, ‘The Sound of Geopolitics: Popular Music and Political Rights’ (2013) 11 *Popular Communication* 47, 51.

I . Music and human rights

It is well known, and experienced by most, that music, especially song, can constitute powerful tools in both the processing of past events and the imagination of future change. They allow the listener to gain a glimpse into the world of the artist and the message they intend to send with the song. In this sense, the potential of music to form a bridge that can not only connect individuals but also allow them to gain agency in the pursuit of social justice has been examined by ethnomusicologists and others.⁵ While the exact effect of music on social, political and legal transformations remains difficult to measure, the consensus appears to be that music and song have the potential to at least draw attention to certain issues, thereby constituting a tool for consciousness-raising as well as stimulating debate;⁶ and sometimes even serving as a catalyst for change.⁷ Indeed, we have seen a variety of examples in history and recent times where music has engaged with social justice in different ways. Thus, entire musical genres ranging from jazz and blues to hip hop and rap have had a legacy of dealing with the experience of Black Americans in the United States.⁸

Additionally, famous artists have used their music and platforms to promote different issues. Recently, Childish Gambino used his song ‘This is America’ and his performance at the 2018 Grammys to draw attention to such violence and racism still experienced by Black Americans.⁹ Other famous examples of songs are ‘Redemption’ by Bob Marley that engages with the brutal history of slavery, and the reggae genre more generally, that has represented the voice of the oppressed in various political and social struggles.¹⁰ Beyond individual musicians or genres focusing on social justice issues, social movements have also made use of the power that music brings with it as a form of collaborative protest. While there are many examples of songs becoming symbols of protest movements, a recent one that mobilised protests around the world was ‘Un violador en tu camino’ by Chilean feminist collective Las Tesis, which will be discussed as one of the main examples in this article. Broadly considered under the umbrella of ‘art activism’, these approaches to music represent ‘an aesthetic–political practice through which we can build specific ways of relating to each other and acting collectively towards achieving social and political transformations.’¹¹

⁵ Ndaliko (n 2); Nick Crossley, *Connecting Sounds: The Social Life of Music* (Manchester University Press 2020); Peddie (n 2); Dave (n 2).

⁶ Crossley (n 5) 180.

⁷ Ndaliko (n 2) 5.

⁸ Crossley (n 5) 169.

⁹ Mahita Gajanan, ‘An Expert’s Take on the Symbolism in Childish Gambino’s Viral “This Is America” Video’ (*Time*, 7 May 2018) online: <https://time.com/5267890/childish-gambino-this-is-america-meaning/> accessed 17 January 2021.

¹⁰ Carolyn Cooper, ‘Reggae’ (*Britannica*, 17 February 2020) online: www.britannica.com/art/reggae accessed 14 January 2021.

Considering the recognition of music's potential to contribute to change, it is unsurprising that the connection between music and human rights advocacy has been explored in recent times. After all, besides its potential as an advocacy tool, music is further regarded as having a similar standing to human rights when it comes to its reach and applicability to humans around the world. Much like human rights, music has been regarded as the 'universal language' of the world capable of transgressing borders as well as bringing peoples together.¹² Based on music's potential to foster 'collaboration and empathetic encounters across the globe'¹³, some have even gone so far as to claim that music can become a 'vehicle for world peace and the unification of mankind.'¹⁴ The same claims have, of course, been made in relation to international human rights law. Based in its origins in the Universal Declaration of Human Rights, the international human rights framework was built on the universal applicability of the rights enshrined in the Charter to each and every human in the world and with the objective of creating and fostering world peace.¹⁵ According to these interpretations of music and human rights, they have clear commonalities in their alleged universality which would lend itself well to collaborative efforts between the two.¹⁶

1. The universality of international human rights law

The claim of universality of international human rights law has been subject to much critique by different disciplines. International human rights law was made on the assumption of a liberal universality that can be applied to each and every human in each and every context.¹⁷ However, as critical legal theorists have shown, the execution of this assumption has not really been reflective of the ideas of equality and universality.¹⁸ Feminist engagements with international law have long been concerned with the question of the reality of this.¹⁹ As such, it has been one of the main objectives of feminist inquiries into international human rights law to examine 'the longstanding tension between the universal and the particular in human rights debates

¹¹ Paula Serafini, "'A Rapist in Your Path': Transnational Feminist Protest and Why (and How) Performance Matters' (2020) 23 *European Journal of Cultural Studies* 290, 293.

¹² Kathleen Marie Higgins, *The Music between Us: Is Music a Universal Language?* (The University of Chicago Press 2012) 2.

¹³ Dave (n 2) 3.

¹⁴ John Blacking, *A Commonsense View of All Music: Reflections on Percy Grainger's Contribution to Ethnomusicology and Music Education* (Cambridge University Press 1987) as cited in *ibid* 4.

¹⁵ *Universal Declaration of Human Rights* 1948 (217 A (III)).

¹⁶ See for example Peddie (n 2).

¹⁷ See Universal Declaration of Human Rights.

¹⁸ See for example Makau Mutua, 'The Ideology of Human Rights' (1996) 36 *Virginia Journal of International Law* 589; Ratna Kapur, *Gender, Alterity and Human Rights - Freedom in a Fishbowl* (Elgar Publishing 2018).

¹⁹ See for example Hilary Charlesworth, Christine Chinkin and Shelley Wright, 'Feminist Approaches to International Law' (1991) 85 *The American Journal of International Law* 613.

by 're-engaging the local' and by attending to the cultural and representational politics of human rights deployments.²⁰ This feminist engagement with international human rights law in individual contexts (particularly those beyond the West), has led to a number of different critiques as well as approaches to understanding international human rights law's operation in local contexts.

In the realm of international human rights law, Sally Engle Merry most famously developed the idea of the 'vernacularisation' of international human rights norms to local contexts in an attempt to go beyond the simple claim that human rights are universal and therefore applicable everywhere. Vernacularisation represents the process of 'appropriation and local adoption'²¹ of international human rights norms to individual local contexts and through intermediaries, referred to by Merry as so-called 'translators', 'intermediaries',²² or 'vernacularizers'.²³ In this process of making the global local translators play an imperative role in reframing international human rights norms in order to make them fit the local context and adjusting local issues to conform with the international legal framework on human rights.²⁴ As Merry herself describes, '[t]he process of vernacularization is one in which the global becomes localized, no longer simply a global imposition but something which is infused with the meanings, signs, and practices of local places.'²⁵

This, however, means that it is still international human rights law that is taken and made to fit the individual local context. The knowledge basis of what is conveyed through vernacularisation in essence remains 'the international' (just transposed to local languages/understandings), and as such often retains its liberal Western epistemic core. The concept of vernacularisation becomes further complicated when considering Merry's argument that '[r]ather than viewing the emerging regime of global human rights as the imposition of Western cultural forms and legalities, we need to see it as an open text, susceptible to appropriation and redefinition by groups who are also players in the global legal arena.'²⁶ While it is undeniable that international human rights norms have become immensely important as tools of advocacy for international and local civil society actors, it would be problematic to see them as empty shells, or see that as a sign of their universality. This would disregard their Eurocentric roots in Western

²⁰ Collins and others (n 3) 308.

²¹ Peggy Levitt and Sally Merry, 'Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States' (2009) 9 *Global Networks* 441, 446.

²² Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 108 *American Anthropologist* 38.

²³ Levitt and Merry (n 21).

²⁴ Engle Merry (n 22) 39.

²⁵ Sally Engle Merry, 'Legal Vernacularization and Ka Ho'okolonui Kanaka Maoli, The People's International Tribunal, Hawai'i 1993' (1996) 19 *PolAR: Political and Legal Anthropology Review* 67, 80.

²⁶ *Ibid.*, 68.

liberal theory²⁷ as well as their contemporary complicity in both neo-imperial²⁸ and neoliberal endeavours.²⁹ As a result, the international human rights regime has been equated to a governance project that not only prioritises Western liberal knowledge but has also led to the exclusion of non-liberal epistemic communities and realities.³⁰

Understanding the dominance of Western liberal thought in the constitution and execution of international law and international governance forms is crucial for a more thorough engagement with the realities of the international human rights framework. For that, the scholarship on third world approaches to international law (TWAIL) offers important theoretical insights into understanding international law and its persistent colonial legacies. TWAIL has formed a central part of critical scholarship on international law, particularly focusing on the entanglement of colonisation with the formation of international law and its ensuing legacies.³¹ Makua Mutua describes how TWAIL essentially pursues three interrelated objectives: (1) the inquiry into international law as a tool for the perpetuation of colonial hierarchies through global governance measures that result in the dominance of the Global North over the Global South; (2) the attempt at creating an alternative governance structure for international law, arguably one that is not ridden with the subordination of the Global South; (3) with the eventual goal of eradicating 'the conditions of underdevelopment' of the Global South through more informed scholarship and practice.³² Thus, TWAIL enables a better grasp of the hegemony of the Global North and consequently the exclusion of the Global South from dominant voices and structures within international law, and international human rights law more specifically.

In relation to the international women's rights framework, feminist TWAIL scholars have explained how an engagement with human rights needs to go beyond the mere question of whether they 'empower or disempower' women to a more substantial interrogation of the very constitution of human rights discourse, and how it preconfigures the debate surrounding them.³³ One such approach has come in the form of a critique that examines where the universality claims of international human rights law stem from

²⁷ Charlesworth, Chinkin and Wright (n 19) 644.

²⁸ See for example Charles Hirschkind and Saba Mahmood, 'Feminism, the Taliban, and Politics of Counter-Insurgency' (2002) 75 *Anthropological Quarterly* 339.

²⁹ See for example Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Harvard University Press 2018).

³⁰ Kapur (n 18) 8.

³¹ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2005).

³² Makau Mutua and Antony Anghie, 'What Is TWAIL?' (2000) 94 *Proceedings of the Annual Meeting (American Society of International Law)* 31, 31.

³³ Vasuki Nesiiah, 'The Ground Beneath Her Feet: "Third World" Feminisms' (2003) 4 *Journal of International Women's Studies* 30, 34.

and how they are produced to form this dominant discourse.³⁴ This analysis has shown how current mainstream international human rights law discourse is rooted within Western liberalism and occurs at the exclusion of alternative epistemologies, discourses and practices.³⁵ Considering this embeddedness of human rights in the liberal conception of freedom, Ratna Kapur, for example, criticises the ‘assumption within human rights discourse that liberal understandings of freedom are the only available and valid ones,’³⁶ thereby, disregarding ‘non-liberal philosophical possibilities [that] may be the key to transforming the ways in which we imagine the world.’³⁷

Postcolonial and transnational feminists, as well as feminist TWAIL inquiries into human rights, have portrayed, at great length, the difficulty that exists with this monolithic, or universal, conception of human rights.³⁸ Particularly in the context of international women’s rights, their analyses set out how the idea of universality within international women’s rights discourse further universalises women into one category, thereby excluding the importance of different identities or locality.³⁹ Approaching human rights from a standpoint of universality rooted in Western ethnocentrism without taking into consideration diverse identities or individual local settings makes invisible crucial historical, social, cultural, religious, political, and legal structures and legacies that need to form part of any accurate (feminist) inquiry into human rights.⁴⁰ As such, feminist scholars have argued for human rights to be seen beyond its legal positivist conception as a universally applicable international human rights law framework, and instead, for it to be conceptualised as a site of struggle for justice. As Collins, Falcón and others explain:

Human rights is not a set of foregone conclusions exclusively drawn in legal documents and doctrines; rather, human rights should also be understood as a terrain of social, cultural and legal struggle – often engaged by feminists – over gender equality, resource (re)distribution, cultural expression, mobility and so on. Feminist research that engages the legal and the transnational as

³⁴ Inderpal Grewal, ‘The Transnational in Feminist Research: Concept and Approaches’ in Heike Brabandt and Bettina Roß (eds), *Mehrheit am Rand? Geschlechterverhältnisse, globale Ungleichheit und transnationale Handlungsansätze* (Springer 2008) 194.

³⁵ See for example Ratna Kapur, ‘In the Aftermath of Critique We Are Not in Epistemic Free Fall: Human Rights, the Subaltern Subject, and Non-Liberal Search for Freedom and Happiness’ (2014) 25 *Law and Critique* 25.

³⁶ Kapur (n 18) 2.

³⁷ *Ibid.*, 14.

³⁸ See for example Nesiah (n 33); Kapur (n 18); Kapur (n 35); Inderpal Grewal, ‘“Women’s Rights as Human Rights”: Feminist Practices, Global Feminism, and Human Rights Regimes in Transnationality’ (1999) 3 *Citizenship Studies* 337.

³⁹ Inderpal Grewal, *Transnational America - Feminisms, Diasporas, Neoliberalism* (Duke University Press 2005) 130; Grewal, ‘“Women’s Rights as Human Rights”’ (n 38).

⁴⁰ Chandra Talpade Mohanty, ‘Under Western Eyes: Feminist Scholarship and Colonial Discourses’ (1984) 12 *boundary 2* 333, 334.

well as the local and the cultural is of increasing importance to women's movements that are redefining the limits and possibilities of human rights, justice and liberation for women in the contemporary period. At the intersections of this wide-ranging feminist scholarship lie the most promising sites for re-theorization and transformation.⁴¹

Feminist research and practice has become increasingly important for further pushing our understanding of human rights and enabling a more inclusive and contextualised meaning to it. The consideration of alternative epistemologies, discourses, and practices forms part of this 're-theorisation' of human rights. This includes paying more attention to the use of music, and the arts more broadly, as part of justice movements. The importance of artistic and cultural means in the pursuit of social justice has been highlighted in different contexts, and particularly for women's movements.⁴² This is particularly the case in the Global South where art often still signifies an important part of daily life as well as community interaction. As Rama Mani discusses in her work on the transformative role of art in post-conflict societies:

[A]rt in southern societies is not an individual but a collective activity, not for the expert or master artist alone but shared by all members of community; not a spectator sport but a participative endeavour; not for aesthetic pleasure alone, but for meaning and transformation; not dispassionate and distant but passionate and intense. Whether dance, music, ritual theatre, storytelling and poetry recital; mural painting on adobe walls, from Africa to Australasia, from Latin America to Asia, across the Balkans, these activities are imbued with cultural meaning, adapting to changing times, evolving with the needs of community, integrating timeless tradition with contemporary innovation.⁴³

Music and song form part of such artistic means pursued by different communities around the world. Understanding how music has been used as a form of feminist resistance and advocacy by artists, collectives and movements then forms part of this broader initiative by feminist scholars to push the scholarship and practice on international human rights law beyond its doctrinal boundaries that portray it as universal and monolithic by engaging more broadly with contextualised, socio-culturally grounded manifestations of the pursuit of justice.

2. The universality of music

Interestingly, a look at the origins of the idea of music's universality shows that it has been marked by the same false understanding of Western superiority as international human rights law discourse. As musicologist, Kathleen

⁴¹ Collins and others (n 3) 310.

⁴² See for example Rama Mani, 'Women, Art and Post-Conflict Justice' (2011) 11 *International Criminal Law Review* 543.

⁴³ *Ibid*, 550.

Higgins, explains, the equating of ‘world music’ with Western music together with the descriptions of non-Western music as ‘primitive’ or the ‘music of savages,’ permeated earlier understandings in the discipline whereby ‘[n]on-European music was relegated by Western culture to the status of exotica, where it remained until the dawn of the twentieth century.’⁴⁴ Still to date, particularly ethnomusicologists have criticised the supposed universality of music as being far removed from the reality of musical traditions’ actual nature and origins around the world. As they argue, music forms part of cultures more broadly, and therefore, cannot be seen in abstraction from these. Music is deeply embedded in sociocultural, historical and political contexts and as such any isolated universal portrayal of it would not only be incomplete but would also falsely romanticise music and its role in and interactions with different societies in the world.⁴⁵ Thus, just as the universality of international human rights law has endured criticism from legal scholars, the idea of music as a universal language has also been faulted by musicologists and ethnomusicologists.

One area where the connection between this imagined universality of music and human rights discourse has led to criticism is where local music and musicians are used as part of advocacy strategies by Western-led organisations in the Global South. Discussing what she calls instances of ‘charitable imperialism’ in the context of the Democratic Republic of Congo, Chérie Rivers Ndaliko discusses how international actors have discovered the potential of local artists’ standing in their relevant communities and used their music not only to put across their messages to the local population but also to appeal to donors.⁴⁶ With more local communities turning to music as a form of resistance to political, legal, and social institutions, the role and voice of musicians and artists in their relevant communities has been growing.⁴⁷ Considering that the disconnect between international actors, including human rights organisations, and local communities (particularly in the Global South) has been one of the main criticisms of the ever-growing transnational humanitarian sector,⁴⁸ it is unsurprising that these actors are seeking a greater connection to local structures, including artistic ones. Local musicians present a particularly valuable resource for such organisations as a result of music’s embeddedness within communities and cultures, and international actors have used their appeal to the

⁴⁴ Higgins (n 12) 3–6.

⁴⁵ Dave (n 2) 4.

⁴⁶ Ndaliko (n 2).

⁴⁷ *Ibid*, 5.

⁴⁸ Elsewhere I have criticised the disconnect of international actors to local communities as part of international human rights efforts and argued for the contextualisation of transnational legal practice in the localities of operation. See for example Ghadery, ‘Contextualization as a (Feminist) Method for Transnational Legal Practice’ (n 1); Ghadery, ‘Sticking to Their Guns: The United Nations’ Failure to See the Potential of Islamic Feminism in the Promotion of Women’s Rights in Afghanistan’ (n 1).

communities in question to further their own objectives and agenda. However, as Ndaliko explains, 'when NGOs [...] begin to commission and promote art, then issues of ownership, censorship, money and international corporate politics enter into the equation in a radically different form.'⁴⁹

The interference by international actors with local music and musicians that form part of resistance structures not only dilutes the power of this artistic expression but also takes away from the autonomy and agency of the artist as well as the act of resistance in question. Even where the objectives of these external actors might be genuine humanitarian support to the community in question, Ndaliko demonstrates how in the case of the DRC, we see a clash between resistance art forms, including music, rooted in local grassroots movements and international strategies developed by foreign actors.⁵⁰ In this way, '[m]usic is not supported for its own sake, but rather musicians are sponsored to perform only certain kinds of songs in furtherance of others' agendas.'⁵¹

Further, local populations are not blind to these subjugations. As Nomi Dave explains in relation to the example of an American NGO commissioning local musicians to sing anti-female circumcision songs, '[l]isteners are informed and savvy, understanding the political and ideological processes behind such songs, and it is widely held that musicians are well paid to espouse beliefs that they may not hold.'⁵² Besides the obvious ethical dilemma in subjugating resistance art forms to external actors' objectives, this awareness of the targeted audience in itself then raises questions as to the effectiveness of such a connection between local music and international human rights discourse. Thus, the potential of music to serve as a tool for change constitutes something of a 'double-edged sword'. While music serves as a legitimate vehicle for resistance and mobilisation, both in the eyes of local communities and international actors, it is also usurped by external actors to forge a connection to local populations in order to convey their own messages.⁵³

There are, of course, also positive examples where music has been instrumentalised effectively for the advancement of human rights in different localities. Indeed, Ian Peddie, in the edited collection *Popular Music and Human Rights*, gives an overview of the variety of ways in which different musicians and musical genres around the world have used their artistic expressions in the pursuit of human rights.⁵⁴ Explaining that 'unlike those politicians or statesmen who champion the goals of human rights at the

⁴⁹ Ndaliko (n 2) 6.

⁵⁰ *Ibid.*, 8.

⁵¹ Dave (n 2) 6.

⁵² *Ibid.*

⁵³ Ndaliko (n 2) 5.

⁵⁴ Peddie (n 2).

same time as they undermine them, popular music has long understood that human rights, if attainable at all, involve a struggle without end,⁵⁵ Peddie and his fellow contributors emphasise the significant role of music in various human rights claims. It is important to note that this article is not concerned with such instrumentalised uses of music for human rights claims, whether these are by international actors or musicians themselves. While Peddie's collection is different to the instances of local musicians'/music's subjugation in the form of what Ndaliko refers to as 'charitable imperialism, they both have in common that ultimately the artistic expression of music and song remains a mere tool in the pursuit of already preconfigured human rights claims and objectives.

For the purpose of this article, however, this author wishes to engage with the use of music and song by different artists, collectives and movements in their contextualised struggles for gender equality. In this scenario, music is not a mere instrument in the pursuit of already set out rights claims, such as those of the international human rights agenda. Rather, music becomes its own embodiment of resistance with the aim of creating change and social and political transformation. In this approach to connecting music to human rights and other social justice claims, music 'may not simply act to promote them but also to construct them.'⁵⁶ This more holistic approach to regarding music and its potential in the pursuit of social justice goes hand in hand with the above explained understanding of human rights as a site of struggle for justice, as pursued by feminist scholars.⁵⁷ This vision of human rights regards them as capable of being contextualised in different localities by virtue of local discourses and epistemologies, even where this is not in line with the dominant (Western) conceptualisation of international human rights law. Street and others have labelled this the 'antiessentialist' conceptualisation of rights and explain that in this way 'musicians (and other cultural actors) give form to the rights themselves,' thereby they are 'no longer instruments in someone else's fight; they are the authors of the struggle and of the agenda over which that struggle takes place.'⁵⁸ In his article, Street uses the feminist artist collective Pussy Riot as an example of such an approach to connecting music and human rights. With their performances and interventions, Pussy Riot not only used their music to bring attention to various human rights abuses in Russia, but both the music and the musicians embodied the resistance and change they were advocating for.⁵⁹ In this

⁵⁵ Ian Peddie, 'Introduction' in Ian Peddie (ed), *Popular Music and Human Rights*, vol Volume 2: World Music (Ashgate 2011) 2.

⁵⁶ Street (n 4) 51.

⁵⁷ See for example Nesiah (n 33); Collins and others (n 3).

⁵⁸ Street (n 4) 53.

⁵⁹ *Ibid*, 54.

manner, they claimed agency in the substantiation of abstract rights as well as adapting them to their relevant context. Another example is the famous punk feminist movement known as Riot Grrrl, who, dissatisfied with the changing gender dynamics in the punk movement at the time, merged punk rock with their feminist beliefs. Their objective was not only to stand in opposition to the toxic masculinisation arising out of the emergence of 'hardcore' punk rock that was spreading across the genre in the 1990s, but also to 'produce instead a culture on their own terms through music'.⁶⁰ As such, much like Pussy Riot, while also layering their lyrics with sentiments of protest and rights claims, Riot Grrrl's music further embodied the resistance they were advocating for by challenging the very patriarchal structures they were located in from within.⁶¹

The next section considers such instances where music and song have formed part of context-specific resistance efforts in the struggle for gender equality. In these examples, the artists, collectives, and movements that have used music and song in the pursuit of gender equality objectives take an active role in framing and constructing their resistance and rights claims in their specific contexts. I will consider this engagement with music by artists and artistic collectives as well as by broader social movements.

II . Music in contextualised struggles for gender equality

1. Artists/Artistic collectives and feminist resistance

When considering the connection between feminism and music, the vast majority of contributions have focused on the representation of women in the field of music as well as their depiction in lyrics and performances of music. Less attention is given to music as a form of resistance in the struggle for gender equality. Like many other art forms, ranging from film and theatre to poetry and beyond, music has formed an important tool as part of feminist advocacy efforts. While there are a variety of different examples of such artistic contributions to feminist objectives, the below represent a selection of three recent efforts, but in no shape or form constitute an exhaustive list where music has been used by artists and artistic collectives as part of contextualised struggles for gender equality. The three examples are the 'Genji Hip Hop' collective from Senegal, Syrian American singer Mona Haydar, and Peruvian singer Renata Flores. These examples were chosen on the basis of the coverage of geographical breadth, and as they adopt the holistic

⁶⁰ Kristen Schilt, "'Riot Grrrl Is . . .': The Contestation over Meaning in a Music Scene' in Andy Bennett and Richard A Peterson (eds), *Music scenes: local, translocal and virtual* (Vanderbilt University Press 2004) 117.

⁶¹ Crossley (n 5) 190.

approach to music as a form of feminist resistance and advocacy, as set out in Part I.

The Genji Hip Hop collective. The ‘Genji Hip Hop’ collective in Senegal consists of over 70 women who use music and other art forms in their struggle for gender equality in the country. Starting off as a mere WhatsApp group, this collective of musicians and artists have been working and performing together to tackle difficult gender-related issues in Senegalese society. As one member of the collective made clear, they realised that there were certain topics, including sexual violence, forced marriage, and other forms of gendered oppressions, that they needed to address themselves, rather than seeing others (particularly men) speak for them.⁶² As such, Genji Hip Hop have been organising performances and music workshops around their local communities to raise awareness about gender inequalities in Senegal and ‘empower women’ through their music and art.⁶³ One of the main issues highlighted by the group has been Senegal’s rape laws. Rape is not only a widespread practice in Senegal, but, until recently, was only deemed a minor offence in Senegalese criminal law—with a maximum sentence of 10 years.⁶⁴ The lyrics of the musicians deal with these and other concerns and struggles of women in Senegal. As one of the group’s singers, Mina La Voilée, explains: ‘we speak about all the problems women face.’⁶⁵

But their activism goes beyond just their lyrics. The Genji Hip Hop collective and their music manifest the anti-essentialist and holistic approach to music discussed above. Considering the example of Mina La Voilée, her presence as a veiled female Muslim rapper on the Senegalese hip hop scene in itself represents a form of resistance. As she explains in an interview:

‘In our society when you are a woman, they are always telling [you] what you must do, how you must behave. You must not laugh, you must just smile. You must, you must, you must – and you must. However, to be a rapper you need to find confidence. You learn that and so you make it happen.’⁶⁶

She goes on to explain how difficult it was for her to find a producer. Not only was she a woman, but on top of that she wore the veil which the vast

⁶² Reuters, *Dropping Beats and Breaking Barriers* (2020) online: <https://twitter.com/Reuters/status/1238308804288282625> accessed 12 December 2020.

⁶³ Alice Gustafson, ‘Genji Hip Hop: The Women Fighting Wrongs With Rap’ online: <https://headlinermagazine.net/blog/2020/01/06/genji-hip-hop-women-fighting-wrongs-with-rap/> accessed 13 November 2020.

⁶⁴ Ricci Shryock, ‘“Rap Does Not Shut up”: Hip-Hop Women of Senegal’ (*The Guardian*, 31 December 2019) online: www.theguardian.com/world/2019/dec/31/rap-does-not-shut-up-hip-hop-women-of-senegal?fbclid=IwAR34CrQtWSAwoGPBBN8fMQKh_LudAmBuOocw73QGa4ropM4PnflxqmvXHM accessed 3 July 2020.

⁶⁵ Reuters (n 62).

⁶⁶ The Guardian, *Mina La Voilée: Senegal’s Veiled Rapper Breaking Taboos for Women* (2019) online: www.youtube.com/watch?v=HAbX5sHg9xY accessed 13 November 2020.

majority of producers saw as 'incompatible' with music and asked her to stop wearing it. Instead of giving up, Mina continued and made this struggle the subject of her rap. Singing 'I don't hide, I am not easily manipulated,' Mina raps about carving out a place for herself despite these obstacles she faced.⁶⁷ As she sets out, the situation of women in Senegal is difficult enough, but her presence as a veiled Muslim woman on the rap scene can be seen as a ground-breaking disruption of the patriarchal status quo. By embodying the change they are advocating for, Mina La Voilée, the Genji Hip Hop collective, and their music are not only resisting to but also disrupting the patriarchal structures they are singing about from within.

Mona Haydar. Moving on to Mona Haydar, we see a similar phenomenon of feminist resistance and advocacy through both the artist's music as well as her claiming a space as a musician in (an) inhospitable environment(s). Mona Haydar, who describes herself as a 'multidisciplinary artist, rapper and culture creator,'⁶⁸ rose to fame after her song 'Hijabi (Wrap My Hijab)' went viral in 2017.⁶⁹ A Syrian-American Muslim woman, Haydar wrote this song as a result of her experiences of Islamophobia and discrimination against particularly veiled Muslim women in the United States.⁷⁰ In the song, she explicitly addresses the anti-Muslim prejudice experienced by veiled Muslim women and sings '[s]o even if you hate it I still wrap my hijab.' The video reflects this sentiment of resistance by displaying a variety of women wearing different forms of hijabs in an effort to combat the reductive interpretations of the veil in the West as a tool of women's oppression.⁷¹ With references and calls to '[m]ake a feminist planet', the song is an intersectional feminist anthem that celebrates diversity and resists the hegemony of the West. As she explains in an interview:

My music is for people resisting racism. Speak truth to domination. My music is an introduction for people to see something new that redefines what a Muslim woman is. I am muslim, I am American, I am a Syrian, I am a rapper, I am a chaplain. Wholeness is a practice.⁷²

⁶⁷ *Ibid.*

⁶⁸ 'Bio' (Mona Haydar) online: www.monahaydar.com/ accessed 12 November 2020.

⁶⁹ Mona Haydar's songs and music videos can be accessed on: 'Music' (Mona Haydar) online: www.monahaydar.com/music/ accessed 12 November 2020.

⁷⁰ Jessica Radloff, Interview with Mona Haydar, 'Syrian American Activist Mona Haydar Has a Powerful Reason for Wearing a Hijab' (25 April 2017) online: www.glamour.com/story/syrian-american-activist-mona-haydar-has-a-powerful-reason-for-wearing-a-hijab accessed 20 July 2019.

⁷¹ For an analysis of the depiction of the veil in the West, see for example Chapter 5 in Sahar Amer, *What Is Veiling?* (The University of North Carolina Press 2014).

⁷² Céline Semaan, Interview with Mona Haydar, 'Mona Haydar Is A Syrian, American, Muslim, Woman, Mother, Chaplain, Activist ... And Rapper - She Contains Multitudes.' (25 October 2018) online: www.elle.com/culture/music/a24112253/mona-haydar-new-album-barbarican-interview/ accessed 3 December 2020.

Unsurprisingly, Haydar describes her art as ‘resistance music,’⁷³ a resistance that is multidimensional. Songs like ‘Hijabi’, ‘Barbarian’, and ‘American’ clearly exhibit the resistance to Western and white supremacy as well as the legacies of colonialism and empire. But Mona Haydar also expresses criticism towards her own community. In her song ‘Dogs’, she calls out men that portray their religious piety to the outside but at the same time engage in misogynist behaviour towards women. As will be described in more detail, Mona Haydar’s music is reflective of a more recent category of feminist scholarship called Islamic feminism. This approach to feminist theory grounds women’s rights and gender equality in the Quran and other revelatory Islamic sources and disputes the patriarchal interpretations of these sources, which have dominated Islamic laws in most countries.⁷⁴ As a Muslim woman who identifies as a feminist while also seeing her religion as empowering and criticising those who interpret Islam as patriarchal (both those from Muslim and Western communities), Mona Haydar represents Islamic feminism in her person and her music.⁷⁵ Her music and her artistry embody the resistance she sings about. By her mere presence, Mona Haydar disrupts both Western imaginaries of what it means to be a Muslim woman as well as the patriarchal structures within her own Muslim community.

Renata Flores. Peruvian singer Renata Flores writes, sings, and raps in her native language of Quechua. Combining modern musical genres like trap, rap and reggaeton with traditional Andean instruments and music, such as the folklore of huayno, she has created a fusion of modern and traditional music.⁷⁶ Her music problematises the marginalisation of indigenous peoples and cultures in Peru and beyond, with a particular focus on indigenous women. Ranging from violence against women in the song ‘Tijana’ to the hardship experienced by indigenous girls in rural areas in ‘Qam hina’, Flores’ songs deal with both indigenous and gender inequalities experienced in Peru.⁷⁷ Her newest album, ‘Isqun’ (which translates to ‘nine’ in English), dedicates each of the nine songs to indigenous women in history.⁷⁸ In her

⁷³ Nahed Eltantawy and Judy Isaksen, ‘Mona Haydar: Blending Islamic and Hip-Hop Feminisms’ (2020) 20 *Feminist Media Studies* 847, 848.

⁷⁴ Margot Badran, ‘Islamic Feminism: What’s in a Name?’ (*Al-Ahram Weekly Online*, Issue No. 569) online: <http://weekly.ahram.org.eg/Archive/2002/569/cu1.htm> accessed 9 January 2018; Ziba Mir-Hosseini, ‘Muslim Women’s Quest for Equality: Between Islamic Law and Feminism’ (2006) 32 *Critical Inquiry* 629.

⁷⁵ Eltantawy and Isaksen (n 73) 854.

⁷⁶ Brenda Barrientos, ‘Renata Flores & Her Music Are An Act of Indigenous Resistance’ (*Refinery29*, 8 October 2020) online: www.refinery29.com/en-us/2020/10/10036118/renata-flores-peru-quechuan-music-indigineous-culture accessed 3 December 2020.

⁷⁷ Julia Turkewitz, ‘Peru’s Queen of Quechua Rap Wants to Rescue Indigenous Culture With Her Music’ (*The New York Times*, 28 April 2020) online: www.nytimes.com/2020/04/28/world/americas/peru-indigenous-rap-renata-flores.html accessed 3 December 2020.

⁷⁸ Celeste Pérez, ‘Renata Flores Estrena “ISQUN”: Álbum Inspirado En Peruanas Luchadoras Como Francisca Pizarro y María Parado de Bellido’ (*El Comercio*, 12 March 2021) online: <https://elcomercio.pe/viu/actitud-viu/musica-renata-flores-isqun-album-inspirado-en-peruanas-luchadoras-como-francisca-pizarro-y-maria-parado-de-bellido-noticia/?ref=ecr> accessed 13 March 2021.

song 'Francisca Pizarro', half of which she sings in Spanish and half in Quechua, Flores uses the historical figure of Francisca Pizarro Yupanqui, the daughter of the colonial conquistador Francisco Pizarro and Incan princess Inés Huayla Yupanqui, to engage with the Spanish/Incan fusion that has become the foundation of her culture. Other songs are dedicated to Incan female figures in history and mythology, such as the legend of the Incan heroine Chañan Cori Coca who stood up in the face of the colonisers.⁷⁹

By singing in Quechua and problematising the treatment of indigenous women and peoples in Latin America, her music is deeply political. As with the examples above, however, beyond her lyrics, Renata Flores' music in itself as well as her presence embody the resistance she represents. By singing in Quechua and using Andean instruments and sounds, she does not only aim to preserve the language and culture but also resist those that have tried to eradicate it. As she explains herself: 'Indigenous peoples have been forgotten, under-appreciated, exploited—and our languages have a lot to do with it.'⁸⁰ Renata Flores' music is an act of resistance or, in her own words, 'a form of protest' in response to this.⁸¹

2. Feminist movements and music

Having considered the music of individual artists or artistic collectives as part of feminist advocacy, the following section engages with an example where one artist collective's song was transnationally disseminated through its use as part of contextualised feminist movements. The case of LasTesis demonstrates how the power of music and song can play an important role in not only the manifestation of feminist movement's resistance and demands for change, but also in the dissemination of their message transnationally.

On 20 November 2019, feminist collective LasTesis performed their song 'Un violador en tu camino' in Valparaíso as part of the broader '*estallido social chileno*' protest movement that took over Chile at that time in response to the continuing inequalities and injustices arising out of the (Pinochet-era) Chilean Constitution and maintained by President Piñera and his government.⁸² The song, which is accompanied by a powerful dance, calls out the gendered violence that is systematically perpetuated by the state and its various actors, with a particular focus on rape culture – as seen in the title which translates to 'A rapist in your path.' Additionally, the accompanying dance routine, performed in blindfolds, is a depiction of the humiliating

⁷⁹ *Ibid.*

⁸⁰ Barrientos (n 76).

⁸¹ 'Renata Flores: Rap That Was Born in the Andes and Is Now Taking the World by Storm' (*Peru Info*, 18 May 2020) online: <https://peru.info/en-us/talent/news/6/25/renata-flores--rap-that-was-born-in-the-andes-and-is-now-taking-the-world-by-storm> accessed 3 December 2020.

⁸² Deborah Martin and Deborah Shaw, 'Chilean and Transnational Performances of Disobedience: LasTesis and the Phenomenon of Un Violador En Tu Camino' [2021] *Bulletin of Latin American Research* 1, 2.

positions women have been forced into when detained by Chilean police and other state forces.⁸³ The overall performance and use of music and dance in this scenario represents the above explained embodiment of resistance in the pursuit of gender equality. This combination of singing and dancing by a large crowd of predominantly women created a spectacle that gained international attention. In fact, after the song's second performance in Santiago on 25 November, the International Day for the Elimination of Violence Against Women, it went viral through the dissemination of videos on various social media channels.⁸⁴ As a result, the power of the song was recognised and utilised by other feminist movements across the world. While 'Un violador en tu camino' was performed in its original form in a number of localities, we also saw the creation of different adaptations of the song around the world.⁸⁵ In Latin American countries, including Venezuela, Colombia, and Mexico, where women face similar concerns of state violence, feminist protestors performed the original song (with a few linguistic adaptations in certain instances, such as Mexico)⁸⁶ as part of long-lasting struggles against the systemic use of violence against women, particularly femicide. Indeed in Latin America, 'Un violador en tu camino' falls in line with a growing feminist movement that has been tirelessly fighting against the increasing violence against women as demonstrated by different feminist campaigns over the years such as 'Ni Una Menos', 'Ni Una Más' or 'Un Día Sin Nosotras'.⁸⁷

LasTesis' 'Un violador en tu camino' also reached those beyond the Latin American continent. In Turkey, it was performed by opposition parliamentarians during one of the sittings of the Turkish Parliament in December 2019. This was in response to Turkish police detaining protesters in Ankara after they performed the song, on the basis of the lyrics insulting the president or state institutions, which constitutes a criminal offence in Turkey.⁸⁸ After introducing the Chilean origins of the song and expressing solidarity with the detained protesters in Ankara, the member of parliament, Sera Kadigil, and her opposition colleagues began to sing a Turkish version of the song and to bang their hands on the desks to the rhythm of their chant. In an attempt to draw attention to both this state led injustice as well as the

⁸³ *Ibid*, 1.

⁸⁴ Serafini (n 11) 291.

⁸⁵ *Ibid*, 292.

⁸⁶ See Martin and Shaw (n 82) 11.

⁸⁷ See Sonia Montañó and Diana Alméras, '¡Ni Una Más! - El Derecho a Vivir Una Vida Libre de Violencia En América Latina y El Caribe' (Unidad Mujer y Desarrollo de la Comisión Económica para América Latina y el Caribe (CEPAL) 2007) online: <https://repositorio.cepal.org/bitstream/handle/11362/2870/52007615_es.pdf?sequence=1&isAllowed=y> accessed 12 June 2020; Paulina Villegas and Kirk Semple, 'Women in Mexico Are Urged to Disappear for a Day in Protest' (*The New York Times*, 26 February 2020) online: www.nytimes.com/2020/02/26/world/americas/mexico-un-dia-sin-nosotras.html accessed 7 December 2020.

⁸⁸ Irem Koca and Jonathan Spicer, 'Turkish MPs Sing Chilean Anti-Rape Song to Protest Violence against Women' (*Reuters*, 15 December 2019) online: www.reuters.com/article/uk-women-antiviolence-turkey-idUKKBN1YJ0FD accessed 15 November 2020.

broader issue of an unprecedented rise in violence against women in the country, the opposition politicians held up pictures of twenty Turkish women who had been killed by their domestic abusers in 2019.⁸⁹ Thus, not only was ‘Un violador en tu camino’ translated to make it more accessible to the local population but it was adapted to reflect the particular issues experienced by women in Turkey.

Similarly in India, the song was used by feminist movements in both New Delhi and Kolkatta.⁹⁰ In New Delhi, the organisers translated the song into Hindi and changed the lyrics to reflect the Indian struggle against violence against women as rooted in the caste structure of the country:

In the name of the caste

In the name of religion

We disappear

We are exploited

We carry the worst part of rape

And violence on our bodies.⁹¹

As one of the organisers, Jyotsna Siddharth, explained ‘we decided to adapt it [the song] to the Indian context because when we speak about cases of violence in India, this is linked to the caste mentality.’⁹² By performing LasTesis song but adapting it to their own context, Siddharth describes how they were able to both demonstrate solidarity with women around the world whilst at the same time highlighting the plight of Indian women. Finally, an example that stands in connection with another recent feminist movement, #MeToo, was the performance of ‘Un violador en tu camino’ on the day of Harvey Weinstein’s criminal trial in New York. The group of over 100 protestors performed an English adaptation of the song first outside the courthouse of Weinstein’s trials and moved on to Trump International Hotel and Tower where they performed again.⁹³ Using LasTesis song, protesters were

⁸⁹ *Ibid.*

⁹⁰ Rajvi Desai, ‘“THE RAPIST IS YOU” - Why Indian Women Protesters Sang a Chilean Anti-Rape Anthem’ (13 January 2020) online: <https://theswaddle.com/why-indian-women-protesters-sang-a-chilean-anti-rape-anthem/> accessed 20 November 2020.

⁹¹ For the Hindi version and the complete translation see Dessidre Fleming, ‘“The Rapist Is You”: Indians Perform Hindi Version Of Chilean Anthem On Sexual Violence’ (*ScoopWhoop*, 8 December 2019) online: www.scoopwhoop.com/news/a-rapist-in-your-way-indian-version-of-chilean-anthem-on-sexual-violence-against-women/ accessed 10 November 2020.

⁹² ‘El Himno Viral “El Violador Eres Tú” Llega a Una India Conmocionada Por Las Últimas Violaciones’ (*El Periódico*, 8 December 2019) online: www.elperiodico.com/es/internacional/20191208/himno-viral-antimachista-el-violador-eres-tu-india-conmocion-violaciones-mujeres-7766618 accessed 20 November 2020.

⁹³ Lauren Aratani, ‘More than 100 Women Protest Trump and Weinstein with Anti-Rape Anthem’ (*The Guardian*, 10 January 2020) online: www.theguardian.com/us-news/2020/jan/10/more-than-100-women-protest-trump-harvey-weinstein-anti-rape-anthem-new-york accessed 10 November 2020.

able to speak to two recent examples of gender injustice in the United States: the highlighting of violence against women as perpetuated by men in power, such as Harvey Weinstein and Donald Trump, as well as the regressive politics of the former President in the context of gender equality.

In line with transnational feminist theory, such a 'multinational and multilocational approach to questions of gender,'⁹⁴ or what was here described as contextualised approach of gender, is necessary to enable the establishment of cross-border social movements that do not slip into hegemonic understandings of feminist praxis, nor universalise gendered experiences. Both transnational law and feminist (legal) theory have emphasised the importance of contexts in their respective disciplines. Transnational law has been arguing for 'an inquiry into the role of law in context' through the consideration of the diverse actors, norms and processes that both legal scholarship and practice are faced with as a result of globalisation.⁹⁵ Concerned with the relationship between the 'global' and the 'local', transnational legal scholarship has highlighted the significance of understanding contexts in this endeavour. As part of that, as Peer Zumbansen points out, 'the question of what is and how to adequately capture the materiality and meaning of 'context' has been both the elephant in the room and the elephant being felt by blind men.'⁹⁶ Contextualisation, as originally found within feminist scholarship, can present an important tool within the arsenal of transnational (feminist) legal scholarship and practice.

Contextualisation, itself, is not a novel method. Contexts have long played a crucial role in feminist theories and methodologies, including the consideration of context in examining law and its effects on different groups.⁹⁷ Understanding contexts has not only been an important method in uncovering the biases of law, but is also imperative to feminist legal reasoning. Establishing that legal reasoning ought to be situated within contexts in order to derive its full meanings, Katherine Bartlett explain that feminist reasoning of the law includes an acknowledgement that there are multiple communities that form different contexts.⁹⁸ This diversity in communities and contexts, in turn, hints to the multiplicity of 'reason' as well as the conclusion 'that no one community is legitimately privileged to speak for all others.'⁹⁹

⁹⁴ Inderpal Grewal and Caren Kaplan, 'Introduction: Transnational Feminist Practices and Questions of Postmodernity' in Inderpal Grewal and Caren Kaplan (eds), *Scattered Hegemonies: Postmodernity and Transnational Feminist Practices* (University of Minnesota Press 1994) 3.

⁹⁵ Peer Zumbansen, 'Transnational Law, Evolving' in Jan Smits (ed), *Encyclopedia of Comparative Law* (2nd edn, Elgar Publishing 2012).

⁹⁶ Peer Zumbansen, 'Transnational Law as Socio-Legal Theory and Critique: Prospects for "Law and Society" in a Divided World' (2019) 67 *Buffalo Law Review* 909, 911.

⁹⁷ Katherine Bartlett, 'Feminist Legal Methods' (1990) 103 *Harvard Law Review* 829.

⁹⁸ *Ibid.* 855.

⁹⁹ *Ibid.*

In the realm of the international women's rights movement, the idea of contexts began to gain momentum with the increase of intersectional approaches to feminism that highlighted the differences that contexts and identities make to the experiences, needs, and interests of women. The focus on contexts became particularly relevant with the emergence of global feminism in the 1980s and its universalising language of global feminism and the 'global sisterhood.'¹⁰⁰ Transnational and post-colonial feminists, in particular, emphasised the need to demonstrate the misleading notion of a unitary category of 'woman' or the existence of a 'sisterhood' that is clearly based on a white Western understanding of womanhood.¹⁰¹ In her seminal article 'Under Western Eyes: Feminist Scholarship and Colonial Discourses,' Chandra Mohanty not only set out the dangers of a hegemonic feminism with origins in the West for women in the Global South, but further went on to explain the need for 'context-specific differentiated analysis' if feminist theory was to acquire wider acceptance and significance.¹⁰²

Returning to the example of *LasTesis* and the significance of music as part of gender equality advocacy, a look at these various manifestations of 'Un violador en tu camino' across the world demonstrates not only the transnational reach of this song but also the idea of contextualisation and multilocationality that is so central to transnational feminism and transnational law. In the examples of India, Turkey and beyond, the activists adapted the song to their specific context by infusing it with their respective perspectives, experiences, and needs. As such, music has the potential to be contextualised in line with the reasoning found in both feminist and transnational law scholarship. The example of 'Un violador en tu camino' reflects the potential of music as an embodiment of resistance in the pursuit of social justice as part of transnational feminist movements. The various manifestations of the song demonstrate the agency of the collectives of protestors in the constitution and formulation of their resistance and demands for change. Beyond their lyrics their very presence in these public spaces, from outside courts to inside parliaments or 'just' on the streets, demonstrates a disruption to the patriarchal structures of their individual contexts. Their music exudes their politics.

III . The potential of alternative feminist discourses and practices

In line with one of the main ideas pursued as part of this transnational legal feminism series, this article supports the argument that the hegemony in

¹⁰⁰ Robin Morgan (ed), *Sisterhood Is Global* (Anchor Press 1984).

¹⁰¹ Floya Anthias and Nira Yuval-Davis, 'Contextualizing Feminism: Gender, Ethnic and Class Divisions' (1983) 15 *Feminist Review* 62, 71.

¹⁰² Mohanty (n 40) 347; Chandra Talpade Mohanty, 'Introduction: Cartographies of Struggle: Third World Women and the Politics of Feminism' in Chandra Talpade Mohanty, Ann Russo and Lourdes Torres (eds), *Third World women and the politics of feminism* (Indiana University Press 1991) 39.

Western thought both in feminist theory and international human rights law has inhibited the recognition that across the globe, a variety of different epistemologies, discourses, and practices are being used for the advancement of gender equality.¹⁰³ This narrow focus of mainstream feminism in the West and on the international level has led to certain feminist practices, discourses, and theories remaining in the margins of the mainstream. This has, in return, had the effect of limiting the accuracy and impact of international feminist (legal) praxis. It is here argued that the acknowledgment of such non-hegemonic, alternative feminist epistemologies, discourses, and practices, that have been growing in different parts of the world, is an important task for scholars and practitioners alike. Under a transnational legal feminist approach, alternative feminist practices, such as music as a means of resistance, ought to be acknowledged and recognised, enabling a more comprehensive and inclusive approach to feminist legal theory and practice.

This paper built on this claim by drawing attention to the role of music and song as part of contextualised feminist resistance efforts, both by feminist social movements as well as artists and artistic collectives. As discussed in Part I and demonstrated by the examples in Part II, music can form a powerful means for feminist practice beyond the international human rights law framework. Considering the difficulty of implementation and enforcement still experienced by the international human rights law framework,¹⁰⁴ the importance and potential of alternative means that enable a more socio-culturally rooted pursuit of gender equality, in addition to the more legal approach of international human rights law, is reflected by the above examples. The outlined movements, collectives and individuals revert to music both as a form of resistance to dominant patriarchal structures in their societies, as well as a form of advocacy to change those structural oppressions and inequalities. Through their performances, songs, and protests, they demonstrate different ways of feminist engagement with music. This section will demonstrate some of the potential values of this engagement by referring back to LasTesis, Genji Hip Hop, Mona Haydar, and Renata Flores.

1. Consciousness raising

Unsurprisingly, one of the main aims of these collectives and artists has been to raise consciousness about the issues at the heart of their music. Consciousness raising constitutes a well-established and important method of feminist practice that aims to spread ‘counter-hegemonic’ knowledge, perceptions

¹⁰³ See Ghadery, ‘Contextualization as a (Feminist) Method for Transnational Legal Practice’ (n 1); Ghadery, ‘Sticking to Their Guns: The United Nations’ Failure to See the Potential of Islamic Feminism in the Promotion of Women’s Rights in Afghanistan’ (n 1).

¹⁰⁴ Oona A Hathaway, ‘Do Human Rights Treaties Make a Difference?’ (2002) 111 *The Yale Law Journal* 1935.

and experiences in an attempt to raise awareness about structural inequalities that perpetuate societies. This is clearly one of the objectives of the movements and artists set out above. As Mina La Voilée from 'Genji Hip Hop' explains with regards to her rap:

Rap informs, rap educates, it truly engages people, and can be a serious catalyst for change. [...] With my music I try to raise that awareness and with Genji we are doing the same, about all the types of violence that women face.¹⁰⁵

In recent years, the internet and social media platforms have further facilitated the spread of some consciousness-raising efforts.¹⁰⁶ Strategies such as hashtag feminism, as seen with the #MeToo movement, have meant that the digital sphere has brought new dimensions and possibilities to feminist consciousness raising efforts.¹⁰⁷ In the case of some of the examples above, going 'viral' meant that they were able to convey their music and with that their resistance and advocacy beyond their own borders. As I explained in the example of LasTesis, the virality of 'Un violador en tu camino' meant that the song did not only serve the feminist movement in Chile but also allowed other feminist movements around the world to adapt it to their contexts and raise awareness about their specific struggles. For others, such as Renata Flores, the internet has meant that she could spread the importance of the preservation of Quechua and the hardship indigenous women face in Peru beyond her own borders. Similarly, Mona Haydar was able to disrupt and correct the false depiction of Muslim women by the Western mainstream through her music which spread beyond her own context through social media.

Through their music, songs, and performances, these artists, collectives and movements were able to engage in consciousness raising efforts by not only drawing on their own experiences of gendered inequalities but by bringing to light the structural and systematic nature of these various patriarchal forces that perpetuate their societies and communities. Consciousness-raising serves as an important feminist tool for change. As Bartlett explains, '[w]omen use consciousness-raising when they publicly share their experiences ... of oppression and exclusion, in order to help change public perceptions.'¹⁰⁸ While in the first instance this is to illuminate to the wider public the gendered harm and structural inequalities experienced by women, Bartlett goes on to explain that consciousness-raising also has a legal and institutional dimension.¹⁰⁹ Thus, often raising awareness is meant to serve

¹⁰⁵ The Guardian (n 66).

¹⁰⁶ Hester Baer, 'Redoing Feminism within and Outside the Neoliberal Academy' (2014) 30 *Women in German Yearbook* 197.

¹⁰⁷ Farnush Ghadery, '#Metoo—Has the "Sisterhood" Finally Become Global or Just Another Product of Neoliberal Feminism?' (2019) 10 *Transnational Legal Theory* 252.

¹⁰⁸ Bartlett (n 97) 865.

¹⁰⁹ *Ibid.*

as a precursor to facilitate change, whether legal, political or within socio-cultural structures of the relevant context. As will be explained below, in some of the examples in this article, the causes at the heart of the music did indeed receive sufficient attention to trigger legal change.

Starting with the example of Renata Flores, her music is clearly intended to raise awareness about the historical erasure of both indigenous peoples and indigenous cultures in Latin America. As she explains herself, '[i]ndigenous peoples have been forgotten, under-appreciated, exploited—and our languages have a lot to do with it.'¹¹⁰ By singing in Quechua she aims at bringing visibility to the language that is increasingly disappearing. In her music, she further draws attention to such broader legacies of the Spanish colonisation of Latin America and the devastating repercussions experienced by indigenous peoples and their cultures. She not only recounts historical events (such as the devastating crimes committed against indigenous peoples during the reign of the Shining Path in Peru)¹¹¹ but, as in her album 'Isqun', also shines a light on historical figures, particularly indigenous women, who have been erased from the mainstream historical books, but as she argues 'have done a lot that should be seen and credited. We do not learn much about these women in school—so we must speak about it. We must show that Indigenous women hold value.'¹¹²

LasTesis's protest song and the ensuing feminist resistance were part of the broader political movement in Chile that led to the referendum in October 2020, in which the Chilean people voted in favour of a new constitution as well as enabled a vote for a constitutional assembly-led drafting process, including a guaranteed gender-parity requirement.¹¹³ As a result, not only were feminist groups 'amongst the loudest shouting for change' during the protest movement, but feminists from different advocacy groups and beyond have also put themselves up as candidates for the upcoming constitution assembly election.¹¹⁴ Similarly, in the example of the 'Genji Hip Hop' collective, the main focus of their music has been to raise awareness about the widespread offence of rape in Senegal and the leniency it was treated with in the criminal law of the country.¹¹⁵ After a long lasting feminist campaign, Senegal reformed its rape law in 2020 to elevate it from a minor offence to a felony with an increase in the minimum and maximum sentence.¹¹⁶ While it is, of course, not claimed that these political

¹¹⁰ Barrientos (n 76).

¹¹¹ See for example the song 'Qam hina' as explained by Turkewitz (n 77).

¹¹² Barrientos (n 76).

¹¹³ Charis McGowan, 'Why Chile's New Constitution Is a Feminist Victory' (*Foreign Policy*, 15 February 2021) online: <https://foreignpolicy.com/2021/02/15/chile-constitution-gender-parity-feminist-protest/> accessed 20 February 2021.

¹¹⁴ *Ibid.*

¹¹⁵ Gustafson (n 63).

¹¹⁶ Hadassah Egbedi, 'Senegal Criminalises Rape, but Is That Enough?' (*Venture Africa*, 20 January 2020) online: <https://venturesafrica.com/senegal-criminalises-rape-but-is-that-enough/> accessed 15 November 2020.

and legal transformations were directly caused by the music of LasTesis or Genji Hip Hop, it is widely accepted that music has the capacity to ‘raise consciousness about and stimulate debate in relation to an issue,’ thereby encouraging further awareness, discontent and commotion, particularly amongst communities that would otherwise not be participating in such debates; all necessary factors to fuel movements and trigger change.¹¹⁷ LasTesis, Genji Hip Hop and the other examples have been able to not only raise consciousness but also generate interest in the different causes they cover through their music and performances. As Gwendolyn Pough explains, music has been particularly important to underrepresented groups in this process, as they often require a spectacle rather than mere words in order to gain attention.¹¹⁸ Music can, and has been, such a spectacle of resistance.

2. Making academic knowledge accessible through music

Another potential that has arisen out of this connection of music with feminist resistance and advocacy has been artists’ and collectives’ ability to incorporate academic scholarship in their music, and thereby, not only connecting theory to practice/activism but also making it more accessible to a wider audience. Thus, LasTesis’s song ‘Un violador en tu camino’ is based on the scholarship of Argentinian feminist anthropologist Rita Segato.¹¹⁹ As one of the members of LasTesis, Daffne Valdés, explains in an interview,

as our group premise, we try to transform feminist theory to a performative, simple, easy and catchy format, so that the core message of different feminist theories reaches more people who perhaps have not had the opportunity to read or analyse these.¹²⁰

In fact, the lyrics of ‘Un violador en tu camino’ reflect Segato’s scholarship and her conceptualisation of rape as a form of domination perpetuated by state structures (as rooted in patriarchy and colonial legacies) that is not only replicated throughout history but also in societies around the world.¹²¹ The implication of the state in perpetuating violence against women, that is so central to the understanding of rape in Segato’s scholarship, and feminist theory more broadly, is seen in the accusatory lyrics of ‘the rapist is you’ towards various state structures:

¹¹⁷ Crossley (n 5) 180.

¹¹⁸ Gwendolyn Pough, *Check It While I Wreck It* (Northeastern University Press 2004), as cited in *ibid* 181.

¹¹⁹ Martin and Shaw (n 82) 3.

¹²⁰ Paula Huenchumil, ‘Las Mujeres Chilenas Detrás de La Performance “Un Violador En Tu Camino”’ (*Interferencia*, 28 November 2019) online: <https://interferencia.cl/articulos/las-mujeres-chilenas-detras-de-la-performance-un-violador-en-tu-camino> accessed 14 November 2020.

¹²¹ See for example Rita Segato, ‘El Sexo y La Norma: Frente Estatal, Patriarcado, Desposesión, Colonidad’ (2014) 22 *Revista Estudios Feministas* 593.

We know the rapist is you.

We know the rapist is you.

It's the cops.

The judges.

It's the state.

The President.

It's the state that's our oppressor,

It's the rapist government.

It's the state that's our oppressor,

It's the rapist government.

As Martin and Shaw sum up, 'LasTesis's performance transforms feminist theoretical knowledge and discourse into embodied street activism.'¹²² LasTesis themselves are academics and researchers from the University of Valparaíso. But despite their own embeddedness in academia, they are also aware of its exclusionary and elitist character and its tendency to form ivory towers far removed from reality. By merging academic scholarship with music, LasTesis have been able to make feminist (theoretical) knowledge more accessible to the masses.

Similarly, Mona Haydar's music displays references and allusions to academic scholarship and critical theories. As previously explained, not only can Haydar herself be seen as falling into the increasingly growing category of Islamic feminists¹²³ but her music is also reflective of Islamic feminist scholarship. Rejecting Western understandings of gender equality as the sole approach to feminist theory, these scholars have grounded women's rights within Islam itself. While Islamic feminists accept the revelatory source of the Quran, they dispute the patriarchal interpretations of the revelatory sources at the hand of Islamic jurists. This, they argue, is where the gender inequalities and marginalisation of women arise.¹²⁴ As can be seen in her music, Mona Haydar agrees with the essence of Islamic feminism, namely that Islam and feminism cannot only coexist but also coincide. In her song 'Dog', she calls out the misogynistic behaviour of certain Muslim men, further demonstrating that patriarchy is a product of individuals and not Islam itself. By dedicating her artistry and music to resisting the mainstream Western imaginary of Muslim women, and openly calling others to '[m]ake a

¹²² Martin and Shaw (n 82) 3.

¹²³ Eltantawy and Isaksen (n 73) 853.

¹²⁴ See for example Badran (n 74); Mir-Hosseini (n 74).

feminist planet,¹²⁵ Mona Haydar not only personifies Islamic feminism but also conveys its theory to the wider public with her music and performances.

Additionally, Haydar takes inspiration from post-colonial theory. Having focused on questions of colonialism and the empire during her postgraduate studies, she not only refers to Edward Said's work on Orientalism¹²⁶ but dedicates an entire song to highlighting some of the main tenets of post-colonial scholarship. 'If they're civilized, I'd rather stay savage' is the opening line to Mona Haydar's song 'Barbarian', making a clear reference to the civilised/savages dichotomy as evidenced in colonial politics and criticised by post-colonial theory. Rejecting the white saviour ideology of the West towards Muslim women, Haydar celebrates the diversity of women in her feminist anthems by relaying both Islamic feminist and post-colonial theories in an accessible manner for the broader public.

The practice of these different artists to use their music for the dissemination of theoretical knowledge beyond the confines of academia is further a testament to the argument, particularly made by feminists from the Global South, that the rigid hierarchical distinction between theory and practice/activism is detrimental to the greater goal of gender equality. Particularly in the realm of women's movements, a prioritisation of theory within academia has been indicative of the exclusion of community-oriented and informal practices. Speaking in relation to Latin American feminist movements, Silver et al. explain:

Usually, theory and activism are regarded as distinct or hierarchically valued. Theory is conceived as pure and neutral knowledge, while activism is seen as a knowledge that is contaminated by subjectivities and emotions. Curiel (2009) points to this way of conceiving the hierarchization of knowledges as a contradiction of the very conception of feminist thought that critiques dualities in theory but, in practice, ends up reinforcing a dualistic vision that is essentially the same as that sustained by the modern and masculine epistemological vision.¹²⁷

Considering the highlighted need to engage with human rights as a site of contestation and struggle for social justice, rather than a purely legalistic rights framework that is universally applicable, a blurring of the lines between theory and practice/activism becomes even more important. As Silver et al. go on to explain, 'the ability to overcome the binary between theory and activism [...] is at the heart of the power relations of knowledge production.'¹²⁸ As seen in the examples above, music, and artistic means more generally, can facilitate such a closer relationship between the two.

¹²⁵ Both in her song 'Hijabi' and 'Barbarian'. See 'Music' (n 69).

¹²⁶ In 'Hijabi' she sings: 'You only see Oriental.'

¹²⁷ Joseli Maria Silva, Marcio Jose Ornat and Liz Mason-Deese, 'Feminist Geographies in Latin America: Epistemological Challenges and the Decoloniality of Knowledge' (2020) 19 *Journal of Latin American Geography* 269, 273–274.

¹²⁸ *Ibid* 373.

Related to that, music, as a medium, exhibits the potential of making academic scholarship, which is often seen as too theoretical and incomprehensible for the layperson, accessible to the masses. For movements and collectives, whose aim is consciousness raising and mobilisation, music, and the arts more broadly, can constitute a valuable resource. Academia and theoretical knowledge produced at the academy have become known as elitist and far removed from the realities and lived experiences of societies. As such, legal scholars have been seeking different ways to enable a closer connection of their work to socio-cultural spheres. As discussed above, Rama Mani, for example, has written in detail about the importance of art for post-conflict societies.¹²⁹ In an attempt to connect her theory to art and activism, she entered a collaboration with the 'Theatre of Transformation Academy.' The project, called 'Enacting Global Transformation', had at its core the objective of connecting the arts, in this case particularly storytelling and performative arts, to scholarship on security and global governance.¹³⁰ By working with a theatre collective, Mani and her collaborators attempted to 'evoke more humane, creative, effective and sustainable pathways to enact global transformation' and thereby demonstrate 'how epistemic communities can activate the power of storytelling, testimonies and the arts to communicate, educate and enact transformative action.'¹³¹

Theory and activism do not have to be seen as separate categories (that ultimately pursue the same goal). Instead, as the above examples demonstrate, they can work together to pursue their shared objectives. Music, and the arts more broadly, can represent an important tool in connecting academic scholarship and theoretical knowledge to activism and practice, and thereby not only widen the epistemic communities involved in the process of knowledge production but also make them more accessible to a wider audience.

Conclusion

Music and international human rights law have had a bittersweet relationship. While at first glance the universality imaginary, that continues to characterise both, appears as the ideal reason for an alliance, a closer look demonstrates the potential risks of this collaboration arising out of the lasting hegemony of the West within the concept of universality. The example of 'charitable imperialism' and the exploitation of local music

¹²⁹ Mani (n 42).

¹³⁰ 'Enacting Global Transformation' (Centre of International Studies, University of Oxford) online: www.politics.ox.ac.uk/materials/PDF_Summary_Enacting_Global_Transformation_CIS_Collaborative_Initiative_with_Theatre_of_Transformation_Academy_April_2017_5_page.pdf accessed 8 August 2021.

¹³¹ *Ibid.*

and musicians as part of the international human rights law agenda¹³² is one such instance reflecting the bitterness of this relationship. While there are also positive (or to stick with the metaphor, sweet) uses of music in furtherance of the international human rights law agenda, this article's focus was not on such an instrumentalised use of music. Instead, the paper engaged with examples where beyond being a mere tool in an already framed rights claim, the music in itself contributed to the constitution of the resistance and social justice claim made by the artist(s). This understanding of music went hand in hand with the feminist conceptualising of human rights as a site of struggle for justice. For that, the paper discussed both artists and artistic collectives' as well as feminist movements' use of music and song in their contextualised struggles for gender equality.

The examples of Genji Hip Hop, Mona Haydar, Renata Flores, and LasTesis reflected this holistic conceptualisation of music as part of feminist resistance and advocacy efforts. Through their music, performances and presence, these artists/collectives and their music disrupt the patriarchal structures they sing about by embodying the change they advocate for. As demonstrated in Part III, this symbiotic relationship between music and feminist practice holds potential (amongst other things) both in terms of consciousness-raising and generating debate as well as in the dissemination of feminist theories from the academe to the wider public. Overall, reverting to music and song as part of resistance and advocacy efforts have become important weapons in the broader arsenal of feminist and human rights practices. Feminist inquiries into international human rights law have demonstrated the need to go beyond a doctrinal engagement with human rights that enables us to see the field as a site of contestation for justice more broadly. Cultural and artistic means in the pursuit of gender equality and other social justice issues have played a particularly important role in this more holistic understanding of human rights. In line with that, and the transnational legal feminist approach discussed in this special issue, the consideration of music and song in contextualised struggles for gender equality is an important task that allows for the acknowledgment of the existence of such alternative feminist discourses and practices.

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¹³² Ndaliko (n 2).