

“Third generation of human rights *vis-à-vis* Third wave of Feminism”***Tanu Kapoor*****Gandhi National University of Law,
Punjab*******Prithivi Raj*****Gandhi National University of Law,
Punjab*****ABSTRACT**

Classifying human rights according to generation is a form of characterization of rights. This approach considers civil and political rights as a first generation; economic, social and cultural rights as second generation, and a new category named collective rights and rights of people as third generation. The subject matter of this article is simply an attempt to reconsider the rights of people as third generation of human rights in the context of third wave of feminism.

INTRODUCTION

“Right is the key element of law, politics, ethics and society.” There is a certain difference between “having right” and “being right” which shows the distance between modern and pre-modern worlds. The first concept of right which is the opposite of void, is always used in thought specially in political and ethical but, right in its second concept which may be used as the opposite of duty, is a new thought and the result of theoretical and practical attempts as a liberal human during the modern era. Jack Donnelly also believes in such separation. He defines “being right” as ethical duty and “having right” as a merit.¹ Today the notion of human rights has become synonymous with international human Rights law² and its core international human rights instruments— most prominently the Universal Declaration of Human Rights. However, an account of human rights that began with the Universal Declaration would be incomplete, and while the sources of Human rights obligations are generally held to be human rights treaties and legislative frameworks –at the global, regional and national level– this tells us little about moral, Philosophical and political underpinnings of these laws or the sources of their legitimacy. In this section we explore ways in which human rights have been understood, their philosophical genesis, the antecedents to the modern human rights regime, and ultimately the ways in which these different elements have been embodied in contemporary human rights law. Theories of rights abound and have a long pedigree. Notwithstanding this, rights are distinct in taking the entitlements of individuals as the starting point for political morality.³ That stands in contrast to a view that rights be based on some prior theory of social and political morality, such as

*BA.LL.B, Rajiv Gandhi National University of Law, Punjab.

**LL.M, Rajiv Gandhi National University of Law, Punjab.

¹ https://www.ijss-sn.com/uploads/2/0/1/5/20153321/ijss-iran_jul_oa06_-2017.pdf

² C. Tomuschat, *Human Rights: Between Idealism and Realism* (Oxford, OUP) 2003, 7-9

³ R. Dworkin posited a tripart distinction under which political morality may be right- based, duty-based or goal based; *Taking Rights Seriously* (1978) 171

utilitarianism. There is much that can and has been debated about what those duties look like, which are primarily referable to the nature of rights under a particular theory or conceptualization. However, in terms of normative construct, rights can be understood as correlatives – where right implies duty. Rights are also generally logically related to law, entailing a body of rules and principles⁴. Finally, the concept of rights connotes some special importance and high priority, as well as some degree of enforceability. At the same time, the values and political and philosophical theories underpinning a particular understanding of rights will often be more determinative than a particular formulation of a right or even the name or type of right itself⁵. Positivist theories of rights anchor conceptions of rights in what is provided for in particular legal systems- rights have meaning only as legal rights⁶. Such theories are often subject to criticism that they are based on a “naturalistic fallacy”, purporting to derive certain norms from prescriptive premises about human nature. Positive law also leaves open to interpretation the normative commitment or content of rights, as well as the basis or theory upon which positive law provisions are based. In contrast, theories of natural rights base conceptions of rights on a pre-existing moral order or natural law. The tradition of natural rights has roots with the Stoics and Romans, through St. Augustine and Aquinas, to more modern manifestations such as Roosevelt’s Four Freedoms- freedom of speech and worship, freedom from want and fear. But, as Margaret MacDonald has pointed out “That men are entitled to make certain claims by virtue simply of their common humanity has been equally passionately defended and vehemently denied.”⁷

Human Rights in Context of Feminism

From this backdrop emerges the notion of *human* rights, defined as basic universal legal or moral guarantees, that belong to all human beings, and that protect individuals and / or groups, from actions and omissions of the state and some non-state actors that affect fundamental human dignity⁸. Human rights are based on a theory that takes for its starting point the human dignity of individuals and their entitlement to have basic autonomy and freedoms respected and basic needs satisfied.”⁹ While they are founded on moral principle and conceived of in terms of inherence, universality and indivisibility, they are, at core, (legal) guarantees against actions and

⁴ J. Waldron, (ed) *Theories of Rights* (OUP 1984).

⁵ For example, rights are given explicit treatment in the work of John Locke and his ‘Two Treaties of Government’ (1689) and Thomas Paine’s ‘The Rights of Man’ (1792) and emerge implicitly in the political and moral philosophy of Kant Rousseau and Mill.⁸ The notion of human rights is viewed by many, to be a revival of the 18th century concept of the Rights of Man⁸.

⁶ One obvious proponent of this school of thought was Jeremy Bentham –J. Bentham (1782). *Of Laws in General*. (ed. H.L.A. Hart, 1970. London: Athlone Press); See also John Austin (1832). *The Province of Jurisprudence Determined*. (ed. W.E. Rumble, 1995. Cambridge: Cambridge University Press).

⁷ M. MacDonald ‘Natural Rights’ in J. Waldron *Theories of Rights*, p 21

⁸ *A Human Rights Approach to Development: primer for development practitioners* (UNDP, August 2003) citing to the OHCHR

⁹ L. Henkin, ‘Introduction’ in *The International Bill of Rights* (L. Henkin ed. Columbia University Press 1981)

omissions.¹⁰ As with all rights, human rights embody duties, providing a legal framework of entitlements and obligations; each right implies a claim holder and a duty bearer. “A right is logically related to duty and obligation and also to the concept of law-like rules and principles.”¹¹ In terms of moral justification, human rights can be understood as the set of basic minimum guarantees necessary for a minimum good life – minimum prerequisites for leading a ‘good life’. The normative framework of human rights can be described as a series of moral imperatives or entitlements based on the inherent dignity of people, which have been embodied in law – generally international law. They derive their authority from both legal and moral sources. As with all rights, human rights imply duties.¹² In practical terms, human rights specify a series of actions that need to be taken or that a duty bearer (generally a state) must forbear from doing. Human rights may be conceived of as individual rights or collective rights.¹³ Some commentators have resisted the notion of “collective human rights”, however, on the basis that the essential meaning of “human rights” would be diluted or made conceptually vague if one were to include collective entitlements.¹⁴ Others, focusing on human rights as standards for relationships within society, welcome the notion of collective human rights on the basis that human rights are inherently relational and are, at least in part, a response to a universal problem of unequal power relationships.¹⁵

NATURE OF HUMAN RIGHTS IN THIRD GENERATION

Third Generation Rights

The end of the twentieth century saw the emergence of a third generation of rights. Rooted in Article 28 of the Universal Declaration of Human Rights, these have also been termed

¹⁰ UNDP, *A Human Rights Approach to Development – Primer for Development Practitioners* (Amparo Tomas) August 2003 p 1

¹¹ J. Waldron, *supra* n.. 7

¹² Similarly, according to Asbjørn Eide, “Rights require correlative duties.” A. Eide, ‘Economic, Social and Cultural Rights as Human Rights’ in A. Eide, C. Krause, A. Rosas, *Economic, Social and Cultural Rights* (2001) 22

¹³ There is nothing axiomatic about the individualistic conception of rights, see R. Unger in *The Critical Legal Studies Movement* (1983) and R. Unger, *Law in Modern Society* (Free Press 1976). See also S. Lynd, “Communal Rights” (1984) 62 *Texas Law Review* 1417. Lynd criticizes the notion of rights as property which treats rights as scarce commodities to be fought for, thus preventing members of a society to care about each other’s needs. He does not support, however, the anti-rights talk and instead argues for communal rights, those rights that belong to the whole community and cannot be given up. These rights, which Lynd characterizes as unalienable, include the right to engage in concerted activity, the rights guaranteed by the first amendment and the rights associated with the power of eminent domain and favour the definition of long term society objectives as opposed to individualistic and adversarial conceived rights. For critiques of the individualistic orientation of liberal rights discourse, see P. Gabel, ‘Book review of Ronald Dworkin’s “Taking Rights Seriously”’ 91 *Harvard L. Review* 302 (1977); MA Glendon, *Rightstalk* (1991); D. Kennedy & P. Gabel, “Roll Over Beethoven’ 36 *Stanford Law Review* 509; M. Tushnet, ‘An Essay on Rights’ 62 *Texas Law Review* 1363 (1984).

¹⁴ J. Donnelly, ‘Human Rights, Individual Rights and Collective Rights’ in J. Berting et al. (eds) *Human Rights in a Pluralist World* (1990) .

¹⁵ J. Herman Burgers, ‘The Function of Human Rights as Individual and Collective Rights’ in J. Berting, et al. (eds) *Human Rights in a Pluralist World* (1990) 63

“development rights” or “solidarity rights.”¹⁶ Article 28 proclaims “Everyone is entitled to a social and international order in which the rights set forth in this Declaration can be fully realized.” Third generation rights are based on holistic community interests although each reflects both individual and collective interests. It follows from this, that they also have a broader range of corresponding duties, which may vest not only in a state party to a particular instrument, but more broadly, in the larger global community. Third generation rights arguably fall into two categories.

The first category of rights is seen to reflect a “revolution of expectation” in the developing world and its demand for a global redistribution of power, wealth and resources, and include the right to self determination (political, economic, social and cultural), the right to economic and social development, and the right to participate in and benefit from the “common heritage of mankind (scientific and information progress, cultural traditions and sites and monuments).

The second category relates more to areas in which the nation state falls short (and thus duties may fall on the wider international community). These rights include the right to peace, the right to a clean, healthy and sustainable environment, and the right to humanitarian disaster relief and the right of groups of people to cultural, political and economic development. While these rights may not have a long or established pedigree, their importance should not be underestimated. These rights are also sometimes referred to as development-oriented rights. Proponents of third generation rights emphasize that this newer category of right will reinforce and strengthen the existing human rights, enhancing their effectiveness and making them more relevant to both governments and individuals.¹⁷

First generation human rights in general are civil or political by nature.

Second generation human rights as laid down in the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) refer to the assurance of adequate social and material general set-ups (e.g. the Right to Food, the Right to Education) for individuals.

Unlike dealing with first- and second-generation of human rights under this aspect, the classification of “**third generation rights**” into traditional juridical categories appears to be quite difficult. It has been the basis for controversial political and juridical discussions over several decades until today. In comparison to “first”- and “second generation rights”, solidarity rights do not primarily focus on the protection of the autonomous individual. They rather address more

¹⁶ See generally, P. Alston, “A Third Generation of Human Rights: Progressive Development or Obfuscation of International Human Rights Law?” 29 *Netherlands International Law Review* 307 (1982) ; K. Vasak, “For the Third Generation of Human Rights: The Rights of Solidarity” Inaugural Lecture to the Tenth Study Session of the International Institute of Human Rights. 2-27 July 1979.

¹⁷ C. Flinterman, ‘Three Generations of Rights’ in *Human Rights in a Pluralist Society* 75, 77.

directly the collective of social groups or peoples. This project will deal with the various aspect of human rights in the third generation and the laws relating to and regulating human rights.

Third Generation Rights :

The end of the twentieth century saw the emergence of a third generation of rights. Rooted in Article 28 of the Universal Declaration of Human Rights, these have also been termed “development rights” or “solidarity rights”.¹⁸ Article 28 proclaims “Everyone is entitled to a social and international order in which the rights set forth in this Declaration can be fully realized.”¹⁹



FROM THIRD WAVE TO THIRD GENERATION: FEMINISM, FAITH, AND HUMAN RIGHTS :

In recent decades, feminists of faith have been central voices in international human rights discussions. This was particularly the case at the UN-sponsored 1994 International Conference on Population and Development at Cairo and the 1995 Fourth World Conference on Women at Beijing, which focused on core feminist issues of reproductive rights and gender equality. The struggle for women’s rights has rarely, however, been disconnected from broader struggles for human rights in the areas of poverty, peace, health, environmental sustainability, cultural rights, and rights to development and self-determination of peoples that have come to be known as the “third generation” of human rights. The hallmark of third generation rights, in contrast with first

¹⁸ P. Alston, “A Third Generation of Human Rights: Progressive Development or Obfuscation of International Human Rights Law?” 29 *Netherlands International Law Review* 307 (1982) ; K. Vasak, “For the Third Generation of Human Rights: The Rights of Solidarity” Inaugural Lecture to the Tenth Study Session of the International Institute of Human Rights. 2-27 July 1979.

¹⁹ <https://binged.it/2JOPkBZ>

generation civil and political rights and second generation social, economic, and cultural rights, is that they involve big global problems that no state or region of the world can solve alone. For this reason, third generation rights are often referred to as rights of “fraternity” or “solidarity.”²⁰ Third generation rights have become particularly important with the advent of globalization, with its exposure of the ways in which we are a connected and mutually interdependent world.

The increased attention to these third generation rights coincides, in important ways, with the emergence of third-wave feminism.²¹ In much the same way that third generation rights expanded the reach of first and second generation rights, third-wave feminism embraces first- and second-wave feminist concerns in areas of sexuality, gender, reproduction, and family that have been traditional feminist issues, while at the same time calling for engagement with global feminist communities and global feminist issues, which embrace many third generation rights concerns. The expansive global sensibility of third-wave feminism is illustrative not only of the way in which “women’s rights are human rights” (Clinton 1995), but also of the inseparability of women’s human rights from broader third generation human rights.

Both third generation rights and third-wave feminism have been contested on various grounds. Some human rights scholars see the first and second generation rights as perfectly adequate and view third generation rights as unnecessary—perhaps not even human rights at all.²² Likewise, the notion of a third wave of feminism has sometimes been a source of tension between second-wave feminists who see their struggles as not yet concluded, and third-wave feminists who want to move on to new issues.²³ The equality-difference paradigm has been an important rubric of analysis in feminist legal theory and feminist philosophy, balancing the quest for sex equality with acknowledgment of the biological, and even moral, differences that shape women’s experience.²⁴ But third-wave feminists have expanded the equality-difference paradigm beyond sexual and reproductive arrangements, to include questions of global justice and equity.

²⁰ The “third generation human rights” is attributed to the Czech-French jurist and former UNESCO head, Karel Vasak (Vasak 1979a).

²¹ The term “third-wave feminism” was coined by third-wave feminist Rebecca Walker (Walker 1992).

²² Sehmer 2007, Algan 2004, Alston 1982

²³ Walker 1992, Siegel and Baumgardner 2007, Henry 2004, Pollitt 2010; Some of the intergenerational angst is also reflected in pithy quotes that have emerged between second- and third-wave feminists (Henry 2004). In her analysis of these tensions, social critic Katha Pollitt reports that, in response to the notion that third wave feminists can carry the torch for second-wave feminists, leading second-wave feminist Robin Morgan has quipped, “Get your own damned torch. I’m still using mine.” (Pollitt 2010). Referring to the characterization of third wave feminism as post-feminism, a popular bumper sticker/lapel button slogan, apparently reflecting second-wave sentiments reads, “I’ll be a post-feminist in the post-patriarchy.” By contrast, leading third-wave feminist Rebecca Walker has proclaimed, “I am not a post-feminism feminist. I am the Third Wave.” (Walker 1992). In the last analysis, both second- and third-wave feminists claim their feminism—however differently construed.

²⁴ Bartlett and Rhode 2010, Bock and James 1992, Gatens 1991, Bartlett and Kennedy 1991

It's a description how third-wave feminism corresponds to third generation human rights in ways that advance both feminism and human rights in the normative, humanitarian, and pluralistic direction that is necessary for our twenty-first century, globalized, and cosmopolitan world. I will then provide an analysis of the ways in which recent international women's human rights conferences have sought to elaborate women's third generation rights. I will then suggest some ways in which third-wave feminist and third generation rights themes were anticipated in the lives and work of a group of twentieth- and twenty-first century women, who have drawn on faith in seeking legal and social change. The group includes Dorothy Day, Wangari Maathai, Rigoberta Menchú, and Aung San Suu Kyi. For these women, both feminism and faith have been important resources in connecting women's rights to broader human rights in a way that mirrors the third-wave feminism's insistence on diversity and pluralism of voices and issues. Identifying a set of additional themes that link third-wave feminism and third generation rights through the lives of these women who were, in key respects, third-wave feminists before their time: a concern for *diversity and pluralism*, looking *beyond sexuality and reproduction*, attention to the *material and cultural dimensions* of rights, a caution *against perfectionism*, and, in theological terms, a shift from *creation to redemption*.

Third-Wave Feminists and Third Generation Rights :

Analysis of third-wave feminist writings reveals both new conceptions of feminism and new conceptions of rights. The editors of one influential third-wave feminist reader, Rory Dickerson and Alison Piepmeier, argue that their generation demands a “politicized, activist feminism that is grounded in the *material realities* and the *cultural productions* of life in the twenty-first century”²⁵. They call for a third-wave feminism “dedicated to a radical, transformative political vision, a feminism that does not shy away from hard work but recognizes that changing the world is a difficult and necessary task, a feminism that utilizes the new technologies of the Internet, the playful world of fashion, and the more clear-cut activism of protest marches, a feminism that can engage with issues as diverse as women's sweatshop labor in global factories and violence against women expressed in popular music”. Third-wave feminism advocates for material rights in a neoliberal political economy in ways that correspond to third-wave anti-

²⁵ A definitional note on third-wave feminism may also be in order, particularly as the movement now seems to overlap and include two separate groups. The first group, reflected in the anthologies cited above, is largely composed of women from Generation X, which came of age just as women's studies and other feminist programs were being established in the academy and elsewhere. These early third wavers came of age during the Clinton Administration, which, but for the Lewinsky scandal at its end, was notably supportive of women's human rights, particularly in the international realm. The second group, reflected in the numerous blog postings cited below, has benefitted from women's studies and feminist education and the technological and communicative revolution of the internet, but it also came of age during the Bush Administration, which arguably achieved some goods for women in Afghanistan, its HIV programs in Africa, and its strong record against sex-trafficking, but was also notably hostile to international organizations and much of the human rights community, including many women's rights organizations, particularly the UNFPA, from which it withheld funds repeatedly

poverty and development rights²⁶. Their use of technology, fashion, and popular culture tends to raise eyebrows in second-wave feminist circles²⁷, but in the context of globalization these are increasingly places where young feminists of the developed and developing world intersect—cultural resources which can serve as sites of resistance to the still largely patriarchal forces of market and state.

Despite the frequent characterization of third-wave feminists as being in tension with their second-wave predecessors, third-wave feminists have emphasized continuities. Dickerson and Piepmeier observe that third-wave feminism may have “less to do with a neat generational divide than with a cultural context,” particularly the challenges of developing a “sense of identity in a world shaped by technology, capitalism, multiple modes of sexuality, changing national demographics, and declining economic vitality” . The difference might best be understood in noting that, whereas second-wave feminists emphasized that the “personal is political,” third-wave feminists added to this the conviction that the “global is local.” Second-wave feminism was not unconcerned with global issues.²⁸ Indeed, as we shall see, the earliest struggles for the international human rights of women developed as a result of second-wave feminist activism in such international organizations as the United Nations. But the emergence of third-wave feminism, concurrently with the end of the Cold War and the rise of the Internet and telecommunications era, has made global issues and global feminisms even more proximate to third-wave feminist concerns²⁹.

It is particularly through this pronounced globalism that third-wave feminism may be most effective in carrying feminism forward. But the emergence of the third wave has not come about without a certain amount of questioning of the nature of feminism, the diversity of women’s voices, and the scope of feminist concerns. For all of its emphasis on diversity, multiplicity, and global political agency, third-wave feminism has sometimes had difficulty embracing the legacy of second-wave feminism. As leading third-wave feminist Rebecca Walker has put it, “For many of us it seems that to be a feminist in the way that we have seen or understood feminism is to conform to an identity and way of living that doesn’t allow for individuality, complexity, or less than perfect personal histories. We fear that the identity will dictate and regulate our lives, instantaneously pitting us against someone, forcing us to choose inflexible and unchanging sides,

²⁶ In this material emphasis, third wave feminism conjures up themes from earlier socialist feminisms. The writings of Heidi Hartmann in the 1970s and 1980s are, perhaps, the best known examples of second-wave socialist feminism (Hartmann 1979, Sargent 1981). Socialist feminism, particularly its more Marxist and radical versions, tended to die out with the general discrediting of socialist feminism at the end of the Cold War. In light of recent global events since the 2008 recession, it might be time for a rereading. One contemporary legatee of earlier socialist feminism is third-wave feminist and globalization critic, Naomi Klein (Klein 2008, 2000).

²⁷ Valenti 2007, Levy 2005, Fillion 1996

²⁸ Morgan 1984, Smith 2000

²⁹ Algan, B. 2004. Rethinking “Third Generation Human Rights.” *Ankara Law Review*, 1(1), 121–55.

female against male, black against white, oppressed against oppressor, good against bad”.³⁰ Dickerson and Piepmeier confirm this sense of ambivalence regarding earlier modes of feminism, but they ultimately see great promise in the third wave, arguing, “At its best, the third wave embodies the rage and the joy of feminism. By taking much that is good from the second wave, listening to the critiques of earlier feminism’s lack of diversity, and responding to a changing world, the third wave has the potential to be the second wave’s better self” (2003: 20).³¹

The emphasis on *diversity and pluralism* is crucial. From its inception, third-wave feminism has been committed to the inclusion of diverse issues and voices. Dickerson and Piepmeier describe third-wave feminism as a “reinvigorated feminist movement emerging from a late twentieth-century world” that is a “world of global capitalism and information technology, postmodernism and postcolonialism, and environmental degradation.” In terms of issues, they argue, “We no longer live in the world that feminists of the second wave faced. Third wavers, who came of age in the late twentieth century and after, are therefore concerned not simply with ‘women’s issues’ but with a broad range of interlocking topics”. Third-wave feminism builds upon the second-wave discovery that ‘woman’ is an inadequate category because of the many differences among women,” along with the conviction that “feminism is not simply about women’s issues but is a broad-based political movement that seeks freedom for all those who are oppressed” (2003: 8). Third-wave feminism pays particular heed to the idea that “identity is intersectional,” the concept that “gender, race, ethnicity, class, and sexuality are interlocking” and “oppression is not experienced simply along one axis”. As Dickerson and Piepmeier put it, “Just as it is interested in a multiplicity of issues, the third wave operates from the assumption that identity is multifaceted and layered. Since no monolithic view of ‘woman’ exists, we can no longer speak with confidence of ‘women’s issues’; instead we need to consider that such issues are as diverse as the many issues who inhabit our planet”. In other words, third-wave feminists are “multiracial, multi-ethnic, and multi-issued”.

When it comes to the prioritization of issues, some observers of third-wave feminism have noted a particular questioning of the priority of reproduction and motherhood as quintessential women’s issues. In the introduction to their anthology of critical essays on third-wave feminism, Stacy Gillis, Gillian Howie, and Rebecca Munford observe that the “second generation of feminists concentrated on issues which specifically impacted upon women’s lives: reproduction, mothering, sexual violence, expressions of sexuality, and domestic labour”. In their view, one result of this emphasis has been that “third wave feminists tend to consider second wave feminism as triangulated in essentialism, universalism, and naturalism”. This triangulation is

³⁰ Dickerson and Piepmeier 2003

³¹ Alston, P. 1982. A Third Generation of Solidarity Rights: Progressive Development or Obfuscation of International Human Rights Law? *Netherlands International Law Review*, 29(3), 307–22.

seen as circumscribing women's interests within the sexual and domestic realms in a way that may presume a falsely universal experience of those roles, while also obscuring women's activism on a range of concerns related to third generation rights that benefit women, men, children, and the planet as a whole. Reproduction and motherhood are acknowledged to be paramount and distinctive experiences in the lives of many women, but under a third-wave paradigm of diversity, multiplicity, and inclusivity, they must also be acknowledged to be experiences that not all women choose to experience or experience in the same way.³² Inquiry into third-wave feminist perspectives on third generation human rights in law and religion may help to uncover some of these other dimensions and concerns of feminist activism that inform some of the most crucial issues facing our world today.³³

CONCLUSION

The Third Generation of Rights The establishment of the third generation is the result of new needs of human. The developing human, international, social procedure and moralizing the international rights and human rights and also weaknesses of the first and second generations led to appearance of the third generation of human rights. The rights of third generation or unity rights do not talk about human; but put emphasis on the universal citizen. In contrast with the first and second generations which are products of theories (liberalists and socialists), the third generation of rights is the result of human experience and human life realities has caused them to form. For instance, before the present age, human didn't have any environmental problem; but today, it has change into a serious problem. In this generation of rights, the beneficiaries are society and social groups which of course its general benefit is also shared with every individual. The most important features of the third generation of rights are: establishing a powerful feeling among members of the universal society, the inability of not deviating the commitments to such rights for the harms they cause to all, putting emphasis on subjects higher than the geographical areas or special economical and political systems, and specifying the rights which are made as the results of human presence in the human society. Most instances of the third generation of human rights (unity rights) are: development right, peace right, right of human in choosing his destiny, right to have a healthy environment, right to human common wealth, right to

³² The recent controversy over an article by former U.S. State Department Director of Policy Planning, Anne-Marie Slaughter, concerning her decision to step down from her position to return to academia and her family drew commentary from both second- and third-wave feminists (Slaughter, 2012, Boyle 2012, Kantor 2012, Traister 2012, Dell'Antonia 2012, Covert 2012, Graff 2012, Belkin 2012, Valenti 201b). Third-wave feminist accounts of motherhood are just beginning to emerge (Crawford, 2010b, Valenti 2012b).

³³ It should be noted that despite the dominance of third-wave feminism in the fields of women and gender studies, there has been surprisingly little representation in the study of law or religion. Despite the profound normative dimensions of feminism, law, and religion—three important interlocking areas of normativity for interdisciplinary feminist theory and consideration of women's human rights--only a handful of books and articles have come forth to provide third-wave feminist perspectives in law and religion (Batlan et al. 2008, Klassen 2009, Crawford 2010a, 2010b, 2007).

philanthropic aids and the right to communication.³⁴ While it is clear that some progress has been made towards integrating human rights and development, it is also clear that for many the two discourses remain- and should remain distinct, and that approaches that attempt to find commonalities and convergence cross the divide face numerous issues in practice. In practice, many of the formal legal frameworks that underpin human rights obligations lack adequate enforcement mechanisms to make them meaningful. Further, their legalistic nature often means that they remain inaccessible to those in the greatest need of their protection. While the transformative potential of human rights discourse must be recognized, and its implications for development theory and practices understood, it is equally important to recall the genesis of human rights themselves. Human rights gain their rhetorical power from the internationally agreed and legally enshrined - *obligations* and *duties* they impose. It is essential therefore, that efforts to integrate human rights in development practice, not compromise those key characteristics in the process, and risk the impoverishment of rights discourse and the undermining of core values and objectives that human rights were conceived to realize.³⁵

³⁴ https://www.ijss-sn.com/uploads/2/0/1/5/20153321/ijss-iran_jul_oa06_-_2017.pdf

³⁵ http://europa.eu.int/comm/external_relations/human_rights/doc/ghd12_01.htm.