

**The Human Rights Patriarchy:  
“Masculine Liberal Subjects” and the Paradox of Universalism**

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## Introduction: Constructing a Structure for Human Rights Paradoxes

Modern day liberal human rights discourse builds itself upon paradoxes. These ‘constitutive dualisms’ underlie each of the predominately Western, liberal norms in human rights. Every norm is defined in contrast with its opposite; yet at the same time draws its sustenance and legitimacy from that opposite. “The power of the dominant term in the dualism,” as Wendy Brown asserts, “is achieved through this constitution by, dependence upon, and disavowal of the subordinate term” (152). As coined by Brown, some of the main constitutive dualisms of liberalism, which are then incorporated into the basis for modern day human rights, are as follows:

liberty	necessity / encumbrance
autonomy	dependence / dependents
individual	family
self-interest	selflessness
rights	needs / relations / duties
equality	difference
public	private. (152)

Exploring each of these dualisms in depth not only reveals paradoxes within human rights, but highlights the inherent patriarchy underlying liberal human rights norms due to the formation of human rights upon a masculine conceptualization of the liberal subject (Brown 152). As will be discussed further, these paradoxes have historically been and continue to be gendered in society, the left associated with the male and the right identified with the female. Not only have the male and female been assigned the respective personal characteristics of free, autonomous and rights-bearing versus encumbered, dependent and obligated – the actual experiences of women and men around the globe have fallen into these dualisms. Woman, often financially or socially dependent upon a male head of house, primarily retains responsibility for the duties of tending to her family and dependent children in the private realm.

Man, on the other hand, lives his main existence in the public sphere, exercising his liberty and autonomy to produce capital and/or manage government structures to both formulate and exercise his human rights.

In and of themselves, these paradoxes are not inherently good and bad sides to the social coin. Rather, they have been ordered in a hierarchy by liberal discourse, one which Western norms of human rights have replicated. Solely formulated upon the left side of the dualisms, the subject of liberal human rights remains an inherently male standard of what it means to be human in this world and to thus possess “human rights.” This standard has relegated the traditionally female to lesser and subordinate categories, as these sides of the dualisms are not considered worthy of a spoken place within human rights discourse. Ironically, however, the right sides of the paradoxes remain necessary to the provision of the left, and thus the successful achievement of “human rights.” How can one possess utter liberty and “rights” if another does not take care of the necessities, relations and duties? Who could exist as a fierce individualistic and autonomous subject, solely within the public realm, if another did not tend to the dependents and the family within the private?

The basis of the human upon the masculine liberal subject during the construction of human rights has furthermore caused their preemptive fail at their touted principle of universality. Constructed on the model of the male in society, the structure of liberal human rights serves to replicate the patriarchal structures already present in the social gendering of male and female: the female becomes dependent, obligated, and selflessly responsible for the dependents in the home, in order for the male to exercise his public rights, autonomous liberty, and unrestrained selfhood. Continuing to reinscribe patriarchy within modern day human rights norms will consistently eclipse the possibility of their universality, as a “human right” built exclusively upon a male subject – who furthermore simultaneously relies on other restricted and subordinate beings to attain his “humanity” – can never be universally applied.

### **Developing the Masculine Liberal Subject**

One of the primary ways that human rights construct the liberal subject is through his possession of liberty, or personal sovereignty. This liberty marks the freedom to do what one desires where the law does not interfere, and is premised upon an unencumbered will, the possibility of choice, and the freedom of individual agency (Brown 154). The formulation of the liberty of the liberal subject naturally creates the opposing burden of necessity, and requires that someone, somewhere be fully bound by that necessity in order that the liberal subject may be freed from it and exercise his liberty. Lacking the capacity to desire or choose and thus the mark of subjective sovereignty, women have historically borne the brunt of necessity while men have been granted liberty, consequently making the dualism of liberty / necessity an evidently gendered formulation (Brown 154-5). The liberal formulation of liberty is built upon this encumbrance, displacing the “embodied, encumbered, and limited nature of existence” onto women through the set of assigned activities, responsibilities and emotional attributes, including delegation to the private, familial, sexual and reproductive domains (Brown 156). Thus, the liberated beings of human rights discourse, which are defined as unencumbered men, depend for their existence on encumbered women for their liberty, whom their liberty in turn encumbers (Brown 156).

The second characteristic of the liberal human rights subject is autonomy, which also derives from a gendered division of labor. This subject moves about freely in civil society. He is not encumbered by conflicting responsibilities nor dependents attached to him, neither is he constructed as dependent on others (Brown 156). He is “autonomous in the sense that he is presumed capable of providing for himself” and is not thought of as “dependent on others for survival or protection” (Brown 157). This definition of the autonomous individual contrasts with the socialized role of women as inherently emotionally needy and dependent (on men), and their condition of child rearing and care for their (dependent) children. Furthermore, this autonomous liberal subject “requires a large population of nonautonomous subjects, a population that generates, tends, and avows the bonds, relations, dependencies and connections that

sustain and nourish human life” (Brown 158). Without the displacement of dependents and dependencies onto women, the male liberal subject would be unable to retain his lifelong image of self-sufficiency and self-sustenance.

Related to the concept of autonomy is the focus of human rights on the individual. This individualism is continually constructed in contrast to communalism and the family. As the traits of liberty and autonomy show, the individual liberal subject is premised on a certain self-interestedness, one whose autonomy allows him to exercise his liberties with limited concern for the needs of others, as he has no dependents, duties, necessities nor obligations. This individual is made possible through the family, the domain of selflessness and the historical and traditional domain of the female. As individualism tears apart the family, female subordination and selflessness is thus required for the maintenance of family bonds (Brown 151). This female identification with the family and feminine selflessness is a “*socially necessary prop for a healthy variety of masculine selfhood*” (Brown 161). The combination of civil self-interestedness and familial selflessness allows the self-interested individual’s creation from the existence of the selfless one, as one group (women) surrenders selfhood so that another group (men) can have it (Brown 161-2).

The aforementioned four constitutive dualisms of the liberal, autonomous, self-interested, individual in contrast to the encumbered, dependent, selfless family member highlight the male dominance at the heart of liberal discourses. Fiercely autonomous, rational, and expressive of a possessive, capitalist individualism, the liberal subject is “unencumbered by anyone or anything” and independent in both senses of the term as he is free of dependents and dependency in civil society (Brown 149). As shown above, he is not oriented toward relationships but toward self and things, and “if he is ‘at home’ anywhere, it is in the sphere of civil society insofar as his nature is expressed there and he performs all of his significant activities there” (Brown 149). These constitutive dualisms within liberal human rights norms are thus specifically bound to the production of a “masculinist liberal subject” (Brown 152). Not only do these paradoxes within human rights language exist, they are gendered into a hierarchy of male

liberal subject of human rights against a female object who tends to the other sides of the dualisms. These attributes and activities of the civil, masculine person within liberalism “produce, require, and at the same time disavow their feminized counterparts” (Brown 164). This masculinization of the individual, autonomous, and free civil subject constructs and positions the human rights subject, and thus both women and men, in socially male terms, revealing liberalism as a discourse of male dominance (Brown 139; 152).

Herein rests an inherent problem with using liberal human rights in relation to women: they are premised upon a patriarchal system of a masculine subject. Historically, this masculine liberal subject has been the basis for the establishment of human rights. As Okin cites, “both the early conception of ‘the rights of man’ in the seventeenth century and the original conception of international ‘human rights’ in the mid-twentieth century were formulated with male household heads in mind” (34). Today, the current international human rights structure and the masculine norms within human rights law continue to create obstacles to the advancement of and the application of human rights to women. International law-making institutions have always been, and continue to be, dominated by men, while international human rights law has developed to reflect the experiences of men and largely to exclude those of women (Charlesworth 103). The structure of international human rights institutions created by the United Nations reflect and ensure this continued dominance of the male perspective, as women are highly unrepresented and under-represented in the global decision-making process in constituting only 10% of the world’s parliaments (Charlesworth 104). This long-term male dominance of national and international political institutions has meant that “issues traditionally of concern to men are seen as *general* human concerns,” which is clearly embodied in the construction of the male human rights subject (Charlesworth 105).

This manufacturing of women’s lives from a male-centered perspective reveals the law as an inherently gendered system whose processes and principles resonate only with male experience (Kaufman 116; Binion 510). Furthermore, the masculine subject has stood as the representative for the

human experience, constructing a major obstacle to ensuring women's rights through liberal "human" rights. The fact remains that women's experience is simply not the same as that of men. One inherent difference is the continued traditional oppression and disempowerment that women face as compared to their male counterparts. Binion illustrates this subjugation of the female in explaining:

In a world in which women perform two-thirds of the hourly labor and receive ten percent of the income and hold barely one percent of the property, disempowerment is clearly economic. In a world in which women are more than 51 percent of the population, fewer than five percent of the heads of government, and fewer than ten percent of the (lower house) parliamentarians, disempowerment is clearly political. In a world in which it is acceptable, *inter alia*, for women to be raped by their husbands; for female detainees to be raped by the police; for women to be educated at half the level and literacy of men; for women to have no access to birth control or abortion; and for women to have no unilateral freedom of movement domestically or internationally, disempowerment is clearly social. (511)

Even the very notion of modern day "rights" is constructed with the idea of a masculine subject, excluding the traditionally feminine. According to Brown, the notion of rights are to "push away or push away from – *against* others, *against* the state, *against* incursions, limitations, or encroachments upon our autonomy" (158). These rights come with their own paradox in their contrast with feminine needs, relations and duties. The dichotomous and adversarial character of the rights of the individual against others and government has been theorized as alien to women's experience (Binion 525). The contraposition of the individual to a society against which one has rights remains a characteristic male model, as women more often see themselves within a web of community to which they have responsibilities (Binion 525). The rights-based method of organizing relationships in civil society exists in

opposition to the needs-based familial order, as rights pertain to civil society while needs govern the family (Brown 159). The family, as stated above, remaining the traditional domain of the female.

Due to the fact that these “existing theories, compilations, and prioritizations of human rights have been constructed after a male model,” legal human rights remain unable to alter the underlying structure of domination and oppression of women within society (Okin 34; Kaufman 115). This male bias of the construction of human rights norms and priorities around Brown’s masculine liberal subject must change in order for women’s rights to be fully recognized as human rights.

### **Equality vs. Difference: The Masking of Patriarchy within Gender Neutral Language of Human Rights**

A further problematization with the masculine subject of modern human rights remains his obfuscation through the use of gender neutral language. Brown asks, “How does a liberal discourse of generic personhood reinscribe rather than emancipate us from male dominance?” (141) One would believe that defining human rights in gender-neutral or gender-blind terms would work to combat gender inequality, as it declares human rights as equally applicable to all regardless of gender or sex. The problem arises, however, when the rights themselves are constructed upon a pre-existing gender inequality, defining the human subject in terms of the masculine one. Lever articulates that, in this scenario, “The more gender-neutrally or abstractly a right is framed, the likelier it is to enhance the privilege of men and eclipse the needs of women as subordinates. Such rights create a formal equality between men and women that coexists with the substantial inequalities of power and privilege between them” (243). In addition to already privileging men due to their formulation upon the masculine subject and male experience, these human rights laws moreover contribute to women’s oppression. They do so because they mask the hierarchal gender relationship upon which they are built by masquerading as gender-neutral.

The inherent problems of gender-neutral language serve to illustrate another paradox of liberal human rights discourse: the contrast of equality with difference. Liberal equality is conceptualized as a condition of sameness, “a condition in which humans share the same nature, the same rights, and the same terms of regard by state institutions” (Brown 153). Equality inherently ignores difference, as everyone is treated “equally” or the same because of the innate sameness of all human beings. It remains important to realize that the opposite of liberal equality, then, is not inequality, but rather this concept of difference. “While inequality is the problem to which equality as sameness is the solution,” Brown argues, “difference is the problem to which equality as sameness does not apply” (153). Humans are granted equality in liberal human rights discourse through the understanding of their sameness, but in so doing, the differences between the sexes remains unconsidered. Furthermore, equality as sameness persists as a gendered formulation of equality, because the standard to which everyone’s sameness is measured is that of the male liberal subject. Women, being female, do not fit into this male understanding of the sameness of all human beings, and female sexual difference thus becomes the “conceptual opposite of the liberal human being” (Brown 153).

The focus of equality as a basic underlying principle to human rights becomes apparent in reviewing almost any examples of liberal human rights discourses. Even international laws that seek to specifically address the female experience and to rectify the limitations of masculine-conceived human rights norms reinscribe this hierarchy of “equality as the masculine” in opposition to female difference. CEDAW, the Convention on the Elimination of all forms of Discrimination Against Women, adopted by the United Nations in 1979, repeatedly references the securing of women’s rights “on a basis of equality with men” (Kaufman 114). Furthering the problem of the masculine as the human standard, this concept also specifically precludes the application of human rights provisions to women in situations within which their female difference is apparent.

Many feminist theorists have thus concluded that “corrective language,” in place of a gender-neutral lexicon that is rooted in the principle of equality as sameness, would better suit the applicability of human rights to women. Kaufman proposes the advantages of this corrective language through the following three qualities: “(1) it addresses situations that do not victimize men as they do women; (2) it allows for a woman-centered solution without reference to male action; and (3) it can prescribe active public policy to achieve fairness rather than passive elimination of discriminatory laws and norms” (114-5). The essence of corrective language is that it seeks to redefine or re-conceptualize current human rights standards, based upon the understanding that these norms are rooted in a masculine subject whose experiences and social limitations and abilities vastly differ from those of most women.

This process would root human rights within a system of justice as opposed to equality as sameness. This justice, or whatever one would term it, would take into account the concept of female difference and the certain biological and physical sexual distinctions, such as women’s unique role in reproduction and childbirth. It would also concern itself with the ascribed differences, or the ways in which patriarchal societies have constructed the male and female within a system of power imbalance. A consideration of sexual difference would allow for the readjustment of gender inequality, not through a focus on providing equality as sameness, but by acknowledging that the principle of difference must be incorporated to grant true equality.

Proponents of corrective language often cite certain specific failures of international human rights norms to apply to women through this implementation of a strict equality ideology and the continuation of the male as model. The first remains the absence of safeguards to ensure that human rights provisions will not be used against women (Kaufman 122). What this means is that, in adhering to a strict equality as same treatment and opportunities, these provisions can end up harming women by perpetuating the already existing power imbalance, instead of correcting it. For example, the premise of strictly and consistently equal legal treatment can result in the elimination of needed opportunities specifically for

women (Kaufman 122). These opportunities, including women's single-sex organizations, are often necessary as a corrective measure to the underrepresentation of women and women's voices in the public sphere, but confute equality as they are based upon sexual difference. As Kaufman explains, "These organizations may constitute a need that is greater for women than for men, i.e., *not* on an equal basis with men" (121).

Secondly, international human rights mandates often fail to construct remedies or clearly indicate steps that must be taken in order to rectify issues that almost exclusively affect women (Kaufman 122). Based upon a male standard, humans rights provisions concern themselves with almost all of the threats or violations that men have historically faced. More specifically, however, they tend to avoid focusing on problems that often women alone face. Forms of oppression that do not fit the "Bill of Rights model of liberty" – traditionally the human rights violations predominately faced by women – are rarely recognized in international human rights understandings (Binion 509). Furthermore, as Kaufman explains, "Many of these practices are considered so 'normal,' 'natural,' and 'inevitable' that only clear rejection of the specific practice will help real women and their daughters" (122-3 Kaufman). Some examples would include issues related to marriage – such as domestic violence and spousal rape – reproduction, labor, property ownership, sexual repression and sexual assault.

Thirdly, international human rights structures often do not advance the ability of women to speak for themselves and define their own power in their own voices (Kaufman 120). For example, Kaufman insists that, "Provisions that merely provide women with an equal opportunity under the law to enunciate their unique concerns within male-dominated institutions cannot automatically alter patterns of historical disempowerment" (120). This relates back to the earlier conclusion that simply treating people equally, without regard to sexual or other types of difference, does not always stand as a curative to inequality. If a hierarchical power dynamic, such as patriarchy, is at play that sets one gender for example, above another, this inequality can never be rectified through treating these individuals equally and the same.

Lastly, all of the above problems illustrate the greatest obstacle that feminist scholars have found to utilizing liberal human rights as a means of assuring women's rights: the preoccupation with the masculine subject and male experience. Time after time, the provisions within human rights treaties and the very language in which these are written imply that "man is the measure and the standard for establishing appropriate, fair and reasonable behavior or treatment" (Kaufman 121). This masculine subject of human rights excludes the consideration of uniquely female experiences. As Kaufman bluntly states, "there is no place for maternity benefits in a male-centered society" (121). Provisions thus relating to the female experience of pregnancy and childbirth are relegated to the realm of "special rights" or "benefits," as men are biologically precluded from receiving these benefits. In this example, existing human rights norms would dictate that "pregnant women could be viewed as 'pregnant persons' while men, along with nonpregnant women, were simply 'nonpregnant persons'" (Kaufman 116). Maternity benefits would thus constitute a special right prohibited by a strict equality standard, which illustrates a failure of human rights to address a uniquely female experience (Kaufman 121).

While many forms of gender-based violence are indeed general human rights violations, most women's experiences of human rights violations remain gendered because many forms of discrimination and abuse occur because the victim is female (Bunch 12). Moreover, women who suffer rights violations for reasons other than gender, including as political prisoners or the victims of ethnic-based genocide, tend to suffer a particular type of abuse based upon their femaleness, such as rape and sexual assault. These generally recognized human rights violations, when applied to women, thus possess specific gender-based forms that have been ignored as human rights abuses as "male-oriented biases have tended to recognize only the gender component of certain cases and hence failed to identify them with clear human rights violations whose victims are male" (Bunch 12; 15).

Domestic violence against women, for instance, is in reality a type of torture that includes physical, emotional, and psychological abuse through unpredictable instances of terrorization. This can

even go so far as to the imprisonment of women within the home, either physically or psychologically through the cultivation of fear. When women's life experiences are taken equally into account – an act in contrast to the development of human rights norms from the sole experiences of the liberal male subject – the theories and enforcement of human rights is transformed. Examples of human rights issues that come to the forefront instead of being virtually ignored, include, “rape (including marital rape and rape during war), domestic violence, reproductive freedom, the valuation of childcare and other domestic labor as work, and unequal opportunity for women and girls in education, employment, housing, credit, and health care” (Okin 35).

### **The Restricted World of Human Rights: Public-Private Distinction**

Returning to Brown's constitutive dualisms, let us concern ourselves with the last and most hotly debated human rights paradox: the public versus private realms. Acting as another signifier to the existence of the masculinist liberal subject (as human rights are conceived and enforced almost exclusively in the public arena), the public-private distinction also stands as a real obstacle to the extension of any human rights, even ones based upon a male standard, to most women around the world.

To begin, the male human rights subject is further gendered through his primary occupation of the public sphere. Particular activities define the public and private realms. For example, participation in the wage economy and involvement within government structures that have come to characterize civil society have continually remained the domain of the public. In contrast, intra-community relations, the family, and domestic activities within the home such as marriage and child rearing have been viewed as the core of private life (Sullivan 128). Furthermore, feminists have long stressed the gendered nature of this division. Sullivan describes this phenomenon, stating that, “Economic, social, and political power adheres in the public realm, to which women have limited access and over which they have limited control” (128). The central terms of liberal discourse thus assume this gendered division of the male

circulating within civil society (the public), in opposition to the female's stationing within the family (the private) (Brown 149).

As it was Western male property owners who first advanced the idea of human rights, the creation and enforcement of these rights was thus rooted in the public sphere. After all, this was the realm where they most feared infringement upon their civil and political rights, in contradiction to the private sphere where they lived as territorial masters fearing no violations (Bunch 13). Endemic in human rights discourse today remains this public and private distinction, a division further delineating the fact that modern day liberal human rights norms continue to be constructed around the masculine experience of their forefathers. Relegating the realm of liberal human rights to the public has moreover birthed a focus within international law on violations committed directly by the state against individual, rights-bearing subjects, another instance of the gendering of human rights (Sullivan 126).

As rights are constructed within the public realm by governments and international legal bodies, such as the United Nations, and assigned to the beings who operate within that realm, the primal way that crimes against human rights are identified and tried are through state actions within the public sphere. As such, many abuses against woman have not been considered human rights violations because of their perpetration by individual actors within the domain of what is considered private (Sullivan 126). The public-private distinction reinforced by liberal human rights discourse not only prioritizes the masculine experience as the human, but additionally excludes the extension of human rights language to the specific abuses that women face. As Charlesworth so eloquently summarizes:

An important aspect of international human rights law is that... it operates primarily in the public sphere... within the world of government, politics, economics, and the workplace, areas traditionally associated with men. Its contrast is the private sphere of home, hearth, and family, the traditional province of women, which is generally regarded as outside the scope of both national laws and international human rights laws. And yet

the most pervasive harm against women tends to occur within the inner sanctum of the private realm. (106)

The consequences for women of this public-private dichotomy are profound. Their relegation to the private in much of the world has excluded the female voice from the public realm and women's experiences from the creation of laws and norms, such as human rights, that govern the nature and quality of human life. Moreover, this "Lockean separate spheres approach" has rendered women under the control of patriarchal familial authorities such as fathers, brothers, and husbands, "with the understanding that familial matters are 'private' and, therefore, beyond the scope of governmental authority and intervention" (Binion 515). The neglect of the private sphere within human rights discourse has contributed to the invisibility of gender-based human rights violations, "for it is in this sphere that great numbers of the world's women live most (in some cases, virtually all) of their lives, and in which vast numbers of violations of women's human rights take place" (Okin 36). Physical and sexual abuse of women within the home and other private spheres as a result of "intrahousehold dynamics of gender and power" has consequently faced little formal confrontation within this two-spheres understanding of the social order (Okin 41; Binion 515).

Due to their association with the private realm and the focus on the male liberal subject, rights of special importance to women have long been left off of the international, liberal agenda. Many violations of women's basic human rights occur within families and thus "have been largely invisible and/or are dismissed as private family, cultural or religious rather than political matters" (Okin 39). These abuses are often justified by reference to culture, religion and tradition, as well as by the sanctity and right to privacy of the family. For example, patriarchal religious institutions specifically have much to gain from the haven of the private sphere, as the preservation of their autonomy exists through their relegation to and thus protection through the private. As exceptionally powerful bodies that often replicate the hierarchical

familial structure, these institutions are repeatedly able to escape human rights regulations due to the insulation of the private (Binion 515).

Additionally, the encroachment upon women's rights by patriarchal orders, such as the aforementioned religious institutions and the traditional family, has gotten swept up in the debate over neocolonialism and cultural relativism. Encapsulated in this struggle is the question of whether human rights values are universal, or whether cultural relativism should legitimately factor into international human rights policies (Binion 521). Should practices that seemingly contribute to female subjugation through the removal of women's agency (such as forced veiling), or ones that stand as outright violations of women's human rights – for example, forced female genital mutilation – both become justified through the argument of their preservation of traditional cultural heritage? In response to this cultural relativist argument, feminist scholars have questioned why “culture appears to be a defense only in regard to gender roles and to the governmental and nongovernmental denials of fundamental rights to women” (Binion 521). To dismiss women's rights violations as “cultural” is thus to argue that only men create and sustain culture (Binion 522).

In considering the validity of a cultural relativism argument, Rao encourages human rights legal institutions to critically assess three major components, “First, what is the status of the speaker? Second, in whose name is the argument from culture advanced? Third, what is the degree of participation in culture formation of the social groups primarily affected by the cultural practices in question?” (168). In evaluating responses to these three questions, one should be able to discern as to whether the concept of cultural relativism is being utilized as a defense to cultural imperialism – or rather as an excuse for the existence of patriarchal structures and the enactment of female suppression and women's rights violations. While cultural sensitivity in the international area is extremely important, it remains equally important to promote awareness of intracommunity gender oppression and, furthermore, its protection from modern day human rights mandates through liberalism's distinction of the public and private

spheres (Rao 172). This case study of the prominence and frequent permissibility of the cultural relativist argument in regards to gender suppression illustrates the persistent division of the public and private within liberal human rights discourse. For it is through this division, as well as the basis of human rights norms on the liberal masculine subject and the consequent restriction of human rights to the public realm, that this argument becomes remotely feasible.

### **Concluding Questions of Universality: Can Liberal Human Rights Bring Their Promise to All?**

Brown summarizes the “hollowness of liberalism’s universalist promise” through her declaration that “liberalism cannot fulfill its universalist vision, but persistently reproduces the exclusions of humanist Man” (164). Efforts to render human rights as truly universal will continually fail, as the exclusion of the feminine is discursively written into universality through the masculine liberal subject (Barker 609). This assertion of the autonomous, sovereign, rights-endowed person as the subject of liberal human rights remains an inherently masculine persona. Therefore, any attempt to utilize the human rights norms constructed from his experience precludes universality. These “human rights” necessarily bear the markers of a liberal, patriarchal norm, one that cannot be attained by all humans universally at the same time.

Constructed on the model of the male in society, the structure of liberal human rights are built upon inherent gendered paradoxes that serve to replicate the patriarchal structures already present in the social gendering of male and female; the female becomes dependent, obligated, and selflessly responsible for the dependents in the home, in order for the male to exercise his public rights, autonomous liberty, and unrestrained selfhood. Historically, the conceptualization of the liberal subject and his possession of human rights has only succeeded through this inherent gender subjugation of female to male. And although the “emancipation of particular women can be ‘purchased’ through the subordination of substitutes,” this application of liberal human rights to particular women does not

disrupt the “interconstitutive and hierarchical relationship” of human rights paradoxes (Brown 164; 16). Universality for human rights as they currently exist remains impossible because, similar to patriarchal systems in other aspects of society, liberal human rights cannot function without this inherent subjugation.

Human rights for individuals cannot exist in society without their dualisms. How does one guarantee liberty, autonomy, rights and self-interest to a subject without having other members take up the necessity, dependence, duties, and selflessness? Any claim of one individual to their human rights reciprocally excludes another from attaining theirs, due to the fact that “one person’s rights is exercised at the expense of another’s” (Barker 609). Furthermore, a society solely created from these “human rights” beings will not survive. “A world of unrelieved rights-bearing individuals, a world ordered wholly by rights” – this is the world envisioned by liberal human rights discourse, one that Brown insists “is an unlivable world, a world without basis for connection or bonding, and a world without security for the needy and dependent” (160). A society cannot function under a patriarchal human rights system with the universal application of these rights. If everyone in the society was to become one of these exclusively rights-endowed beings, the society would collapse. Therefore, continuing to reinscribe patriarchy within modern day human rights norms will consistently eclipse the possibility of their universality; a “human right” that simultaneously relies on the restriction and subordination of other beings to be attained by one individual can never be universally applied.

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