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# “THIS WOMAN’S WORK”<sup>\*</sup> IN A “MAN’S WORLD”<sup>\*\*</sup>: A FEMINIST ANALYSIS OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

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<sup>\*</sup> Maxwell, *This Woman’s Work, on Now* (Sony 2001). These lyrics can be interpreted as patriarchal and I do not intend to silence that criticism. What I ask the reader to do is to value the inherent celebration of womynhood and the beauty with which womyn are associated in this song.

<sup>\*\*</sup> Beanie Siegel, *Man’s World, on The Reason* (Roc-a-fella 2001). This interpolation of the James Brown classic expresses the strong patriarchal tendencies of society while giving a slight nod to the value of womyn. The misogyny of some rap lyrics should not go unnoticed. The proverbial phrase, “Don’t throw the baby out with the bath water,” often rings true when analyzing rap lyrics. This lyrical selection is important because it expresses the underlying value of womyn in a largely patriarchal society.

<sup>\*\*\*</sup> B.A., University of Richmond; J.D., West Virginia University College of Law. This research had its genesis in my work with the West Virginia University Debate Team during the 2003-2004 school year. I thank those debaters, coaches, and others associated with the college debate community for pushing me harder to write interesting arguments, constantly test the boundaries of scholarly and academic discussion, and to continually critically engage the *2002 Farm Bill* from many angles. Without the intense analytical skills of my debaters, this article would not have been possible, and I am forever indebted to them. Untold amounts of thanks to Associate Dean for Academic Affairs Joyce McConnell, Associate Professor Caprice Roberts, and Associate Professor andrè douglas pond cummings, all of the West Virginia University College of Law, for taking time out of their extremely busy schedules and away from their own writing in order to provide insightful reflections on my work. Thank you to the Whittier Law Review staff for their tireless work on making this piece more suitable for publication. Thanks always to my father, Richard A. Sciuillo, for always engaging me in crisp political discussions and providing me with love and support. His guidance and dedication to my happiness and success have helped me to

## I. INTRODUCTION

Laws often have unintended consequences—consequences that even the most earnest policymakers fail to mull over. Such is the case with the *Farm Security and Rural Investment Act of 2002* (hereinafter the *2002 Farm Bill*),<sup>1</sup> which, as discussed herein, has negative impacts on many of the world's farmers. Many criticisms may be leveled at this law with their genesis across the broad spectrum of domestic political theory as well as international relations theory.<sup>2</sup> Some may choose to focus on the disastrous depression of groundnut prices, a major cash crop of Western Africa, which forces Western Africans<sup>3</sup> further into poverty. This argument would build upon post-colonial criticism, an increasingly more popular focus of critical theory.<sup>4</sup>

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realize my goals now and provide the impetus for my continued development.

1. *Farm Security and Rural Investment Act of 2002*, Pub. L. No. 107-171, 116 Stat. 134 (2002).

2. See Stacey Willemsen Person, Student Author, *International Trade: Pushing United States Agriculture Toward a Greener Future?*, 17 *Geo. Intl. Envtl. L. Rev.* 307 (2005) (critiquing the *2002 Farm Bill* from an environmentalist perspective).

3. The *2002 Farm Bill* subsidizes groundnuts. Andy McSmith, *US Threatens to Sink French Plan to Stop the West Undercutting African Farmers*, *The Independent* [¶ 1] (June 2, 2003) (available at <http://www.highbeam.com/doc/1G1-102650447.html> (last accessed Nov. 21, 2006)). Western Africans farm groundnuts and are dependant upon the profits of these groundnuts for their livelihood. See generally Evan Silverstein, *Farm Subsidies Worsen Hunger, Deepen Poverty, Study Finds*, *Presbyterian News Serv.* [¶ 3] (April 15, 2003) (available at <http://www.bread.org/press-room/news/page.jsp?itemID=28124632> (last accessed Nov. 21, 2006)). The lack of income from their main crop then forces these farmers into poverty. *Id.* See Phillip Brasher, *Subsidies Shift to Larger Farms*, *Des Moines Register* [¶ 13] (Mar. 28, 2006) (available at <http://www.ewg.org/news/story.php?id=5206> (last accessed Nov. 21, 2006) (“Also, the critics say, the subsidies stimulate overproduction of crops that drives down world commodity prices, making it harder for farmers in places like Africa to make a living.”)). See Kevin C. Kennedy, *The Incoherence of Agricultural, Trade, and Development Policy for Sub-Saharan Africa: Sowing The Seeds of False Hope for Sub-Saharan Africa's Cotton Farmers?*, 14 *WTR Kan. J.L. & Pub. Policy* 307 (2005) (discussing the effects of cotton subsidies on sub-Saharan Africans); see Harry C. Alford, *Time for Africa to Get Its Share of U.S. Trade*, *The Louisiana Weekly* (Sept. 25, 2006) (available at [www.louisianaweekly.com/weekly/news/articlegate.pl?20060925e](http://www.louisianaweekly.com/weekly/news/articlegate.pl?20060925e) (last accessed Nov. 21, 2006)); see generally Vance E. Hendrix, Student Author, *The Farm Bill of 2002, the WTO, and Poor African Farmers: Can They Co-Exist?*, 12 *Tulsa J. Comp. & Intl. L.* 227 (2004).

4. See generally Edward W. Said, *Orientalism* (Pantheon Books, 1978); Antonio Gramsci, *Prison Notebooks, Volume 2* (Columbia U. Press 1996); Michael Hardt &

Others may focus on the impact that the *2002 Farm Bill* has on domestic farmers,<sup>5</sup> engaging in a ruralism dialogue.<sup>6</sup> Furthermore some may stake a claim against the sugar subsidies<sup>7</sup> of the *2002 Farm Bill* because they negatively affect the Everglades,<sup>8</sup> developing an environmentalist argument. Furthermore, a more traditional approach might be to critique the *2002 Farm Bill's* effects on the Brazilian economy.<sup>9</sup> These criticisms, which are in my opinion valid, are well

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Antonio Negri, *Empire* (Harvard U. Press 2000). Post-colonialism is an appropriate consideration because of the colonialism replete in African history. Africa has been colonized by the French, British, Germans, Dutch, Italians, and Portuguese. This colonialism, which spanned much of the last 400 or so years, placed indigenous Africans under political and ideological control as the power of the colonizers was reified again and again. The “post” in the post-colonialism debate is meant to express an outgrowth of the political and ideological domination that began many years ago. By economically depriving these African farmers, the United States is able to exert much the same control as was expressed in Africa’s colonial past. The control is largely economic and not nearly as much political, but politics and economics are barely separable. *See id.*

5. Peanut farmers in Virginia have suffered greatly as a result of the *2002 Farm Bill*. Greg Edwards, *Peanuts Shrinking in Va.*, Richmond Times-Dispatch [¶ 7] (Mar. 25, 2006) (available at [http://www.timesdispatch.com/servlet/Satellite?pagename=RTD/MGArticle/RTD\\_BasicArticle&c=MGArticle&cid=1137834932731](http://www.timesdispatch.com/servlet/Satellite?pagename=RTD/MGArticle/RTD_BasicArticle&c=MGArticle&cid=1137834932731) (last accessed Nov. 21, 2006)); Brooks Dailey, *Guest Opinion: Rural Needs Ignored in Washington*, Billings Gazette [¶ 4] (March 25, 2006) (available at <http://www.billingsgazette.net/articles/2006/03/25/opinion/guest/52-guest-opinion2.txt> (last accessed Nov. 21, 2006)).

6. For one of the more complete discussions of ruralism *see generally*, Debra Lyn Bassett, *Ruralism*, 88 Iowa L. Rev. 273 (2003). Small farmers often find it difficult to have their voices heard in Washington and a ruralism dialogue would focus on the needs, opinions, ideas, and progress of rural residents.

7. These claims usually revolve around the destruction of the Everglades which is furthered by sugar farmers receiving subsidies from the *2002 Farm Bill*. *See* Shireen I. Parsons, *Sour Deal: Federal Sugar Subsidy*, Charleston Gazette [¶ 1] (Oct. 24, 1999) (available at <http://forests.org/archive/america/deelsour.htm> (last accessed Nov. 21, 2006)); James Bovard, *Sink the Sugar Boondoggle*, Commentaries [¶ 8] (Sept. 2001) (available at <http://www.fff.org/comment/ed0901i.asp> (last accessed Nov. 21, 2006)).

8. Sugar subsidies hurt the Everglades, inflate prices, and further special interest politics. Allan Pell Crawford, *Alert: Why Do US Agriculture Programs Spend Millions to Harm Small Farms and Consumers?*, Vegetarian Times [¶ 3] (Nov. 1, 2005) (available at [http://www.findarticles.com/p/articles/mi\\_m0820/is\\_336/ai\\_n15732143](http://www.findarticles.com/p/articles/mi_m0820/is_336/ai_n15732143) (last accessed Nov. 21, 2006) (“ ‘We subsidize Florida sugar producers and then spend billions cleaning up the damage they do to the Everglades.’ ”)).

9. *See* Jasper Womach, *Previewing a 2007 Farm Bill*, CRS Report for Congress RL 33037, 9 (Jan. 30, 2006).

and good, but not enough has been said about the *2002 Farm Bill*'s effect on womyn<sup>10</sup> internationally. This paper will discuss the background of the *2002 Farm Bill* and its origins in the *Federal Agricultural Improvement and Reform Act of 1996* (hereinafter the *1996 Farm Bill*).<sup>11</sup> Secondly, a basic discussion of feminist international relations and more generally, feminist legal theory will be invoked to provide a theoretical beacon for the rest of the journey. Thirdly, specific arguments about ecofeminism and postcolonial feminism are teased out in order to critically investigate the direct and indirect consequences of United States farm policy. Fourthly, the *2002 Farm Bill*'s disparate impact on international womyn will be discussed and theories about the need for critical investigation of international law from a feminist perspective will be developed. Next, the impending expiration of the *2002 Farm Bill* and the possibilities and problems associated with the pending *2007 Farm Bill* will be analyzed to provide a starting point for those interested in affecting agricultural policy and international trade, with emphasis paid to feminist theory. Lastly, the paper will conclude with recommendations for future inquiry and ways in which agricultural policy can be advanced while preserving the value of womyn's work.

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10. I spell "womyn" with a "y" for feminist reasons. Rhetorical construction is the predominate way oppressive practices are allowed to continue. It is the construction of the "other" or the construction of the oppressor as a constituent part and enabler of otherness that most seriously marks the likelihood of the oppressor's success. Such is the case with the patriarchy. The language people use determines the actions those people take and the thoughts those people have. The root "-man" or "-men" constructs womyn from a male perspective. While this may seem like a small intrusion upon a womyn's subjectivity, it is the solid foundation upon which the patriarchy sits. I also use the same construction with "humyn" for the same reasons. Piece by piece, the patriarchy must be deconstructed, but without a concerted effort to break the stranglehold on language, those efforts are likely to fall flat.

I attempt to maintain the original spelling of books and article titles. I hope this makes search engine searches easier and opens up this article to a wider audience. It is a delicate balance between constant criticism and practical research considerations. I want those persons interested in the works cited to find them with ease. In order to promote that view, I must maintain the original spelling of the larger works in the hopes that the careful reader will recognize the spelling changes I have made when referring to the quoted material from specific works. These spelling changes will whittle away at the larger work in a project of deconstruction. It is an imperfect pursuit, but one that should be debated nonetheless.

11. *Federal Agricultural Improvement and Reform Act of 1996*, Pub. L. No. 104-127, 110 Stat. 888 (1996).

## II. STATUTORY HISTORY AND AGRICULTURAL BEGINNINGS

The United States government has long provided assistance to farmers.<sup>12</sup> Agricultural markets are often in flux as numerous externalities influence these markets,<sup>13</sup> making governmental assistance practically a necessity to assure the viability of agricultural goods in an imperfect system. These externalities include natural disasters: storms, pests, and earthquakes.<sup>14</sup> Agriculture survives largely on the whim of the earth. They also include market externalities like trade policy, inflation, and stock market activity. Farming is central to the development of the United States.<sup>15</sup> With the laudable goal of promoting economic well-being for farmers and the purchasers of agricultural goods, the United States government has been an active participant in agricultural policy. Sugar subsidies have been a significant part of overall subsidies beginning around 1816, and mark the first coherent crop-specific subsidy program.<sup>16</sup> Subsidies in general increased until the 1980s.<sup>17</sup> This nation was founded and sustained on agriculture.

In broad strokes, there were a series of bills that were introduced for years before the *1996* and *2002 Farm Bills*.<sup>18</sup> The Department of Agriculture was created in 1862 by President Abraham Lincoln and marked the beginning of a streamlining of governmental agricultural

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12. William Petit, Student Author, *The Free Trade Area of the Americas: Is it Setting the Stage for Significant Change in U.S. Agricultural Subsidy Use?*, 37 *Tex. Tech L. Rev.* 127, 128 (2004); Brian J. Finegan, *The Federal Subsidy Beast: The Rise of a Supreme Power in a Once Great Democracy* 117 (Alary Press 2000).

13. President George W. Bush, Statement Upon Signing H.R. 2646, 2002 U.S.C.C.A.N. 410 [¶ 8] (May, 13, 2002).

14. See generally *Natural Disasters and Extreme Events in Agriculture: Impacts and Mitigation* (Manava V.K. Sivakumar, Raymond P. Motha, & Haripada P. Das eds., Springer 2005).

15. See generally David B. Danbom, *Born in the Country: A History of Rural America* (John Hopkins U. Press 1995); Kathryn Marie Dudley, *Debt and Dispossession: Farm Loss in America's Heartland* (U. of Chi. Press 2000).

16. Finegan, *supra* n. 12, at 16-17.

17. Jane M. Porter & Douglas E. Bowers, *A Short History of U.S. Agricultural Trade Negotiations* 17 (1989) (available at <http://www.ers.usda.gov/Publications/ages8923/> (last accessed Nov. 21, 2006)).

18. See Zachary Cain & Stephen Lovejoy, *History and Outlook for Farm Bill Conservation Programs*, Choices [¶ 1] (Apr. 9, 2004) (available at <http://www.choicesmagazine.org/2004-4/policy/2004-4-09.htm> (last accessed Nov. 21, 2006) (discussing the history of Congressional involvement in farm policy)).

activity.<sup>19</sup> The Federal Farm Board was created in 1928 by President Herbert Hoover to assist farmers.<sup>20</sup> The Great Depression of the 1920s-1930s marked the beginning of heavy agriculture subsidization.<sup>21</sup> In 1933, Congress passed the *Agricultural Adjustment Act* to help farmers improve their income.<sup>22</sup> Loan assistance to farmers began in the 1940s.<sup>23</sup> The Commodity Credit Corporation (CCC) was created in 1948 and has since served as the major tool for implementation of agricultural market price controls.<sup>24</sup> The focus here will not be on loans or tariffs, but on agricultural subsidies. Subsidies are essentially monetary support provided to persons in order to make their products more economically viable on the market.<sup>25</sup> These subsidies, logically then, make goods from non-subsidy-receiving persons less viable at market.<sup>26</sup>

The *1996 Farm Bill* was signed into effect by President William Jefferson Clinton.<sup>27</sup> This bill was designed to phase out farm subsidies over a seven-year period.<sup>28</sup> This shift in agricultural policy was so significant that Senate Agriculture Committee Chair Richard Lugar stated that this law would “change[] agricultural policy [in the United States] more fundamentally than any law in [sixty] years.”<sup>29</sup> The

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19. Wayne D. Rasmussen, United States Department of Agriculture, *Abraham Lincoln and Agriculture* [¶ 1] (available at <http://www.nal.usda.gov/speccoll/exhibits/lincoln/> (last accessed Nov. 21, 2006)).

20. Nathan R. R. Watson, *Federal Farm Subsidies: A History of Governmental Control, Recent Attempts at a Free Market Approach, the Current Backlash, and Suggestions for Future Action*, 9 Drake J. Agric. L. 279, 280 (2004).

21. Beau Hurtig, *The 2002 Farm Bill: One Small Step for Family Farmers, One Giant Leap Towards Corporate Production in Iowa*, 29 J. Corp. L. 199, 201 (2003) (hereinafter *One Small Step*).

22. Gilbert C. Fite, *Farmer Opinion and the Agricultural Adjustment Act, 1933*, 48 Miss. Valley Historical Rev. 656, 656 (1962).

23. *Holly Sugar Corp. v. Veneman*, 335 F. Supp. 2d 100, 102 (D.D.C. 2004).

24. *One Small Step*, supra n. 21, at 202.

25. Petit, supra n. 12, at 128.

26. *Id.* at 128-129.

27. See *Farm Programs Overhauled*, California Agriculture (Mar./Apr. 1996) (available at <http://californiaagriculture.ucop.edu/9602MA/briefs.html> (last accessed Nov. 21, 2006)).

28. David E. Adelman & John H. Barton, *Environmental Regulation for Agriculture: Towards a Framework to Promote Sustainable Intensive Agriculture*, 21 Stan. Envtl. L.J. 3, 12 (2002).

29. Eric Schmitt, *House-Senate Committee Agrees on Overhaul of Farm Programs*, N.Y. Times A1 (Mar. 22, 1996).

laudable goal of reducing subsidies, ostensibly designed to improve farming practices and grow the economy, was derailed when a host of supplemental spending bills snuck into the legislative volumes, which far reduced the impact of the *1996 Farm's Bill* subsidy reductions.<sup>30</sup>

The *2002 Farm Bill* was signed into law by George W. Bush on May 13, 2002.<sup>31</sup> The *Farm Bill* called for an additional seventy-three billion dollars in spending, which amounts to a price tag of 170 billion dollars over ten years.<sup>32</sup> The initial cost to consumers was nineteen billion dollars.<sup>33</sup> This bill introduced two types of subsidies: direct payments and counter-cyclical payments.<sup>34</sup> Of the new spending, fifty-one billion dollars of the new *2002 Farm Bill* goes toward subsidies.<sup>35</sup> These are not inconsequential budgetary outlays. The policies behind the *2002 Farm Bill* are varied and include insuring an abundant food supply and strengthening the agricultural safety net.<sup>36</sup> The United States District Court for the Northern District of Iowa in *In Re Wilson* noted the romantic appeal of the farm and agrarian life,<sup>37</sup> perhaps suggesting an underlying motive in passing the *2002 Farm Bill*.<sup>38</sup> One should never discount the impact nostalgia has on policy decisions. Political pressure, perhaps predictably, also played a large role in passing the bill.<sup>39</sup> What amounted to a tremendous demonstration of support for United States farmers resulted in a thoroughly inclusive (inclusive in the sense that many commodities are covered) *Farm Bill*.<sup>40</sup>

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30. Chris Edwards & Tad Dehaven, *The Stubborn Seeds of U.S. Farm Subsidies*, Washington Times A15 (Aug. 23, 2001).

31. Anuradha Mittal, Institute for Food and Development Policy (IFDP), *Giving Away the Farm: The 2002 Farm Bill*, 8 Backgrounder 1, 1 (2002).

32. See *One Small Step*, *supra* n. 21, at 206.

33. Guadalupe T. Luna, *The New Deal and Food Insecurity in the "Midst of Plenty"*, 9 Drake J. Agric. L. 213, 242 (2004).

34. Elizabeth Bullington, Student Author, *WTO Agreements Mandate That Congress Repeal the Farm Bill of 2002 and Enact an Agriculture Law Embodying Free Market Principles*, 20 Am. U. Intl. L. Rev. 1211, 1219-22 (2005).

35. See *One Small Step*, *supra* n. 21, at 206.

36. *In re Wilson*, 305 B.R. 4, 16 (N.D. Iowa 2004).

37. *Id.* at 17-19; see *infra* pt. IV.

38. The romantic appeal of agriculture as an impetus for agricultural subsidies is discussed later in this chapter, see *infra* pt. IV.

39. See *infra* pt. VI.

40. J. Corey Miller, *Growing Pressures on Farm Policy*, Regulation 46, 47 (Winter 2004-05).



Farm policy matters internationally. Trade is a large part of United States economic policy and agriculture is a large part of trade. Without trade, store shelves would be bare and many United States crops would fail to find adequate space on the market.<sup>41</sup> The United States needs trade and without agricultural trade the country would lose much of its supply of bananas, cocoa, cotton, and many other crops. This paper does not seek to dismantle United States trade or suggest that this country's goods, specifically agricultural goods, should not find their way to international markets. Farming is important and always has been important to this country. This being said, policymakers must be made more aware of the impacts subsidized products have, once those subsidized goods leave our shores and affect international persons.

### III. FEMINIST LEGAL THEORY: A PRIMER

Because feminism is often left out of curriculums and often maligned by a host of classically taught law professors, lawyers, and judges, it is instructive to paint in broad brush strokes the humble beginnings of feminism before engaging in a more thorough discussion of some specific types of feminism. While much groundwork was laid during the careers of suffragettes and womyn's rights advocates like Elizabeth Cady Stanton,<sup>42</sup> Sojourner Truth,<sup>43</sup> Susan B. Anthony,<sup>44</sup> and others, to begin at such a distant date would not allow for a focus on the blossoming of a new wave of feminist pursuits, which is grounded much more in critical theory than political philosophy or humyn rights

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41. H. Evan Drummond & John W. Goodwin, *Agricultural Economics* 152-153 (Prentice Hall 2001).

42. See generally Vivian Gornick, *The Solitude of Self: Thinking About Elizabeth Cady Stanton* (Farrar, Strauss & Giroux 2005); Elisabeth Griffith, *In Her Own Right: The Life of Elizabeth Cady Stanton* (Oxford U. Press 1984); Elizabeth Cady Stanton, *The Women's Bible: A Classic Feminist Perspective* (Dover Publications, Inc. 2002); Elizabeth Cady Stanton, *Eighty Years and More: Reminiscences 1815-1897* (Northeastern U. Press 1993).

43. See generally Nell Irvin Painter, *Sojourner Truth: A Life, a Symbol* (W.W. Norton & Co. 1996); Suzanne Pullon Fitch & Roseann M. Mandziuk, *Sojourner Truth as Orator: Wit, Story, and Song* (Greenwood Press 1997).

44. See generally Geoffrey C. Ward, *Not For Ourselves Alone: The Story of Elizabeth Cady Stanton and Susan B. Anthony* (Alfred A. Knopf 1999); Lynn Sherr, *Failure Is Impossible: Susan B. Anthony in Her Own Words* (Times Books 1995); Kathleen Barry, *Susan B. Anthony: A Biography of a Singular Feminist* (N.Y.U. Press 1988).

rhetoric.<sup>45</sup> The shift from a focus on the more tangible voting rights and job placement to a focus on causes and effects of discrimination and opinions on equality, misappropriation of resources, and realizations of subjective worth was then and is now monumental.<sup>46</sup> The time at which that shift occurred is debatable, but I will argue that it is most profoundly marked with the advent of critical legal studies in the 1970s.

With the critical legal studies movement in full force, several movements were spawned from the intellectual upheaval reverberating throughout the legal community. Feminist legal theory as well as critical race theory,<sup>47</sup> law and literature,<sup>48</sup> and law and language<sup>49</sup> movements all began around this time with a markedly critical-philosophical perspective. The shift toward the abstract was in full swing and has gained moment to the present.

The beginning of a formal discipline of feminist legal theory may be traced to a conference, on the subject, at the University of Wisconsin in 1985 with relatively humble beginnings; focusing on reproductive freedom and equal pay to a more nuanced and plentiful

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45. Two scholars have argued that human rights rhetoric is still useful in promoting feminist objectives. They argue that it can continue to evolve and address the changing issues that feminists find important. See Brooke A. Ackerly and Bina D'Costa, *Transnational Feminism: Political Strategies and Theoretical Resources* (Australian Natl. U. 2005) While I believe that human rights rhetoric is problematic for several reasons, none of which are generally germane to the discussion here, I will give a nod to some of the underlying premises of human rights rhetoric and the focus, as I see it, which is to see humanity fulfilled by individuals of all backgrounds.

46. I believe there is a distinct difference between pursuing external factors which indicate equality and pursuing a sense of internal equality. The difference may be largely psychological, but is important nonetheless as it marks a shift from external to internal equality. Realizing equality can only be done by building subjectivity imbued with equality and not simply adding equality to an objective project. The subjective-objective dichotomy while far from crystal clear is a useful way to conceptualize the pursuit of equality.

47. See generally *Critical Race Theory: The Cutting Edge* (Richard Delgado ed., Temple U. Press 1995); *Critical White Studies: Looking Behind the Mirror* (Richard Delgado & Jean Stefancic eds., Temple U. Press 1997).

48. See generally *Law and Literature: Text and Theory* (Lenora Ledwon ed., Garland Publishing, Inc. 1996); Jerry J. Phillips & Judy M. Cornett, *Sound and Sense: A Text on Law and Literature* (West 2003); Guyora Binder & Robert Weisberg, *Literary Criticisms of Law* (Princeton U. Press 2000).

49. See generally John M. Conley & William M. O'Barr, *Just Words: Law, Language, and Power* (2d ed., U. of Chi. Press 2005); *Language and the Law* (John Gibbons ed., Longman 1994).

set of arguments flowing across all disciplines and all topics in the legal world.<sup>50</sup> Feminisms are varied in style and focus, but feminisms do share a desire to understand the socio-historic objectification and subjugation of womyn in order to act in an attempt to change, modify, and further reform the way in which persons practice gender and to a larger extent practice humynity.<sup>51</sup> These laudable goals and what I would term a generally high level of success have made feminist legal theory one of the most important lenses through which to view the law. How then does feminist legal theory address the concerns of womyn engaged in agriculture on an international scale and what can feminist legal theory say about the economic conditions of these womyn?

Of particular interest in a critical disposition toward agricultural policy are the specific branches of feminism labeled “ecofeminism”<sup>52</sup> and “postcolonial”<sup>53</sup> or “Third World”<sup>54</sup> feminism. The analysis promulgated here will most closely rely on these two types of feminism. This is not to say that other feminisms are not applicable or do not provide useful insight into the contours of policy decisions, but that agricultural issues seem most easily critically analyzed by ecofeminism and postcolonial feminism.

Ecofeminism recognizes the interconnectedness between womyn and the non-humyn environment. Irene Diamond has noted: “Just as ecological consciousness is not intrinsic to feminism, feminist consciousness is not intrinsic to ecological thinking. It is not just any effort to save the Earth that will enhance the well-being of wom[y]n.”<sup>55</sup> The two concepts must be tied together, developed symbiotically, and nurtured compassionately in order to develop a philosophical and

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50. Martha Albertson Fineman, *The Feminism and Legal Theory Project: Celebrating Twenty Years of Feminist Pedagogy, Praxis and Prisms*, 13 Am. U. J. Gender Soc. Policy & L. 13, 13-14 (2005).

51. *Id.* at 14-15.

52. *See infra* nn. 58-82.

53. *See infra* nn. 83-89.

54. I do not believe that this word provides much help in analyzing feminism. It brings about Cold War memories that are shrouded in patriarchal rhetorical structure. “Third World” reinforces otherness instead of undermining it. “Postcolonial” is a more accurate description because it draws attention to the product, the process, and the producers without casting a shadow of control over the groups and processes being described.

55. Irene Diamond, *Fertile Ground: Women, Earth, and the Limits of Control* 134 (Beacon Press 1994).

practical option for deconstructing the patriarchy.<sup>56</sup> It is important to understand that environmentalism is not solely about “plants and animals,” but about the way humyns interact with “nature” and what those interactions mean for the larger environment.<sup>57</sup> Often there is a desire to separate humyns from the environment, but that runs counter to most modern environmental thought and fails to meet scientific muster because it pulls out one of the largest and most influential variables in environmental science.<sup>58</sup> Understanding that humyns are a part of the environment then provides a basis for understanding the connection between womyn and the environment.

Theorist Karen J. Warren develops eight connections between the environment and womyn that can be analyzed to understand how agricultural policy does more than simply economically affect womyn. The first area of connection is the historical subordination of womyn in hunting and gathering cultures as well as the emphasis on dualist understandings of the world which posed humyns against nature and men against womyn.<sup>59</sup> Another historical connection might be the move toward industrialization, which sanctioned the “efficient” destruction of nature as well as the reduction in contact amongst persons, as work moved into efficient factors and out of family workshops.<sup>60</sup> The communication/internet age has furthered this reduction in contact between persons. These historical conditions are some of the factors on to which the ecofeminist position is built.

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56. Beate Littig, *Feminist Perspectives on Environment and Society* 13 (Prentice Hall 2001).

57. Patrick D. Murphy, *Literature, Nature, and Other Ecofeminist Critiques* 4 (1995) (“Ecology as a discipline means, fundamentally, the study of the environment in its interanimating relationships, its change and conservation, with hum[y]nity recognized as a part of the planetary ecosystem.”).

58. There are often discussion of nature and the environment that revolve around plants and animals, weather and pollution, but fail to take serious account of how humyns impact the environment. Humyns play an integrally important part in species lost, pollution, and other environmental factors that negatively impact the environment. The division between the humyn and non-humyn environment is therefore counterproductive because it is not a complete picture. It fractures an understanding of the complete environment, which makes caring for or becoming helpfully involved with the environment virtually impossible.

59. See *Environmental Philosophy: From Animal Rights to Radical Ecology* 273 (Michael E. Zimmerman, J. Baird Callicott, George Sessions, Karen J. Warren & John Clark eds., Prentice Hall 1993).

60. *Id.* at 256-57.

There are also conceptual connections. The domination of womyn and nature have close conceptual parallels.<sup>61</sup> A reliance of dualism and dichotomies when discussing womyn and nature, separately, further adds to the linkage between the two.<sup>62</sup> A reliance on hierarchies has conceptually linked the two.<sup>63</sup> Hierarchies that create pay grades, ranks, food chains, tax brackets, etc. all involve some sense of domination and stratification. Examples of this type of thinking are scattered throughout the literature of many disciplines. Viewing issues as relating to men/womyn, business/environment, agricultural/industrial, etc. does nothing but underscore the need for a framework which links environmental thought and feminist thought in their rejection of dichotomous thinking.

The connection may also be more concrete and based on empirical and experimental inquires. Health is just such an issue that empirically connects womyn and nature. Destruction of the environment causes serious health risks and womyn are often the subject of most health problems in developing countries.<sup>64</sup> Radiation and pollution, as well as poor water and air quality are hurting womyn and young children at an alarming rate.<sup>65</sup> Factory farming and breeding practices are based in patriarchal ideas as are many development strategies.<sup>66</sup> These connections can be quantified and provide an empirical basis for the womyn/nature connection.

Symbolic connections are also prevalent. The similar depiction of womyn and nature in cultural and/or religious practice is well documented.<sup>67</sup> Much has also been written about Earth-based religions and feminist spirituality.<sup>68</sup> Further some literary scholars have discovered a connection between the mistreatment of the Earth and womyn in literature.<sup>69</sup> The symbolic connections can also be seen in conservative courts that have handed down decisions against environmental groups and against womyn in domestic violence and

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61. *Id.* at 257.

62. *Id.*

63. *Id.*

64. *Id.* at 258.

65. *Id.*

66. *Id.*

67. *Id.* at 259.

68. *Id.*

69. *Id.*

sexual harassment cases. The law is no stranger to the sort of oppressive practices directed at nature and womyn. Nature is also described in traditionally feminine terminology. Nature can be “raped” and “pillaged.” People seek out “virgin timber.” “Men of science” solve nature’s problems. Womyn are described as “pieces of ass,” “foxes,” or “tail.” You “pursue” womyn like you pursue non-humyn animals in a hunt. These rhetorical connections are important in understanding how the specific speech acts enacted by persons lay the foundation for patriarchal oppression of womyn and nature.

Epistemology provides yet another important clue into the relationship between womyn and nature. Classical philosophy often describes womyn and nature as separate entities creating an unnecessary value dualism.<sup>70</sup> These dualisms, as discussed above, are indicators of a larger patriarchal practice. Newer critical theorists are developing an understanding of the humyn/nature connection generally, e.g., deep ecology theorists,<sup>71</sup> and developing a body of scholarship that rejects the nature/womyn dichotomy.<sup>72</sup>

The political focus and organization of the womyn’s rights movements as well as environmentalist movements share several specific connections. Generally, bottom-up approaches are favored by both movements.<sup>73</sup> Both movements flourished in the 1970s. Both movements tend to care deeply about health, sustainability, and science, giving them not only similar structures but also similar focuses.<sup>74</sup>

Ethical connections can be found in the desire of both movements to create some sort of set of ethical considerations.<sup>75</sup> An ethics or conception of right and wrong or algorithm for making decisions is a shared desire of many movements. To speak of an ecofeminist animal rights agenda or an environmentalist development strategy should not be foreign because much critical theory pursues some sort of ethical

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70. *Id.* at 260.

71. See Murphy, *supra* n. 57, at 7 (“The weaknesses regarding gender oppression and sociogender differences in ‘Deep Ecology’ demonstrate the inability of environmentalism on its own to produce a sufficient livable theory.”).

72. Ivone Gebara, *Longing for Running Water* 51 (Augsburg Fortress 1999) (“The central assumption of ecofeminist epistemology is the interdependence among all the elements that are related to the hum[y]n world.”).

73. *Environmental Philosophy*, *supra* n. 59, at 260.

74. *Id.*

75. *Id.* at 260-61.

arrangement. Ecology alone does not offer enough to feminist thought as even ecological ethics are often immersed in the boiling water of androcentrism; therefore, ecofeminism must take both theories and mix them together instead of distinctly imbuing one theory with the other.

Ecological philosophy can be found in many other schools of philosophy (existential, ontological, Marxist, etc.) as can feminist philosophy (lesbian, post-colonial, civil rights-based, etc.).<sup>76</sup> If these terms serve as much larger categories into which many nuanced types of thought generally fall, then the theoretical connection between these two philosophical flavors is strong.

The mystifying nature of ecofeminism, which many may find as they leaf through this article or any other sources on the topic, is part of what makes ecofeminism such a fertile plain of possibilities. “In the practical cosmology of ecofeminism, mystery and diversity are the occasion for celebration—a source for our freedom and our hope for the future.”<sup>77</sup> The confusion and ambiguity are necessary components for innovation and change.<sup>78</sup> Womyn stand to benefit as do all persons from alternatives that leave open the possibilities for new directions and developments. It is important to remember that ecofeminism is not only a theory, but also a movement that has been and can continue to be represented with protests and other transgressive activities.<sup>79</sup>

What, then, do I mean by “postcolonial” feminism? There are several tenants of what I believe can be called “postcolonial feminism.” First, it is a feminism that takes into account the condition of womyn on a worldwide scale. Second, it understands that womyn are a part of the larger national sovereignty and economic discourses occurring throughout the world. Third, it must incorporate both scholarship from international womyn scholars and scholarship dealing with the condition of womyn internationally.

Why does feminism need postcolonialism? Feminism is destined to fail unless it incorporates many perspectives and utilizes the energy of the cultural flows that intersect the flow of womyn’s concerns.<sup>80</sup>

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76. *Id.* at 261.

77. Diamond, *supra* n. 55, at 158.

78. Littig, *supra* n. 56, at 17 (“Ecofeminist dialogics provides a place and method by which to step and dance, but not to stand.”).

79. *Id.* at 15-21.

80. Rosanne Kanhai, “*Seeing Designs in History’s Muddles*”: *Global Feminism and the Postcolonial Novel*, 26 *Modern Language Studies* 119, 120 (1996).

There are no womyn outside of culture. Both womyn and those persons in lesser developed countries<sup>81</sup> are marginalized in economic discussions.<sup>82</sup> All persons who are experiencing the push and pull of gender-acting on a personal level have likely felt marginalized as well.

Who is colonized? Postcolonialism does not necessarily posit that there is a fixed group of colonized people or that there is a set practice of colonization. Colonization occurs when people lose their voice—their ability to advocate for themselves and to have someone listen to their pleas.<sup>83</sup> Those who are colonized are then a large group that includes womyn and racial and ethnic minorities, domestically and internationally.<sup>84</sup> This list is not inclusive, but merely calls attention to the groups most effected by the *Farm Bills*.

Postcolonial theory and feminist theory share several important intersections. Both often reject nationalist structures.<sup>85</sup> Both often reject masculinized structures.<sup>86</sup> Often, both also seek to resist various forms of oppression and restore some sense of freedom to individuals.<sup>87</sup> These connections provide ample room for the theories to develop together and open new direction for critical understanding.

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81. I use this term with pause. I intend it to describe what has alternately been called the “Third World” or the “South” or the postcolonial world. These countries are lesser developed in the sense that their progress toward capitalism is lagging behind. Their infrastructures are in disrepair or nonexistent. They also struggle to make inroads to the world economy. This definition is couched in an appreciation for capitalism and economic participation and while faulty in its view that capitalism is some supreme achievement, it is helpful in understanding what exactly the countries are lacking or where more appropriately they are at on an economic continuum.

82. S. Charusheela & Eiman Zein-Elabdin, *Feminism, Postcolonial Thought, and Economics*, in *Feminist Economics Today: Beyond Economic Man* 175 (Marianne A. Ferber & Julie A. Nelson eds., U. of Chi. Press 2003). To be sure, Africans are subjected to untold economic pressures as a result of the current international trade regime. “Imagine if Liberia, Ghana or Kenya could participate in this [the Generalized System of Preferences]. It would go a very long way toward economic development, jobs, and quality of life.” See Alford, *supra* note 3. The GSP is part of the larger international trade regime where the U.S. provides subsidies to stimulate certain economies with export potential. *Id.* The Farm Bill’s subsidy program only amplifies the disadvantage into which many African countries are placed.

83. Peggy Ochoa, *The Historical Moments of Postcolonial Writing: Beyond Colonialism’s Binary*, 15 *Tulsa Studies in Women’s Literature* 221, 222 (1996).

84. Charusheela, *supra* n. 82, at 175.

85. See Leela Gandhi, *Postcolonial Theory: A Critical Introduction* 3-4 (Columbia U. Press 1998).

86. *Id.*

87. *Id.*



When discussing international womyn farmers then, the need for ecofeminism and postcolonialism should be clear. Both ideas are intimately tied to the condition of womyn farmers, especially those from struggling areas of the world. Postcolonial feminism and ecofeminism are appropriate lenses through which to conduct legal criticism of international agricultural policy because they focus on the specific conditions of oppression that plague womyn farmers. The discussion of a feminism that is more international in scope is just beginning. . . .

#### IV. THE FOCUS ON GRAIN: ROMANCE AND BETRAYAL ON THE PLAINS

The windy springs and the blazing summers, one after another, had enriched and mellowed that flat tableland; all the hum[y]n effort that had gone into it was coming back in long, sweeping lines of fertility. The changes seemed beautiful and harmonious to me; it was like watching the growth of a great [person] or of a great idea.

— Jim Burden, in *My Antonia*<sup>88</sup>

The 2002 *Farm Bill* subsidies contain certain covered commodities, which can be colloquially defined as grains.<sup>89</sup> This is one of the major sections of the 2002 *Farm Bill*, the others being the peanut,<sup>90</sup> sugar,<sup>91</sup> dairy,<sup>92</sup> and conservation<sup>93</sup> sections. While these other sections are important and provide a wide array of critical

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88. Willa Cather, *My Antonia* 306 (Houghton Mifflin Co. 1918).

89. 7 U.S.C. 7901 (2006); Pub. L. No. 107-171, § 1001, 116 Stat. 143 (2002). (Section 1001 of the 2002 *Farm Bill* defines “covered commodities” as “wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, and other oilseeds.”).

90. 7 U.S.C. 7951 (2006); Pub. L. No. 107-171, § 1302, 116 Stat. 166, 167 (2002). (Section 1302 of the 2002 *Farm Bill* subsidizes peanuts).

91. 7 U.S.C. 7272 (2006); Pub. L. No. 107-171, § 1401, 116 Stat. 183 (2002). (Section 1401 of the 2002 *Farm Bill* amends Section 156 of the 1996 *Farm Bill* and discusses the Sugar Program).

92. 7 U.S.C. 7982 (2006); Pub. L. No. 107-171, § 1501, 116 Stat. 205 (2002). (Section 1501 of the 2002 *Farm Bill* subsidizes dairy product production).

93. 16 U.S.C. 3830 (2006); Pub. L. No. 107-171, § 2001, 116 Stat. 223 (2002). (Section 2001 of the 2002 *Farm Bill* amends the 1996 *Farm Bill* and provides conservation programs for the environment, generally); see Jesse Ratcliffe, Student Author, *A Small Step Forward: Environmental Protection Provisions in the 2002 Farm Bill*, 30 *Ecology L.Q.* 637 (2003) (discussing the interactions between the 2002 *Farm Bill*, agriculture, and the environment).

investigation terrain, grain will be this paper's focus. I selected this section of the *2002 Farm Bill* for several reasons: (1) Grains production is perhaps the most central agricultural characteristic of the United States;<sup>94</sup> (2) grains production is strongly tied to womyn because womyn, internationally, tend to cultivate these commodities;<sup>95</sup> and (3) grains production has a narrative history that runs throughout the larger scope of American history.<sup>96</sup>

Agricultural subsidies are payments that a government makes to farmers and agricultural businesses to supplement the income of their crop yield.<sup>97</sup> These subsidies help domestic farmers at the expense of international farmers.<sup>98</sup> Congressional testimony indicates a clear desire to help and a belief that the *2002 Farm Bill* would in fact help United States farmers.<sup>99</sup> Subsidies often have disastrous effects and force international farmers into poverty and out of their fields.<sup>100</sup> Because grain production is so central to the United States' agricultural history, subsidies may be viewed as an antiquated notion designed to promote some romantic sense of times gone by.

John Steinbeck's *The Grapes of Wrath*<sup>101</sup> is perhaps the most read American agrarian drama. Stories like this one that find a home in high school English classes and even college level English curriculums reinforce the romanticism of the Midwest and Plains areas of the United States. The literary fanfare that grain production has received helps to legitimize the subsidies given to farmers because the notion of the grain farmer is so firmly intertwined with the notion of the United

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94. Drummond and Goodwin, *supra* n. 41, at 155-158.

95. *See generally infra* nn. 123-133.

96. *See generally infra* nn. 101-105.

97. Petit, *supra* n. 12, at 128.

98. *Id.* at 128-129.

99. 148 Cong. Rec. H2027-28 (daily ed. May 2, 2002) (statement of Congressman Pomeroy, North Dakota); 148 Cong. Rec. H2028 (daily ed. May 2, 2002) (statement of Congressman Skelton, Missouri); 148 Cong. Rec. H2028-29 (daily ed. May 2, 2002) (statement of Congressman Gutknecht, Minnesota); 148 Cong. Rec. H2034 (daily ed. May 2, 2002) (statement of Congressman Everett, Alabama); 148 Cong. Rec. H2036 (daily ed. May 2, 2002) (statement of Congressman Pence, Indiana); 148 Cong. Rec. H2041 (daily ed. May 2, 2002) (statement of Congressman Bishop, Georgia); 148 Cong. Rec. H2049 (daily ed. May 2, 2002) (statement of Congressman Nussle, Iowa); 148 Cong. Rec. H2051 (daily ed. May 2, 2002) (statement of Congressman Moran, Kansas).

100. Petit, *supra* n. 12, at 129.

101. John Steinbeck, *The Grapes of Wrath* (Viking Penguin 1939).

States. It is then only natural to help grain farmers because they have done so much for the development of the country.

Willa Cather's<sup>102</sup> *My Antonia*<sup>103</sup> also provides an intimate look at the farm in America. Cather was born in Virginia and grew up on a farm in Nebraska.<sup>104</sup> Her work is often found on high school and college reading lists and provides one of the most accessible feminist perspectives on grain farming. There is something about the adoration her novels attract that symbolizes the love for United States agrarian history. The more these classic novels are read the more the production of grain and other farm commodities is fetishized and the more subsidies will likely be used to preserve antiquarian notions of food policy and the romanticization of farming.

Agricultural history has also become popular as numerous books and journals have developed around the field.<sup>105</sup> The body of literature available is quite large, but this literature should not go unchecked because the stacks seem too daunting. The United States Department of Agriculture (USDA) founded the National Agricultural Library and the Albert R. Mann Library at Cornell University. The hope is that a feminist analysis of a much analyzed area of law and culture will provide a helpful new perspective for scholars and practitioners and that the literature already out there will be analyzed intensely as feminism meets agricultural history and policy.

#### V. THE UNTOLD STORY: THE 2002 *FARM BILL*'S DISPARATE IMPACTS AND DESPERATE FEMINIST RESPONSES

Feminism must be fractured because its origins and destinations lie across a changing landscape. The waving fabric of legal discourse is as fractured by its construction as it is by its movement. The planar realities of legal discourse are an assemblage of multiple plane-origins, reconfigured and rearranged regularly irregularly. The oxymoron of the previous statement serves as a way to conceptualize the difficulty in grasping from a firm origin what exactly feminisms are and what the potential purposes may be. For this reason, a feminist project must

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102. For a brief discussion of Willa Cather, see <http://www.ibiblio.org/cheryb/women/Willa-Cather.html> (last accessed Nov. 21, 2006).

103. See Cather, *supra* n. 88.

104. Beth Rundstrom, *Harvesting Willa Cather's Literary Fields*, 85 *Geographical Rev.* 217, 219 (Apr. 1995).

105. See generally *supra* nn. 33, 88, and 101.

come from many angles like feminist international relations, feminist legal theory, and more general feminist political theory.<sup>106</sup> With the belief that many different angles, planes, and geometries can be used to develop an analysis of various issues, I will engage in this multifaceted approach when analyzing the *2002 Farm Bill*, pulling from many different disciplines and sub-disciplines that may find themselves under the protective umbrella of the general term feminism.

The blend of more domestically concerned feminist projects along with international relations theory has produced some interesting results. Feminist theory began to make inroads on understanding international relations in the 1980s.<sup>107</sup> International relations has been a field not too supportive of feminist theory, and it may be fairly stated that international relations is largely constructed in an androcentric fashion.<sup>108</sup>

Intersecting with ideas of gender and sexuality theory are ideas of race, class, and ethnic identity.<sup>109</sup> Expressing the criticism of the *2002 Farm Bill* in terms of feminist legal theory does not catch all the refractions of the critical prism. Criticisms also ought to take into account the racial and ethnic lines drawn, as well as the economic lines which stratify populations. While this paper focuses mainly on the feminist legal theory aspect of criticism, there are quite a few references to race/ethnic and socio-economic concerns because the individual is not unitarily feminine, nor is an individual only poor, or only African. A complete critical project takes into account all of these paradigms and investigates their intersections.

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106. I adapt this idea largely from the discussion found in Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *Stan. L. Rev.* 581, 586-88, 615-16 (1990).

107. J. Ann Tickner, *You Just Don't Understand: Troubled Engagements Between Feminists and IR Theorists*, 41 *Intl. Stud. Q.* 611, 611 (1997).

108. *Id.* at 621-23.

109. Kimberlé Crenshaw makes the point as to Black womyn: "These problems of exclusion cannot be solved simply by including Black wom[y]n within an already established analytical structure. Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black wom[y]n are subordinated." Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, in *The Black Feminist Reader* 209 (Joy James & T. Denean Sharpley-Whiting, eds., Blackwell Publishers 2000).

The 2002 *Farm Bill* robs the world's poor.<sup>110</sup> I make this general argument because it underlies the condition of international farmers. By dumping subsidies on the international markets, the United States forces poor international farmers into an uncompetitive economic position.<sup>111</sup> Domestically, the *Farm Bill* does little to help this country's small farmers with a minority of farmers receiving a majority of subsidies.<sup>112</sup> While criticisms have been levied at the 2002 *Farm Bill* for its impact on international farmers, the response by *Farm Bill* advocates can be succinctly summarized by former House Agriculture Committee chairperson Larry Combest who said, "This is for rural America, not for rural Mexico, not for rural Canada, not for rural Europe."<sup>113</sup> There are two significant observations to be made about Congressman Combest's comments. First, the decidedly isolationist tone that belies a distinct distaste for the world's agricultural markets is painfully glaring. Second, Combest does not acknowledge the 2002 *Farm Bill*'s impact on African farmers, choosing instead to focus predominately on the White world. While the postcolonial nature of the *Bill* is a matter for another time, more should be done to investigate the impact the *Farm Bill* has on poor African farmers. An unhealthy economic position puts these international farmers at risk because it cuts across nutrition, resource allocation, and health care issues.

Womyn are engaged in a disproportionate amount of the world's work and receive a share of the world's resources at an alarmingly small rate.<sup>114</sup> Womyn represent half of the population and a third of the workforce.<sup>115</sup> Womyn, however, receive only one percent of the world's income (that is one percent of income being paid to thirty percent of the workforce) and own less than one percent of the world's property (that is fifty percent of the population owning one percent of

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110. See Cain & Lovejoy, *supra* n. 18.

111. See *id.*

112. See *One Small Step*, *supra* n. 21, at 210 ("[F]rom 1996 to 1998 (the first three years of FAIR), the government paid 61% of farm subsidies to 10% of producers." (citations omitted)).

113. Miller, *supra* n. 40, at 50.

114. Shelley Wright, *Interdisciplinary Approaches to International Economic Law: Women and the Global Economic Order: A Feminist Perspective*, 10 Am. U. J. Intl. L. & Policy 861, 861 (1995).

115. Darley Jose & N. Shanmugaratnam, *The Invisible Work Force: Women in the Traditional Farming Systems of Kerala, Southern India* [¶ 1] (available at [http://www.skk.uit.no/WW99/papers/Jose\\_Darley.pdf](http://www.skk.uit.no/WW99/papers/Jose_Darley.pdf) (last accessed Nov. 21, 2006)).

the world's property).<sup>116</sup> This trend is echoed even in the United States where fourteen percent of wheat farmers in Washington are womyn.<sup>117</sup> Much of this has to do with historical understandings of "womyn's work." The homemaker model of work consists of womyn performing typical household tasks like childcare, food preparation, cleaning, and the like.<sup>118</sup> When these domestic tasks are taken together with the large number of low paying farm jobs, womyn's work is an undervalued commodity. It is the devaluation of womyn's work that may be regarded as one of the most oppressive facets of the patriarchal agenda.<sup>119</sup>

Understanding womyn in term of economic worth is virtually impossible when womyn are viewed as invisible workers.<sup>120</sup> The Farm Bill further builds upon this patriarchal agenda by decreasing the economic competitiveness of womyn internationally. Invisible populations cannot achieve economic worth because economic success cannot come to persons that do not exist. Without the hope to achieve some sense of a better standard of living, it is amazing that these womyn continue to engage in work. The oppressive patriarchal regime forces them to work, however, or face violent reactions on the home front against their lack of work. Not only are the products produced by womyn devalued, but the actual production of these products is also devalued. Both devaluations function to increase patriarchal control. While the devaluation of womyn's products might be more tangible than a devaluation of the work done to produce those products, each is an important part of the larger pattern of the patriarchal agenda, picking away slowly at all aspects of womynhood.

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116. *Id.*

117. John Stucke, *Ingrained Economy: Financial Hardships of Region's Farmers Will Have a Big Impact on Spokane*, Spokesman Review G1, "Sidebars: The Typical Farmer" (Oct. 30, 2005). This is important because it indicates men own most of the farms. It also indicates that perhaps people in the United States are unaware of the farm job gender breakdown internationally.

118. Wright, *supra* n. 114, at 868-69; see Jane E. Meiners & Geraldine I. Olson, *Household, Paid, and Unpaid Work Time for Farm Women*, 36 *Family Relations* 407, 407 (1987).

119. Christine A. Littleton, *Equality and Feminist Legal Theory*, 48 *U. Pitt. L. Rev.* 1043, 1047-48, 1059 (1987).

120. Ruth B. Dixon, *Women Agriculture: Counting the Labor Force in Developing Countries*, 8 *Population and Development Rev.* 539 (1982) ("The theme of wom[y]n as invisible worker has captured the imagination of a number of critics of standard labor force statistics." (citations omitted)).

Several structural barriers, structural in the sense that there are few womyn entering international relations and to some extent economics, inhibit the pursuit of issues relevant to womyn. Without womyn in the field with their ear to the ground, womyn rightfully ought to be concerned that their goals will go unrealized. There are precious few womyn involved in issues of trade liberalization and international economics.<sup>121</sup> This structural barrier makes it difficult for womyn's voices to be heard on the international stage—in the meetings, summits, and conferences where it is absolutely imperative that we listen. Statistical strategies further allow for womyn's work to be underestimated because labor is often measured in terms of wage labor, which leaves unpaid domestic farm work out of the equation.<sup>122</sup>

Focusing more narrowly on the *2002 Farm Bill*, its impact on womyn is clear. The situation described above lays a foundation for the argument, but pulling from ecofeminist theory the critic can also see that the environment, in a broader sense, is a feminist issue.<sup>123</sup> The goal to resist discourses of domination pervades ecological and feminist perspectives. At a base level, agriculture is on face a womyn's issue. Womyn are substantially affected by United States farm subsidies.<sup>124</sup> There are a substantial number of persons who live on less than two dollars a day and two-thirds are womyn.<sup>125</sup> Developing countries, a debatable term of course, are particularly acute sites of womyn affected by the *2002 Farm Bill* because in these countries sixty to eighty percent of the food is farmed by womyn and only ten percent of the land is owned by womyn.<sup>126</sup> Womyn play an important role in the world's food production producing roughly fifty percent of the world's food.<sup>127</sup> The crops that womyn farm, cotton and grain, are

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121. Uche U. Ewelukwa, *Centuries of Globalization; Centuries of Exclusion: African Women, Human Rights, and the "New" International Trade Regime*, 20 Berkeley J. Gender L. & Just. 75, 80 (2005).

122. Dixon, *supra* n. 120, at 539-41.

123. *Environmental Philosophy*, *supra* n. 59, at 253 ("Many feminists have argued that the goals of these two movements [feminism and the ecology movement] are mutually reinforcing; ultimately they involve the development of worldviews and practices that are not based on male-biased models of domination.").

124. *Global Womyn's Issues Scorecard on the Bush Administration*, <http://www.genderhealth.org/pubs/ScorecardAug2003.pdf> (last accessed Nov. 21, 2006).

125. *Id.*

126. *Id.*

127. See Jose & Shanmugaratnam, *supra* n. 115, at "Introduction".

targeted by United States subsidies.<sup>128</sup> The subsidies on these crops are essentially unlimited.<sup>129</sup> Internationally womyn tend to farm staple crops while men tend to farm cash crops, unfortunately subsidies are geared toward staple crops.<sup>130</sup> As womyn's crops are devalued because of the subsidized products dumped on the international market, they must often turn to other crops, but farming these crops is often impossible because of a lack of resources and strong cultural norms that restrict the crops womyn are allowed to cultivate.<sup>131</sup> This puts womyn's economic well-being at risk and indeed puts their lives at risk. Not only do poor womyn have less monetary security, but their food security is put at risk as they can no longer raise their own food nor purchase it on the market.<sup>132</sup> Food insecurity is a large catalyst to war and ethnic conflict.<sup>133</sup> The plight of womyn is then much more severe than initially assumed. There are drastic tidal wave effects of United States farm subsidies.

Womyn are no strangers to economic disadvantage. The disadvantage created by farm subsidies is another piece of the large economic disadvantage puzzle. Womyn make less per dollar than men do.<sup>134</sup> That gap is closing, but not fast enough.<sup>135</sup> Womyn often find themselves locked out of corporate boardrooms relegating them to lower paying positions.<sup>136</sup> Black populations are likewise negatively

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128. *Farm Security and Rural Investment Act of 2002*, Pub. L. No. 107-171, 116 Stat. 134, 150 (2002).

129. Brasher, *supra* n. 3, at [¶ 16].

130. *Global Womyn's Issues Scorecard on the Bush Administration*, *supra* n. 124.

131. *Id.*

132. *Id.*

133. See Ellen Messer, Marc J. Cohen & Thomas Marchione, *Conflict: A Cause and Effect of Hunger*, 7 ECSP Rpt. 1 (2002).

134. Andrew M. Gill & Duane E. Leigh, *Community College Enrollment, College Major, and the Gender Wage Gap*, 54 Indus. & Lab. Rel. Rev. 163, 163-65 (2000) (discussing the lessening of the gender wage gap); William C. Horrace and Ronald L. Oaxaca, *Inter-Industry Wage Differentials and the Gender Wage Gap: An Identification Problem*, 54 Indus. & Lab. Rel. Rev. 611, 611 (2001) (discussing the gender wage gap across various industries); Michael Selmi, *Family Leave and the Gender Wage Gap*, 78 N.C. L. Rev. 707, 714-718 (2000) (discussing definitions and conceptions of the gender wage gap); Sharon M. Oster, *Symposium: The Gender Gap in Compensation: Is There a Policy Problem?: The Gender Wage Gap*, 82 Geo. L.J. 109, 109-13 (1993) (noting the historical development of the gender wage gap).

135. Oster, *supra* n. 134, at 112.

136. See Steven A. Ramirez, *Diversity and the Boardroom*, 6 Stan. J.L. Bus. & Fin. 85, pt. II.B (2000) (discussing the difficulty womyn have in entering the corporate



impacted by the *2002 Farm Bill*<sup>137</sup> and also suffer from oft-thwarted attempts to gain access to corporate boardrooms.<sup>138</sup> The plight of womyn and Black persons in many respects mirrors each other in the intense effects of economic disadvantage.

VI. INHERENCY AND WOMYN ON THE BRINK: WHY THE TIME IS RIGHT FOR REFORM AND WHY THE NEXT FEW YEARS ARE PIVOTAL FOR WOMYN IN AGRICULTURE

Now more so than ever, with the *2002 Farm Bill* set to expire in 2007 and a new Farm Bill likely to take place, policy makers must take a critical look at the direction of agricultural policy. The issue is ripe and ready to be savored, but we must first pluck the blossomed fruit from the policy tree. Critical analysis must take place now as committees meet and lobbyists begin to hit their stride. Without a robust debate, the pitfalls of agricultural policy might continue for decades, further oppressing international womyn.

While the budget Resolution passed by Congress on April 28, 2005 did cut agricultural spending, it was cut a paltry three billion dollars over five years.<sup>139</sup> The bad news is however that in the Fall of 2005, the Senate voted down an agricultural payment limit amendment.<sup>140</sup> This would have been a prime time to limit the payments, especially to agribusiness,<sup>141</sup> and reduce the impact on womyn farmers. When Congress failed to limit agricultural subsidizes, they assured international womyn's continual slide toward

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boardroom); Janis Sarra, *Symposium: People of Color, Women, and the Public Corporation: Class Act: Considering Race and Gender in the Corporate Boardroom*, 79 St. John's L. Rev. 1121, 1125-26 (2005) (focusing on the lack of womyn in Canadian boardrooms).

137. See *supra* n. 4.

138. See Steven A. Ramirez, *Symposium: Critical Race Theory: The Next Frontier: Games CEOs Plan and Interest Convergence Theory: Why Diversity Lags in America's Boardrooms and What To Do About It*, 61 Wash. & Lee L. Rev. 1583, 1613 (2004).

139. Robert L. Thompson, *The 2007 U.S. Farm Bill and the WTO Negotiations*, <http://www.agobservatory.org/library.cfm?refID=76946> "Federal Budget Deficit" (last accessed Nov. 21, 2006).

140. Forrest Laws, *Johanns Says Farmers Will Get Their Share of Budget Cuts*, Delta Farm Press ¶ 11 (Feb. 24, 2006) (available at [http://deltafarmpress.com/mag/farming\\_johanns\\_says\\_farmers/index.html](http://deltafarmpress.com/mag/farming_johanns_says_farmers/index.html) (last accessed Nov. 21, 2006)).

141. See Brasher, *supra* n. 3. Some farmers are advocating against subsidies because of the massive flow of dollars to agribusiness and away from smaller farmers.

disenfranchisement and economic distress. Womyn are assuredly doomed at least until subsidies are reduced or rescinded in 2007. The good news is that the money might simply not be there to fund as expansive of a farm program in 2007.<sup>142</sup> When the *2002 Farm Bill* was created, the United States was experiencing a hefty budget surplus which provided the impetus for the massive spending entailed in the bill.<sup>143</sup> That surplus is simply not there now.

Secretary of Agriculture Mike Johanns sent his emissaries state to state talking up the *Farm Bill* in the second half of 2005. From those talks, an interesting theme developed: farmers want enhancements to the grain programs to sell grain overseas.<sup>144</sup> With farmers lobbying for more help in marketing overseas, the potential for an increased threat to womyn's livelihoods is present. International womyn have the most to lose from these grain exports.

The uglier news is that the farm lobby is politicking Congress to extend the *2002 Farm Bill* until the World Trade Organization (WTO) increases United States access to foreign markets.<sup>145</sup> This pressure seems to be working as Congress appears ready to extend the *2002 Farm Bill*.<sup>146</sup> The Congressman responsible for the *2002 Farm Bill* has been helping the farm lobby to coalesce despite the illegality of the *2002 Farm Bill*, which has been oft-discussed in the legal literature.<sup>147</sup>

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142. Forrest Laws, *Deficit, WTO, Grower Gains Farm Bill Factors*, Western Farm Press [¶ 2] (Feb. 18, 2006) (available at [http://westernfarmpress.com/mag/farming\\_deficit\\_wto\\_grower/](http://westernfarmpress.com/mag/farming_deficit_wto_grower/) (last accessed Nov. 21, 2006)).

143. David Bennett, *Forces Driving Farm Bill Debate: Budget, WTO, Farm Conditions and Politics*, Delta Farm Press [¶ 2] (Mar. 17, 2006) (available at <http://www.deltafarmpress.com/news/06-03-17-driving-farm-bill/index.html> (last accessed Nov. 21, 2006)).

144. Mike Johanns, *Letter From Agriculture Secretary Mike Johanns & Farm Bill Forum Comment Summaries: International Trade*, USDA News Release 0106.06 (Mar. 29, 2006) (available at [http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_1UH?contentidonly=trye&contentid=2006/03/0106.xml](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_1UH?contentidonly=trye&contentid=2006/03/0106.xml) (last accessed Nov. 21, 2006)).

145. Forrest Laws, *FB Supports Extension of Farm Bill*, Western Farm Press [¶ 1] (Feb. 18, 2006) (available at [http://westernfarmpress.com/mag/farming\\_fb\\_supports\\_extension/index.html](http://westernfarmpress.com/mag/farming_fb_supports_extension/index.html) (last accessed Nov. 21, 2006)).

146. Katrin Bennhold & James Kanter, *TradeTalks to Miss Key April 30 Deadline: But the WTO Chief Insists Negotiations with U.S. Aren't Dead*, International Herald Tribune [¶ 12] (Apr. 25, 2006).

147. See *supra* nn. 14 and 31.

The United States has remained unmoved by the pleas of other countries, international organizations, and non-profit groups to cut or stop all together the farm subsidies. Indicative of a larger unilateral position, the United States has not responded with anything but contempt.<sup>148</sup> This contempt has produced such startling effects on womyn that it is clear the United States has not only a generalized contempt for any sense of international order, but also a more specific contempt for womyn.

Far from alleging that the WTO is the best way to regulate international trade, I do conclude that policy makers need to work with what is there and seek to not alienate other policy makers in the international trade regime. The Doha rounds, the trade talks that focus on agricultural policy, have been ongoing since 2001.<sup>149</sup> Estimates are that the talks may not be completed until after the 2002 *Farm Bill* is set to expire.<sup>150</sup> The United States has expressed a strong desire not to change anything until the Doha talks are complete.<sup>151</sup> This may push a change in United States agricultural policy well past 2007. This desire was echoed by many farmers at the recent round of 2007 *Farm Bill* talks.<sup>152</sup>

So, depending on how the Doha talks go, the United States might not see a new *Farm Bill* until well after 2007. All indications are that

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148. The United States asserts that it is largely the European Union's fault and to some extent the United States seems to be simply asserting, like a guilty child, that it could never be at fault and that it must be someone else who caused the wrong, in this case unfair trade practices. Stephen Clapp, *U.S. Officials Renew Criticism of EU Trade Stance*, 48 Food Chemical News (Mar. 13, 2006) (available at [http://www.foodchemicalnews.com/ejournals/search/searchquery.asp?cmd=search&request=March+13%2C+2006&Idx=%5C%5C172%2E16%2E1%2E41%5CSearchIndices%5CApplications%5C7&appName=Food%20Chemical%20News&AltSearchResult=False&selectAll=True&stemming=True&phonic=False&natlang=False&maxfiles=500&sort=DATE&sort\\_type=0&chkShowAbstract=0&perpage=25&startat=1&onpage=1](http://www.foodchemicalnews.com/ejournals/search/searchquery.asp?cmd=search&request=March+13%2C+2006&Idx=%5C%5C172%2E16%2E1%2E41%5CSearchIndices%5CApplications%5C7&appName=Food%20Chemical%20News&AltSearchResult=False&selectAll=True&stemming=True&phonic=False&natlang=False&maxfiles=500&sort=DATE&sort_type=0&chkShowAbstract=0&perpage=25&startat=1&onpage=1) (last accessed Nov. 21, 2006)).

149. Womach, *supra* n. 9, at 7.

150. *Id.*

151. *Id.*; see Elana Schor, *Doha Stall Leaves Lawmakers to Focus on a New Farm Bill*, The Hill (July 27, 2006) (available at [http://www.hillnews.com/thehill/export/TheHill/News/TheExecutive/072706\\_doha.html](http://www.hillnews.com/thehill/export/TheHill/News/TheExecutive/072706_doha.html) (last accessed Nov. 21, 2006)).

152. See Johanns, *supra* n. 144; see also John Dobberstein, *Farmer Upbeat on Vote Results*, Tulsa World ¶18 (Nov. 11, 2006) (available at [http://www.tulsaworld.com/BusinessStory.asp?ID=061111\\_Bu\\_E1\\_Farme11737](http://www.tulsaworld.com/BusinessStory.asp?ID=061111_Bu_E1_Farme11737) (last accessed Nov. 21, 2006)).

the international community will not approve of any United States agricultural subsidy program.<sup>153</sup> The *2002 Farm Bill* shocked the global market and reversed the liberalizing effects of the *1996 Farm Bill*.<sup>154</sup> Given the deliberate speed of the Doha rounds, even if the international community were to be more accepting of United States subsidy programs, that acceptance would likely come about at a snail's pace. What does this mean for the near future, if the *2002 Farm Bill* expires? It is likely that legislation would be introduced to extend the current *Farm Bill*, assuring high subsidies for some time. Pressure against the United States to reduce agriculture subsidies remains strong.<sup>155</sup> Unfortunately, while the Doha talks may seek to assure free or fair trade in an attempt to make markets more accessible for all, the indirect consequence of prolonged talks is the continued oppression of womyn. Doha may simply not be as fair as the United States or the larger industrialized capitalist international community is want to admit.

With a Republican president not seeking reelection in 2008, there might be a chance for the new president to work with agriculture and reduce subsidy payments. President George W. Bush was elected, in large part, by rural America.<sup>156</sup> Although Bush has urged a reduction in subsidy spending, there is little indication that reduction is supported in Congress.<sup>157</sup> It is no small coincidence that the four largest agricultural campaign contributors are heavily subsidized.<sup>158</sup> Rural America still remains, for the most part, in favor of continuing the policies of the *2002 Farm Bill*<sup>159</sup> and the farm lobby will likely always play a crucial role in national elections regardless of partisan politics.

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153. See *supra* nn. 14 and 31.

154. Colin B. Picker, *Reputational Fallacies in International Law: A Comparative Review of United States and Canadian Trade Actions*, 30 Brooklyn J. Intl. L. 67, 100-01 (2004).

155. Womach, *supra* n. 9, at 8; Doug Cameron, *US Urged to Act on Farm Subsidies*, Financial Times [¶ 11] (Sept. 27, 2006) (available at <http://www.ft.com/cms/s/3f2822d8-4e31-11db-bcbc-0000779e2340.html> (last accessed Nov. 21, 2006)).

156. Thompson, *supra* n. 139, at "Election Politics and the High Cost of Elections".

157. Forrest Laws, *Committee Passes Resolution With No Cuts in '07 Ag Spending*, Southwest Farm Press [¶ 1] (Apr. 6, 2006) (available at [http://southwestfarmpress.com/mag/farming\\_committee\\_passes\\_resolution/index.html](http://southwestfarmpress.com/mag/farming_committee_passes_resolution/index.html) (last accessed Nov. 21, 2006)).

158. Thompson, *supra* n. 139, at "Election Politics and the High Cost of Elections".

159. Jeff DeYoung, *Southerners Don't Want Much Change in Farm Bill*, Prairie Star

In an unsettling move, the Senate Budget Committee passed a resolution ignoring the President's call for subsidy spending reductions.<sup>160</sup> The farm lobby not only helped to elect George W. Bush, but also the Republican-controlled Congress. This necessarily forces legislators who wish to be reelected to appease their constituency. Party politics will always play a pivotal role in the decisions to support subsidies. The farm lobby helped to elect George W. Bush, and also the Republican-controlled Congress. With a Democratic House and Senate in place, time will tell what happens with subsidies. Your guess is as good as mine.

The *2007 Farm Bill* could be used to promote several innovative lines of agricultural production: organic meats, free range eggs, and herbal products.<sup>161</sup> While this would not eviscerate the patriarchal sinews that hold agricultural policy together, it would promote non-humyn animal rights and healthy lifestyle alternatives. These two issues are often discussed in a feminist framework. The *2002 Farm Bill* also promotes farmers markets and roadside product stands,<sup>162</sup> an important aspect of community empowerment that would be favored by Marxist feminism.<sup>163</sup> Seeing these policies extended could go a

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[¶ 8] (Mar. 30, 2006) (available at [http://www.theprairiestar.com/articles/2006/03/30/special\\_section/farm\\_bill/farm03.txt](http://www.theprairiestar.com/articles/2006/03/30/special_section/farm_bill/farm03.txt) (last accessed Nov. 21, 2006)); Pam Golden, *House Farm Bill Hearing Calls for More of 2002 Programs*, *Farm Futures* [¶ 2] (Mar. 30, 2006) (available at <http://www.farmfutures.com/ME2/dirmod.asp?sid=CD26BEDECA4A4946A1283CC7786AEB5A&nm=News&type=news&mod=News&mid=9A02E3B96F2A415ABC72CB5F516B4C10&tier=3&nid=9304DFD7E8034F069C3A34A5B37AA1F9> (last accessed Nov. 21, 2006)).

160. Forrest Laws, *supra* n. 157, at [¶¶ 1-3].

161. Elisha Greely Smith, *Be a Creative Farmer—It Pays*, *Sterling Journal-Advocate* (Mar. 24, 2006) (available at [http://infoweb.newsbank.com/iw-search/we/InfoWeb?p\\_action=doc&p\\_docid=11093DEF074C2A00&p\\_docnum=1&p\\_queryname=3&p\\_product=AWNB&p\\_theme=aggregated4&p\\_nbid=F6DV63BXMTE2NDE2OTMyNy44OTcxNDU6MToxNDoyMDQuNjIuMTkyLjI0NA](http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_action=doc&p_docid=11093DEF074C2A00&p_docnum=1&p_queryname=3&p_product=AWNB&p_theme=aggregated4&p_nbid=F6DV63BXMTE2NDE2OTMyNy44OTcxNDU6MToxNDoyMDQuNjIuMTkyLjI0NA) (last accessed Nov. 21, 2006)). Tom Ragan, *Organic Groups Call for Changes in Farm Bill Next Year*, *Santa Cruz Sentinel* (Nov. 2, 2006) (available at <http://www.santacruzsentinel.com/archive/2006/November/02/local/stories/08local.htm> (last accessed Nov. 21, 2006)).

162. Brent Searle, *Oregon Ag Producers and the Impact of the 2002 Farm Bill*, *The Agriculture Q. "Farmers' Markets Promotion Program"* (2002) (available at <http://www.oda.state.or.us/information/AQ/AQSummer2002/index.html> (last accessed Nov. 21, 2006)).

163. Without engaging in an intense analysis of Marxist feminism, I will offer a brief sketch. Marxist feminism largely focuses on labor and production and the relationship

long way domestically to promote the value of womyn that is often connected to community-centered approaches.<sup>164</sup> As an added bonus, the *2007 Farm Bill* may also be a springboard for decreased oil reliance as the push towards ethanol production gets an added financial bonus.<sup>165</sup>

#### VII. THE NEED FOR FEMINIST CRITICAL PARADIGMS IN POLICY MAKING DECISIONS

Policy makers often have a wealth of resources available to them, but these resources are rusty and dusty. The best laid plans are subject to failure without a thorough understanding of the various undercurrents of the murky waters of policy decision-making. Feminisms have a place in policy making just as issues of race and class are important consideration when analyzing the effects of policy decisions.

Feminisms ought to be applied to international policy making more readily. Feminisms have found a home in analyzing domestic policies related to abortion,<sup>166</sup> pay rates,<sup>167</sup> and medical coverage.<sup>168</sup>

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to womyn's subjectivity. A Marxist feminist approach would support community-consumer connections because it would more closely link womyn to their production and product. Farmers Markets and roadside stands would allow womyn to not only plant and cultivate their crops, but also sell their produce directly to consumers, removing the middleperson (larger sellers, cooperatives, etc.).

164. The connection between womyn and community may be fallacious, but working under the assumption that community-based approaches are beneficial to all persons because they engender a stronger community relationship and foster communication as well as economically empowering persons by giving them more knowledge of the consumer-based economy of which they are a part, will allow some progress to be made. *See generally Feminism and Community* (Penny A. Weiss & Marilyn Friedman eds., Temple U. Press 1995).

165. Joe Watson, *US Presses Ahead with Major Changes to Its New Farm Bill*, *Aberdeen Press J.* 19 (Apr. 4, 2006).

166. *See generally* Maxine Eicher, *On Postmodern Feminist Legal Theory*, 36 *Harv. Civ. Rights-Civ. Libs. L. Rev.* 1 (2001); Jill Elaine Hasday, *Contest and Consent: A Legal History of Marital Rape*, 88 *Cal. L. Rev.* 1373 (2000); Kenneth L. Karst, *Universal Rights and Cultural Pluralism: The Bonds of American Nationhood*, 21 *Cardozo L. Rev.* 1141 (2000); David A.J. Richards, *Public Reason and Abolitionist Dissent*, 69 *Chi.-Kent. L. Rev.* 787 (1994).

167. *See generally* Nancy E. Dowd, *The Family and Medical Leave Act of 1993: Ten Years of Experience: Race, Gender, and Work/Family Policy*, 15 *Wash. U. J.L. & Policy* 219 (2004); Andrea M. Giampetro-Meyer, *Recognizing and Remediating Individual and Institutional Gender-Based Wage Discrimination in Sport*, 37 *Am. Bus.*

What I propose is a union between feminist legal theory and feminist international relations theory that no longer positions the two as ships passing in the night, but as theories complementing each other and providing for a sound policy of economic betterment on an international scale through the legal system.

In order to see policy makers drop these philosophical cheese curds into their intellectual deep fryers, we must slowly make the case for their addition to the academic menu. Incremental steps must be taken; slow individual action.<sup>169</sup> It is not enough to say and to write about the change wanted, but to actually do it, and to help others see how the change can be done.<sup>170</sup> Feminism is not something everyone is comfortable with, no matter how learned one is or what gender disposition one claims.<sup>171</sup> We all must start somewhere.

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L.J. 343 (2000); Kathleen Kunkle Gilbert, *Northwestern University School of Law's Two Year Work Requirement and its Possible Effects on Women: Another Tile in the Glass Ceiling?*, 12 Am. U. J. Gender Soc. Policy & L. 69 (2004); Margaret L. Satterthwaite, *Crossing Borders, Claiming Rights: Using Human Rights Law to Empower Women Migrant Workers*, 8 Yale Human Rights & Dev. L.J. 1 (2005);

168. See generally Kandice Engle, *Pregnancy Discrimination in the Insurance Industry 1994*, 34 U. Louisville J. Fam. L. 177 (1996); Herma Hill Kay, *Models of Equality*, 1985 U. Ill. L. Rev. 39 (1985); C. Lewis Borders, *Medicaid Pregnancy Benefits*, 34 U. Louisville J. Fam. L. 473 (1996); Barbara Radford & Gina Shaw, *Beyond Roe and Abstract Rights: American Public Health and the Imperative for Abortion as a Part of Mainstream Medical Care*, 13 St. Louis U. Pub. L. Rev. 207 (1993); Sara Rosenbaum, *Mothers and Children Last: The Oregon Medicaid Experiment*, 18 Am. J.L. & Med. 97 (1992).

169. Nick J. Sciallo, *Regionalism, the Supreme Court, and Governance: Healing Problems that Know No Bounds*, 8 How. Scroll Soc. J. R. 21, 33 (2006).

170. *Id.* at 48-52.

171. In my conversations with colleagues I am constantly amazed by the number of womyn who are afraid of feminism—who see it as something dangerous. They are of course followed by the womyn who see feminism as useless. I am not sure which is worse. But for all the trials and tribulations womyn have been through and continue to go through, feminism is a very important tool to be accepted and deployed strategically. That being said a surprising number of womyn refuse to accept feminism or even reject it outright. Audacious as it may seem, many womyn feel comfortable in a society in which men have most of the power. Now I say this based on anecdotal evidence, but I am relatively confident that many have had similar realizations in their everyday conversations. We should not assume that all womyn are feminists or support feminisms. We should also not assume that all men embrace the patriarchy even though they may be unwilling participants in its inescapable web of oppression.

### VIII. CONCLUSION

Our story has ended, but the book need not be closed. The time is ripe for criticism of the *2002 Farm Bill* as a new farm bill looms on the horizon. The Doha talks may prolong the arrival of the new bill, but the inevitable passage of a new comprehensive agricultural support law forces policymakers and protestors to mobilize. Womyn, a historically maligned group, are at particular risk for continued oppression if the high farm subsidies of the *2002 Farm Bill* are continued. Feminism, specifically ecofeminism and postcolonial feminism, provides important ways to understand why agricultural policy impacts womyn and what that impact means to womyn on a larger scale. The facts and figures are well recorded, but the theoretical connections are still underdeveloped. It is hoped that this article has provided concerned persons with the information and strategies to advocate for womyn and to lead the call for continued analysis of government programs that although domestically directed send large international waves.