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Author(s): Arvonne S. Fraser

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Becoming Human: The Origins and Development of Women's Human Rights

Arvonne S. Fraser*

I. INTRODUCTION

When the Taliban took power in Afghanistan in 1994, one of its first edicts removed girls from school, forbade women from employment outside the home, and required women to wear garments totally covering themselves when they appeared in public. This measure was a clear abrogation of the principles set forth in the Universal Declaration of Human Rights¹ and the Convention on the Elimination of All Forms of Discrimination Against Women.² It struck at the most basic of women's human rights, depriving them of economic, physical, and intellectual independence, and overturned what women internationally had been struggling to achieve for more than five centuries.

* Arvonne S. Fraser is senior fellow emerita, Humphrey Institute of Public Affairs, University of Minnesota and the former director of the International Women's Rights Action Watch (IWRAP) project which focused on publicizing and monitoring the women's human rights treaty, the Convention on the Elimination of All Forms of Discrimination Against Women. She also organized and co-directed the Center on Women and Public Policy at the Institute. During 1993–94, she served as US representative to the UN Commission on the Status of Women with the rank of Ambassador and was a U.S. delegate to the 1993 World Conference on Human Rights. From 1977–78, she directed the Office of Women in Development at the United States Agency for International Development and was a US delegate to the 1975 and 1980 UN World Conferences on Women. In the 1970s, she was president and legislative director of the Women's Equity Action League (WEAL), an organization that focused on opening educational and employment opportunities for women.

1. Universal Declaration of Human Rights, *adopted* 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess. (Resolutions, part 1), at 71, U.N. Doc. A/810 (1948), *reprinted in* 43 AM. J. INT'L L. SUPP. 127 (1949) [hereinafter UDHR].
2. Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* 18 Dec. 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, U.N. Doc. A/34/46 (1980) (*entered into force* 3 Sept. 1981), *reprinted in* 19 I.L.M. 33 (1980) [hereinafter CEDAW].

As John Stuart Mill argued in 1869 in his essay, *The Subjection of Women*,³ the question is whether women must be forced to follow what is perceived as their "natural vocation," i.e. home and family—often called the private sphere—or whether, in private and public life, they are seen as the equal partners of men.⁴ While the division of spheres, based on sex and known as patriarchy, may have been justified as a necessary division of labor in the early evolution of the human species, the system long ago outlived its functionality and has been challenged by women, and a few men, since, at least, the fifteenth century.

This article will trace the evolution of thought and activism over the centuries aimed at defining women's human rights and implementing the idea that women and men are equal members of society. Three caveats are necessary. First, because women's history has been deliberately ignored over the centuries as a means of keeping women subordinate, and is only now beginning to be recaptured, this is primarily a Northern story until the twentieth century. Second, because of this ignorance,⁵ any argument that the struggle to attain rights for women is only a Northern or Western effort is without foundation. Simply not enough available records exist detailing women's struggles or achievements in the Southern or Eastern sections of the world. The few records available to Northern writers attest that women in other parts of the world were not content with their status. Third, the oft-heard argument that feminism (read the struggle for women's equality) is a struggle pursued primarily by elite women is simply another example of the traditional demeaning of women. History is replete with examples of male leaders who are not branded with this same charge, even though much of history is about elite men.

In addition, it is hoped that this article, and the current activism on behalf of women's human rights, will stimulate historians and human rights activists to delve more deeply into the history of women's human rights throughout the world and further develop this neglected half of history. Such historical research would be a contribution to promoting women's human rights because it is from history, whether written or oral, that role models and traditions are created.

As historian Gerda Lerner has written:

[T]he fact that women were denied knowledge of the existence of Women's History decisively and negatively affected their intellectual development as a group. Women who did not know that others like them had made intellectual contributions to knowledge and to creative thought were overwhelmed by the sense of their own inferiority or, conversely, the sense of the dangers of their

3. JOHN STUART MILL, *THE SUBJECTION OF WOMEN* (M.I.T. Press 1970) (1869).

4. See *id.*

5. The term ignorance is used here in its original sense, that of something being unknown.

daring to be different. . . . Every thinking woman had to argue with the 'great man' in her head, instead of being strengthened and encouraged by her foremothers.⁶

II. EXECUTIVE SUMMARY

The original contributors to women's human rights were those who first taught women to read and, thus, to explore the world outside the home and immediate community. The idea of women's human rights is often cited as beginning in 1792 with Mary Wollstonecraft's book, *Vindication of the Rights of Women*,⁷ published in response to promulgation of the natural-rights-of-man theory. Recent historical research, however, has revealed a much longer gestation period, beginning at least in the early fifteenth century with publication of *Le Livre de la Cité des Dames* [*The Book of the City of Ladies*] by Christine de Pizan,⁸ which stimulated what French feminists call the *querelle des femmes* (translation: debate about women), a debate that continues to the present.⁹

This long debate has been broad and wide-ranging because human life has so many facets. Much of the debate has involved the traditional demeaning of women: a common, often subconscious, technique of one group seeking to maintain power over another. Demeaning an individual or group over time results in stereotyping and the denial of recognition of that group's accomplishments or contributions to society. As the demeaning becomes customary, discrimination results, establishing a rationale for differential treatment of groups and the individuals within the particular group. With discrimination, the less powerful are deprived of their history, their self-confidence, and, eventually, their legal ability to function as full citizens or members of the larger group. The great irony is that women have been charged with—and have often found security in—maintaining customs and tradition, thus, institutionalizing the discrimination against them through the education and socialization of children.

Breaking tradition, defying custom, and overcoming discrimination requires courage and leadership. Leaders bent on effecting change must develop a new vision of the world, articulate the problems of the status quo and a new theory of social and political order, and, over time, mobilize a critical mass of supporters who share the new vision and new articulation of

6. GERDA LERNER, *THE CREATION OF FEMINIST CONSCIOUSNESS: FROM THE MIDDLE AGES TO EIGHTEEN-SEVENTY* 12 (1993).

7. MARY WOLLSTONECRAFT, *VINDICATION OF THE RIGHTS OF WOMEN* (Source Book Press 1971) (1792).

8. CHRISTINE DE PIZAN, *THE BOOK OF THE CITY OF LADIES* (Earl Jeffrey Richards trans., Persea Books 1982) (1405).

9. JOAN KELLY, *WOMEN, HISTORY AND THEORY* 65–66 (1984).

the problems. For women, taking leadership was a double-edged problem, a contradiction in terms. For most women, especially before safe and effective birth control was available, marriage, home, and family were their means of economic survival and social acceptance. Girls were groomed for marriage, for reproduction and nurturance of the human species. While lauded in the abstract, and often romanticized, marriage and reproduction also have been demeaned throughout history. As Menander said two or three centuries before the birth of Christ: "Marriage, if one will face the truth, is an evil, but a necessary evil."¹⁰

As the Taliban so clearly understands, the prerequisites for development and implementation of women's human rights are: education; the means and ability to make a living beyond child bearing, homemaking, and caring for families; freedom of movement; and a measure of respect as individual human beings, not prisoners of their sex.

Education involves the ability to receive, create, and disseminate knowledge. Knowledge is power, the foundation of intellectual and political development. It is gained through experience, education, and association with knowledgeable others. Expanded literacy among women allowed those who could not escape the confines of home to learn about the outside world and, through writing, to recount their experiences and express their ideas. Freedom to move in public and to travel independently, even within a limited area, allows both for gaining more experience and for exchanging experiences with others, increasing both knowledge and education. It took centuries for women to gain the right to education and the opportunity to find employment outside the home; it was only after women were afforded these opportunities that they could communicate their experiences inside and outside the home. The resulting education offered new opportunities for women, such as the ability, for sexually active women, to limit childbearing.

The beginning of women's education began with literacy. As literacy rates increased, women began to articulate their view of the world. Many wrote anonymously at first in order to have their work accepted for publication. The Industrial Revolution and the concomitant advances in science and technology contributed immensely to women's emancipation. Not only did more women find employment outside the home, but travel and communication became easier and cheaper. A major breakthrough was the development of safe, effective, and legal means of birth control. The fact that distribution of birth control information and devices was illegal in most countries until the early twentieth century, and that the term "family planning" became a substitute for birth control, is additional testimony to

10. JOHN BARTLETT, *BARTLETT'S FAMILIAR QUOTATIONS* 651 (9th ed. 1901) (quoting an unidentified fragment).

the dilemma Mill identified—that men have believed that they must control women in order for them to engage in their natural vocation, that of bearing and raising children and maintaining homes.

Along with advances in health, sanitation, and medicine, an increasing number of women began living beyond their childbearing years and more children survived. Men's fear that women would not reproduce lessened, and the ability of women to participate in economic and political life increased.

By the time the United Nations was formed in the mid-twentieth century, internationally, a critical mass of women had been educated, were employed outside the home, and had obtained enough legal and social freedom to participate in public life, even at the international level. Numerous international women's organizations had fifty years of experience behind them. As a result of lobbying by these organizations, and with support from female delegates, the phrase "equal rights of men and women" was inserted in the UN Charter.¹¹ When the Universal Declaration of Human Rights (UDHR) was drafted, the term "everyone" rather than the personal pronoun "his" was used in most, but not all, of its articles.¹² When the Commission on Human Rights failed to recognize women's aspirations adequately, women delegates and the nongovernmental organizations (NGOs) supporting them were politically powerful and astute enough to obtain a freestanding Commission on the Status of Women (CSW).¹³ By 1979, the CSW, with the support of women delegates and NGOs and a new wave of feminism underway, had drafted and successfully lobbied the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women.¹⁴

The Convention wove together all the ideas discussed during the preceding five centuries of debate and placed a strong emphasis on the concept of equality in family matters. The Convention covered civil and political rights as well as economic and social rights, and, in 1980, with the requisite number of ratifications obtained, the Convention became the international women's human rights treaty.¹⁵ At the 1993 world conference on human rights, NGOs, focused on women's human rights, brought the previously hidden issue of violence against women to international attention. "Women's rights are human rights" became the cry. Although the

11. U.N. CHARTER pmbl., signed 26 June 1945, 59 Stat. 1031, T.S. No. 993, 3 Bevans 1153 (entered into force 24 Oct. 1945).

12. See generally UDHR, *supra* note 1.

13. See generally ARVONNE S. FRASER, LOOKING TO THE FUTURE: EQUAL PARTNERSHIP BETWEEN MEN AND WOMEN IN THE 21ST CENTURY (1983).

14. CEDAW, *supra* note 2.

15. *Id.*

debate, begun in 1405, continues, and the Taliban's edict illustrates that women's position in society can deteriorate, there is now worldwide recognition that the term "women's human rights" is not a redundancy.

The drive to define women's human rights and eliminate discrimination against them can be seen as part of the worldwide democratization effort. The question now is whether women will exercise their political muscle sufficiently at national, local, and international levels to assure universal implementation of the women's human rights treaty. This depends on whether women, in partnership with men, can effectively rationalize the relationships between the private and public spheres—between work, family, and public life. An important related question is whether women in all countries will redeem their history and use it to validate and support their struggle for equality and justice, or whether, as in the past, new women's movements will have to be organized every few generations to account for the lack of women's history and the shortcomings in traditional education and socialization of girls.

III. THE ORIGINS: DEFINING THE ISSUES

In 1405, Christine de Pizan's book, *Le Livre de la Cite des Dames*,¹⁶ was published, partially in response to Giovanni Boccaccio's earlier book, *Concerning Famous Women*,¹⁷ that described exceptional women of history who had acquired "manly spirit" and other male attributes such as "keen intelligence . . . and remarkable fortitude"¹⁸ and who dared to undertake difficult deeds. Boccaccio believed the histories of these women should be recorded just as the histories of male leaders were recorded.¹⁹ De Pizan, a widow supporting her family by writing, responded to Boccaccio and other male writers of her day, not only by creating her own list of important women of the past, but also by encouraging women of all classes to look to their own experience and resist being limited and demeaned by men.²⁰ De Pizan argued for women's right to be educated, to be able to live and work independently, to participate in public life, and be masters of their own fate. One of the leading intellectuals of her day, her extensive published works demonstrate that she was an astute political observer as well as a theorist.²¹

16. DE PIZAN, *supra* note 8.

17. GIOVANNI BOCCACCIO, *CONCERNING FAMOUS WOMEN* (Guido A. Guarino trans., Rutgers University Press 1963) (1361).

18. Guido A. Guarino, *Introduction to CONCERNING FAMOUS WOMEN*, *supra* note 17, at xxxviii.

19. *See generally id.*

20. The term "demeaned" was used frequently before the word "discrimination" was popularized.

21. Marina Warner, *Foreword to DE PIZAN*, *supra* note 8.

Feminist historian Gerda Lerner credits de Pizan with the first deliberate effort of raising women's consciousness, but laments the fact that, although numerous women later published lists of famous women, few used de Pizan as a reference—an example of how the lack of knowledge of women's history impedes intellectual development.²² Joan Kelly, another feminist historian, argues that de Pizan opened the *querelle des femmes*, or debate about women, by establishing the basic postulates of feminism.²³ (Feminism is used throughout this article in its original meaning: the theory of, and the struggle for, equality for women.) Kelly also asserts that de Pizan and her European successors focused on what is now called "gender"—the concept that the opposition to women is not simply biologically based but culturally based as well.

Four points are important about de Pizan and her work. The first is obvious but merits restatement: she could not have written her book if she had been illiterate. Like many who followed her, she used the printed word and publication of her ideas to describe the situation of women. She not only contributed to the historical record, she analyzed life from a women's perspective, basing her conclusions not only on her own life, but also on the lives of her predecessors. The ability to gain and disseminate knowledge, to record history, and to express new ideas and life experiences in printed form is, as noted above, a prerequisite for challenging social and political norms. De Pizan used her education and experiences to think, which Wollstonecraft would later argue was a necessity for girls. The ability to analyze one's circumstances and derive wisdom from that analysis is an important intellectual exercise, especially when the individual, her group, and her work are demeaned by the wider world.

Second, de Pizan directly challenged the confinement of women to the private sphere of home and family. She placed herself in the public sphere and demonstrated that women could provide for themselves economically, as many women, particularly widows, had done before her.

Third, de Pizan began a tradition of women writing for publication not only to express their ideas, but to offer economic support for themselves and their families. Finally, she understood that history, whether oral or written, is a political tool used to maintain power, to reinforce the dominant culture, and to record actions that affect the public sphere. History is not merely a record of leadership; it provides role models. As Cicero said, history provides guidance in daily life.

De Pizan understood that denying a group its history and suppressing its record of leadership results in disempowerment of the group. She knew that the record of actions by those who challenge existing power structures is

22. LERNER, *supra* note 6, at 261.

23. KELLY, *supra* note 9, at 65–66.

often deliberately suppressed and, unless that group is successful and becomes a new political force, the history is lost. History, as a record of male leadership, has been used, perhaps subconsciously, to reinforce the idea that women are insignificant and subordinate and, therefore, belong to the private sphere. Especially in societies where literacy is low and women's organizations are apolitical, male-dominated history and tradition maintain the existing social and political order. De Pizan and many of her successors have been omitted from recorded history, thus, prolonging the struggle for women to achieve their human rights.

IV. THE DRIVE FOR EDUCATION AND INDEPENDENCE

Throughout the sixteenth and seventeenth centuries, increasing numbers of girls, primarily in royal and wealthy families, were educated. More and more women began writing for publication, although often anonymously for fear of being seen as "intruding" on the public sphere. During the seventeenth century, numerous women writers, including Marie de Gournay of France, in her *Egalité des hommes et des femmes*,²⁴ argued for the education of girls and women, citing its lack as a major cause of women's inferior status.²⁵ In 1659, Anna Maria von Schurman's *The Learned Maid or Whether a Maid May be a Scholar*²⁶ appeared in English translation, echoing de Gournay. In 1670, Aphra Behn, said to be the first English woman to make her living by writing, had her play, *The Forc'd Marriage, or the Jealous Bridegroom*,²⁷ performed in London. While satirizing male behavior, Behn argued in her play for women's education and responded to public criticism of lack of knowledge of Greek and Latin by noting that Shakespeare had not known the languages either. She was one of the first—and still too rare—feminists who used humor and public entertainment to make her point. A generation later, in 1694, Englishwoman Mary Astell, in *A Serious Proposal to the Ladies*,²⁸ called for institutions of higher learning for women.

De Gournay, Behn, Astell, and others, some still unknown in history, followed in de Pizan's tradition by using their own experiences and skills to

24. MARIE LE JARS DE GOURNAY, *EGALITÉ DES HOMMES ET DES FEMMES* [EQUALITY OF MEN AND WOMEN] (Librairie Droz 1993) (1641).

25. See *id.*

26. ANNA MARIA VON SCHURMAN, *THE LEARNED MAID; OR, WHETHER A MAID MAY BE A SCHOLAR* (n.p. 1659).

27. APHRA BEHN, *THE FORC'D MARRIAGE, OR THE JEALOUS BRIDEGROOM* (1671), *microformed on Early English Books*, 1641–1700; 446:1 (Univ. Microfilms).

28. MARY ASTELL, *A SERIOUS PROPOSAL TO THE LADIES, FOR THE ADVANCEMENT OF THEIR TRUE AND GREATEST INTEREST*, PARTS I & II (Patricia Springborg ed., Pickering & Chatto 1997) (1694 & 1697).

expose the folly of women's position in society and to dramatize male condemnation of any deviation from that norm. Behn, a popular, seventeenth-century, English playwright who argued for a woman's right to choose to marry or to remain single, was publicly scorned and her work ignored after her death. At least one historian of the intellectual progress of women, Dale Spender, makes the point that discrimination and sexual harassment are new in name only.²⁹ Demeaning women took a virulent form in print and in person, not only of women of achievement, but of all women.³⁰

Spender argues that it was Astell who defined patriarchy and its attributes by attacking marriage as an institution that served to keep women subordinate. Astell was succeeded in this attack by Lady Mary Wortley Montagu. Spender credits Lady Montagu with being the first English woman to directly enter the political arena by publishing a periodical entitled *The Nonsense of Common Sense*.³¹ It is assumed she was also the author of a series signed "Sophia, a Person of Quality." In the series and in her *Letters*, published a year after her death in 1762, Lady Montagu introduced numerous topics attributed to later feminists, including the rights to education and construction of knowledge based on their own experiences; she also discussed the legal and social constraints of marriage and the influence of custom and its confusion with nature.³²

During the eighteenth century, educated women who argued for women's intellectual equality and promoted expanded educational opportunities for women became known as "bluestockings." Englishwoman Hannah More and others throughout Europe not only argued for women's and girls' education, but also organized women to establish schools. Even the more conservative women argued that education of girls was important because it meant that they would be better wives and mothers.

Organizing women to promote girls' education became socially acceptable, as did writing for publication. As Anne Hutchinson's experience in the colony of Massachusetts dramatically demonstrated, however, organizing for more political purposes was dangerous. In 1637, Hutchinson was charged with heresy for daring to question the religious/political authorities of the colony. Though Hutchinson left no personal written record, the

29. See DALE SPENDER, *WOMEN OF IDEAS (AND WHAT MEN HAVE DONE TO THEM)* (1982).

30. See *id.*

31. LADY MARY WORTLEY MONTAGU, *THE NONSENSE OF COMMON SENSE, 1737-1738* (Robert Halsband ed., 1947).

32. See generally 3 *A HISTORY OF WOMEN IN THE WEST: RENAISSANCE AND ENLIGHTENMENT PARADOXES* (Georges Duby & Michelle Perrot general eds., Natalie Zemon Davis & Arlette Farge eds., 1993); ELLEN MOERS, *LITERARY WOMEN* (1976); BONNIE S. ANDERSON & JUDITH P. ZINSSER, *A HISTORY OF THEIR OWN: WOMEN IN EUROPE FROM PREHISTORY TO THE PRESENT* (1988); LERNER, *supra* note 6, at 205-6.

proceedings of her trial for heresy were published.³³ Hutchinson and her husband had emigrated from England as members of a dissident religious community. A midwife and lay medical practitioner, she organized a series of women's meetings in her home where she expressed the belief that individuals had the right to determine their own beliefs, to read the Bible and talk directly to God, and to not be subject to the explications and interpretations of religious authorities. This open assertion of freedom of conscience and of speech was anathema to the colony's religious and political leaders who asserted that only they had the right to interpret God's word. Hutchinson and her merchant husband also hosted discussions in their home about the decisions of the political leaders on business matters in the colony.

Interestingly, at trial, Hutchinson was allowed to testify on her own behalf, a practice that was later abolished in many jurisdictions, leaving representation of women to their husbands or other male relatives. During her trial, Hutchinson refused to be demeaned. She held her own in intellectual sparring with Governor John Winthrop, who served as both judge and prosecutor. Her hosting meetings was considered "a thing not tolerable nor comely in the sight of God nor fitting for [her] sex."³⁴ Hutchinson was excommunicated for troubling the church and for drawing people away from the church.³⁵ Although she and her family were banished from the colony and moved to Rhode Island, her assertion of her human rights became legendary. American school children, at least those of the author's generation and earlier, in their study of early American history learned about Anne Hutchinson as a champion of religious freedom.

V. WOLLSTONECRAFT AND THE RIGHTS OF WOMEN

By 1792, when Wollstonecraft published *A Vindication of the Rights of Women*,³⁶ she only reiterated what numerous women, and a few men, before her had already written. Wollstonecraft had previously written *Thoughts on the Education of Daughters*,³⁷ as well as an autobiographical

33. See AMY SCHRAGER LANG, *PROPHETIC WOMAN: ANNE HUTCHINSON AND THE PROBLEM OF DISSENT IN THE LITERATURE OF NEW ENGLAND* (1987). See also SELMA R. WILLIAMS, *DIVINE REBEL: THE LIFE OF ANNE MARBURY HUTCHINSON* (1981).

34. WILLIAMS, *supra* note 33, at 149 (quoting Governor Winthrop's opening statement against Hutchinson at her trial).

35. See generally *id.* at 180 (citing *A Report of the Trial of Mrs. Anne Hutchinson Before the Church in Boston, 1638*, 4 MASS. HIST. SOC'Y (2d ser. 1889)).

36. WOLLSTONECRAFT, *supra* note 7.

37. MARY WOLLSTONECRAFT, *THOUGHTS ON EDUCATION OF DAUGHTERS: WITH REFLECTIONS ON FEMALE CONDUCT IN THE MORE IMPORTANT DUTIES OF LIFE* (Microfilm Corp. of America 1980) (1787).

novel entitled *Mary*³⁸ based on her own experiences as the daughter of a violent father and as a governess and teacher. In her *Thoughts on the Education of Daughters*, Wollstonecraft urged that girls be taught to think and their curiosity stimulated, revolutionary ideas for her time. She also responded to Edmund Burke's *Reflections on the French Revolution*³⁹ with her own pamphlet entitled *Vindication of the Rights of Men*,⁴⁰ in which she ridiculed his oversight of poverty in England, an issue that other female writers would discuss in the nineteenth century. Drawing attention to other less powerful groups and analogizing their situations to those of women was a path numerous leaders would later follow.

As a political commentator and translator working for Joseph Johnson and his *Analytical Review*, Wollstonecraft was familiar with the intellectual currents of Europe and was a friend of the American revolutionary writer, Thomas Paine. She was undoubtedly familiar with the work of Frenchwomen Madame de Genlis, who promoted girls' education, and that of Olympe de Gouges, a well-known pamphleteer on behalf of women's political rights and equality in law. Whether she knew of Condorcet's *Sur l'admission des femmes au droit de la Cite*,⁴¹ published in 1790, or of German legal scholar von Hippel's revised views on women that called for political, educational, and professional rights for women is unknown, but both von Hippel and Wollstonecraft acknowledged Englishwoman Catharine Macaulay's earlier work on women's education.⁴² A well-known English historian and an early bluestocking, Macaulay was a correspondent of George Washington and an advocate of the American experiment. Her reputation as a historian was tarnished when her *Letters*, in which she bemoaned women's lack of political rights and particularly the lack of married women's legal rights, were published.⁴³ Both Wollstonecraft and Macaulay lived their beliefs by undertaking unconventional marriages or choosing not to marry at all. Yet, while Wollstonecraft's reputation among feminists survived, Macaulay's did not—despite Wollstonecraft's acknowledgment of her debt to her.

Feminist historians argue that what distinguishes Wollstonecraft is that she was the first to put her theories in the context of a broader liberationist, modern human rights theory. In addition, she wrote in a more modern style,

38. MARY WOLLSTONECRAFT, *MARY* (Janet Todd ed., N.Y.U. Press 1992) (1788).

39. EDMUND BURKE, *REFLECTIONS OF THE FRENCH REVOLUTION AND OTHER ESSAYS* (E.P. Dutton & Co. 1920).

40. MARY WOLLSTONECRAFT, *VINDICATION OF THE RIGHTS OF MEN* (1791), *reprinted in* ELEANOR FLEXNER, *MARY WOLLSTONECRAFT: A BIOGRAPHY* (1972).

41. JEAN-ANTOINE-NICOLAS DE CARITAT CONDORCET, *THE FIRST ESSAY ON THE POLITICAL RIGHTS OF WOMEN: A TRANSLATION OF CONDORCET'S ESSAY "SUR L'ADMISSION DES FEMMES AU DROIT DE CITE"* (Alice Drysdale Vickery trans., Garden City Press 1912) (1787).

42. See SUSAN GROAG BELL & KAREN M. OFFEN, *WOMEN, THE FAMILY AND FREEDOM: THE DEBATE IN DOCUMENTS 97–118* (1983).

43. ANDERSON & ZINSER, *supra* note 32, at 345, 352.

defining and describing women's limitations in public and private life in short, declarative sentences full of fury at both men and women. Wollstonecraft seems to ask female readers, "Have you no integrity, no sense of self?" as she regales against their coquetry and submissiveness to men and their general irresponsibility toward themselves, their children, and society.

Another Wollstonecraft contribution was her emphasis on women's health, promoting exercise of body and mind. Her predecessors made similar arguments for women's education, against the legal disabilities of marriage, and against women's lack of participation in politics, but only Wollstonecraft argued that women should be more active physically and more knowledgeable about health, anatomy, and medicine. She also was a precursor to the discussion of violence against women. In this area, she was almost two centuries ahead of her time: "The being who patiently endures injustice, and silently bears insults, will soon become unjust, or unable to discern right from wrong. . . . Nature never dictated such insincerity;—and, though prudence of this sort be termed a virtue, morality becomes vague when any part is supposed to rest on falsehood."⁴⁴

Although Wollstonecraft agreed with Rousseau on his rights-of-man theory, his views on women incensed her. Hobbes and Locke had argued that the rights-of-man theory encompassed woman. Rousseau, on the other hand, followed the traditional, paternalistic line of thought: "In the family, it is clear, for several reasons which lie in its very nature, that the father ought to command."⁴⁵ Later, in his book, *Emile*, he forcefully asserted the common view that woman's purpose in life was to serve and entertain men. Wollstonecraft devoted an entire chapter to Rousseau's idea that the

education of women should be always relative to . . . men. To please, to be useful to [them], . . . to educate [them] when young, and take care of [them] when grown up, to advise, to console [them], to render [their] lives easy and agreeable: these are the duties of women at all times.⁴⁶

Wollstonecraft dismissed Rousseau's views as nonsense while strongly criticizing women who taught their daughters, and practiced obedience to, such views.

Meanwhile, in America, Abigail Adams was expressing similar ideas. A respectable married woman and wife of an early president of the United States, Adams is portrayed indulgently by historians for her "don't forget the

44. WOLLSTONECRAFT, *supra* note 7, at 105.

45. JEAN-JACQUES ROUSSEAU, *A Discourse on Political Economy, in THE SOCIAL CONTRACT AND DISCOURSES* (G.D.H. Cole trans., 1913), *reprinted in part in HISTORY OF IDEAS ON WOMAN: A SOURCE BOOK* 117, 119 (Rosemary Agonito ed., 1977) [hereinafter *HISTORY OF IDEAS ON WOMAN*].

46. WOLLSTONECRAFT, *supra* note 7, at 101 (citing 3 JEAN-JACQUES ROUSSEAU, *EMILIUS (A TREATISE OF EDUCATION)* 181 (1768)).

ladies" letter to husband John while he was off helping draft the new country's constitution.

Do not put such unlimited power in the hands of the husbands. Remember all men would be tyrants if they could. If particular care and attention is not paid to the ladies we are determine [sic] to foment a rebellion, and will not hold ourselves bound by any law in which we have had no voice, or representation.⁴⁷

These are distinctly personal political sentiments based on women's experience. What most historians ignore is that this letter was only one example of her outspoken irritation at the legal constraints on women.

In other letters, Adams lamented the fact that, although she managed the farm and other family enterprises while her husband was off on political ventures, she could not make contracts or sell any of their property without his signature. Adams was also concerned about women's education, lamenting her own lack thereof, and inquiring about Macaulay in correspondence with an English cousin.⁴⁸

The pleas of Abigail Adams and other women did not move male political leaders. Women were not considered citizens in the new US Constitution. On the European continent, the Allgemeines Landrecht of 1794 and the Napoleonic legal code of 1804 declared married women legally subordinate.⁴⁹ Yet, in 1808, Charles Fourier of France, whom some have called the inventor of feminism, asserted:

As a general thesis: Social progress and historic changes occur by virtue of the progress of women toward liberty, and decadence of the social order occurs as the result of a decrease in the liberty of women. . . . [T]he extension of women's privileges is the general principle for all social progress.⁵⁰

Fourier's ideas found few adherents. In 1832, the English Reform Act, in extending voting rights, limited those rights to "male persons."⁵¹

However, by the end of the eighteenth century, strong feminist arguments were being made on both sides of the Atlantic, although no major social or political women's organization existed to promote feminist views except that of education. Before organizing for political purposes, women articulated their experience and ideas through written publications, and only gradually broke the tradition that good women did not address public audiences. A new political movement, the abolition of slavery, gave women

47. See ALICE ROSSI, *THE FEMINIST PAPERS: FROM ADAMS TO DE BEAUVOIR* 10–11 (1973); SALLY SMITH BOOTH, *WOMEN OF '76*, at 89 (1973).

48. PHYLLIS LEE LEVIN, *ABIGAIL ADAMS: A BIOGRAPHY* (1987).

49. BELL & OFFEN, *supra* note 42, at 37–41.

50. *Id.* at 41.

51. English Reform Act of 1832, 2 & 3 Will., ch. 45.

experience in organizing and moved them into the political arena and onto public platforms.

VI. MARRIAGE AND CHILDREN

While women's rights in the public arena received some attention, it was discrimination in the private sphere that was the more compelling issue. In the 1830s, the Caroline Norton case in England captured public attention.⁵² A member of the well-placed Sheridan family, Caroline married George Norton, a lawyer and member of Parliament, only to find that he was a brutal drunk who expected her earnings to support the new family. A writer and magazine editor whose income, under law, belonged to her husband, Norton refused to be quiet, as women of her time were expected to do, about her frequent beatings at his hands. Abjuring feminism and using her social contacts, Caroline Norton argued for justice in marriage, putting her case before the public when the couple separated and her husband filed for divorce and took the children. The case generated immense publicity because of the Nortons' social standing. Like all other English women, she could neither legally appear in court nor be represented. A jury disallowed the divorce and, under law, Norton's husband retained custody of the children. This drove Caroline to a study of English law and cases similar to hers. She not only wrote and distributed a pamphlet, *The Separation of Mother and Child by the Law of Custody of Infants Considered*,⁵³ in 1837 to Members of Parliament and to the public, but she also got the attention of a young barrister interested in child custody cases. As a result, in 1839, Parliament passed an infant custody reform bill allowing children under seven years of age to remain with their mother if she was of good character and the Lord Chancellor agreed.

This, however, was not the end of the matter for Caroline. George next sued for access to her trust monies and other inheritances to pay his debts. She contracted with him, assuring him an allowance if he gave her a legal separation, forgetting that as a woman she had no legal right to contract. Although she was allowed in court as a witness this time, she lost the case. Again, her response was to go public, achieving immense notoriety. In 1854, she published *English Laws for Women in the 19th Century*.⁵⁴ In a private letter, Norton, while disavowing feminism, admitted that she was

52. See generally MARGARET FORSTER, *SIGNIFICANT SISTERS: THE GRASSROOTS OF ACTIVE FEMINISM 1839–1939*, at 15–52 (1984).

53. See *id.*

54. See *id.* at 46.

seen "as a cross 'between a barn actress and a Mary Wollstonecraft.'"⁵⁵ At this point, an avowed feminist, Barbara Leigh-Smith (a.k.a. Barbara Bodichon), brought out her own pamphlet on women and the law in England and circulated a women's petition drive for reform of the laws regarding married women, obtaining more than twenty thousand signatures.

In 1857, the British Parliament passed an omnibus bill that allowed wives to directly inherit and bequeath property; permitted a wife who had been deserted by her husband to keep her earnings; empowered courts to direct payments for separate maintenance; and gave a separated wife the right to sue, be sued, and make contracts.⁵⁶ Only in 1882, with the Married Women's Property Act,⁵⁷ did married women achieve the same rights as unmarried women.

Almost as if to prove the point that women—and especially married women—had little power either in the public sphere or in the home, it took a distinguished Englishman and member of Parliament, John Stuart Mill, to put the question of marriage on the international map. His 1869 essay, *The Subjection of Women*,⁵⁸ drew tremendous attention in England and was almost immediately translated and distributed throughout Europe and the United States. Susan Bell and Karen Offen, in *Women, the Family and Freedom: The Debate in Documents*, argue that Mill's essay "forced thinkers to grapple with fundamental issues of political and social theory."⁵⁹ Mill argued that men took contradictory positions by believing that women's "natural vocation" is that of wife and mother, while also believing that women must be forced or controlled in order that they engage in this natural vocation. If natural, why was force necessary? Mill thought too many men were afraid of equality in marriage. In that case, he argued, men should never have allowed women "to receive a literary education. Women who read, much more women who write, are, in the existing constitution of things, a contradiction and a disturbing element. . . ."⁶⁰

In his essay, Mill argued that marriage should be thought of as a voluntary association, a contract between equals similar to any business partnership. The partners could be assumed to settle issues of control

55. See *id.*

56. See, e.g., *id.* at 47, 48, 51; BELL AND OFFEN, *supra* note 42, at 22 (highlighting the Divorce Act of 1857, the Married Women's Property Act of 1870, and its successor act of 1882, three acts that changed the legal position of married women in England); 4 A HISTORY OF WOMEN IN THE WEST: EMERGING FEMINISM FROM REVOLUTION TO WORLD WAR 97–113 (Georges Duby & Michelle Perrot general eds., Genevieve Fraisse & Michelle Perrot eds., 1993).

57. Married Woman's Property Act of 1882, 45 & 46 Vict., ch. 75.

58. See MILL, *supra* note 3.

59. BELL & OFFEN, *supra* note 42, at 392.

60. MILL, *supra* note 3, *reprinted in part in* HISTORY OF IDEAS ON WOMAN, *supra* note 45, at 225, 243.

amicably, each taking those responsibilities at which they were most efficient to perform. He also argued that it was in the interests of children and of society that equal rights within the family be the basis of marriage, otherwise, the family would become

a school of despotism [when it ought to be] the real school of the virtues of freedom. . . . The moral regeneration of mankind will only really commence, when the most fundamental of the social relations is placed under the rule of equal justice, and when human beings learn to cultivate their strongest sympathy with an equal in rights and in cultivation.⁶¹

Mill's arguments were exactly what an incipient international women's movement needed. Bell and Offen point out that Mill's essay, and the ferment it caused, were significant in mobilizing women to push for legal, economic, educational, and political rights in virtually every country in Europe.⁶² Yet, it was not until 1923 that English women gained equal rights in divorce, and it took fifty more years, until 1973, before Parliament allowed English mothers to have legal custody of children equally with fathers.

VII. THE CONTRIBUTION OF NINETEENTH-CENTURY WOMEN WRITERS

Denied direct access to the world of politics by custom—it was unseemly for women to speak in public—and subordinate under law, many English, French, and American women took to writing literature and political commentary as a means of intruding on the public sphere and, not incidentally, like de Pizan and Wollstonecraft, as a means of economic independence. During the nineteenth century, numerous women writers became noted literary figures, often using the novel to express political sentiments. According to Ellen Moers in *Literary Women*, these writers gave voice, directly and indirectly, to the feelings and aspirations of women.⁶³ They pitted the conservative, traditional woman against the feminist through literature and indirectly encouraged feminist views in many of their readers. As Wollstonecraft before them, they became spokeswomen for the underprivileged, whether slaves, factory workers, the poor, or women.

Jane Austen and Charlotte Brontë are now the best known novelists of this period, but Fanny Burney of England and Madame de Stael of France were among the early popular writers who described the world from a

61. BELL & OFFEN, *supra* note 42, 398–99.

62. *Id.* at 362.

63. *Id.* at 28.

woman's perspective. Much more famous and widely read during this time was a novel not about women, but about slavery. Harriet Beecher Stowe's *Uncle Tom's Cabin* brought her to international attention.⁶⁴ The millions of copies sold not only helped her family survive economically, but contributed to the US Civil War and a change in public policy. What is not mentioned by most literary historians is that novelist George Eliot not only portrayed girls' lives as stifling, but she also was so moved by Harriet Beecher Stowe's portrayal of slavery that she confessed in a letter to Stowe that she "felt urged to treat Jews with such sympathy and understanding as my nature and knowledge could attain to,"⁶⁵ which resulted in her novel, *Daniel Deronda*.⁶⁶

Mrs. Gaskell's *Mary Barton*,⁶⁷ published in 1848, is, according to Moers, the earliest, most notable novel about factory workers, although it was not the first written by a woman on this subject.⁶⁸ That distinction belongs to the aforementioned Caroline Norton, who, left in penury by her dissolute and violent husband, published *A Voice from the Factories* in 1836 and *The Child of the Islands* on child labor in 1845.⁶⁹

Another English writer of this period was Harriet Martineau, well-known for her writings on political economy and one of many European female writers to tour the United States and write—along with Francis Wright and Frances Trollope, Anthony Trollope's mother—about conditions in the United States. During the 1820s and 1830s, Francis Wright became notorious for espousing women's and worker's rights, anti-slavery sentiments, free thought, and public education for both girls and boys. An intimate of General Lafayette of France, Wright's personal life and radical ideas made her *persona non grata*, like many other women before and after her whose non-traditional personal lives have been denigrated in an attempt to lessen the impact of their ideas on the public mind. One of the things that interested Wright, as it did de Tocqueville in his *Democracy in America*,⁷⁰ was the position of American women as pragmatic, thinking beings, who knew, or learned, how to organize—a requirement for survival on the frontier.

Another woman, also writing under a man's name, was George Sand of

64. HARRIETT BEECHER STOWE, *UNCLE TOM'S CABIN, OR LIFE AMONG THE LOWLY* (Macmillan Publ'g Co. 1994) (1852).

65. MOERS, *supra* note 32, at 39 (quoting Eliot).

66. GEORGE ELIOT, *DANIEL DERONDA* (Penguin Books 1986) (1876).

67. ELIZABETH CLEGHORN GASKELL, *MARY BARTON: A TALE OF MANCHESTER LIFE* (Oxford Univ. Press 1987) (1848).

68. MOERS, *supra* note 32, at 23.

69. *See id.* at 23.

70. ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* (J.P. Mayer & Max Lerner eds. & George Lawrence trans., Harper & Row 1966) (1838).

France who achieved international fame, not only for the proletarian political views expressed in her numerous novels, but also for her life of political activism and defiance of social mores. Sand is often remembered as a woman who dressed in men's clothing in order to move more freely around Paris. Widely recognized as the Muse of the 1848 Revolution, she lived out her beliefs. Defying convention, she separated from and divorced her husband; lived with a series of notable men without marriage; demanded custody of her children, inheritance, and property; earned her living by writing while expressing revolutionary thoughts; and became a role model—albeit, a highly controversial one—for women as well as men. She also became one of her generation's most popular and prolific writers, gaining praise from peers such as Dostoyevsky, Turgenev, Henry James, Walt Whitman, and, not incidentally, John Stuart Mill.⁷¹

Perhaps as important, in terms of women's human rights, as the writings and ideas of the noted women is the interaction between the writers and female activists. In today's parlance, this would be called "networking across international borders." Sand was beleaguered at times by visitors. Margaret Fuller, American journalist and author of *Woman in the Nineteenth Century*,⁷² enroute to Italy to cover its independence movement, was only one of many who called upon Sand. By this time, more women were traveling internationally. Flora Tristan, Sand's contemporary, went to Peru in an attempt to claim her father's inheritance, and then came home to write *Peregrinations d'une paria 1833–34*, followed by *Promenades de Londres* in 1840, and later, in 1846, *L'Emancipation de la Femme ou la testament de la Paria*.⁷³

Networking among women who had attracted public attention was taking place, not only across international boundaries, but within borders, too. According to Moers,

George Eliot knew Barbara Leigh-Smith (founder of the Association for Promoting the Employment of Women); Mrs. Gaskell knew Bessie Parkes; and Charlotte Brontë knew Mary Taylor (early settler and businesswoman of New Zealand), who wrote home . . . denouncing the author of *Shirley* as "coward" and "traitor" for the hesitant ambivalence [Miss Taylor] sensed in Charlotte Brontë's attitude toward work for women.⁷⁴

Ernestine Rose is a prime example of the networking that took place between European and American women who became women's rights

71. JOSEPH BARRY, *INFAMOUS WOMAN: THE LIFE OF GEORGE SAND* at xiv (1978).

72. MARGARET FULLER, *WOMAN IN THE 19TH CENTURY* (Univ. of S.C. Press 1980) (1845).

73. See MOERS, *supra* note 32, at 20–22. See also *id.* at 316–17 (for a list of Flora Tristan's publications).

74. *Id.* at 19.

activists. Rose, like many others, became interested and active in a variety of progressive movements and the object of a great deal of publicity in her day. Born in Poland, she escaped an arranged marriage and, in court, defended her inheritance claim. She later emigrated to Germany, where she supported herself by selling her own invention, a household deodorant; moved to Paris during the 1830 revolution; and subsequently moved to England, where she became associated with Robert Owen and other reformers. By 1840, she and her English husband moved to the United States where Rose lobbied for passage of a married women's property act in New York. The legislative act allowed women to hold property in their own names and be legal guardians of their children. A forceful orator and leader in the numerous state and national women's rights conventions held in the eastern United States between 1850 and the onset of the US Civil War, Rose kept in touch with European women working on women's rights issues. She often used the term "human rights" in her speeches and in at least one instance sponsored a resolution stating that "by human rights we mean natural rights."⁷⁵

Women leaders on both sides of the Atlantic were not deterred by resistance to their ideas. At the 1853 New York City Women's Rights Convention, Lucretia Mott, discussed later, introduced Mathilde Francesca Anneke, editor of *Die Frauenzeitung*, who fled Germany when her husband was tried for treason after supporting the 1848 revolutionary movement. Rose was Anneke's translator, although translation services were not needed when an unruly mob entered the hall and brought the meeting to a halt—not an uncommon event for women's rights meetings. Before the meeting was disrupted, however, the convention had adopted a resolution that stated that their movement was "not of America only" and had formed a committee to communicate with women of "Great Britain and the Continent of Europe." Rose, who was made a member of the committee, was also active in peace, free-thought, and social reform movements and kept in touch with European feminists, reading letters and other communications from them at other women's rights conventions.⁷⁶

Although little of women's writings or their leadership in Eastern and Southern nations during the nineteenth century was common knowledge in the Western world, in 1905, "Sultana's Dream," a patently feminist story, was published in the *Indian Ladies Magazine* by Rokeya Sakhawat Hossain.⁷⁷ It described, in good humor, a world in which men's and women's positions

75. YURI SUHL, ERNESTINE L. ROSE AND THE BATTLE FOR HUMAN RIGHTS 149 (1959).

76. *Id.* at 145–48.

77. ROKEYA SAKHAWAT HOSSAIN, SULTANA'S DREAM AND SELECTIONS FROM THE SECLUDED ONES (Roushan Jahan ed. & trans., Feminist Press 1988) (1905 & 1928–1930).

were reversed and noted the lack of women's education and the strictures of the veil.⁷⁸

VIII. ORGANIZING FOR POLITICAL ACTION— FROM ANTI-SLAVERY TO WOMEN'S RIGHTS

While Europe produced most of the writers who depicted women's experiences, organizing for political purposes was the major contribution of American women to the development of women's human rights. Organizing, as pointed out by de Tocqueville, was a necessity in America. Pioneers in a new land had to organize to survive, especially those who settled the northern sections of the United States where the winters are severe. It was the abolition of slavery—and later the civil rights movement—that provided the impetus for US women to organize to eliminate discrimination and promote women's rights just as the French and American revolutions had contributed to Wollstonecraft's and Abigail Adams' thinking.

Two sisters from the slave-owning South of the United States turned their experiences with slavery first into anti-slavery advocacy and then to advocacy for women's rights. Sarah Grimké, daughter of a leading South Carolina judge and political activist, became deeply frustrated by her family's refusal to allow her to study law with her brother. She had hated slavery from childhood when she was severely reprimanded for secretly teaching her own slave servant/companion to read, an illegal act. Refusing marriage and the traditional life of a Southern lady, she moved to Philadelphia after her father's death and later was joined by her younger sister Angelina. Both found a measure of personal freedom in Quaker society, but soon found even the Quakers and male abolitionists too conservative. As agents for the American Anti-Slavery Society, they were placed in charge of organizing women. Later, Angelina's 1836 anti-slavery pamphlet, *An Appeal to the Christian Women of the South*,⁷⁹ brought her to national attention. Angelina frequently spoke in public on the abolition of slavery and was often heckled by unruly mobs—at one such speech, a mob burned the new Philadelphia hall in which she spoke to the ground.

According to Lerner, "the Grimké sisters [came] to represent in the public mind the fusion of abolition and woman's rights . . . [and] precipitated an ideological crisis among reformers."⁸⁰ Like Anne Hutchinson before them, Sarah and Angelina refused to be demeaned by religious

78. See *id.*

79. ANGELINA E. GRIMKÉ, *AN APPEAL TO THE CHRISTIAN WOMEN OF THE SOUTH* (Arno Press 1969) (1836). See generally GERDA LERNER, *THE GRIMKÉ SISTERS FROM SOUTH CAROLINA* (1967).

80. See LERNER, *supra* note 79, at 183.

leaders who resented their interference with doctrine, their organizing of women parishioners, and their daring to speak to audiences of both sexes. Sarah Grimké's incisive *Letters on the Equality of the Sexes*,⁸¹ issued in response to a Pastoral Letter to Congregational Churches, referred to Cotton Mather and witchcraft, a reference to Hutchinson's fate; demanded equality in education and equal pay for equal work; and drew analogies between women's lives and those of the slaves. An intellectual far ahead of her time, Sarah Grimké used language in an essay on marriage similar to that used in the 1993 world conference on human rights: "Human rights are *not* based upon sex, color, capacity or condition. They are universal, inalienable and eternal, and none but despots will deny to woman that supreme sovereignty over her own person and conduct which Law concedes to man."⁸²

Action at the 1840 World Anti-Slavery Conference in London spurred two women to organize. Lucretia Mott, a Pennsylvania Quaker, who reputedly kept a copy of Wollstonecraft's book in the foot of her babies' cradle, was an organizer of the Philadelphia Female Anti-Slavery Society, consisting of black and white members. Mott, with her husband, attended the 1840 World Anti-Slavery Conference in London, as did newly-married Elizabeth Cady Stanton. Upon reaching London, they discovered they were barred from participating in the conference despite all their anti-slavery organizing at home—women at the World Anti-Slavery Conference were only allowed to listen from behind a balcony curtain. Although some male delegates—not including Mrs. Stanton's new husband—argued in favor of women's participation, the ban remained.

This manifest discrimination in a cause dedicated to freeing individuals from bondage shocked Mott and Stanton into action. Earlier, Mott, as a school teacher, had unavailingly protested against male and female pay differentials, while Stanton had complained to her father, a lawyer and judge, about women's legal subordination. While in London, the younger Stanton, a rebel by nature, found Mott "a suitable female role model and a willing mentor."⁸³ Mott told Stanton "of Mary Wollstonecraft, her social theories, and her demands of equality for women."⁸⁴ In London, the two women decided to organize a women's rights meeting when they returned to America. It took eight years before their idea came to fruition. Family duties, abolition activities, Stanton's child-bearing, and limited means of travel constrained both women, although they remained in correspondence.

81. SARAH M. GRIMKÉ, *LETTERS ON THE EQUALITY OF THE SEXES AND OTHER ESSAYS* (Elizabeth Ann Bartlett ed., Yale Univ. Press 1988).

82. Sarah M. Grimké, *Marriage*, reprinted in part in GERDA LERNER, *THE FEMALE EXPERIENCE: AN AMERICAN DOCUMENTARY* 89, 89 (1977).

83. ELISABETH GRIFFITH, *IN HER OWN RIGHT: THE LIFE OF ELIZABETH CADY STANTON* 38 (1984).

84. *Id.* at 38 (quoting Stanton).

In 1848, when Mott was visiting upstate New York, Stanton and Mott called their now-historic Seneca Falls meeting.

By 1848, a strong foundation of thought and advocacy for women's rights had been built, but it had not won public favor. Most of the principles that would appear a hundred years later in the Universal Declaration and the Women's Convention—the rights to education; to employment outside the home with wages paid directly to the woman; to custody of their children; to hold and inherit property; to contract and be represented in court; and to participate in the world of public affairs—already had been espoused. What was required was to put these concepts in a theoretical framework. The framework, in addition to demanding the right to vote, organizing women, and giving women a different vision of the world, was Stanton's contribution. She had spent the eight years between meeting Mott and calling the 1848 convention reading and studying while raising her children.

In the Declaration of Sentiments that Stanton wrote for the 1848 meeting, she expressed strong resentment of the fact that, throughout history, men had established "an absolute tyranny" over women.⁸⁵ Women were required to abide by laws they had no hand in making, and were thereby deprived, viewed "if married, in the eye of the law, [as] civilly dead."⁸⁶ Stanton wrote that, without rights to property or to the wages they earned, women become "morally irresponsible in marriage, can be chastised by the husband, are discriminated against in the laws of divorce and, if single and the owner of property, taxed to support a government which recognizes her only when her property can be made profitable [for the government]. . . ."⁸⁷ Kept from most profitable employments and professions such as law and medicine, she is paid low wages, when employed, and denied good education, with colleges not open to her. Thus, her confidence is destroyed, her self-respect lessened, and she is subject to a different code of morals, all of which, Stanton continued, made her willing to lead a dependent and abject life, depriving her of her citizenship. She concluded with a prophecy and call to action: "We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and the press in our behalf [and] hope this Convention will be followed by a series of Conventions embracing every party of the country."⁸⁸

The resolutions adopted at this historic meeting echoed sentiments expressed by earlier feminists and were reminiscent of Olympe de Gouges'

85. MARI JO & PAUL BUHLE, *THE CONCISE HISTORY OF WOMAN SUFFRAGE* 94 (1978) (reprinting Stanton's Declaration of Sentiments *in toto*).

86. *See id.*

87. *See id.* at 95.

88. *Id.*

1791 Declaration of the Rights of Woman and Citizen.⁸⁹ Whether Stanton, a well-read intellectual, knew of de Gouges' work is unclear. What is known is that the 1848 meeting was attended by many of the nation's leading reformers—black and white—and received extensive, primarily negative, publicity.

Although her resolution on women's suffrage—the only resolution not passed unanimously—has attracted the most attention from historians, feminist and non-feminist alike, its significance is sometimes over-estimated. "The right to vote is an empty right if power within the home resides in the male," Marsha Freeman of the International Women's Rights Action Watch correctly asserts.⁹⁰ In its time, however, the call for the right to vote was for the legal right to participate in the public sphere. Suffrage was the metaphor for equality in public life, for full citizenship. Public discussion of the husband's right to chastise or beat his wife, perhaps, had greater contemporary impact, although it was not discussed widely, or used as an organizing tool, until the late twentieth century when violence against women became an international organizing effort and united women of all classes and nationalities.

What was important in 1848, and is still important today, is the full legal and *de facto* capacity of women to act as free, independent, equally empowered citizens in both the private and public spheres. It was this 1848 call to action on all fronts—public and private—that spurred women's organizing nationally, and then internationally, and ultimately led, not only to women achieving the right to vote, but to their increasing political activity. A widely publicized series of state and national women's rights conventions, interrupted by the Civil War, gathered converts to every issue in the Declaration and, after intense organizational efforts, ultimately led to American women finally achieving the vote in 1920.⁹¹ These early conventions could be called a first wave of organized consciousness-raising because they brought a wide range of women's issues to public attention and spurred individuals and groups of women to action on many fronts.

Another important step was the struggle of women to enter acknowledged professions such as law, medicine, and science. Among the most notable early trail-blazers were Elizabeth Blackwell of the United States and Florence Nightingale of England, who both broke barriers for women in medicine. Blackwell is recognized for her fight to enter medical school and become the first certified female doctor, while Nightingale is remembered not only for her pioneering efforts in modern nursing, but also for her research and advocacy in the field of public health. In the same period,

89. BELL & OFFEN, *supra* note 42, at 98, 104–09.

90. Comments in a conversation with the author.

91. U.S. CONST. amend. XIX.

women also broke the college entrance barrier. Lucy Stone, the first American woman to attend college, is known for her leadership in the suffrage movement as well as her insistence on keeping her own name upon marriage and her strong advocacy of education of girls and women.

The resistance to women's participation in public life as professionals in the United States is illustrated by an 1870 decision of the State of Illinois' Supreme Court refusing Myra Bradwell admission to the bar on the grounds that

God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply and execute the laws. . . . This step, if taken by us, would mean that . . . every civil office in this State may be filled by women . . . governors, judges and sheriffs. This we are not yet prepared to hold.⁹²

However, in 1874, the Illinois legislature passed legislation preventing discrimination in bar admissions on the basis of sex,⁹³ and in 1879, the US Supreme Court allowed Belva Lockwood to appear before it.⁹⁴ In spite of these victories, it took until 1973, when the US Congress adopted Title IX of the Education Amendments,⁹⁵ which, among other things, was designed to eliminate discrimination against women in education, to open US law schools to more than a small quota of women, and to encourage schoolgirls to participate in sports.

IX. ORGANIZING INTERNATIONALLY

Women's organizing was not limited to the United States, nor were women's suffrage leaders the only leaders organizing women for political action. Although the Women's Christian Temperance Union (WCTU) is remembered, often jokingly, for its crusade against the evils of alcohol, its primary emphasis, under the leadership of Frances Willard, was local political action in the name of motherhood and home. Willard's "do everything" policy for local WCTU units encouraged women to improve their communities. Many units established kindergartens, libraries, and other community institutions. This local activity brought new recruits to the suffrage movement. Later, Willard formed an international WCTU with units in other countries, including Japan.⁹⁶

In March 1888, forty years after the Seneca Falls meeting, an Interna-

92. ELEANOR FLEXNER, *CENTURY OF STRUGGLE: THE WOMAN'S RIGHTS MOVEMENT IN THE UNITED STATES* 120–21 (1974).

93. *See id.* at 121.

94. *Id.*

95. 20 U.S.C. § 1681 et seq.

96. RUTH BORDIN, *FRANCES WILLARD: A BIOGRAPHY* (1986).

tional Council of Women meeting, organized by Stanton and her friend and colleague, Susan B. Anthony, was held in Washington, DC. Anthony had been active in the temperance movement and proved herself to be the consummate organizer, while Stanton was a theoretical politician. The International Council of Women meeting was cosponsored by the WCTU. In addition to delegates from England, France, Norway, Finland, Denmark, India, and Canada, representatives from over fifty US women's organizations attended.⁹⁷ This meeting was not the first international organization of women; by 1888, Marie Goegg of Switzerland had formed an International Association of Women, an International Women's Rights Conference had been held in Paris, and the World Young Women's Christian Association (WYWCA) and the World WCTU had been formed. In the early part of the twentieth century, the International Conference of Socialist Women was formed under the leadership of Clara Zetkin. This group proposed what later became International Women's Day. Also, in Russia, Alexandra Kollantai, who concentrated on organizing employed women, built upon and defined the feminist movement.⁹⁸

With headquarters in Zurich, the International Council of Women promoted the formation of national councils to work on social and economic questions. Although Anthony and Willard were extremely pleased that more conservative women were joining the women's rights movement, Stanton and others had a broader, more liberal or progressive vision. By this time, Stanton was spending more and more time in Europe, primarily England and France. Although suffrage remained a primary issue for her, in perhaps the most significant speech of her life, made before the US Senate Committee on Woman Suffrage, she called on women to be self-reliant, independent beings whose birthright was "self-sovereignty."⁹⁹ At the age of seventy-six, Stanton argued the essential basis for women's human rights, the sovereignty of the individual:

No matter how much women prefer to lean, to be protected and supported, nor how much men prefer to have them do so, they must make the voyage of life alone. . . . The strongest reason why we ask for woman a voice in the government under which she lives; in the religion she is asked to believe; equality in social life, where she is the chief factor; a place in the trades and professions, where she may earn her bread, is because of her birthright to self-sovereignty; because, as an individual, she must rely on herself.¹⁰⁰

97. GRIFFITH, *supra* note 83, at 193.

98. See Margaret E. Gale, *Forerunners in Women's Quest for Partnership*, in *WOMEN, POLITICS, AND THE UNITED NATIONS* 1 (Anne Winslow ed., 1995); RICHARD STITES, *THE WOMEN'S LIBERATION MOVEMENT IN RUSSIA* (1978).

99. GRIFFITH, *supra* note 83, at 203, 204.

100. *Id.* at 203 (indicating that the full text of the speech, *The Solitude of Self*, can be found in *THE HISTORY OF WOMAN SUFFRAGE 189-91* (AYER CO. 1985) (Elizabeth Cady Stanton et al. eds., 1881)).

Achieving that birthright required organizing internationally. Women's suffrage, at the end of the nineteenth century and the beginning of the twentieth, like the violence against women issue at the end of the twentieth century, became the most visible issue in the feminist movement. Less visible were other issues supported by a variety of women's organizations, ranging from those concentrating on meeting short-term social welfare needs to the more political organizations that were demanding the right to vote.

In 1902, delegates from ten countries—the United States, England, Russia, Norway, Germany, Sweden, Turkey, Australia, Chile, and Canada—attended an International Woman Suffrage Conference held in Washington, DC as part of the National American Women Suffrage Association's annual convention.¹⁰¹ By this time, New Zealand and Australia had given women the vote.¹⁰² In 1904, meeting in Berlin, women active in national suffrage campaigns formed the International Woman Suffrage Alliance (IWSA) and elected as president Carrie Chapman Catt, a second-generation US suffragist whose talent was organization. Although suffrage was its original focus, the group understood the importance of setting end goals and developing means to achieve them. Suffrage was a means, not an end. Effecting changes in law and policy required lobbying formal political bodies, garnering political support, and continually educating both women and men about women's concerns.

The principles on which IWSA was established were precursors to ideas that would later find their way into the Convention:

1. That men and women are born equally free and independent members of the human race; equally endowed with intelligence and ability, and equally entitled to the free exercise of their individual rights and liberty.
2. That the natural relation of the sexes is that of interdependence and cooperation, and that the repression of the rights and liberty of one sex inevitably works injury to the other. . . .
3. That in all lands, those laws, creeds, and customs which have tended to restrict women to a position of dependence; to discourage their education; to impede the development of their natural gifts, and to subordinate their individuality, have been based on false theories, and have produced an artificial and unjust relation of the sexes. . . .
4. That self-government in the home and the State is the inalienable right of every normal adult, and the refusal of this right to women has resulted in social, legal, and economic injustice to them, and has also intensified the existing economic disturbances throughout the world.

101. See ARNOLD WHITTICK, *WOMAN INTO CITIZEN* 22, 31 (1979).

102. See *id.* at 32.

5. That governments which impose taxes and laws upon their women citizens without giving them the right of consent or dissent . . . exercise a tyranny inconsistent with just government.

6. That the ballot is the only legal and permanent means of defending the rights to the "life, liberty and pursuit of happiness" pronounced inalienable by the American Declaration of Independence, and accepted as inalienable by all civilised nations. In any representative form of government, therefore, women should be vested with all political rights and privileges of electors.¹⁰³

These principles clearly harken back to Wollstonecraft and the rights-of-man theory. The reference to the home is significant as are the terms "laws, creeds, and customs." These women were out to revolutionize relations between men and women and were determined that women should be full citizens. They had no intention of remaining subordinate and knew that marriage and the home were among the legal, as well as customary, means of maintaining women's subordination. In short, they were taking on the responsibilities of citizenship before they were legally equal citizens, concentrating on civil and political, as well as economic and social, rights.

By 1904, when these principles were adopted at their Berlin conference, increasing numbers of women were employed outside the home as clerks and secretaries in offices and in industrial production. By the 1913 conference in Budapest, where twenty-four countries were represented, IWSA board members had traveled to all continents to survey the status of women. During the conference, the Alliance decided to admit to membership women from countries where suffrage was an impossible or impractical idea, but where a "woman's movement" was either necessary or underway. The Alliance also adopted its first non-suffrage resolution on the problem of "white slave traffic" (trafficking in women).¹⁰⁴ Interest in the "white slavery" issue continued and would occupy the minds of CSW members, eventually finding its way into the Women's Convention in the article on prostitution as

103. *Id.* at 31–32.

104. *See id.* at 60. The Alliance was not the only organization that developed an interest in ending white slave traffic (trafficking in women). Following World War I, the Union Française pour le Suffrage des Femmes invited women from Allied countries to help lobby against trafficking in women at the Paris Peace Conference. *See id.* at 70–71. Resolutions on "the moral, political and educational aspects of women's life" were presented to various commissions of the League of Nations. *Id.* at 71. The resolutions on moral status included the following objectives:

1. "To suppress the sale of women and children."
2. "To respect and apply the principle of woman's liberty to dispose of herself in marriage."
3. "To suppress the traffic in women, girls, and children of both sexes, and its corollary, the licensed house of ill fame."

Id. *See also* NATALIE KAUFMAN HEVENER, INTERNATIONAL LAW AND THE STATUS OF WOMEN 10–12, 78–102 (1983) (providing cites for international conventions relating to trafficking in women).

well as in the section on marriage and family law requiring consent to marriage.¹⁰⁵

The Alliance was neither the first nor the only organization to address this issue. In Britain, Harriet Martineau had written on the subject in 1862, and Josephine Butler, president of the North of England Council for the Higher Education of Women from 1868 to 1873, was asked by male doctors to lead opposition to the cruel provisions regarding prostitutes in England's Contagious Diseases Act.¹⁰⁶ Under this legislation, prostitutes and women suspected of prostitution were required to submit to medical examinations for venereal disease to protect the health of soldiers and sailors.¹⁰⁷

During World War I, women's participation in the paid labor force increased exponentially, and, because the war prevented travel and diverted organized women to the war effort, most international women's activities ceased. However, in 1915, an International Congress of Women was held at the Hague in an effort to promote peace among the warring nations. Jane Addams of Hull House in Chicago, notable for her work in urban reform and a supporter of the suffrage movement, was chosen as president of the Hague conference. In 1919, the International League for Peace and Freedom was organized, reflecting many women's concerns for peace.¹⁰⁸ When the 1919 Paris Peace Conference was called, a French women's suffrage union invited a small group of feminist activists to Paris to discuss women's participation in the peace process. The group proposed to Wilson and Clemenceau that women's interests be heard at the peace conference and that women be allowed to participate as both delegates and employees of the League of Nations. The first to hear the group's views was the labor commission, before which the women proposed a forty-four hour work week, a minimum wage, and equal pay for women. Another presentation to the Commission of the League of Nations covered women's education, suffrage, trafficking in women, and improvement in marriage laws.¹⁰⁹

As a result of this lobbying, the League's Charter included provisions that League positions be open equally to women and men and workers have fair and humane employment conditions; also, the Charter mentioned the issue of trafficking in women and children.¹¹⁰ Later IWSA members urged

105. CEDAW, *supra* note 2, arts. 6, 16.

106. FORSTER, *supra* note 52, at 169–71.

107. *Id.*

108. See 1 NOTABLE AMERICAN WOMEN, 1607–1950, at 20 (Edward T. James ed., 1971) (providing section on Addams).

109. See WHITTICK, *supra* note 101, at 70–71.

110. See *id.* at 72 (stating that

Article 7(3) of the Covenant states that “all positions under or in connection with the League, including the secretariat, shall be open equally to men and women”; while Article 23(a) is concerned “with fair and humane conditions of labour for men, women and children” and 23(c) with “the supervision over the execution of agreements with regard to the traffic in women and children.”).

the British War Office to send women police to Germany to assure that German girls were not abused by the occupying troops.

All of the postwar activity resulted in the IWSA adopting a charter of women's rights at its 1920 conference that covered, in order of priority, political rights, personal rights, domestic rights, educational and economic rights, and moral rights.¹¹¹ Political rights included, not only suffrage, but equal recognition in legislative and administrative bodies, both nationally and internationally. Personal rights covered protection under laws against slavery and rights of married women to retain or change their nationality. Domestic rights revolved around marriage, with a married woman having the right to "the use and disposal of her own earnings and property, and that she should not be under the tutelage of her husband. . . . [T]he married mother should have the same rights over her children as the father."¹¹² Domestic rights also supported the concept that, as widows, women should be accorded guardianship of their children and "the right to maintenance by the State. . . ."¹¹³ The final section stated that "a child born out of wedlock . . . should have the same right to maintenance and education from the father . . . as a legitimate child, and that an unmarried mother, during the period when she is incapacitated, should . . . have the right of being maintained by the father of her child."¹¹⁴ The new charter of women's rights called for "no special regulations for women's work, different from regulations for men, . . . [and] that laws relative to women as mothers should be so framed as not to handicap them in their economic position. . . ."¹¹⁵ This was a harbinger of the argument over the protection of women workers that would continue into the 1980s.

All of the provisions would eventually find their way into CSW resolutions and into the Women's Convention, though it would take over fifty years of advocacy and lengthy discussions within the CSW and the United Nations. Resolutions at the 1920 IWSA Geneva conference also called for an annual League of Nations women's conference and attention to the problems of venereal disease and prostitution.¹¹⁶ By this time, twenty-five countries had granted women suffrage, but forward-looking women were already beyond suffrage, and onto a broader women's agenda. Too many historians, male and female alike, have overlooked the broader agenda.

111. See *id.* at 75–76 (reprinting the charter).

112. *Id.* at 75.

113. *Id.*

114. *Id.*

115. *Id.* at 76.

116. See *id.*

X. BIRTH CONTROL, FAMILY PLANNING, AND WOMEN'S HEALTH

What was not the subject of resolutions at the 1920 IWSA conference was birth control, which was presumably an issue too hot to handle publicly, though, it can be assumed, it was certainly discussed in private conversations at the convention. Birth control is at the very heart of male/female relationships, and of any society's future, and few other facets of life have the same emotional depth, as John Stuart Mill and others understood so well. Safe and effective birth control and related information, including information on abortion, threatens a system as old as human life. Just as suffrage was a metaphor for women's equality in public life, birth control meant a measure of equality in private life for sexually active women.

Because of the deep emotions wrought by the issue of birth control and the few radicals, such as Emma Goldman, who publicly discussed birth control, it is understandable why birth control was not an issue on the 1920 IWSA agenda. It would take courage, leadership, time, and a great deal of organizing before birth control would become legal and its use widespread. As with so many other new issues, it was the radicals, those who first dare to speak out on an issue, who put this new issue into the realm of public discourse. Radicals serve an important political function. They make those who follow them, including traditional organizations that may take up the new cause, look more respectable. However, too often, it is the traditional groups that are recorded in history for accomplishments in a particular area or on a specific issue, when it was the radicals who first brought the matter to public attention.

Europeans led the way in developing birth control devices and making the discussion and promotion of their use legal. Although the condom is thought to have originated in Egypt centuries ago, it was only named in the seventeenth century for an English doctor who provided sheaths made from sheep organs to members of the court of King Charles II of England as protection against venereal disease. In nineteenth-century England, Annie Besant and Charles Bradlaugh won a landmark case involving the right to write, publish, and discuss birth control publicly.¹¹⁷ Later, in the 1880s, the diaphragm was developed in Germany. Information about it and its use spread quickly, although not without strong opposition.

In 1873, the US Congress passed the Comstock Act,¹¹⁸ which equated birth control information to pornography and made it illegal to mail, transport, or import into the United States any kind of birth control devices

117. See MARGARET SANGER, *MARGARET SANGER: AN AUTOBIOGRAPHY* 127–28 (1938). See also 13 BIRTH CONTROL REV. 106 (1929) (for information on Besant).

118. 20 U.S.C. § 1462.

or information. However, the dissemination of information with such importance to women could not be stopped. Emma Goldman, a Russian-born US immigrant and sometimes midwife, who was active in the labor movement, took up the cause. A brilliant lecturer, she was unafraid to speak about the issue, arguing that women had to free themselves from within, not simply through suffrage.¹¹⁹ It was in the labor movement that Margaret Sanger, the preeminent name associated with the US birth control movement, met Goldman, who opened Sanger's mind to the impact birth control could have on women.¹²⁰ The fact that Goldman also preached "free love"—love and sexual intercourse without marriage—made her, and, in many ways, the birth control movement, anathema to many.¹²¹ In 1916, Goldman, called "Red Emma" by much of the press, was arrested for lecturing on birth control in New York City and spent fifteen days in jail as a consequence.¹²²

Sanger's main concern was women's health and sexuality. She felt passionately that women, especially poor women, needed birth control information and devices for their own health and for that of their children. She had watched her mother die of tuberculosis after bearing eleven children, not uncommon for the time. As a nurse-midwife and labor movement activist, Sanger saw too many poor women at the mercy of their sexuality. In 1912, she began writing a series of articles on female sexuality and on venereal disease in a socialist weekly, but soon became distressed at the reaction of male labor leaders who did not share her passion.

After traveling to Europe with her first husband and learning more about birth control, Sanger returned to the United States in 1914 and, later that year, published a small magazine called "The Woman Rebel" in which she "intended to challenge Comstock's prohibition of information about sexuality and contraception."¹²³ That same year, Goldman was doing a lecture tour around the United States and sold Sanger's magazine on her tour.¹²⁴ Prohibited by law from using the mails to distribute her magazine, it being considered too radical even by left-wingers, Sanger distributed it herself around New York.¹²⁵ In August of that year, she was arrested for writing and

119. See ELLEN CHESLER, *WOMAN OF VALOR: MARGARET SANGER AND THE BIRTH CONTROL MOVEMENT IN AMERICA* 85–86 (1992).

120. See NOTABLE AMERICAN WOMEN: THE MODERN PERIOD: A BIOGRAPHICAL DICTIONARY 623–27 (Barbara Sicherman et al. eds., 1980).

121. See MARIAN J. MORTON, *EMMA GOLDMAN AND THE AMERICAN LEFT: "NOWHERE AT HOME"* (1992).

122. See generally CANDACE FALK, *LOVE, ANARCHY AND EMMA GOLDMAN* (1984); MORTON, *supra* note 121; 2 NOTABLE AMERICAN WOMEN: A BIOGRAPHICAL DICTIONARY 57–59 (E.T. James et al. eds., 1971).

123. CHESLER, *supra* note 119, at 97.

124. See FALK, *supra* note 122, at 221–22.

125. See CHESLER, *supra* note 119, at 99.

distributing her magazine. Instead of preparing for trial, though, she wrote a pamphlet called *Family Limitation*¹²⁶ with specific birth control information and then escaped to Europe, where she met and became the lover of Havelock Ellis. In England, Sanger lectured before the Fabian Society and became acquainted with the ideas of Olive Schreiner, the South African novelist and activist, and Ellen Key of Sweden, both of whom promoted birth control and women's liberation, although neither were active suffragists.

After visiting England and the Netherlands to learn more about contraception, Sanger opened a birth control advice center in New York that was promptly closed by the police. Despite her radical beginnings, the generation of enormous publicity regarding her activities eventually attracted wealthy women and medical doctors to her cause. Sanger and her supporters smuggled diaphragms into the United States, successfully challenged the Comstock Act and other restrictive laws in court, and established the American Birth Control League, the predecessor of Planned Parenthood Federation of America. Sanger later became involved in the international birth control movement and lived to see the US Supreme Court, in *Griswold vs. Connecticut*,¹²⁷ uphold contraception for married couples.

Sanger was by no means alone in the campaign for birth control rights and recognition of women's health issues. In the Dominican Republic, Evangelina Rodriguez, an African/Dominican, became that country's first woman doctor after obtaining her medical degree in Paris in 1909. Upon returning to her native country, she combined a medical career with feminist activism, including assistance to poor children, support of women's suffrage, and promotion of birth control. In Sweden, Elise Otteson-Jensen founded the Swedish Association for Sex Education, promoted family planning, and later worked with Sanger on an international birth control conference. In Egypt, educator Zahia Marzouk helped organize a conference on population issues sponsored by the Egyptian medical association. At the conference, she defied tradition by delivering her own paper on the population issue at a time when women were prevented from speaking in public. Twehida Ben Sheik, a Tunisian woman, went to medical school in Paris and later started a family planning clinic in a Tunisian hospital and worked to make abortion legal in that country.¹²⁸ As Perdita Huston has noted in her book, *Motherhood by Choice*,¹²⁹ these pioneers in the birth control movement came from a variety of backgrounds, but, "[r]egardless of their social standing, they were insulted

126. MARGARET SANGER, *FAMILY LIMITATION* (5th ed. rev'd, n.d.) (1914), *microformed on History of Women*, Reel 962, No. 9989 (Research Publications).

127. *Griswold v. Connecticut*, 381 U.S. 479 (1965).

128. See PERDITA HUSTON, *MOTHERHOOD BY CHOICE: PIONEERS IN WOMEN'S HEALTH AND FAMILY PLANNING* 95-106 (1992).

129. *Id.*

and threatened for speaking out, for mentioning human sexuality and advocating the right to voluntary motherhood. . . . [T]hey were an easy target for those who opposed change or women's rights. Theirs was a constant struggle to maintain honour and courage."¹³⁰

Each of these women followed the pattern of earlier feminists by becoming educated, defying tradition, organizing and informing their communities, and speaking out publicly. In short, they exercised leadership in the public sphere, helping to put women's health and reproductive issues on the international agenda. Between 1929 and 1935, the All India Women's Conference took up the birth control issue and, in 1935, "went on record in support of artificial contraception, making it the largest group in the world to have done so at the time."¹³¹ In 1940, Eleanor Roosevelt, soon to be chair of the Human Rights Commission, declared herself publicly in favor of birth control. In spite of these gains, however, there were still setbacks. As late as 1959, US President Eisenhower rejected the Draper report that addressed the necessity of population planning in foreign aid. It took Helvi Sipilä of Finland and other strong minded CSW delegates, including those from India, to put birth control on the UN agenda in the 1960s under the rubric of family planning. Still today, however, the abortion issue raises strong objections in many quarters.

XI. THE UNITED NATIONS AND ITS COMMISSION ON THE STATUS OF WOMEN

By the time the United Nations was formed in 1945, women were deeply involved in the public sphere, primarily in nongovernmental organizations, but a number of countries had women among their delegations. The suffrage movement had been successful in thirty-one countries. Women's participation in the paid labor force during both world wars had been massive and never returned to prewar levels. Employed women in Europe and the United States had organized and were part of the international labor movement. The number of women's organizations had increased; these organizations advocated issues ranging from study and self-improvement to social welfare to suffrage, and many employed a variety of measures to draw attention to the causes.¹³² Women from many countries also had

130. *Id.* at 4.

131. CHESLER, *supra* note 119, at 357.

132. In the United States, a women's club movement, primarily dedicated to self-education and social welfare, had expanded across the country. See THEODORA PENNY MARTIN, *THE SOUND OF OUR OWN VOICES: WOMEN'S STUDY CLUBS, 1860-1910* (1987); ANNE FIROR SCOTT, *NATURAL ALLIES: WOMEN'S ASSOCIATIONS IN AMERICAN HISTORY* (1991). Social reformers such as

gained extensive experience in lobbying government officials locally, nationally, and even internationally. The International Federation of Working Women (IFWW), for example, had lobbied the International Labor Organization (ILO) and achieved adoption of the 1919 conventions on maternity protection and night work for women.¹³³ An area where the women's organizations had not been successful, however, was in convincing the League of Nations, the predecessor to the United Nations, to take up the question of the nationality of married women.

The work of women's organizations internationally came to fruition with the establishment of the United Nations.¹³⁴ Led by South American delegates, notably women from Brazil, Mexico, and the Dominican Republic, and with support from Indian and North American NGOs, the linkage between women's rights and human rights was effectively made in the UN Charter in its introduction and in four separate articles.¹³⁵ The equal rights of men and women clause in the UN Charter established a legal basis for the international struggle to affirm women's human rights.

Although only eleven of the fifty-one nations represented in the 1946 UN General Assembly had women on their delegations, with the support of women's NGOs, women made their presence known. Early in 1946, Marie-Helen LeFauchaux of France introduced an agenda item on the participation of women in UN conferences, which was adopted.¹³⁶ Brazil proposed establishing a status of women commission, but the proposal was strongly opposed by the US delegate, Virginia Gildersleeve, a founder of the International Federation of University Women. She argued the US position

Jane Addams, of Hull House in Chicago, had invented social work; Addams later became a force in urban affairs. See ALLEN F. DAVIS, *AMERICAN HEROINE: THE LIFE AND LEGEND OF JANE ADDAMS* (1973); JANE ADDAMS, *JANE ADDAMS: A CENTENNIAL READER* (1960); JANE ADDAMS, *TWENTY YEARS AT HULL-HOUSE* (1914). US suffrage leaders ranged from the organizationally minded Susan B. Anthony and Carrie Chapman Catt to the more militant Alice Paul, all of whom were also active internationally. A similar range could be found in England, including the militant Pankhursts. See ELLEN CAROL DUBOIS, *FEMINISM AND SUFFRAGE: THE EMERGENCE OF AN INDEPENDENT WOMEN'S MOVEMENT IN AMERICA 1848-1869* (1978); CARRIE CHAPMAN CATT & NETTIE ROGERS SHULER, *WOMAN SUFFRAGE AND POLITICS: THE INNER STORY OF THE SUFFRAGE MOVEMENT* (1970); INEZ HAYES GILLMORE, *STORY OF ALICE PAUL AND THE NATIONAL WOMAN'S PARTY* (1977); ANTONIA RAEURN, *THE SUFFRAGETTE VIEW* (1976) (providing information on Pankhurst).

133. See generally HEVENER, *supra* note 104, at 119, 67-77 (discussing the maternity convention and night work convention respectively).
134. Margaret E. Galey, *Women Find a Place, in WOMEN, POLITICS, AND THE UNITED NATIONS*, *supra* note 98, at 11.
135. Four women signed the UN Charter in 1945, among them Minerva Bernardino of the Dominican Republic.
136. *Declaration on the Participation of Women in the Work of the United Nations: Report of the General Committee to the General Assembly*, U.N. GAOR, 1st Sess., 29th plen. mtg., No. 30, at 527-35, U.N. Doc. A/46 (1946).

that such a commission would be discriminatory and that the human rights commission was able to deal with women's questions.

Minerva Bernadino of the Dominican Republic suggested that a committee of the Commission on Human Rights be established to work on women's rights. The New Zealand chair of the Economic and Social Council (ECOSOC) Organization Committee took up the suggestion, and, soon thereafter, a Human Rights Sub-Commission on the Status of Women was established. Eleanor Roosevelt, the widow of President Franklin Roosevelt, who was named chair of the Human Rights Commission, is commonly reputed to be the impetus for the establishment of the CSW. This is an historical error. She actually shared the US/Gildersleeve view that the Human Rights Commission and its Sub-Commission on Women could be trusted to deal effectively with women's issues. She had, however, been a signatory, along with Jean McKenzie of New Zealand, Evdokia Uralova of the Soviet Union, and Ellen Wilkinson of Britain, to an "Open Letter to the Women of the World" calling on women to take a more active role in politics and government.¹³⁷

Mrs. Roosevelt's position against a separate women's commission was not sustained. Within a year, the Sub-Commission became a free standing commission, the current Commission on the Status of Women (CSW). Support for a full commission was led by the chair and vice-chair of the Sub-Commission as well as Bodil Begtrup of Denmark, Minerva Bernadino of the Dominican Republic, and Marie-Helen LeFauchaux of France. Bernardino had chaired the Inter-American Commission on Women; Begtrup had been active with the League of Nations on women's issues; and LeFauchaux had been a part of the French resistance movement.¹³⁸ These women knew how to organize and strategize, and they realized that a full commission was the only sure way to get their recommendations on women's rights directly to ECOSOC and the General Assembly.

The Sub-Commission had proposed "four immediate tasks. . . (1) the creation of a [UN] Secretariat office headed by a competent woman; (2) the conclusion of the worldwide survey of laws on women [originated under the League of Nations]; (3) the promotion of equal educational opportunity; and (4) a [world] women's conference."¹³⁹ Dropping the idea of a world conference, the women succeeded in obtaining Roosevelt's support, and, on 21 June 1946, ECOSOC authorized a free standing Commission on the Status of Women and requested the Commission report back in 1947.¹⁴⁰

137. See GALEY, *supra* note 134, at 11–12.

138. Interview with Margaret E. Galey (23 June 1997).

139. GALEY, *supra* note 134, at 13.

140. See *id.* at 14.

The purpose of the full commission was to promote women's rights in all fields of human endeavor. The object was

to elevate the equal rights and human rights status of women, irrespective of nationality, race, language, or religion, in order to achieve equality with men in all fields of human enterprise and to eliminate all discrimination against women in statutory law, legal maxims or rules, or in interpretations of customary law.¹⁴¹

Meanwhile, the UDHR was being drafted, and it is not without interest that the Council of Women and the YWCA were among the twenty-two NGOs who urged the United Nations to draft such a declaration. Commission members and female delegates were concerned that terms such as the "rights of man" would not be interpreted to specifically include women. Bodil Begtrup, CSW Chair, stated in one meeting that the drafting of the UDHR "was of fundamental importance for women," and pointed out that because "sex equality was a right which had been acquired but recently, it would be necessary to emphasize it explicitly in certain Articles."¹⁴² Later, she suggested the term "human beings" be substituted for the word "men."¹⁴³ Five days later, on 12 December, the wording about women was still an issue. Mrs. Mehta of India objected to the words "all men" and "brothers" fearing that "they might be interpreted to exclude women, and were out of date."¹⁴⁴ The working group drafting the Declaration adopted the idea of a footnote to Article 1 indicating that the word men referred to all human beings.¹⁴⁵ This legislative history clearly shows that the subject was debated and that the women in the drafting group made their point known. Ultimately, the ungendered term "everyone" was used extensively in the UDHR.

The CSW reflected the work on women's rights that had gone on before in the United Nations and earlier within various international bodies and women's organizations. By 1951, as a result of a Commission initiative, the ILO adopted the Convention and Recommendation Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value¹⁴⁶ and

141. Margaret E. Galey, *Promoting Nondiscrimination Against Women: The UN Commission on the Status of Women*, 23 INT'L STUD. Q. 276 (1979).

142. *Working Group on the Declaration of Human Rights, Summary Record of the Second Meeting*, U.N. ESCOR, Comm'n on Hum. Rts., 2d Sess., U.N. Doc. E/CN.4/AC.2/SR.2 (1947). See also Johannes Morsink, *Women's Rights in the Universal Declaration*, 13 HUM. RTS. Q. 229 (1991).

143. See Morsink, *supra* note 142, at 234.

144. *Working Group on the Declaration of Human Rights, Summary Report of the Thirty-fourth Meeting*, U.N. ESCOR, Comm'n on Hum. Rts., 2d Sess., at 4, U.N. Doc. E/CN.4/AC.2/SR.34 (1947). See Morsink, *supra* note 142, at 234.

145. See *id.*

146. Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO No. C100), *adopted* 29 June 1951 (*entered into force* 23 May 1953); Recommendation Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO No. R90), *adopted* 29 June 1951.

later issued recommendations on women's right to employment opportunities, pensions, retirement, and social insurance.¹⁴⁷ By 1952, the CSW succeeded in having the Convention on Political Rights of Women¹⁴⁸ adopted—a direct result of the suffrage movement. Reflecting centuries of concern about the position of women in marriage, the Convention on the Nationality of Married Women was drafted and adopted by the General Assembly in 1957,¹⁴⁹ supplementing Article 15 of the UDHR. In 1962, the Commission's Convention on the Consent to Marriage, Minimum Age for Marriage and the Registration of Marriages was adopted.¹⁵⁰ CSW also worked with UNESCO on an equal education convention, adopted in 1960,¹⁵¹ and promulgated recommendations on political and civic education, women's right to inherit property, a contentious issue that would surface again and again, and to equal treatment before the law.¹⁵²

XII. A DECLARATION ON ELIMINATING DISCRIMINATION AGAINST WOMEN

Although the British Federation of Business and Professional Women had suggested to UN General Assembly President Spaak in 1946 that a UN convention on discrimination against women would be in order, it was not until 1963 that the first, tentative steps toward such a convention were undertaken.¹⁵³ In that year, a series of events put a new focus on women in the United Nations. A General Assembly resolution was adopted, introduced by developing and Soviet-bloc countries, calling for the CSW to draft a declaration on eliminating discrimination against women.¹⁵⁴ The resolution invited member states and "appropriate non-governmental organizations" to submit comments and proposals on principles that might be included in such a declaration.¹⁵⁵ Also, 1963 was the first year that the CSW

147. See HEVENER, *supra* note 104.

148. Convention on the Political Rights of Women, *opened for signature* 31 Mar. 1953, 27 U.S.T. 1909, T.I.A.S. No. 8289, 193 U.N.T.S. 135 (*entered into force* 7 July 1954) (*entered into force for U.S.* 7 July 1976).

149. Convention on the Nationality of Married Women, *done* 20 Feb. 1957, 309 U.N.T.S. 65 (*entered into force* 11 Aug. 1958).

150. Convention on the Consent to Marriage, Minimum Age for Marriage and the Registration of Marriages, *opened for signature* 10 Dec. 1962, 521 U.N.T.S. 231 (*entered into force* 9 Dec. 1964).

151. See HEVENER, *supra* note 104, at 165–76.

152. See GALEY, *supra* note 141, at 278.

153. See GALEY, *supra* note 134, at 12.

154. *Draft Declaration on the Elimination of Discrimination Against Women*, G.A. Res. 1921 (XVIII), U.N. GAOR, 18th Sess., 1274th plen. mtg., ¶ 1, 1963 U.N.Y.B. 357, U.N. Doc. A/5606 (1963).

155. *Id.* ¶ 2.

formally considered birth control, albeit under the guise of the term "family planning,"¹⁵⁶ and agreed to study the issue. Helvi Sipilä of Finland, a longtime Commission member, was appointed Special Rapporteur on the question of family planning and subsequently produced a landmark work entitled *Study on the Interrelationship of the Status of Women and Family Planning*.¹⁵⁷ Sipilä was typical of many CSW members—she was a professional woman who brought her long experience in the nongovernmental world to the UN system. Before working with the United Nations, Sipilä served as president of the Finnish Girl Guides and the International Federation of Women Lawyers; as a lawyer her primary interest had been family law.

Also in 1963, a new UN Report on the World Social Situation, dealing with housing, population, health, nutrition, education, and social services¹⁵⁸—all traditional concerns of women—was before ECOSOC. The year also marked the fifteenth anniversary of the Universal Declaration of Human Rights and saw the Human Rights Commission complete a series of regional seminars on the status of women in family law.¹⁵⁹ In the same year, the General Assembly adopted an ECOSOC resolution on women in development, which had originally been submitted by Chile and cosponsored by numerous other delegations.¹⁶⁰ The resolution reflected the contents of the World Report and the new emphasis within the United Nations on development. The resolution called on all UN member states, specialized agencies, and nongovernmental organizations to appoint women "to bodies responsible for the preparation of national development plans" and drew attention to the "importance of training women so as to enable them to participate fully in all phases of . . . national development programmes. . . ."¹⁶¹

During the discussion of these resolutions, the CSW was congratulated for its work on the legal status of women and essentially told to consider economic and social development as well. The question became one of

156. The two are quite different: birth control refers to the means the individual takes to prevent contraception, while family planning connotes a couple's decision-making.

157. See U.N. Doc. E/CN.6/575, at 5, Addendum.

158. See *UN Report on the World Social Situation*, U.N. Doc. E/CN.5/375 Add. 1 & Add. 2 (1963).

159. See *Report of the Third Committee on the Report of the Economic and Social Council*, U.N. GAOR 3d Comm., 18th Sess., 1274th plen. mtg., Agenda Item 12, U.N. Doc. A/5606 (1963) [hereinafter *Report of the Third Committee*]; U.N. GAOR, 18th Sess., Supp. No. 15, U.N. Doc. A/5515 (1963).

160. *Participation of Women in National, Social and Economic Development*, G.A. Res. 1920 (XVIII), U.N. GAOR, 18th Sess., 1274th plen. mtg., 1963 U.N.Y.B. 357, U.N. Doc. A/5606 (1963) [hereinafter G.A. Res. 1920]. See also *Report of the Third Committee*, *supra* note 159, at 2 (stressing "the importance of ensuring greater participation of women in national, social and economic development").

161. G.A. Res. 1920, *supra* note 160, at ¶¶ 1, 2.

priorities: were programmatic efforts to improve women's current circumstances the priority, or was changing laws and policies to improve women's long-term legal and political capacity more important? Within the CSW and ECOSOC, some European and developing country representatives tended to favor the more programmatic, social welfare approach, while others took the more legalistic approach. This division continues to the present. The more simplistic want to know what women want, and the answer is both, and everything, as Frances Willard advised the WCTU years before. The ultimate desire, then and now, is for women to be considered human, a diverse, multifaceted group with both common and conflicting interests.

Although CSW members were representatives of governments, most also had experience in national or international women's organizations, and, unlike the mainstream human rights organizations, the CSW never reflected strong distinctions between political and civil rights and economic and social rights. Women's experiences tending home and family and as participants in the economic, social, and cultural life of their communities blurred these distinctions. Also, the basic rights to education, employment, and health fall under the economic and social rights rubric.

Against this background, work on a declaration eliminating discrimination against women began. By 1965, thirty governments, fifteen women's NGOs, and four UN specialized agencies had submitted comments on the proposed declaration.¹⁶² Not surprisingly, education was a high priority among the submissions, as was the view that marriage and family law, reinforced by tradition and custom, was at the heart of much discrimination. Interestingly, Afghanistan's reply at that time stated that eliminating discrimination required the "combating of traditions, customs and usages which thwart the advancement of women"¹⁶³ and noted that this would require an intensive public education campaign. The idea that public opinion had to be changed was reiterated by numerous governments and NGOs. Afghanistan also suggested that "amends must be made to women by granting them certain privileges,"¹⁶⁴ which suggestion was a precursor of the idea of affirmative action, later called "temporary special measures" by the United Nations.

The same point was also made in the International Social Democratic Women's comments that concentrated on employment rights. There was strong support from Eastern Europe and the Soviet bloc for the declaration

162. See *UN Commission on the Status of Women: Report of the Eighteenth Session*, U.N. ESCOR, Comm'n on the Status of Women, 39th Sess., Supp. No. 7, Agenda Item No. 53, at 16, U.N. Doc. E/4025-E/CN.6/422 (1965) [hereinafter *Report of the Eighteenth Session*].

163. U.N. ESCOR, Comm'n on the Status of Women, 39th Sess., U.N. Doc. E/CN.6/426, at 5 (1964) (on Afghanistan).

164. *Id.*

with suggestions that the problems of mothers, including employed and unmarried mothers, be taken into account, a clear indication that Alexandra Kollanti's influence survived. St. Joan's Alliance, an international Catholic women's organization, suggested that resolutions adopted at their 1964 Antwerp meeting covering inheritance, ritual operations (a very early reference to female genital mutilation), and equal pay be considered for inclusion in the declaration. Other replies mentioned penal code reform, and many referred back to the UDHR, indicating that numerous respondents understood that women's rights were human rights.¹⁶⁵

With these comments, a draft declaration submitted by Poland, and working papers submitted by Ghana and the Mexican delegate, CSW chair Maria Lavalle Urbina, the CSW began drafting a declaration at its 1965 meeting in Teheran. A drafting committee brought forward an eleven-article text that began with a definition and condemnation of discrimination, covered virtually all the areas mentioned in the responses submitted, and concluded with an article calling on women's organizations to educate the public about the declaration's principles.¹⁶⁶ This draft was sent out for comments, an exercise in public education as well as a test of political sentiment. At the 1966 CSW session, the major debate concerned protection of women workers. Many argued that protection perpetuated and reinforced discrimination, while others took the more conventional view that women needed protection because of their maternal function.

When the CSW draft of a declaration came before ECOSOC's Third Committee, an article calling for the abolition of discriminatory customs and traditions and raising the issue of protection of women workers created a furor. Some Third Committee delegates had suggested women be protected from "arduous work." NGOs responded with vehemence that protecting women from arduous work was ridiculous because women worldwide did such work. Nursing, tea picking, child care, and household work were arduous, they insisted, and customary family law simply reinforced women's subordinate status. By the end of their 1967 session, after some astute political maneuvering, the Commission unanimously adopted its draft and, with the support of women delegates to ECOSOC's Third Committee, an eleven-article Declaration was adopted by the General Assembly on 7 November 1967.¹⁶⁷ It covered the issues women had been working on for centuries.

165. See *Report of the Third Committee*, *supra* note 159.

166. *Report on the Eighteenth Session*, *supra* note 162 at 22, art. 12 (calling on women's organizations to launch a wide-spread educational campaign).

167. *Declaration on the Elimination of Discrimination Against Women*, G.A. Res. 2263 (XXII), U.N. GAOR, 22d Sess., 1497th plen. mtg., Vol. I, at 35-37, 1967 U.N.Y.B. 521, U.N. Doc. A/6880 (1967). See also Arvonne S. Fraser, *The Convention on the Elimination of All Forms of Discrimination Against Women (The Women's Convention)*, in *WOMEN, POLITICS, AND THE UNITED NATIONS*, *supra* note 98, at 77.

Meanwhile, a second wave of an openly feminist international women's movement was becoming evident in the late 1960s. Small, informal consciousness-raising groups, public demonstrations on a variety of issues, and the exchange of information via informal newsletters and privately published studies and reports characterized this movement on local and national levels. It was essentially an underground movement with primarily negative and disparaging media attention. The emphasis of the new movement was on examining the pervasiveness of sex discrimination at all levels of society and strategizing as to the most effective means to overcome it. *Ad hoc* caucuses were organized within professional organizations to examine discrimination within the professions and academia. Integrating women into all facets of public life and at higher levels became one theme of the movement, but, first, the age-old concerns about women's education, health, birth control and abortion, and employment discrimination were analyzed by small groups and gradually brought to public attention. Within the United States, during the 1970s, the new feminists and main line, or traditional, women's organizations collaborated to have the US Congress pass numerous new antidiscrimination laws, including Title IX of the Education Amendments,¹⁶⁸ which required all educational institutions receiving federal funds to eliminate discrimination against women and girls. This eventually brought about exponential increases in the numbers of women studying law, medicine, and science and initiated more sports and physical education programs for girls. All of the activity drew increased media attention. Although often demeaning, the attention was still useful in raising consciousness and expectations among women, not only in the United States, but in the United Nations as well. Like all political and social movements, publicity about the feminist movement attracted attention, motivated people to ponder their own situation and make comparisons, and inevitably resulted in increased numbers joining the movement. As a learned sociologist friend once said, political movements are like snowballs rolling downhill, they gather momentum, get bigger. While the new US feminist groups paid no attention to CSW and little to international affairs in the early 1970s, traditional NGOs who lobbied the Commission were influenced by this new movement, and, with the increased dominance of the US press, the new movement gave momentum to, and reinforced, CSW's work.

Following the UN custom of moving from a declaration to a convention, the Polish CSW delegate proposed the move shortly after the Declaration was adopted in 1967. Yet, it was 1972 before the Commission had a Secretary-General's report on the existing status of women's conventions,

168. 20 U.S.C. § 1681 et seq.

their relationships to the Declaration, and responses from governments on the idea of a convention. Also, in 1972, the UN General Assembly approved what had been a dream of some female delegates when the United Nations was formed—the holding of a world women’s conference.¹⁶⁹ Moreover, 1975 was designated as International Women’s Year.¹⁷⁰ Mexico City was selected as the site for the Conference and Helvi Sipilä, a CSW representative since 1960, was chosen as Assistant Secretary General for Social Development and Humanitarian Affairs in charge of the year and the Conference. Equality, development, and peace were selected as the themes of the Conference—a clear, if unacknowledged, tribute to the 1926 Conference of the International Alliance of Women, which had first used the term “woman’s movement” and asserted that the goals of this movement were “Equality, International Understanding and Peace.”¹⁷¹

Sipilä set to work, traveling the globe, urging governments to support the Conference and to set up “national machineries,” the UN term for women’s bureaux or commissions. Sipilä also understood that a symbol of the year was needed, one that transcended language barriers. The instantly popular result still symbolizes the international women’s movement—a stylized dove, representing peace, with the women’s and equality signs embedded in the body of the dove.

Preparations for International Women’s Year dominated CSW’s agenda, but a special working group, appointed at the suggestion of the Soviet Union, Tunisia, and the United Kingdom and composed of experienced CSW workers, was created to begin work on a possible convention. The Philippines’ delegate presented a draft text, noting that it implied no commitment on the part of the Philippine government. CSW leaders from the Dominican Republic, Hungary, and Egypt became the working group’s officers. Taking up the Philippines’ delegate’s strategy of drafting with no commitment from their governments, the group decided not to attribute positions taken on specific articles or language to a particular delegate, thus allowing free discussion among the members. This created what later feminist historians called a “free space” for UN women who believed a legally binding convention was the desired goal.¹⁷²

169. See *International Women’s Year*, G.A. Res. 3010 (XXVII), U.N. GAOR, 27th Sess., 2113th plen. mtg., 1972 U.N.Y.B. 454, U.N. Doc. A/8928 (1972); *Conference of the International Women’s Year*, G.A. Res. 3276 (XXIX), U.N. GAOR, 29th Sess., 2311th plen. mtg., addendum, 1974 U.N.Y.B. 657, U.N. Doc. A/9829/Add.1 (1974).

170. *Id.*

171. WHITTICK, *supra* note 101, at 92.

172. See SARA M. EVANS & HARRY C. BOYTE, *FREE SPACES: THE SOURCES OF DEMOCRATIC CHANGE IN AMERICA* at vii (1986) (discussing the definition of the “free spaces” idea).

XIII. THE WORLD WOMEN'S CONFERENCES

The 1975 International Women's Year Conference attracted five thousand representatives, from all branches of the new women's movement, to Mexico City, and to the NGO Tribune held in conjunction with the official UN Conference. In both the Tribune and the governmental Conference, contentious divisions between developing and industrialized countries surfaced and were energetically reported by the world's media. Developing country representatives argued development would bring equality; new feminists from industrialized countries vehemently opposed that idea, citing innumerable areas of discrimination in their countries. The atmosphere in Mexico City appeared more tense than it actually was, fed not only by the media, but also by many male delegates who thought the whole idea of a world women's conference was unnecessary, but who used it to test the political waters on such questions as development, the new international economic order (NIEO), and the influence of colonialism on developing countries, many of them newly independent. Soviet and American delegates sparred over Cold War issues in the plenary sessions, while in the drafting committee meetings for the World Plan of Action, women came together around common interests.¹⁷³

A new international women's movement was in the making. In some countries, the formation of in-country women's commissions or the "national machineries" Sipilä had encouraged followed a strong feminist approach. In others, new, avowedly feminist NGOs were formed. In all countries, the symbol adopted by CSW for International Women's Year became visible.¹⁷⁴ These events and the symbol served to bring women together at local and national levels around common concerns and to raise awareness about sex discrimination and equality, as well as women's place in the development process.

The World Plan of Action adopted at the Conference gave credit in its introduction to the work of CSW and to the numerous women's rights conventions already adopted. The Plan noted that the promotion and protection of human rights for all was one of the fundamental principles of the UN Charter and that "[h]istory has attested to the active role which women played . . . in accelerating the material and spiritual progress of peoples."¹⁷⁵ It predicted that, "in our times, women's role will increasingly

173. See ARVONNE S. FRASER, *THE U.N. DECADE FOR WOMEN: DOCUMENTS AND DIALOGUE* 17–54 (1987).

174. The author of this article, then US Agency for International Development coordinator of the Office of Women in Development, received reports from mission directors that noted that they saw the symbol posted across remote corners of the developing world.

175. UNITED NATIONS, *REPORT OF THE WORLD CONFERENCE OF THE INTERNATIONAL WOMEN'S YEAR (MEXICO CITY, 19 JUNE–2 JULY 1975)*, ¶ 6, U.N. Sales No. E.76.IV.1 (1976), *reprinted in WOMEN AND WORLD DEVELOPMENT* 185–218 (Irene Tinker & Michele Bo Bramsen eds., 1976) [hereinafter *World Plan of Action*].

emerge as a powerful revolutionary social force."¹⁷⁶ An overly optimistic fourteen-point list of five-year minimum goals was set forth, including:

- (a) Marked increase in literacy and civic education of women . . . ;
- . . .
- (g) Encouragement of a greater participation of women in policy-making . . . ;
- (h) Increased provision for . . . health education and services . . . ;
- (i) Provision for parity in the exercise of civil, social and political rights such as those pertaining to marriage, citizenship and commerce;
- (j) Recognition of the economic value of women's work in the home in domestic food production and marketing and voluntary activities . . . ;
- . . .
- (l) The promotion of women's organizations . . . ;
- (m) The development of modern rural technology . . . to help reduce the heavy work load of women . . . ; [and]
- (n) The establishment of interdisciplinary and multisectoral machinery within the government for accelerating the achievement of equal opportunities for women and their full integration into national life.¹⁷⁷

The Plan called for the "active involvement of non-governmental women's organizations [to achieve] the goals of the ten year World Plan of Action."¹⁷⁸ In the global action section, the Plan called on the United Nations to proclaim 1975 to 1985 the UN Decade for Women; also, it called for the drafting and adoption of a convention on eliminating discrimination against women.¹⁷⁹ In another section, the Plan stated that the theory and practice of inequality begins in the family and called for more equal sharing of family responsibilities between men and women.¹⁸⁰ Without the latter, the Plan stated, women could not be fully integrated in society or achieve equal rights. Also, without more data and information on women, development could not proceed.

The United Nations and women's organizations around the world responded to the outpouring of interest generated by the IWY Conference. The Decade was established by the UN General Assembly with the sub-themes of education, employment, and health, the three issues that women leaders and women's organizations had been discussing for centuries. During the Decade, there was an explosive growth in the number, style, and content of women's organizations. Many were not organizations in the

176. *Id.*

177. *Id.* ¶ 46.

178. *Id.* ¶ 48.

179. See *id.* Paragraph 182 of the World Plan of Action calls for proclaiming the decade; paragraph 198 calls for high priority to be given to the preparation and adoption of the convention on the elimination of discrimination against women, with effective procedures for implementation. *Id.* ¶¶ 182, 198.

180. *Id.* ¶ 16.

precise meaning of that term, but informal groups operating often on an *ad hoc*, as needed basis. New international organizations were also formed. One of the most notable was the International Women's Tribune Center, devoted to exchanging information worldwide and concentrating on providing readily accessible information to women in developing countries. Although its emphasis was on development and on rural women, women's rights were not ignored.

The resurgence of a second-wave women's movement was believed to be concentrated in the United States and Europe—and the majority of the 1975 NGO Tribune's participants were from the industrialized countries—but, by 1976, there was enough activity to warrant and support three international publications: WIN NEWS, established in 1975; *Isis*, a magazine published by a new collective based in Geneva; and the International Women's Tribune Center's newsletters focusing on developing country women's activities. The Tribune Center's materials were distinguished by simple graphics and easy to read content aimed at women with low level reading skills. WIN NEWS emphasized UN activities, while *Isis* emphasized the more radical new women's groups in developing countries and Europe.¹⁸¹ WIN NEWS and *Isis* represented the two different wings of the new movement: *Isis*, the "liberationists" who wanted to free women from traditional constraints of all kinds, and WIN NEWS, the "legalists" who aimed to change law and policy to guarantee more equality for women.

Also, by the mid-1970s, foreign aid donor nations had responded to the new international women's movement and UN development initiatives by establishing women in development (WID) offices. Ester Boserup's landmark book, *Women in Economic Development*, published in 1969, had persuasively documented the role women played in agricultural production in developing nations.¹⁸² Although the expressed purpose of these WID programs was to assist the male-dominated donor agencies in integrating women as both beneficiaries and agents of economic development, the momentum of the new feminist movements in industrialized countries and the World Women's Conferences influenced how WID funds were allocated. Data collection and income-generating projects were given high priority by most donors, but some, such as Swedish SIDA, supported the new women's bureaux in developing countries while others supported legal literacy and other projects devised by indigenous organizations. In terms of women's human rights, the support of legal literacy programs, including an early one in Nepal, was extremely important.

181. In 1975 the editor of WIN NEWS had published a 300-page International Directory of Women's Development Organizations beginning with the Afghan Women's Society and ending with the World Feminist Commission.

182. ESTER BOSERUP, *WOMAN'S ROLE IN ECONOMIC DEVELOPMENT* (1970).

Among many of the WID officers in donor countries, a primarily long-term, albeit unadvertised, objective was improving the status of women within their own agencies and within developing countries. Leaders of women's groups, researchers and new networks were identified and supported in both developing and industrialized countries. Family planning organizations, most notably International Planned Parenthood Federation (IPPF), also identified and trained women leaders through their projects in developing countries; IPPF was noted as being one of the most effective NGOs focusing on the CSW.

Before the 1980 Mid-Decade conference, an international consortium of WID offices was established under the OECD/DAC umbrella. Primarily a research, data, and information exchange mechanism, one result of the consortium was that millions of dollars were allocated by the donor nations to support the 1980 UN World Women's Conference held in Copenhagen, Denmark. Funds went not only to support the UN Conference and the parallel NGO Forum, but to support NGO workshops, tremendous numbers of publications, and the attendance of hundreds of developing country participants. While the media focused on the Israeli-Palestinian and other political confrontations at the Copenhagen Conference, the emphasis in the NGO Forum was on networking among women and the importance of women's organizations.

Unnoticed by the media was the solidarity among women in recognizing discrimination even across lines of intense political disparities. Males headed virtually every government delegation, even in the preparatory conferences. Interested primarily in the political issues and protecting their country's point of view, they left their chairs to female delegation members unless a political issue was on the agenda; then the blue suits, white shirts, and ties would emerge *en masse* into the meeting hall. Women would turn around and look at each other knowingly as they relinquished their seats. Finally, in one preparatory meeting when the men emerged from the outer hall, a swell of spontaneous laughter greeted them. By 1985, many women led delegations and the political officers were more discreet.

The Copenhagen Programme of Action,¹⁸³ while building on the Mexico City Plan, moved economic considerations to the fore. However, it emphasized that development was not only economic, but covered political, social, and cultural realms as well and that economic development projects often disadvantaged women, depriving them of their traditional forms of livelihood.¹⁸⁴ For the first time, as a result of WID studies, attention

183. *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, Denmark, July 14–30, 1980*, U.N. Doc. A/CONF.94/35 [hereinafter *Copenhagen Programme of Action*].

184. For more on the Copenhagen conference, including the NGO Forum, see FRASER, *supra* note 173; Jane S. Jaquette, *Losing the Battle/Winning the War: International Politics*,

was directed to female-headed households, although the term "women who alone are responsible for families" was used, after considerable debate, because some delegations insisted only men could head households.

Extended debate was also had over the Programme's historical perspective section on the "roots of inequality." Western industrialized countries argued that the cause of inequality was the division of labor between men and women—justified by many on the basis of a woman's distinct child-bearing function; developing countries argued that "mass poverty" resulting from colonialism and unjust international economic relations was the cause, while the Soviet bloc argued that the predominant economic analyses of labor and capital (capitalism, that is) ignored women's work as producers and reproducers. Consensus was reached that discrimination was the result, no matter what view of history was taken. The Programme of Action stated that, while women were half the population of the world, they performed two-thirds of the world's work while only receiving one-tenth of world income and owning less than 1 percent of world property.¹⁸⁵

XIV. FROM DECLARATION TO CONVENTION TO WOMEN'S HUMAN RIGHTS TREATY

Following the IWY Conference and establishment of the UN Decade for Women, the CSW undertook a three-part program: drafting the Convention; monitoring the status of women, including women in development efforts; and preparing for the second and third world conferences. In 1976, CSW took up the draft convention prepared by the special working group with the objective of having a convention ready for the 1980 Conference in Copenhagen. Articles on access to health services, including family planning, and on rural women were added, the latter clearly a product of women in development efforts. Articles 15 and 16, with very specific provisions for equality under the law and in marriage, were very contentious because they conflicted with national legal systems. The implementation article also proved difficult: should CSW or an expert group be the implementation monitoring body?¹⁸⁶

Women's Issues, and the 1980 Mid-Decade Conference, in WOMEN, POLITICS, AND THE UNITED NATIONS, supra note 98, at 45.

185. *Copenhagen Programme of Action, supra note 183, ¶¶ 10–16.*

186. For a fuller discussion of the drafting and adoption of the Convention, see Fraser, *supra* note 167. See also *Report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination Against Women*, U.N. GAOR, U.N. Doc. A/C.3/34/14 (1979); *Note by the Secretary-General*, U.N. GAOR, 34th Sess., U.N. Doc. A/34/60 (1979); U.N. GAOR, 34th Sess., Agenda Item 75, U.N. Doc. A/34/PV.107 (1979).

In early December 1979, the Third Committee took up the proposed convention. Time was running out if the convention was to be ready for signatures at the 1980 World Conference. The Swedish proposal for a monitoring body of twenty-three experts which would report to the UN General Assembly through ECOSOC was finally adopted.¹⁸⁷ Then, Mexico proposed giving governments another year to consider such a formidable document. In an astute parliamentary move, the Netherlands delegate succeeded in convincing the committee that the Mexican proposal was not germane. The convention would not be delayed. On 19 December 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women,¹⁸⁸ but not without strong debate on the political preamble, on paragraph 2 of Article 9 on the right of women to convey nationality to their children, and on Article 16 on marriage and family law.¹⁸⁹ The ideas John Stuart Mill had described in 1869 were still alive and well in a number of countries.

During the opening ceremony of the 1980 Conference, the Convention was presented to national governments for signature. Fifty-seven nations signed the document, and, by December 1981, the convention had acquired the twenty ratifications necessary to give the Convention force as a treaty. The result was a momentous victory, but most of the newer women's groups were now concentrating on women in development or single issues, such as health care or employment, and other programmatic efforts to improve women's current circumstances—on the whole, the Convention received little attention.

By 1985, when the Third World Women's Conference was held in Nairobi, Kenya, the twenty-three member expert Committee on the Elimination of Discrimination Against Women (CEDAW), which was to receive reports from governments on Convention implementation, had begun its work, albeit rather slowly.¹⁹⁰ The Nairobi Conference, with its approximately fifteen thousand attendees at the NGO Forum held on the University of Nairobi campus, demonstrated to the world through extensive media coverage that the new international women's movement was extremely diverse. Again, WID offices and international donor agencies were joined

187. For details on the Swedish Proposal, see U.N. GAOR 3d Comm., at 10–15, U.N. Doc. A/C.3/34/14 (1979). For discussion of the Convention in the Third Committee, see *Report of the Third Committee*, U.N. GAOR, 34th Sess., Annexes, Agenda Item 75, at 1–10, U.N. Doc. A/34/830. For final debate and adoption in the General Assembly, see U.N. GAOR, 34th Sess., 107th plen. mtg., Agenda Item 75, at 1991–1999 (1979).

188. See CEDAW, *supra* note 2.

189. See generally Fraser, *supra* note 167.

190. See 1 UNITED NATIONS, *THE WORK OF CEDAW: REPORTS OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 1982–1985* (1989).

by national and international foundations in providing support for the conference, yet thousands of women still paid their own way. Attendees ranged from fresh-eyed recruits to sophisticated scholars to parliamentarians. The 1,200 Forum workshops on a wide array of topics reflected the diversity of women and their interests.¹⁹¹ One multinational group mounted a workshop series on the Convention. As with most NGO workshops, a standing-room-only crowd gathered each day to learn about the Convention, exchange information, and report on ratification efforts in their own countries. Out of this workshop series, a group called the International Women's Rights Action Watch (IWRAP) was formed to publicize and monitor the Convention and its implementation.

During the NGO Forum, the violence against women issue finally came out of the world's closet and forced itself into the public attention. Innumerable workshops on the topic were held and thousands of publications distributed. Crowds gathered daily at the Peace Tent on the Nairobi campus to discuss the links between violence in the home, violence in society, and violence between nations. The Forward Looking Strategies (FLS) document, adopted by the UN Conference in Nairobi, called for constitutional and legal reform in accordance with the Convention and for equality in social and political participation.¹⁹² In the peace section, the violence against women issue warranted two long paragraphs and was referenced numerous times in other sections. As in the Mexico City and Copenhagen documents, education was the priority. In the FLS, it was called "the basis for the full promotion and improvement of the status of women" and the "basic tool that should be given to women in order to fulfill their role as full members of society."¹⁹³ Christine de Pizan had said the same thing centuries earlier, but by 1985, education was not merely about literacy; it encompassed concern about scholarships, stereotyped curricula, access to the highest levels of education, vocational training, and political and legal education.

191. For the first time, a number of reports on the NGO conference were published. *FORUM '85: Final Report, Nairobi, Kenya* was commissioned by the NGO Planning Group for the Forum while *Images of Nairobi* and Caroline Pezzullo's *For the Record . . . Forum '85* were both published by the International Women's Tribune Center in 1986. See also FRASER, *supra* note 173, at 199.

192. This document was officially known as the *United Nations Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15–26 July 1985*, U.N. Doc. A/CONF.116/27/Rev.1, U.N. Sales No. E.85.IV.10 (1986). It was subtitled *The Nairobi Forward-Looking Strategies for the Advancement of Women*.

193. *Id.* ¶ 163.

XV. WOMEN'S RIGHTS AS HUMAN RIGHTS

In the twenty-year period from 1975 to 1995, masses of women moved from portraying themselves as victims at the mercy of male rulers in the private and public sectors to taking leadership roles in demanding their human rights. The three World Conferences allowed an ever-growing mass of activist women to exchange experiences across national boundaries and form new international networks around common interests. The electronic and print media as well as governments responded. Women gradually became a new political constituency.

Although IWRRAW, through its quarterly newsletter, *Women's Watch*, and other publications focusing on the Convention and the work of CEDAW, tried to draw international attention to the Convention, the majority of women's organizations continued to focus on their more particular issues. It was the violence against women issue, especially domestic violence, that finally drew wide international attention to the idea that women's rights are human rights. The issue transcended race, class and cultures, and united women worldwide in a common cause. It dramatically illustrated women's subordinate position as no other issue had. Activity around the violence issue at local and national levels brought thousands of new recruits into the international movement and moved increasing numbers of women into the political arena.

Although the women's convention did not address violence specifically, in its 1989 session, the CEDAW adopted General Recommendation No. 12,¹⁹⁴ describing how violence against women was covered by the Convention. At its 1992 session, CEDAW expanded on this in General Recommendation No. 19,¹⁹⁵ which stated that gender-based violence is discrimination; that such discrimination violates women's human rights; that the Convention covers both public and private acts; and that governments should take legal and other measures to prevent such violence and, in reporting under the Convention, indicate the measures taken.¹⁹⁶ Earlier, the Asian and

194. *Report of the Committee on the Elimination of Discrimination Against Women: General Recommendation No. 12, Violence Against Women (8th Sess. 1989), adopted 3 Mar. 1989, U.N. GAOR, 44th Sess., Supp. No. 38, ¶¶ 7–9, 24, U.N. Doc. A/44/38 (1990), reprinted in Compilation of General Comments and General Recommendations Adopted by the Human Rights Treaty-bodies, at 78, U.N. Doc. HRI/GEN/1/Rev.1 (1994) [hereinafter *Compilation of General Recommendations*].*

195. *Report of the Committee on the Elimination of Discrimination Against Women: General Recommendation No. 19, Violence Against Women (11th Sess. 1992), adopted 30 Jan. 1992, U.N. GAOR, 47th Sess., Supp. No. 38, U.N. Doc. A/47/38 (1993), reprinted in Compilation of General Recommendations, supra note 194, at 84.*

196. See U.N. Doc. CEDAW/1992/L.1/Add.15 (1992). See also International Women's Rights Action Watch, *Report on CEDAW Session 11*, Aug. 1992, available from International Women's Rights Action Watch <<http://www.igc.org/iwraw/publications/list/>> (visited 19 July 1999).

Pacific Development Centre in Kuala Lumpur had introduced the violence issue in a book on women's health, and, in 1986, the UN Division for the Advancement of Women convened an expert group to identify implementation measures for the FLS section on violence against women.¹⁹⁷ During the late 1980s and early 1990s, women's organizations, governments, and the United Nations produced well-researched publications on the issue that were widely distributed.¹⁹⁸ Local and national organizations did the same. The United Nations' *Violence Against Women in the Family*¹⁹⁹ is one of the most comprehensive of these publications. It pointed out the obvious, that violence within the home "has long existed . . . hidden by family privacy, guilt and embarrassment and, to a certain extent, traditional customs and culture."²⁰⁰

While some organizations, especially local ones, concentrated on treating the victims of such violence, others worked to bring the issue to public attention. The momentum behind the issue made women's human rights the most dramatic agenda item at the 1993 World Conference on Human Rights held in Vienna, Austria. Virtually every government at the Conference felt compelled to give at least lip service to the violence issue and to women's human rights. The parallel NGO Forum was inundated with materials and activists on both the violence issue and on women's human rights generally. Highlighting the issue, a dramatic tribunal, organized by the Global Campaign for Women's Human Rights, was carried live on TV monitors throughout the conference hall. As a result, the Vienna Declaration and Programme of Action contained an extensive section on women's human rights with additional references throughout the document.²⁰¹ It declared that "[t]he human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights . . ." and that women's human rights "should form an integral part of the United Nations human rights activities."²⁰² Traditional human rights groups that had long concentrated on human rights abrogations by governments against their citizens began to accept the fact that violations of rights by citizens

197. This expert group meeting was only one result of ECOSOC Resolution 1984/14 of 24 May 1984 on violence against women that allowed the Branch for the Advancement of Women to expand work on the subject. *Violence in the Family*, E.S.C. Res. 1984/14, U.N. ESCOR, 19 plen. mtg. (1984).

198. See, e.g., WOMEN'S WATCH (the quarterly newsletter of the International Women's Rights Action Watch) (for a sampling of these publications).

199. U.N. CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS, *Violence Against Women in the Family*, U.N. Doc. ST/CSDHA/2, U.N. Sales No. E.89.IV.5 (1989).

200. *Id.* at 3.

201. Vienna Declaration and Programme of Action, U.N. GAOR, World Conf. on Hum. Rts., 48th Sess., 22d plen. mtg., U.N. Doc. A/CONF.157/24 (1993), *reprinted in* 32 I.L.M. 1661 (1993).

202. *Id.* ¶ 18.

against each other were equally valid human rights abrogations. The private and public spheres began to merge in human rights theory and practice.

The 1995 UN World Conference on Women held in Beijing, China and the regional preparatory meetings for that Conference reaffirmed the conclusions of the Vienna Conference and put women's human rights even more firmly on the world agenda. Among the critical areas of concern for that Conference were, in order of priority: the burden of poverty on women; unequal access to education and training; health care; violence against women; the problems of armed conflict; economic inequalities; inequality of power and decision-making; insufficient mechanisms to promote the advancement of women; lack of respect and protection of women's human rights; stereotyping of women and inequality in communications, especially the media; and the environment.²⁰³ Discrimination against and violations of the rights of the girl-child was added at the behest of African women who, at their 1995 regional preparatory meeting in Senegal and also at their 1985 Arusha conference, argued what Wollstonecraft and de Pizan had articulated centuries earlier: if attention is not paid to girls and their education, and if girls are not thought of as equal potential citizens, the situation of women will never change. This was a recognition of history and a determination not to repeat it.

XVI. CONCLUSIONS

The history of the drive for women's human rights indicates that only when women are literate, when they can articulate their view of life in publications and before audiences, when they can organize and demand equality, when girls are educated and socialized to think of themselves as citizens as well as wives and mothers, and when men take more responsibility for child and home care, can women be full and equal citizens and able to enjoy human rights.

The question of shared responsibility for, and the valuing of, the care of children and the home goes to the heart of the implementation of the women's human rights. The Taliban edicts are only an extreme example of the resistance to this idea. Resistance is found even among educated women who accept the double burden of being wholly or partially responsible for both the economic support and physical care of children

203. *Fourth World Conference on Women: Action for Equality, Development, and Peace, Beijing Declaration and Platform for Action, adopted 15 Sept. 1995*, U.N. GAOR, ch. III, ¶¶ 41–44, U.N. Doc. A/CONF.177/20 (1995), reprinted in REPORT OF THE FOURTH WORLD CONFERENCE ON WOMEN (1995) (recommended to the UN General Assembly by the Committee on the Status of Women on 7 Oct. 1995).

and the home. Numerous articles in the Convention on the Elimination of All Forms of Discrimination Against Women deal with this problem. Article 5 seeks to eliminate stereotyped roles for men and women and to ensure that family education teaches that both men and women share a common role in raising children.²⁰⁴ Article 10, dealing with education, reiterates the same idea.²⁰⁵ Article 11 calls for maternity leave and "social services to enable parents to combine family obligations with work responsibilities. . . ." ²⁰⁶

As John Stuart Mill put it in 1869, marriage should be thought of as a partnership, a partnership of equals analogous to a business partnership, and the family not "a school of despotism," but "the real school of the virtues of freedom."²⁰⁷ Article 16 of the Women's Convention lays out the legal framework for such a partnership,²⁰⁸ but the legal and *de facto* situations vary because of age-old customs and traditions. Over the centuries, tremendous progress has been made in defining, demanding, and implementing women's human rights. Women have moved from the private sphere of home and family into the public sphere as citizens and workers.

In many respects and in many countries, women are now considered equal humans, legally if not socially or economically. Yet, reconciling family obligations with political and economic responsibilities remains a challenge for most women of the world. It is a formidable problem in the most industrialized nations and in the poorest families of all nations. The challenge for the twenty-first century is to find ways to reconcile these responsibilities so that women can exercise their human rights and become full citizens in all respects. It may take a new wave of an international women's movement to accomplish this task.

Meanwhile, however, the Women's Convention, now popularly called the women's human rights treaty, has been ratified or acceded to by 163 nations²⁰⁹ and has become a formidable weapon in the struggle for worldwide implementation of women's human rights. Women's groups around the world are using the principles set forth in the Convention to promote women's rights observance through court cases; as the basis for advocacy in changing national laws and policies; and for highlighting

204. CEDAW, *supra* note 2, art. 5.

205. *Id.* art. 10.

206. *Id.* art. 11.

207. BELL & OFFEN, *supra* note 42, at 398.

208. CEDAW, *supra* note 2, art. 16.

209. See *Committee on Elimination of Discrimination Against Women To Hold Twenty-First Session at Headquarters*, U.N. Press Release WOM/1125, 4 June 1999, at 4. Sadly, the United States is not one of the ratifying countries. Although Presidents Carter and Clinton both submitted the treaty for ratification to the US Senate, the Senate has yet to act, and US women's organizations have not made ratification a priority item.

abrogations of women's human rights before international committees. Increasing numbers of women's organizations are developing "shadow reports" on implementation of the treaty in countries coming up for review by the CEDAW Committee, which, in turn, is becoming more aggressive in challenging governments on conformance with the treaty. Christine de Pizan would be delighted to know that Mary Robinson of Ireland is now the United Nations High Commissioner for Human Rights, but early nineteenth-century women writers such as Jane Austen would also recognize the fear that compels Gulf women to write anonymously or to use pseudonyms.²¹⁰ Although women's rights are now recognized as human rights, recognition does not mean implementation. Much work still needs to be done to achieve human rights for all.

210. See *WOMEN'S WATCH*, Dec. 1998, at 3.