2001

Half the sky: An examination of obstacles to human rights for women

Patricia Anne. Hixson

The University of Montana

Follow this and additional works at: https://scholarworks.umt.edu/etd
Let us know how access to this document benefits you.

Recommended Citation
https://scholarworks.umt.edu/etd/5228

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
Permission is granted by the author to reproduce this material in its entirety, provided that this material is used for scholarly purposes and is properly cited in published works and reports.

**Please check "Yes" or "No" and provide signature**

Yes, I grant permission  

No, I do not grant permission

Author's Signature: Patricia Atkinson

Date: 12/17/01

Any copying for commercial purposes or financial gain may be undertaken only with the author's explicit consent.
...Half the Sky

An Examination of Obstacles to Human Rights for Women

by

Patricia Anne Hixson

B.A. The University of Montana, Missoula

presented in partial fulfillment of the requirements

for the degree of

Master of Arts

The University of Montana

September, 2001

Approved By:

[Signature]

Chairperson

[Signature]

Dean, Graduate School

12-19-01

Date
Half the Sky: An Examination of Obstacles to Human Rights for Women

Director: Paul Gordon Lauren

This paper attempts to inform a broader understanding of human rights by examining the distinctive human rights needs of women worldwide, investigating the international community's response to the issue of human rights for women, and by exploring obstacles to that fulfillment. While women do not constitute a homogenous group, the aim of this paper is to reflect the ways in which expressions of gender discrimination are systematically interconnected, especially around issues of violence, health, access to national wealth and political institutions, and development. The attempt here is to apply comparative data to the status of women in each unique region in an effort to examine women's access to the fullness of Universal Rights prescribed by the United Nations in a world system where men hold the reins of power.

Data suggests that the rights of women in every society are compromised, either by law, custom, religion, or by all three in ways that men's rights are not. While some progress has been made to improve the lives of women in many countries, the progress has been uneven; in many parts of the world women have suffered reversals. This paper will survey pivotal events and issues that have governed efforts and obstacles to human rights for women. To do this, a historical background of women's struggle for rights will highlight the critical human rights questions. Questions include: the particular human rights needs of women; existing international agreements guaranteeing the rights of women; the collision of rights and national sovereignty; issues of cultural relativism; rights commonality across regions; the importance of rights to development; and enforcement.

To answer these questions, data will be examined from leading non-governmental organizations (NGOs), the United Nations, and reports from the United States Department of State. Remedies focus primarily on efforts by the United Nations (UN) on behalf of women, because it is from here that the greatest measurable gains have been made with respect to international standard setting in human rights generally, and for women specifically. Further, the vast majority of states are signatories to the Charter of the United Nations and are thus bound by the minimum standards it sets.
Table of Contents

Introduction ..................................... Page 1–5

Chapter 1 .......................................... Page 6–55

Chapter 2 .......................................... Page 56–94

Chapter 3 .......................................... Page 95–132

Works Cited ....................................... Page 133–139
Introduction

Women hold up half the sky, according to an ancient Chinese saying, (to which Mao Tse Tung added that the women's half weighed more.)¹ But it is only in the last half of the twentieth century that the concept of a woman's world has achieved status sufficient to warrant a qualitative examination and discourse, if not a global acknowledgment and recognition. Despite the fact that women constitute half of the world population, they continue to be denied their full measure of human rights. This violates international law, but more importantly, it deprives humanity of distinct and badly needed human resources and values. The purpose of this paper is to inform a broader understanding of human rights by examining the distinctive human rights needs of women worldwide, the international community’s response to the issue of human rights for women, and to explore obstacles to that fulfillment.

Two recognitions must be made at the outset. One is an appreciation of the fact that "women" are not a homogenous group. There is no monolithic "woman's point-of-view." Women come from cities and tribes, democracies and caliphates, and developed and developing societies all over the world. It would be a colossal arrogance to suggest that a single author might report what is in the hearts of all women, or that one observer could appropriate all women's visions of what human rights means to the them, as well as to their daughters. The attempt here is only to conceptualize a global female world and to apply comparative data to the status of women in each unique region in an effort to

examine women's access to the fullness of universal rights prescribed by the United Nations. The second recognition is actually an admission. As often occurs when researching topics relating to human rights, achieving a completely dispassionate, objective viewpoint on the subject is not possible.

Great strides have been made in achieving a measure of human rights for women, and in improving their lives. For example, life expectancy averages for women worldwide have risen from forty-five years in 1955 to seventy-nine years in 1995. In the past several decades, many women have enjoyed improvements in literacy and employment opportunities. Yet progress has been uneven. In many parts of the world women have suffered reversals. There are places in the world where a woman's life expectancy is less than fifty years, and where only a small minority is able to read or write. What is more, women constitute a clear majority of the world's poor, accounting for over seventy percent of those living in poverty.2 The United Nations proclaims through the Universal Declaration of Human Rights that "All human beings are born free and equal in dignity and rights."3 Yet the rights of women in every society are compromised, either by law, by custom, or both, in ways that men's rights are not. Arguably, a "trickle-down" theory of human rights has not served women altogether well. This paper will attempt to address key questions of justice and inequality as they relate to women, and to examine the continuing struggle for empowerment among those who remain marginalized in a world system where men hold the reins of power. The topic is admittedly huge; this paper can only survey the critical events and issues that have

3Universal Declaration of Human Rights, Article 1.
governed efforts and obstacles to human rights for women. To do this, it is first
important to provide a historical background of women's struggle for rights and to
highlight the critical questions taking place in discussions of human rights for women
today. For example, and fundamentally, why do women need special human rights
status? Do not existing international agreements guarantee the rights of women? Further,
with an ever-expanding corpus of human rights legislation, what if the rights of women
collide with a society's right to preserve cultural or religious practices? Even more
fundamentally, who or what institution is qualified to define what constitutes the fullness
of a woman's human rights? Is there any commonality among the world's women that
would aid in formulating human rights norms, while at the same time, allowing for
cultural multiplicity? What are the consequences, regionally and globally, if the status of
women continues to be diminished? And finally, once signed, is there machinery in place
to enforce compliance with human rights conventions?

In order to help answer these questions it will be useful to examine data from
leading non-governmental organizations (NGOs), the United Nations, and reports from
the United States Department of State. Remedies focus primarily on efforts by the United
Nations (UN) on behalf of women. Other international and regional institutions have
gained ground in the application of human rights for women, but is within the forum of
the UN that the greatest measurable gains have been made with respect to international
standard setting in human rights generally, and for women specifically. What is more, the
vast majority of states are signatories to the Charter of the United Nations and are thus
bound by the minimum standards it sets. The Charter of the United Nations and the
subsequent Universal Declaration of Human Rights provide the legal framework for
contemporary human rights law, and prevail over all other international treaties. The Charter "promot[es] and encourag[es] respect for human rights and for all without distinction as to race, sex, language, or religion," while requiring all UN members to "pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." It is here notable that UN membership requires each state not only to cooperate with human rights standards, but also to promote their observance by other states. Like the Charter, the Universal Declaration of Human Rights provides that all persons are entitled to rights and freedoms without discrimination of any kind, including those based on race, sex, or religion. Aside from these two important human rights instruments, it will be helpful to describe the issues prompting, and resolutions resulting from other important United Nations documents on human rights, as well as from Conferences for Women from 1975 to 1995.

Further, cursory as it must be, evidential global case studies, arranged by categories of discrimination will illustrate the special problems faced by women in each of four regions: The United States and Europe, the Middle-East, Asia, and Africa. Examining generally agreed upon categories of discrimination and abuse of women worldwide will demonstrate ways in which human rights norms have been gendered, nationalized, and politicized to exclude women. Categorizing women's rights abuses in

---

4 United Nations Charter, Article 103, ("In the event of conflict between obligations of Members...under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail.")
5 United Nations Charter, Article 1(3).
6 United Nations Charter, Articles 55 and 56.
7 Universal Declaration of Human Rights, Article 2.
this way is necessarily difficult. A great deal of overlap, as well as disparity, exists within
the traditions constituting these broad regions and categories. However, the aim of this
paper is to reflect the ways in which expressions of gender discrimination are
systematically interrelated, especially around the specific issues of violence, health,
access to national wealth and political institutions, and development.

Finally, it is important to explore a possible future for women in possession of
their full measure of human rights. What would universal rights mean for the developing
world, as well as for the developed world? Notions of rights have broadened over the
centuries to include, first, only propertied men, and now, theoretically at least, all others,
based on nothing else but their common humanity. The dialogue has expanded to include
the entire international community, and progress in achieving basic human rights for
women is being made. But obstacles to real and lasting change persist, and genuine
improvement in the quality of women's lives will take years to accomplish.
Chapter 1
The Early Struggles for Rights

"Women are almost regarded as nonentities... Their rights and liberties are entrusted, to a fearful extent, to proud and tyrannical men. If they would be emancipated, they must achieve their own deliverance; for when have the usurpers of mankind voluntarily surrendered their ill-gotten power?"

William Lloyd Garrison, 1838

A Long History of Inequality and Abuse

Historian Christiane Klapisch-Zuber asserts, "To be born a man or woman in any society is more than a simple biological fact. It is a biological fact with tremendous social implications." Throughout history there has never been a time when women in any part of the world shared equal status with men. For women, the universally prevalent social ethos has always been one of domination and "ownership" by men in society, handed over from fathers to husbands as property. Women have traditionally been considered the inferiors of men, physically, morally, and intellectually. Tradition has been imposed, and laws enacted throughout history to ensure that woman had no voice, and would not be regarded either as a contributing member of her community or, in many cases, as the owner of her own body. Abolitionist and feminist Sarah Grimké wrote in 1838,

All history attests that man has subjected woman to his will... He has done all he could to debase and enslave her mind; and [he] looks triumphantly on the ruin he has wrought, and says, the being he has thus deeply injured is his inferior... Our powers of mind have been crushed, as far as man could do it, our sense of

---

morality has been impaired by his interpretation of our duties; but nowhere does
God say that he made any distinction between us, as moral and intelligent beings. 3

Throughout time, and in every culture, women have confronted hierarchical or
authoritarian systems in which only the fact of their gender mattered. From as far back
as ancient Greece and Rome, women enjoyed very few rights; marriages of girls were
arranged to grooms who generally were fifteen years their senior. Wives had no
authority over property or children; they lacked even a voice in whether a child born to
them could remain in the family. It was the prerogative of Roman fathers to "raise" a
newborn child from the earth where the midwife had placed it. If the father did not raise
it up, the child was exposed outside the house, to be claimed by anyone who wanted it.
In ancient Greece, it was more common to expose female infants than male. Wrote one
Greek man to his wife in 1 B.C., "If (touch wood!) you have a child, let it live if it is a
boy. If it is a girl, expose it." 4

Writes Eva Figes, "Our whole code of morality was formulated by men." The
choices available to women throughout history have been confined to two, either meekly
accepting the traditional role assigned to them, or facing battle in a game where the rules
were established "long before her arrival on the scene." 5 Whether under paternalistic
Confucianism in China, Islamic culture, or the Christian West, asserts Paul Lauren,
women have been viewed as inferior beings. They have been declared as everything
from dangerous "evil witches, lustful whores, and sources of deceit and subversive

3 Sarah Grimké, Letters on the Equality of the Sexes and the Condition of Woman, Addressed to Mary S.
Parker, President of the Boston Female Anti-Slavery Society (New York: Lenox Hill Pub. & Dist. Co.,
4 Philippe Aries and Georges Duby, eds., A History of Private Life From Pagan Rome to Byzantium
sexuality," to feeble, and defective "imperfect animals." Applying these labels as justification, men throughout time have not only dominated women, but also deprived them of civil, political, economic, and social rights. For example, women's disfranchisement, rooted in English common law and transplanted in the United States, institutionalized the moral and spiritual subordination of women and further strengthened the patriarchal ties that bound women to their husbands. Writes Katherine Henderson, women upon marriage entered an institution where "the husband and wife are one and that one is the husband." This philosophy of "femme couvert" gave absolute power to husbands, and deprived women of any personal autonomy or bodily integrity.

These traditional interpretations of women can be explained, according to historians Boxer and Quataert, and "without recourse to a conspiracy theory of history. Men never sat in council and decided to keep women down." Women's conspicuous absence from the public sphere through denied apprenticeships and education, and their lack of power even in the private sphere, bespoke the centuries-old beliefs that women were "weak, dependent things." Men wrote the history of civilization, and men did not include women. Defined exclusively by their relationships with men, and seen throughout time either as wives, mothers, or lovers, women's lives were subsumed in the life of the family, and in the realm of the domestic. Freud, who defined women as

---

"imperfect men," only reflected the litany of ancient scholarship that "woman is defective and misbegotten."

Priests and philosophers have defined female roles and taboos throughout the ages. In the earliest writings of the Old Testament, one motivation for male dominance of women can be traced to the idea of paternity. Personal continuity, the extension of a man's line, is only possible if a man can control his woman's fertility. Through the life in a woman's womb, man can live beyond the grave; he can pass down power, name, and wealth, and thus never die. But all of that depends on the certitude of paternity. Through the application of economic sanctions, harems, purdah, and physical punishment or death, men have enforced their domination and control of women directly. The clergy did its part by enforcing both the civil and the church laws that subjected women to their husbands' authority in marriage. For centuries Eve's betrayal in the garden, and the resulting monthly "curse," were used by clergy as justifications to restrict women's participation in the church. Summoning the writings of the Apostle Paul, clerics condemned women to silence in public, wary that "Women's words, essentially were dangerous: was it not through the words of a woman, Eve, that sin had entered the world?" Medieval, Renaissance, and Reformation Judeo-Christian teachings reinforced the view that woman was weak-minded and sinful, and, as dictated by the Apostle Paul, "Wives, [should] submit [themselves] unto [their] own husbands, as unto the Lord…,"

---

9 Thomas Aquinas, as quoted in ibid.
10 Eva Figes, Patriarchal Attitudes, p. 38-40.
11 Boxer and Quataert, Connecting Spheres, p. 24.
and further, that if faced with a rebellious wife, a husband "endeavoreth to beat the fear of God into her head...that thereby she may be compelled to learn her duty and do it."13

During the Renaissance, physicians began to replace priests in the task of assigning women's roles and justifying women's relegation to the private sphere. By citing medical evidence that woman was ruled by the hysterical animal within her uterus, and further, that she was the victim of a smaller brain and effusive procreative illnesses, physicians merely cast the old weaknesses in new, "scientific" explanations.14 She "could not control her emotions, nor discipline her sexual impulses, nor act in any consistent fashion according to reason." According to historian Marilyn Boxer, the major democratic revolutions of the eighteenth century did nothing to usher in progressive gains for women, who actually lost rights in these great wars for liberation. Napoleon's Code of Laws "subjected women henceforth to discriminatory standards in marriage, sexual behavior, and education." In the American Revolution, women would lose the few legal, professional and property rights that had been enjoyed by colonial women. At least with these great progressive revolutions, "[milestones] of advancement for men [marked] gravestones of opportunity for women."15

It is this centuries-old dogma that has proscribed such narrow options for women, and throughout time has influenced and reinforced misogyny in society's institutions of government, business, and education.

13 Boxer and Quataert, Connecting Spheres, p. 24.
14 Ibid., pp. 6-8.
Medieval Women

"A horse, whether good or bad, needs a spur; a woman, whether good or bad, needs a lord and master, and sometimes a stick."\(^{16}\) The fourteenth-century Florentine who wrote this was in step with the pervasive views of the time regarding women. The Catholic Church dominated Europe in the Middle Ages, and the prominent figures therein are, of course, male. Only men enjoyed legal autonomy, and only men were allowed to speak publicly. Of these men, the clergy controlled the flow of knowledge through a monopoly on literacy and the written word. According to historian Klapisch-Zuber, this single factor is what most distinguishes the way in which woman was considered during this period. "What was said about women was said by men who rejected their society, men whose position obliged them to embrace celibacy and chastity. Lacking daily commerce with women, these men were harsh in their criticism of female vices and imperfections...Their portraits were caricatures more than true likenesses."\(^{17}\) It is out of this ethos that warnings emerged of the absolute need for women's obedience, temperance, and chastity, and for complete control over them. The Homily on Marriage, which the Crown required to be read in church, admonished each woman to recognize the sovereignty of her husband, and her own inferiority. It declares, "The woman is a weak creature not endued with like strength and constancy of mind; therefore, they be the sooner disquieted, and they be more prone to all weak affections and dispositions of mind, more than men be; and lighter they be, and more vain in their fantasies and opinions."\(^{18}\) Insistent that a woman must be subordinated to her husband, Reverend

\(^{15}\) Ibid., p. 6.
\(^{16}\) Klapisch-Zuber, *Silences of the Middle Ages*, p. 13.
\(^{17}\) Ibid., pp. 7-8.
William Gouge wrote in *Of Domestic Duties*, that because of man's supreme moral, economic and spiritual status, wives were not to address their husbands by their Christian names. He further affirms the practice (then sanctioned by law) of wife beating.\(^{19}\)

Historian Klapicsh-Zuber asserts that the day's overarching sensibility was that women were dominated by their sex, powerless to control the excesses of their natures, and that "To control and punish women, particularly their bodies and their dangerous, disruptive sexuality, was man's work."\(^{20}\)

It is in this period, under the influence of Thomas Aquinas, that concerted efforts were made to limit or eliminate women's ability to exercise power. Aquinas would write, "Woman is defective and misbegotten, for the active force in the male seed tends to the production of a perfect likeness in the masculine sex; while the production of woman comes from a defect in the active force or influence."\(^{21}\) Characterizing her as distant, frightening, and contradictory, church fathers were unabashed in their hatred of women.

Wrote Benedictine Abbot Geoffroy of Vendôme, (died 1132):

The [female] sex poisoned our first ancestor, who was also husband and father [to the first woman]; it strangled John the Baptist and delivered brave Samson to his death. In a manner of speaking it also killed our Savior: for had [woman's] sin not required it, Our Savior would not have had to die. Woe unto this sex, which knows nothing of awe, goodness or friendship, and which is more to be feared when loved than when hated.\(^{22}\)

"Our prelates," asserts historian Jacques Dalarun "were unabashed misogynists...who bolstered their prejudices [by drawing] on both Christian and classical Latin traditions." Aristotelian philosophy contributed further unsettling details, asserting


that the excess moisture in women's bodies induced unlimited and insatiable sexual appetites in women. In time men's fear of women's sexuality evolved into contempt for women. Medical theories of the time reflected the superstition and fear that pervaded medieval attitudes. "Women's seed" or more specifically, menstrual blood, was seen as dangerous to women and to anything else, for that matter. Lore, combined with Old Testament taboos, described the nefarious effects it had; the virulent substance was said to turn new wine sour, cause trees to become barren, kill hives of bees, give dogs rabies, and infect children with leprosy.

Medieval legal codes, bewildering and impenetrable though they were, were universal and striking on one point. Almost without exception women were treated as legally incompetent to manage their own affairs, and they were relegated, as wards, to male family members. Legal codes in Germany, for example, excluded all women from all public affairs and transactions. They could not appear in court, but rather, had to be represented by their male "guardians," usually their father or husband. This guardian not only had the right to speak for the woman in his charge, but also to dispense with her property as he saw fit, to sell her, or to punish her, even to death.

Toward the end of the Middle Ages, women's voices did begin to be heard. Nuns, mystics, and other inspired women actually dared to speak out in public and, worse yet, on Scriptural matters, an area uncontestably the domain of men. Thomas Aquinas had warned that women should only be allowed to speak in private, and that "A woman, even

---

23 Ibid., p. 62, 63.
24 Leyser, Medieval Women, p. 97.
25 Claudia Opitz, "Life in the Late Middle Ages," Klapisch-Zuber (ed.), Silences of the Middle Ages, pp. 269-270.
if she is learned and holy, must not presume to teach men in the congregation."26 This development was intolerable, and resulted in even stricter efforts to control the voices of women. Despite burgeoning Protestant sects in the 15th century, church leaders continued to preach subjugation of women as the weaker sex. In 1533, Protestant Reformation leader Martin Luther explained, "Girls begin to talk and to stand on their feet sooner than boys because weeds always grow up more quickly than good crops."27

**The Enlightenment**

A profound lack of confidence in the clergy, based on rampant corruption and excessive ritualism, led some intellectuals of the eighteenth century to reject the religious worldview that had held sway for centuries. The Age of Reason saw an impressive outpouring of secular thought that would shape liberal democracy in the west. Philosophes in this ideological revolution opined the evidences of science and the preeminence of human reason over superstition, believing that the scientific method and human intelligence could unlock the secrets of nature, where the Church had only shrouded them in mysticism. They came to define principles of justice and equality as "natural law," or immutable law, either given by God, or inherent in the universe, and they began to apply this new, critical thing to society's institutions. After centuries of repression by the Church, philosophers like Voltaire would begin to champion ideas of freedom of thought and speech.28 Together with the nineteenth century revolutions, the Enlightenment invented a new vocabulary of "the rights of man," which would later

---

provide the language through which early feminists would demand that the rights of woman be included.

In this Age of Enlightenment, religious doctrine may have given way to more scientific explanations, but historical ideas about women persisted. Beliefs about women as inherently irrational, sexually dangerous, and intellectually inferior—therefore incapable of contributing to the political process, persisted. At a time of enlightened intellectual skepticism, these convictions might have been attacked on two levels. First, because enlightened philosophes claimed to reject that ideas were viable merely because they were entrenched in the thinking of the day. They professed to believe that only critical examination and testing could prove a concept's validity. Second, the movement's open hostility to Christianity might have compelled reexamination of traditional precepts on women. While Christianity did not invent misogyny, it was the church that institutionalized female oppression, and "admonished [women] to obey God and their spouse, created in His image." As historian Abby Kleinbaum writes, "[T]he philosophes' light was dim and imperfectly transmitted, [and] thus a study of the ideas of the major theorists of the century reveals no trend toward opportunity and freedom for women." Some enlightened thinkers can be found who at least acknowledge women's equality from a natural law perspective. Notable among these is the Marquis de Condorcet, who saw education as key to women's advancement, and believed that the notion of the "rights of man" should be extended to women. But while men like Condorcet and Voltaire reference the legal injustices that women were forced to endure.

28 Boxer and Quataert, Connecting Spheres, p. 97.
30 Ibid., p. 220.
they never viewed women's rights as an issue worthy of their "full energy and genius," nor did they win many allies. More representative are enlightenment thinkers who denied equality between men and women on the grounds of natural law. Diderot, who embodied Enlightenment thinking, pressed his belief in a gendered natural order in his essay *On Women*. Concurrent with the prevalent medical thinking of the day, Diderot wrote that women are dominated by their uterus, "an organ, subject to terrible spasms, which rules her and rouses up phantoms of every sort." M. Desmahis asserts, "Not only are [women] inferior in physical strength but also in understanding; they are timid and dissembling, weak in commitment to virtue and strong only in their pursuit of vice." Jean Jacques Rousseau, the chief spokesman of the Enlightenment, held identical views. While Rousseau may have believed in sovereignty only as it could be seen to reside in the "general will," it was clear that women would have no voice in that social contract. Not only did Rousseau believe women to be "designed [by natural shyness and modesty] so that she would submit to men," but he also held that the sexes should "live apart, each after their own manner." For Rousseau, only man was the complete social individual, and women were made to please him.

Enlightened thinkers also concentrated their critical examinations on the scriptures and on the clergy. Believing that the clergy were social parasites, Enlightenment philosophers blamed them for obstructing reason and progress through their "perpetuation of myth, ritual, and tradition." Opposed as they were to the Church,

31 Ibid., p. 240.
32 Ibid., p. 220.
33 Boxer and Quataert, *Connecting Spheres*, p. 106.
34 Diderot, as quoted in Bridenthal and Koonz, *Becoming Visible*, p. 222.
35 Desmahis, as quoted in ibid., p. 223.
36 Ibid., p. 225.
37 Ibid., p. 219.
the monarchy, and indeed, to all forms of arbitrary rule, any hypocrisy inherent in their
own relegation of women to invisibility in the private sphere remained an abstraction.
Generally, ideas about women remained unchanged; clearly female inferiority was part of
secular as well as religious belief. The only thing that had changed was the messenger.
Physicians began to replace priests in proscribing the roles to which women would be
restricted. Enlightened thinkers may have rejected the idea that female inferiority was the
law of God, but they also gave voice to the more insidious notion, that women were
inferior in nature. No longer limited only because of moral weakness—"the hereditary
curse of Eve," physicians now applied biological evidence of "women's smaller brains,
more sensitive nerves, and periodic procreative illnesses" to the same purpose.38

Explains Auguste Comte in 1843, "Biology definitively confirmed the hierarchy of the
sexes." For Comte, women were destined to live in a "state of radical childhood," not the
equals, but the companions of men.39 Clearly, any real change in the stature of women
would not be forthcoming in this, or many generations to come. Writing to Molière,
Comte stands in opposition to any public or political role for women, and pronounced
nascent feminism a form of "civil disturbance without a future."40 In general, the
Encyclopedists, like the philosophes, "tended to see women as physically delicate,
psychologically timid though passionate (a potentially dangerous combination), and
socially destined for motherhood."41

To be sure, the seventeenth and eighteenth century intellectual philosophy of
natural rights—that all men are equal in a state of nature—was potentially liberating for

38 Boxer and Quataert, Connecting Spheres, p. 8.
39 Geneviève Fraisse, and Michelle Perrot (eds.), A History of Women in the West: Emerging Feminism
40 Auguste Comte, as quoted in ibid., p. 62.
women. Political liberalism provided a ready-made argument for women to press for equality. But it would take centuries longer for women actually to appropriate the liberal vision of individual autonomy. While it can be said that the Enlightenment's legacy for women was to provide them with a new vocabulary of the "rights of man," it also bound them to an ideology that would persist into the nineteenth century. According to this ideology, men were destined for the public sphere, and women were consigned to the private.

Exclusion During the Democratic Revolutions

"I can not say that I think you very generous to the Ladies, for whilst you are proclaiming peace and good will to Men, Emancipating all Nations, you insist upon retaining an absolute power over Wives."

Abigail Adams, May 7, 1776

This is not to say that women's voices were silent during these revolutionary times. Inspired by ideas of the Enlightenment and the language of natural rights, the French Revolution proclaimed an end to monarchy and the establishment of government based on the principle of popular sovereignty. The question for women was whether they too might be availed the opportunity to participate in this new representative commonwealth. In the case of women, though, many and separate battles for rights would have to be fought. The French Revolution heralded an unparalleled wave of female organization. French women, especially tradeswomen from the middle class, pressed their case in the cahiers de doléances. These grievances related to women's employment, and education, and even called for political rights for those women who

---

41 Boxer and Quataert, Connecting Spheres, p. 105.
paid taxes, thereby defending the principle of "no taxation without representation." 43

Women continued to challenge proscribed traditional roles and pressed their demand that the Declaration of the Rights of Man include the female half of mankind. In 1791 Olympe de Gouges published the Declaration of the Rights of Woman and of the Citizen, paraphrasing the famous Declaration of the Rights of Man and the Citizen. Asserting the language of Rousseau, de Gouges proposed freedom of thought for women, government jobs for women, equal rights to property, education, and in marriage laws. She asserts further, that "woman is born free and remains equal in rights to man." De Gouges' work remained obscure, and her voice largely unheard for over a century, "[p]erhaps because she soon paid with her life for her unfeminine political activity, guillotined in 1793 at least partially for having forgotten the virtues that suited her sex." 44 In her last words, "she willed her heart to her country, her probity to men (who needed it, she said), and her spirit and soul to women." 45 What could not be taken from these women were the lessons they were learning. The French Revolution marked a time of heightened political consciousness for women. The founding of the Society of Revolutionary Republican Women in February, 1793 signaled the apex of women's revolutionary participation. Its platform called for universal suffrage and reform of the 1793 constitution, which had excluded women from the franchise. Though inspired by the very ideals of the French Revolution, the Society was suppressed in October, 1793 when Jacobin deputy Amar questioned before the Committee of General Security

44 Boxer and Quataert, Connecting Spheres, p. 107.
45 Olympe De Gouges, as quoted in Bridenthal and Koonz, Becoming Visible, p. 246.
whether women should exercise any political rights at all. "Women [do] not have the moral and physical strength for politics because nature destined them for functions within the family."\textsuperscript{46} The Convention then proceeded to dismantle all women's clubs. In 1795, in response to bread riots in Paris, the Convention decreed that women were "disturbers of the peace and they must remain in their homes; gatherings of more than five women would be dispersed by force."\textsuperscript{47} This is not a surprising reaction. Eva Figes avers that man has always been rankled by conflict with women, and he quickly will blame them, saying, "there would be no war if only she would give in."\textsuperscript{48} French women had become so great a revolutionary force that men in power came to fear those women who castigated men's inability to provide bread for the poor. So disquieting were these women that they became legendary, as personified in Charles Dickens' Madame Defarge in \textit{A Tale of Two Cities}. Yet despite women's resolve, and regardless of the hopes engendered by the French Revolution for Liberty, Equality, Fraternity, it did nothing to promote the political rights of women. From 1804, their status was defined by the Napoleonic Code, which reflected both male society and Napoleon's own contempt for women. The Code required a woman to obey her husband unconditionally, to take on his residence and his nationality, to accept his authority over their minor children, as in fact, they were treated in law as minors themselves.\textsuperscript{49}

The question remains, in an age defined by the desire to liberate the human spirit, why was women's role in society so assigned and so fixed? Figes offers one explanation for the intransigence of women's roles. "When it [comes] to political revolution against

\textsuperscript{46} Jean Baptiste Amar, as cited in ibid., p. 248.
\textsuperscript{47} Ibid., p. 251.
\textsuperscript{49} Boxer and Quataert, \textit{Connecting Spheres}, pp. 109-110.
an autocracy only a privileged minority [has] something to gain by resisting the forces of change, but in changing the relationship of men to women every man, rich or poor, [stands] to lose by a change."\textsuperscript{50} The idea of equality is perceived as giving something up, and in patriarchal societies, woman has been rejected as an equal participant based either upon her "weakness", her insubordination, or her potential as competition. A disobedient woman went against Nature. Women entered the French Revolution asking for bread and liberty, and emerged starving and even more restricted.

In neither the American nor the French Revolution was suffrage the sole concern of women. Early feminists of the late eighteenth and nineteenth centuries often identified marriage as the instrument of their oppression and the target of their reform efforts. While the best minds of the revolutionary age spoke of freedom, equality, and individual rights, the fact remains that the rights of slaves, Native Americans, the unpropertied, and women were ignored. Americans continued to view woman's role as that of a wife and mother, fully accepting the notion of separate spheres for women and men. Because women generally could not own property nor participate in economic or public life, they were seen as the self-sacrificing embodiment of a virtuous new republic. Women thus employed, freed men to pursue the individualistic, capitalistic advancement of nation building, free in the knowledge that home and community were well-tended.

Nevertheless, women, at least, were aware of the great contributions they had made to the revolutionary effort through their work at home, and they were mindful of their role in a new republican society. As is always the case in wartime, while men enlist, it is left to women to shoulder the burdens of farm and family. As a result, women

\textsuperscript{50} Figes, \textit{Patriarchal Attitudes}, pp. 21-25.
began to press for a reevaluation of their status. No one better exemplifies women's position in society during America's Revolutionary War period than does Abigail Adams. Following English practice, Adams, wife of the second President of the United States, mother of the sixth, never attended school. Writes Adams, "Female education in the best families went no further than writing and arithmetic; in some few instances, music and dancing."\(^{51}\) Despite her lack of formal education, Abigail Adams' letters to her husband in 1776 are a profound credo for the rights of women. During John Adams' extended absences, not the least of which, while he was engaged in the drafting of the great manifesto for liberty and equality--the Declaration of Independence--Abigail endured the privations of war and the sole responsibilities of farm and family. Writes historian Miriam Schneir, she no doubt felt "she had earned the privilege of requesting that the new government provide greater freedom for women." Abigail Adams' own words to her husband ask:

...in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into 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 determined to foment a rebellion and will not hold ourselves bound by any laws in which we have no voice or representation...31 March, 1776\(^{52}\)

Abigail Adams was not here requesting the right to vote, only for reformation of the laws of marriage, which made wives completely subordinate to their husbands. Nevertheless, John Adams' response was deflating. "...As to your extraordinary code of laws, I cannot but laugh," and patronizing, "In practice you know We are subjects. We have only the Name of Masters, and rather than give up this, which would compleatly

\(^{51}\) Abigail Adams, as cited in Schneir, Feminism: The Essential Historical Writings, p. 2.
subject Us to the Despotism of the Peticoat, I hope General Washington and all our brave Heroes would fight."\footnote{John Adams, as quoted in \textit{ibid.}, p. 4.}

Women would not, however, be thus dismissed, though it would take several more generations, and a new focus, to persuade those in power to share it.

\textit{Revolution to World War}

It became increasingly clear to women that a critical element for access to political, economic, and social power would be admission into the ranks of the electorate. Enlightened philosophers supplied women with the ideas of reason, progress, and the axiom of equal rights.\footnote{Anne-Marie Käppeli, "Feminist Scenes," in Genevieve Fraisse, and Michelle Perrot (eds.), \textit{A History of Women in the West: Emerging Feminism From Revolution to World War} (Cambridge: Belknap Press, 1993), p. 483.} But these ideas fell on infertile political ground, and suffrage, a basic index of male-female equality, was achieved by most of the world's women only after nearly a century of agitation and the efforts of hundreds of thousands of women. The process of women's enfranchisement was a protracted one. Inspired by an idealism grounded in moral outrage, the movement for women's suffrage is one of the great revolutions in a long, courageous struggle for universal human rights. Among the visionaries were tenacious women from all over the world who circulated petitions, gave speeches, and published newspapers. They were harassed and attacked by mobs as well as by police. They sometimes were thrown in jail, and brutally force-fed with tubes. Early leaders in the movement also faced the insecurity of having little experience (and thus, little skill) in public speaking, hostility from husbands and fathers, and the ongoing
pressures of housework and child rearing. Still they persevered in their efforts to achieve the basic political human right, the right to be heard and to participate in decisions that affected them. Relegated as they had been to the "private sphere," writes DuBois, women in the 1820s and 1830s were drawn "by the promise that political activity held for the creation of a truly democratic society." Disfranchisement reinforced women's historical role as subordinate to men, and while suffrage alone could not reverse all the systems that reinforced gender discrimination, "[w]omen hoped [that ] in the public realm men would be forced to face them as equals."

Both the French and the American Revolutions created the opportunity for women to gather, to protest their grievances, and to think of themselves as a group. But this impulse would be followed by decades of silence, and the careful distinction between the public and private spheres became, for a time, more pronounced. Nowhere in the world did women share political rights with men. Nor did the prospect for women's political rights look particularly good in conservative, post-1815 Europe. Across the Channel in England, Mary Wollstonecraft challenged the leadership in France in a logical continuation of natural law as it applied to women. In her Vindication of the Rights of Women, written in 1792, Wollstonecraft asserted:

If women are to be excluded, without having a voice, from a participation of the natural rights of mankind, prove first, to ward off the charge of injustice and inconsistency, that they [lack] reason--else this flaw in your NEW CONSTITUTION will ever shew that man must, in some shape, act like a tyrant, and tyranny, in whatever part of society it rears its brazen front, will ever undermine morality.

---

56 Ibid., p. 16.
57 Ibid., p. 17.
58 Fraisse and Perrot, Emerging Feminism From Revolution to World War, p. 11.
Wollstonecraft attacked Rousseau's vision of a separate system of education for women, and Edmund Burke, the conservative author of *Reflections*, on two key points. First, that if women fail to become equal to men, "the progress of human knowledge and virtue will be halted." Second, that the education of females must contribute to this process. "Real virtue stems from knowledge, and unless women have the same access to knowledge as men, they will be unable to realize their potential contribution to civilization." While Wollstonecraft summoned the principles of natural rights, she did not, in 1792, envision a complete restructuring of society. Her proposed reforms were designed, not to free women from the constraints of family, but to strengthen their roles within the family. She wrote, "Only the woman who has received an excellent education and who has fully developed her intellectual potential could properly fulfill the roles of wife and mother."

The *Vindication*, steeped in the ideas of the Enlightenment, is generally regarded as the founding text of modern feminism, and Wollstonecraft's calls for equal education of women and girls reflect a glaring deficiency even today. Certainly in the nineteenth century, education for girls was considered largely unnecessary, because girls were meant "for a life of retreat and shall be solely concerned with familial needs." Rousseau wrote, "Woman's studies should be directed to the study of men...she must have a thorough knowledge of a man's mind; not an abstract knowledge of man in general, but the mind of men who are around her, either by law or custom." If educated at all, it was believed girls certainly should be taught by women. As a result of this concern, and of

---

60 Mary Wollstonecraft, as cited in Bridenthal and Koonz, *Becoming Visible*, p. 231.
61 Ibid.
62 Boxer and Quataert, *Connecting Spheres*, p 116.
the general increase in the number of public schools, teaching became one of the few professions where women actually began to replace men. Still, education for women in the nineteenth century was not meant to lead women into an independent life.

After securing a foothold in the profession of teaching, women began to access other "liberal professions." One such opportunity was in the new profession of nursing, and an early leader was a German spinster, Amelie Sieveking. She and twelve other women founded the Female Association for the Care of the Poor and the Sick in Hamburg in 1832. More well-known than Sieveking were the Englishwoman Florence Nightingale and the American woman Clara Barton who organized nursing services on the battlefields of the Crimean War and Civil War, respectively, distinguishing themselves and further promoting the interests of women. Nightingale, in particular, set out to prove that women were physically and spiritually capable of serving mankind outside the narrow limits of the Victorian family; she was renowned for her bravery and compassion. Despite these individual victories, mid-nineteenth century wars and revolutions would prove the enemy of feminism.

American Feminism in the Nineteenth Century

By 1914, women had the right to vote in national elections in only four countries: New Zealand (1893), Australia (1902), Finland (1906), and Norway (1913). But while European feminists experienced defeat and disappointment at mid-century, American women were in the vanguard of a renewed struggle for women's suffrage, emerging from the anti-slavery movement of the early nineteenth century. The movement for women's

---

63 Jean Jacques Rousseau, as quoted in Figes, Patriarchal Attitudes, p. 33.
64 Boxer and Quataert, Connecting Spheres, p 116.
suffrage in America began with a scattered handful of women who were both isolated from each other, and handicapped by their limited sphere of movement, yet who pressed their demand for political parity with men. In the decades before the Civil War, these women would lay the moral and philosophical groundwork for the feminist movement, and would acquire skills and confidence in the abolitionist movement. In February, 1838, "Trembling and feeling faint, [Angelina] Grimké stood at the podium of the [Massachusetts] legislative hall, the first woman to speak before an American legislature. Emboldened by her supporters and with God's arm 'to lean upon,' the serious young woman in gray Quaker dress and white kerchief let go of her fear." Grimké stood before the Statehouse, as a woman and as a Southerner, to decry the institution of slavery as a system of "complicated crimes," and to assert her right to to speak, as a woman. "Are we aliens because we are women?" She said, "Are we bereft of citizenship because we are mothers, wives and daughters of a mighty people? Have women no country, no interests at stake in public weal--no liabilities in common peril--no partnership in a nation's guilt and shame?" The two Grimké sisters, Angelina and Sarah, became wildly popular lecturers, both because they were women and because they were the first Southern women publicly to speak out against slavery. But they drew storms of protests from those who decried the very idea of women speaking from the pulpit, a decidedly male realm. Undaunted, and sustained by their Quaker upbringing, the Grimké sisters claimed for themselves the right, in fact, the solemn duty, of "every individual to search the Scriptures for

---

65 Ibid., p. 130.
67 Angelina Grimké, as quoted in ibid.
themselves with the aid of the Holy Spirit, and not be governed by the views of any man, or set of men." 69 Only among the Quakers did women enjoy anything like parity with men; and it is out of the Quaker movement that many nineteenth century feminists would emerge. 70 To this effect, Sarah answers the age-old justification for the domination of women in an 1837 letter. She writes, men and women were "created in perfect equality...[woman] a companion in all respects his equal; one who was like himself a free agent, gifted with intellect and endowed with immortality." She asserts further, "Adam [was] involved in the same [original] sin...Both fell from happiness, but not from equality." 71 To those who would deny her voice, Angelina asserted, "We ask no favors for ourselves, but claim rights for our sex." She insisted further, that, "If we surrender the right to speak to the public this year, we must surrender the right to petition next year and the right to write the year after and so on. What then can woman do for the slave when she is herself under the feet of man and shamed into silence." 72

Women played vital roles in the abolitionist movement, especially in organizing petition campaigns. Women, deprived of the opportunity to join male anti-slavery societies prior to 1840, formed their own societies, often working shoulder-to-shoulder with free women of color. The anti-slavery movement was for them a "school for politics." 73 It was in these societies that women gained the speaking and organizing skills they would use later in their own freedom movement. 74 For many of these women,

68 Ibid., 138.
70 Bridenthal and Koonz, Becoming Visible, p. 210-211
71 Sarah Grimké, as quoted in Letters on the Equality of the Sexes and the Condition of Woman, pp. 4-7.
72 Angelina Grimké, as quoted in Burns and Burns, A People's Charter, p. 138.
73 Anne-Marie Kappeli, "Feminist Scenes," Emerging Feminism From Revolution to World War, p. 486.
74 Burns and Burns, A People's Charter, p. 140.
including the Grimké sisters, involvement in the abolitionist movement was rooted in the religious reforms growing out of early nineteenth century evangelical Protestantism. Abolition had a marked political aspect, however, and the emergence of the Garrisonian abolitionist wing served to accelerate the "secularizing process." William Lloyd Garrison, a fiery abolitionist and publisher of the *Liberator*, railed against the hypocrisy of slavery in a country founded on the tenets of equality and freedom. Converted to the doctrine of perfectionism, which identified the individual conscience as the supreme moral standard, Garrison attacked the Protestant church for, among other things, the perversion of Christianity in its support of slavery. The rights of women also were important to Garrison. Writing for the 1838 Peace Convention in Boston, he pronounced, "We are bound by the laws of a kingdom which is not of this world; ...which has no state lines, no national partitions, no geographical boundaries; in which there is no distinction of rank, or division of caste, or inequality of sex." To Garrison, the rights of women and the abolition of slavery were moored to the same language of equality. Garrison's ability to separate religious *institutions* from deeply held religious *beliefs* was a remarkable achievement, and it enabled him to draw huge numbers of Quakers and women to his cause. Particularly in the case of women, it was the power of the clergy that had so long restrained women's opportunities. The fact that they were now Garrisonian allowed them to maintain their religious convictions, while at the same time indicting the very institution responsible for both slavery and their own oppression.®

---

75 DuBois, *Feminism and Suffrage*, p. 33.
77 DuBois, *Feminism and Suffrage*, p. 33.
79 DuBois, *Feminism and Suffrage*, p. 33.
They bristled at their historical relegation to the "woman's sphere." As Lucy Stone would write: "We deny the right of any portion of the species to decide for another portion...what is and what is not their 'proper sphere'; [the] proper sphere for all human beings is the largest and highest to which they are able to attain." 80

Along with a theological perspective, Garrisonian abolitionism provided the burgeoning women's rights movement with the core belief that "a revolution in people's ideas must precede and underlie institutional and legal reform, in order to effect true social change." 81 Issues of human rights addressed both race and gender. Reflecting this belief, and in true Garrisonian style, women became agitators, intent upon changing public sentiment. Garrison asserted, "[T]here is nothing like agitation. Free discussion will break all fetters, and put down all usurpation. The discussion of this question respecting the Rights of Women is very important...Both sexes are ultimately to stand upon the dead level of humanity, equal in rights, in dominion, in honor, in dignity, in renown. They are far from occupying this position now." 82

Agitate though they might, the nineteenth century women's movement lacked both state and national organizations, and was dependent for structure and support upon their close political relationship with the American Anti-Slavery Society, founded by Garrison. Articles on women's suffrage were published in the Liberator, and pamphlets were published with anti-slavery funds. More important, the women's rights movement depended at this time upon abolitionism for its constituency, particularly for its women

80 Lucy Stone, as cited in ibid., pp. 36, 37.
81 Ibid., p. 38.
82 William Lloyd Garrison, as quoted in Cain, William Lloyd Garrison and the Fight Against Slavery, p. 100.
constituents. It also was becoming increasingly clear to the leaders of the movement that "moral regeneration was no longer the primary route to social change...women would have to secure formal political rights in order to continue to play a central role in social reform." To this end, five middle-class women, including Elizabeth Cady Stanton, sat around a table in upstate New York in midsummer, 1848. In Stanton's own words, "[I poured out] the torrent of my long-accumulating discontent, with such vehemence and indignation that I stirred myself, as well as the rest of the party, to do and dare anything...I could not see what to do or where to begin--my only thought was a public meeting for protest and discussion." The meeting was called for one week later, July 19, in the village of Seneca Falls, and it would mark the formal beginning of events that would lead many years later to the passage of the Nineteenth Amendment. It was the first organized movement for women's rights in the world, and would be copied, internationally until the turn of the century. As the women arrived at Wesleyan Methodist Chapel, they found an unexpectedly large turnout, over three hundred women, and the doors locked. Not deterred, a Stanton nephew climbed through a window and the meeting began. Faced with the monumental task of writing the manifesto for the convention, Stanton wrote that they felt "as helpless and hopeless as if they had been suddenly asked to construct a steam engine." Few of the women in the early movement had formal education, and fewer had any experience at all in public life. At this first,
historical meeting in Seneca, no woman present even dared to chair the meeting; the job of presiding fell to Lucretia Mott's husband.\textsuperscript{87} As historian Ellen Carol DuBois writes,

\begin{quote}
It is important to recognize what [early feminists] had in common with nonfeminists: lack of public skills[,] lives marked by excessive domesticity…and the deep psychological insecurity bred by all these factors. The women's rights pioneers did not begin their political activities already 'emancipated'…Many of the personal and political resources they drew on to challenge the oppression of women were developed in the course of mounting the challenge itself.\textsuperscript{88}
\end{quote}

Challenge they did, and at the conclusion of the first Women's Rights Convention, a "Declaration of Sentiments," brilliantly modeled after the American Declaration of Independence, was adopted. Letting "facts be submitted to a candid world," it tabulated a long list of injustices (included lack of citizenship and suffrage, denial of educational opportunities, and inequality in professional opportunity), and demanded "immediate admission to all the rights and privileges which belong to them as citizens of the United States."\textsuperscript{89} The real radicalism of the Declaration of Sentiments was its "frontal challenge to women's powerlessness in relation to men, particularly as embedded in the law."\textsuperscript{90}

Slowly, agitation for rights spread westward. So did opposition to the women's movement. Newspaper editors around the country were horrified by the Declaration, especially with its demand for women's suffrage, and attacked the document and its signers "with all the vitriol they could muster."\textsuperscript{91} But their ridicule had an unexpected result. People all over the country began to join in a heated public discussion on the rights of women. Similar conventions were held throughout the country over the next twenty years, giving women a chance to explore in public forums the serious issues of

\begin{itemize}
\item \textsuperscript{87} Miriam Schneir (ed.), \textit{Feminism: The Essential Historical Writings} (New York: Random House, 1972), p. xiii.
\item \textsuperscript{88} DuBois, \textit{Feminism and Suffrage}, p. 24.
\item \textsuperscript{89} "Declaration of Sentiments," Burns and Burns, \textit{A People's Charter}, p. 142.
\item \textsuperscript{90} Ibid. p. 143.
\item \textsuperscript{91} \texttt{www.legacy.com}, 10-10-98.
\end{itemize}
their lives. By 1859, Elizabeth Cady Stanton, and Susan B. Anthony had succeeded in achieving liberalized property, inheritance, and personal income laws. But suffrage, the cornerstone of their reform agenda, remained outside their grasp.

The Civil War transformed the political landscape. To feminists, the emergence of their abolitionist allies as real political powers in the Reconstruction process made suffrage for women seem like a real possibility. But the political requirements of black liberation drove abolitionists further away from efforts to enfranchise women. When Radical Republicans forwarded the Fourteenth Amendment delivering the vote to black males, Anthony and Stanton saw the handwriting on the wall. This was to be the "negro's hour." The Fourteenth Amendment, passed in June 1866, introduced political rights to freedmen, but did not commit the federal government to protect them. The feminist response to the Fourteenth Amendment was to try formally to merge with the American Anti-Slavery Society, and together, to press for universal suffrage. The Equal Rights Association was formed out of this marriage, but the universal suffrage vision became "more and more problematic," though leaders of the Anti-Slavery Society and the Equal Rights Association worked at first to conceal any conflict. After the 1866 elections, Republicans moved to approve black suffrage, but continued to refuse suffrage for women. Tension between the two groups deepened until feminists eventually abandoned the ERA to build a more autonomous feminist movement.

Illustrative of the level of resistance to women's suffrage, the Fifteenth Amendment was willing to address race—but not gender. It granted black men the vote, but continued to exclude women. This would finally lead to a rift in feminist leadership,

---

92 Burns and Burns, A People's Charter, pp. 146, 147.
93 DuBois, Feminism and Suffrage, pp. 67, 73.
and out of the breach two different focuses would emerge. Many in the women's suffrage movement felt compelled to oppose the amendment on the grounds that it could jeopardize the vote for women. Stanton and Anthony opposed the Amendment, and formed the National Woman Suffrage Association (NWSA) whose aim it was to press first and foremost for the right to vote. Stanton viewed suffrage, not as an end in itself, but "as an instrumental end to secure other pressing rights--to one's person, to self-ownership, and self-development..." To Stanton, without the right to a political voice, women would be unable to speak out against injustice, or to speak on their own behalf. On the other side of the argument, Lucy Stone and others organized the American Woman Suffrage Association (AWSA). They begrudgingly accepted the Fifteenth Amendment in exchange for future Republican support of women's suffrage, and they concentrated on organizing a state-by-state campaign for the vote. The two organizations would go their separate ways for the next twenty years.

Eventually, the break with the abolitionists began to have the effect of freeing the feminist movement to modify their political style. In many ways, feminism actually began at this moment. Under Garrisonian abolitionists, they had been trained to communicate their ideas in the most radical agitative manner possible. But in 1869, suffrage activists no longer looked to other movements to enact measures that would benefit women. They began to look to themselves and their own skills not only to articulate the problems, but also to organize women to find their own solutions. According to DuBois, "Reconstruction politics shattered feminists' dependence on

---

94 Ibid., pp. 77, 78.
95 Burns and Burns, A People's Charter, p. 155.
96 DuBois, Feminism and Suffrage, pp. 163, 197.
97 Ibid., pp. 200, 201.
abolitionism and opened the way for woman suffrage to develop into an organized movement of women... [A]ctivity in the woman suffrage movement itself did precisely what Stanton and others had expected possession of the franchise to do--it demonstrated that self-government and democratic participation in the life of the society was the key to women's emancipation."\textsuperscript{98} They began to find more successful ways to organize women, who would then commit themselves to suffrage. For NWSA leaders, this meant abandoning universal reform and mobilizing an "independent force of women, grounded in self-reliance and autonomous action. They would not ask for rights but assert them; and for as long as it took, sustain enough grassroots power to compel the male aristocracy to legislate a true democracy."\textsuperscript{99} As convinced as were both organizations that it was now "the woman's hour," they resisted joining forces until 1890.\textsuperscript{100}

In 1874 the Woman's Christian Temperance Union (WCTU) was founded, and under the creative leadership of Frances Willard, set out to "Do Everything." This remarkable group of middle-class, midwestern women, pressed for full emancipation for women, lobbied for laws regulating liquor, agitated for heavier rape penalties, and set up day-care centers and mothers' support groups. By the 1890s, WCTU was the largest and most influential women's reform movement in America.\textsuperscript{101} Its grassroots success convinced Anthony that suffrage might be more quickly forthcoming with cooperation between all reform-minded women, a "lofty universal sisterhood." To this end, NWSA leaders organized a weeklong conference, uniting the disparate women's groups in what

\footnotesize{\textsuperscript{98} Ibid. \textsuperscript{99} Burns and Burns, \textit{A People's Charter}, p. 150. \textsuperscript{100} DuBois, \textit{Feminism and Suffrage}, p. 200. \textsuperscript{101} Burns and Burns, \textit{A People's Charter}, p. 159.}
would be the "ablest and most imposing body of women ever assembled." The gala also brought together leaders from the two rival suffrage movements for the first time in twenty years. The two merged to become the National American Woman Suffrage Association, or NAWSA, which embraced AWSA's more organized, state-by-state approach to gaining suffrage over the federal amendment approach. Nonetheless, despite herculean efforts, suffrage had been achieved in only two western states, Colorado and Idaho, and interest and enthusiasm were at an all time low. The turn of the century would not, after all, usher in emancipation for women. By the dawn of the 20th century, only one country, New Zealand in 1893, had granted its female citizens the right to vote.

American Feminism and World War I

It would be left to a new generation of women, some college-educated, many members of the expanding female labor force, to carry the torch for women's equality. Energized by the militant "suffragettes" in England, led by radical Emmeline Pankhurst, American suffrage leaders changed strategies. Their argument was that the "time had long passed for asking-begging-for rights by means of endless petitions and other 'ladylike' behavior." In 1914, they went directly to Woodrow Wilson to compel the equivocating president to put his executive weight behind women's suffrage. Harriet Stanton Blatch, daughter of Elizabeth Cady Stanton, told Wilson, "I have worked all my life for suffrage, and I am determined that I will never again stand in the street corners of a great city.
appealing to every Tom, Dick, and Harry for the right of self-government [italics mine]."104 Her choice of words was no accident.

America's entry into World War I would heat up the process considerably. Women marched and held banners in front of the White House that parroted Wilson's own wartime speeches, "We shall fight...for the right of those who submit to authority to have a voice in their own government." Feminist leader Doris Stevens would recall "the inconsistency between a crusade for world democracy and the denial of democracy at home."105 Women were imprisoned, force fed, and committed to psychiatric wards, only to be replaced by other, equally willing recruits. But it was not until World War I was grinding to a halt that Woodrow Wilson spoke before the Senate on behalf of the woman's suffrage amendment. In June 1919, victory finally was secured in the Senate. On August 26, 1920, the Nineteenth Amendment to the Constitution was ratified. Canada had one year earlier become the first North American country to extend the right to vote to women.106

After seventy-two years, the combined voices of women, and the voice of reason, broke the chains of custom and law to win the right for women to vote in America. Women had been virtually absent from the public sphere, the rights of "individuals" had excluded them. They won the right to vote; it was not given to them. Wrote Carrie Chapman Catt, "From its source...we clearly trace the course of this movement through the centuries, moving slowly but majestically onward, gathering momentum with each

104 Harriet Stanton Blatch, as quoted in ibid.
105 Ibid., p. 166.
century, each generation; until just before us lies the golden sea of woman's full liberty...to us it has been a vouchsafed knowledge.\textsuperscript{107}

\textit{European Feminism to World War I}

By the end the nineteenth century, feminists from both sides of the Atlantic were drawing more and more upon each other for support. They had on other occasions successfully come together to achieve reforms in areas that needed to be addressed at an international level. For example, abolition of the international slave trade had required the efforts of abolitionists across many borders. Out of these encounters, a common empathy had grown, and as physical barriers to contact diminished during the industrial revolution, transportation and communication between an "international sisterhood" was enhanced. Feminists worldwide came together to share successes and strategies, and as a consequence, became an even more potent force for change. At international conferences, in private visits, and through the press, women exchanged views and opened early grassroots networks of feminists working for reform in their own countries. American and European women especially drew strength from each other. To Europeans, America was a democracy and European women "believed American women possessed the most innovative perspective."\textsuperscript{108} For example, feminist author Hubertine Auclert of France implores Susan B. Anthony, "We call upon you to come to our aid, as your countrymen, a century ago besought France to help them escape the subjection of England. Will you not come to our help as Lafayette and his legion flew to yours?"\textsuperscript{109}

\textsuperscript{107} Carrie Chapman Catt, as quoted in Miriam Schneir (ed.), \textit{Feminism, the Essential Historical Writings} (New York: Random House, 1972) p. 288.
\textsuperscript{108} Bridenthal and Koonz, \textit{Becoming Visible}, p. 327.
\textsuperscript{109} Ibid.
In March, 1888, Susan B. Anthony and Elizabeth Cady Stanton convened the first International Council of Women (ICW) in Washington, D.C. Sixty American and delegates from eight other countries, including India, met to discuss solutions to the problems facing women, and to consolidate women's efforts for reform worldwide.\textsuperscript{110} Their demands focused attention on the contradiction between democratic values and equal rights, and the reality of woman as a legal minor. In matters of law, they criticized the husband's right to decide all matters on behalf of his wife, the lack of woman's suffrage, and the lack of equal pay provisions. In matters of education, feminists advocated for better education for all girls, and for access to higher education for females. And they forwarded issues concerning self-determination and "self-ownership" of their bodies, including rights to birth control, and abortion. Delegates from England and Germany, especially, felt it was not enough just for women to have the right to vote, and they called into question the entire structure for power.\textsuperscript{111}

It was in England that the most radical and well-known of the twentieth century suffragettes emerged. Emmeline Pankhurst and her daughter Christabel founded the Women's Social and Political Union (WSPU) in 1903. One of the first pressure groups in either America or Europe to fully recognize and utilize the power of the media, WSPU members outrageously chained themselves to lampposts and went on hunger strikes in jail to draw attention to their demands for women's suffrage. The WSPU considered suffrage critical. As long as women remained without the vote, politicians would devote their efforts solely to the efforts of the male electorate. The cause advanced very slowly. The real breakthrough in Europe, as it had been in America, came in the years during and

\textsuperscript{110} Ibid., 330.
immediately following the First World War. While it is true that women's suffrage had not been granted by 1914, the relentless effort to secure rights for women insured they could no longer be ignored.

World War I was a catalyst for political and social change all over the world. As young men went off to war, women back home stepped in and assumed full responsibility for the continuity both of economic and domestic life. For the first time, they were performing jobs that previously had been closed to them, further disproving the "fiction" of women's incapacity. Their gains would be short lived, however, as returning soldiers quickly displaced women workers. But at the same time, many governments acknowledged women's wartime contributions by passing a significant number of suffrage laws between 1915 and 1922. Suffrage finally was granted in the following countries: Revolutionary Russia in 1917, Great Britain in 1918 (for women over thirty--1928 for women over 21), Belgium in 1919 (for widows or mothers of those killed in WWI only,) Germany, Austria, Czechoslovakia, and Poland in 1919, Hungary in 1920, and Ireland in 1922. For some European countries, it came much later still, Spain in 1931, France in 1944, Italy in 1945, Yugoslavia in 1946, 1948 for all Belgian women, Greece in 1952, and Switzerland in 1971. Ecuador, in 1928, became the first South American country to grant women's suffrage. In 1931, Sri Lanka became the first Asian country to do so, followed by Thailand in 1932. The first African country to grant suffrage to its female citizens was Senegal in 1945. Cameroon and Liberia followed in 1946.

112 Boxer and Quataert, Connecting Spheres, p. 207.
113 Ibid., p. 209.
In only a few countries are women still denied suffrage: Bahrain, Brunei, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates—however, of these only in Kuwait are men allowed to vote.115

The League of Nations

World War I accelerated the pace of reform for women. Suffrage granted to women in Denmark and Iceland in 1914 and 1915, and to Russia in 1917 stimulated the pressure, not only for suffrage, but for all civil rights for women. As empires collapsed to defeat and revolution, a New World Order was being planned in Paris in 1919. Wrote one diplomat to the Paris Peace Conference, "We were preparing not Peace only, but Eternal Peace."116 The protracted, total war, with its ten million dead and many millions more displaced, had dramatically proven the need for responsibilities beyond one's own borders. And promises had been made. These included promises for self-determination, and for individual liberty—payment for the sacrifices and suffering made during the war. Women anticipated the extension of their rights at Paris, but not with much confidence. To convince the delegates at the Conference of "the importance of certain interests which have hitherto been inarticulate in international affairs," women like Jeanette Rankin of Montana, and Gertrude Baer of Germany formed the Women's International League for Peace and Freedom, and determined to keep the issue of equal rights constantly before the members of the League.117 Arguably, just being there mattered. While few governments appointed female delegates to the Assembly or the League Council, women

116 Harold Nicolson, as cited in Lauren, Visions Seen, p. 92.
initially found a place in the League Secretariat, the civil service section, where they held the majority of secretarial and clerical positions. Those women who did merit more than low-level appointments were most likely clustered in sections identified with "women's issues," particularly "La Commission Sentimentale," which dealt with social questions including the traffic in women and children. These women were successful in convincing the League that securing the rights of women and children in the world as a whole would strengthen the League's commitment to peace based on justice. To this end, the League, early, pledged its support for agreements relating to the international trafficking of women and children.

The League extended women's participation to the Council, the Assembly, and to various other commissions, where women like Henni Forchhammer of Denmark served with distinction. In keeping with their pledge to support a treaty that would abolish the international trafficking in women and children, the League established an advisory committee of twelve official delegates, many of whom were women. On September 30, 1921, the International Convention for the Suppression of the Traffic in Women and Children, was submitted to the League for signature. Forty-eight signatures were secured to protect women (under twenty-one) and children of both sexes from trafficking, and measures were taken to facilitate extradition of those found guilty of the offence. Further measures were taken in 1933 to protect women over the age of twenty-one, with the

117 Ibid., 98.
119 Ibid.
120 Lauren, Visions Seen. p. 119.
International Convention for the Suppression of the Traffic in Women of Full Age.\textsuperscript{121}

For the first time, a major step had been taken in the arena of global politics toward recognizing and protecting the rights of women, wherever they might be.

Women's participation in the League of Nations was mixed. Though underrepresented and concentrated in areas considered feminine, the idea that there was an organized "women's bloc" amplified women's voices. "At the very least," writes historian Leila Rupp, "the League of Nations would not have been the same place without the insistent lobbying of organized women. They kept social and humanitarian questions on the League agenda, and though these were not considered the most pressing issues in the interwar period, they were, in fact, where the League achieved its greatest success."\textsuperscript{122}

Many women would at last achieve the right to vote as a result of political factors relating to World War I. But for many more it would take the upheaval of yet another world war to complete the process begun in the nineteenth century.

\textit{Third World Women}

\textit{There are 22 nations in the middle east.}
\textit{Most people in the world}
\textit{are Yellow, Black, Brown, Poor, Female}
\textit{Non-Christian}
\textit{and do not speak english}
\textit{By the year 2000}
\textit{the 20 largest cities in the world}
\textit{will have one thing in common}
\textit{none of them will be in Europe}
\textit{none in the United States.}
\textit{Audre Lorde, January 1, 1989}\textsuperscript{123}


\textsuperscript{122} Rupp, \textit{Worlds of Women}, p. 222.

If it is difficult to speak of a single "Western feminism," composed of many strands and elements, it is impossible to generalize a "Third World feminism." However, in constructing a historical essay on the status of women's human rights on a global level, links among histories do emerge. Writes historian Chandra Mohanty, "imagined communities of women with divergent histories and social locations [are] woven together by the political threads of opposition to forms of domination that are not only pervasive but also systematic." Unlike the histories of Western discussed thus far, written histories of Third World feminism are in short supply. However, as historian Kumari Jayawardena writes, there are many commonalities to be found among the political struggles of women in the Third World. Among these are linked struggles against racism, gender bias, imperialism, and colonialism. For example, colonial settings depended upon the idea of separation, both racial and sexual, to enforce the notion of legitimate, white rule, a paradigm against which Third World women continue to struggle. What is more, traditional patriarchal constructs often were used to serve both the interests of the landowning classes and the colonial state. In this scenario, a colonial state might actively discourage unmarried widows from controlling or partitioning landholdings. Further, it can be argued that colonialism created the "underdeveloped" society, and that the issue is not merely one of unequal opportunity between men and women, but for Third World women, the reality of no opportunity at all. If there is one uniting factor, the fact of

---

124 Chandra Talpade Mohanty, ibid., p. 4.
women's marginalization best unites and informs an understanding of Third World women.

Women in the Middle East

"I see here the representatives of only half the population of Egypt. May I ask where is the other half? Sons of Egypt, where are the daughters of Egypt? Where are your mothers and sisters, your wives and daughters?"

Bhikaiji Cama of India, at a meeting of the Egyptian National Congress, 1910

Gender-based discrimination exists in every country on earth. Writes historian Julie Peters, "It may be sanctioned by society, made into law, or simply tolerated. Either way, under democracy and dictatorship, in times of war and times of peace, women's human rights are violated daily and often systematically." In addition to political factors, the dictates both of religion and tradition also present impediments to women's human rights worldwide.

The Middle East is a vast and non-monolithic region, which has been shaped by many factors including Islam, imperialism, culture, and economic development. What is more, the predominant religion, Islam, is itself subject to myriad interpretations. Consequently, a "Middle East" history can only be contained on a broad canvas, and it is impossible to demarcate under the narrow confines of a prelude to women's human rights discourse. Moreover, laments historian Mirian Schneir, while "a voluminous literature was generated by feminists during the latter half of the nineteenth century and the first few decades of the twentieth, in which the status of women in Western society was defined and analyzed...there is a vast potential feminist literature from this period that is

---

127 Bhikaiji Cama, as quoted in Kumari Jayawardena, Feminism and Nationalism in the Third World, p. 1.
Having said this, what follows is an admittedly broad outline of the history of Middle Eastern women, and a recognition that, while inadequate as a complete history of women, the attitude indicated toward women mirrors, in some important ways, that of the West.

Feminism often is considered a Western phenomenon, with roots firmly planted in nineteenth and twentieth century values and society. Further, it is sometimes argued that the struggle for women's rights is a bourgeoisie Western ideology, and has neither a history in, nor relevance for, the lives of Third World women. In some cultures, traditionalists assert that feminism is based on decadent Western capitalism, and that as such, the movement for liberation, imposed on Third World women by the West, serves only to enslave and debase women by diverting them from the culture and religion of their homeland. Historian Kumari Jawardena disagrees with this view, and asserts that feminism was not imposed by the West, and in many cases movements for emancipation in non-European countries actually predate the nineteenth century. Certainly by the nineteenth century, non-European thinkers were inspired by the development of liberal and socialist thought, even to the point of their own freedom from imperialism. It is also true that many of the same gender dynamics that existed in the West during pre-suffrage exist now in the Middle and Near East, and for similar reasons.

Writes Valentine Moghadam, the history of women in the Middle East is one of inequality and unequal opportunity structures: "The relationship between the family and

\[129\] Schneir, Feminism: The Essential Historical Writings, p. xiv.
\[130\] Jayawardena, Feminism and Nationalism in the Third World, p. 3.
the state illustrates the fine line between the public and private spheres. Nowhere is the family free of state regulation." These historical strictures have taken the form of legal codes governing marriage, reproductive rights, domestic violence, and dissolution of the family. She writes further, that while the West and the Middle East share a history where patriarchy is the dominant familial structure, in the contemporary Middle East, the trend is to perpetuate, strengthen and reinforce family patriarchy, not to dismantle it.\textsuperscript{131}

Patriarchies in the Middle East, as in Europe and Asia, were formulated in pre-capitalist, agrarian societies to insure that "property, residence, and descent proceed through the male line." In this context, Middle Eastern women, as women in the west, were considered the property of the male. "Their honor--and by extension, the honor of their family--depend[ed] in great measure on their virginity and good conduct."\textsuperscript{132} Dominance by the male is contained firmly in this patriarchal structure. Writes Michael Mann, within the private sphere of the family, the "patriarchal male enjoys arbitrary power over all junior males, all females, and all children."\textsuperscript{133} Historian Nikki Keddie describes the impact of patriarchal systems on the women in these ancient Middle Eastern societies, asserting that as they became more subordinate, "myths developed about them as the source of evil and sexual temptation--dangerous and needing control." As in Western culture, "Once inheritance in the male line became important, female virginity and fidelity became central concerns...Women had to be controlled largely to minimize their chances of contacts with outside men."\textsuperscript{134} Indeed, pre-industrial women's history is defined by male tenacity to control a woman's position in society by controlling her body.

\textsuperscript{131} Valentine Moghadam, \textit{Modernizing Women, Gender and Social Change in the Middle East} (Boulder: Lynne Rienner Publishers, 1993), pp. 103-104.
\textsuperscript{132} Ibid., p. 105.
\textsuperscript{133} Mann, as quoted in ibid.
As a result, contemporary Arab women are silent, by culture, regarding their bodies. Asserts Arab feminist Illham Ben Milad Ben Ghadifa, "Silence reigns over the subject of menstruation, virginity, masturbation, pleasure in general, abortion, birth and the female body as a whole. Moreover, women try to enforce silence on one another with regard to sexual issues." Islamic conservatism as it affects family law comes partly from the prominence of laws on women in the Quran, "though arguably traditional practice was more patriarchal than was warranted by Quranic text." Certainly, the earliest period of Islam, the seventh and eighth centuries, saw the greatest freedom for women. Khadija, the Prophet Muhammad's wife, enjoyed stature and authority in her society, as did other women of her time.

Clearly, like both Christianity and Judaism, Islam emerged in already patriarchal societies. The "belt of classic patriarchy," according to Moghadam, "includes North Africa, the Muslim Middle East (including Turkey and Iran), and South and East Asia (Pakistan, Afghanistan, northern India, and rural China)." In such societies, complex social systems were imposed to insure control over female family members. Women were seen as potential sources of "fitna," (moral or social disorder). Consequently, the family's reputation rested solely on the conduct of women. Veiling and seclusion became ways to ensure male domination over women. While both veiling and seclusion are ancient Near Eastern customs, both were adopted into the "hadith," (sayings of the prophet) as part of the Islamic gender system. Writes Keddie, "The system affects even non-secluded women, who are expected to be modest and circumspect and are subject to

sanctions if they transgress the rules. It is true that the overall system is more important than veiling as such.\textsuperscript{138} Islam did not invent the veil, but Islam endorsed it.

Women's life options were, and are, circumscribed in this "patriarchal belt." The impact, according to Moghadam includes "low female literacy and educational attainment, high fertility rates, high maternal mortality rates, and low female labor force participation...[in such societies as] Afghanistan, Pakistan, Bangladesh, and Northern India [there exists] 'a culture against women.' In which women are socialized to sacrifice their health, survival chances, and life options."\textsuperscript{139} Moghadam asserts that both tradition and Islam play important roles in the persistence of patriarchy in the Middle East, especially in the way that Islamic law was formulated in the early years to interpret and elevate tradition in Islamic jurisprudence. But also important have been the rapid changes in twentieth century social structure and economic organization, brought on by industrialization and modernizing state systems. Moghadam asserts that it is in the context of Western encroachment, and resistance to progressive changes in family law that theological conservatives have made their current gains. Their continued success in controlling and imposing traditional culture depends on the pace of women's development strides, especially in education.\textsuperscript{140} Keddie agrees that economic and social changes in the past two hundred years, including those introduced by the West, have brought about forces favoring changes in condition for women. However, these did not include changes in Islamic law, where reforms with respect to women have consistently met with resistance.

\textsuperscript{136} Ibid., p. 5, 13.
\textsuperscript{137} Moghadam, \textit{Modernizing Women}, p. 108.
\textsuperscript{138} Keddie, \textit{Women in Middle Eastern History}, p. 12.
\textsuperscript{139} Moghadam, \textit{Modernizing Women}, p. 131-133.
Women's movements in the Middle East reflect the complex and varied history of the region. Modernization also has had varying effects on the lives of women. The most radical reforms were those made by Mustapha Kemal "Atatürk" in Turkey. Turkey became the first Muslim country to adopt a civil code in place of Islamic law. Under the new laws, polygamy was declared illegal, and women were given rights regarding divorce and child custody. Atatürk's views of women were advanced, for any country. In a 1923 speech he said, "A civilisation where one sex is supreme can be condemned, there and then, as crippled. A people which has decided to go forward and progress must realise this as quickly as possible. The failures in our past are due to the fact that we remained passive to the fate of women." Atatürk's vision of a modern, civilized Turkey required the emancipation of women, and in 1930, women received the right to vote in local elections, followed in 1935 by the right to vote in national elections. Many European countries, including France and Italy, did not have female franchise at this time. However, most reforms remained out of the reach of the majority of Turkish women. Dr. Fatma Mansur Cosar writes: "The sudden changes...thrust upon Turkish society in the early 1920s were made bearable and did not dislocate the social structure because, in the final analysis, only a very small number of women were able to use the rights granted to them by Atatürk. The vast majority of women still are tied to the land and under the social control of men." Atatürk's reforms never questioned the continuation of patriarchy. This is a key problem for feminists in the Middle East today,

140 Ibid., p. 132-133.
141 Jayawardena, Feminism and Nationalism in the Third World, p. 36.
142 Ibid., pp. 34-38.
143 Mansur Cosar, as quoted in ibid., p. 42.
and for the most part disagreement extends no further than whether Islam should be reformed, or secularized.

Women in Asia

Women indeed are human beings, but they are of a lower state than men and can never attain to full equality with them. Confucius

The traditional culture in Asia, as in most other societies, is patriarchal and revolved around worship of the male ancestral line. Write historians Joyce Gelb and Marian Lief Palley, "The constraints imposed on political behavior have been established by men and historically have advantaged men and excluded women from being significant participants in the political process." In most Asian societies, but particularly in Japan and Korea, great stress is placed on individual conformity to group norms. Adherents to Confucian tradition, Asian societies observe the tenets of the Confucian moral code, which requires of women three obediences: first to the father, then to the husband when married, and to the son in old age and widowhood. While Asians hold Buddhist, Christian, or Shintoist religious affiliations, Confucian precepts also have provided the framework for both men's and women's status in society for centuries. According to Gelb and Palley, "Confucian precepts were used to justify a secondary and unequal position for women...Systematic control and subjugation of women evolved [with] a series of legal measures to ensure conservative Confucian views of womanly virtues." According to this belief system, a woman's role was primarily that of "heir

---

144 Confucius, as quoted in Jayawardena, ibid., 167.
146 Ibid., pp. 3-4.
provider," and, much as in all other cultures, women were strictly controlled in order to insure the paternity of children. In Japan, this control was achieved, in part, through the "Peace Preservation Law," enacted in 1887, which prohibited women and children from joining political organizations, or attending political meetings. The law remained in effect until after World War II, and was justified by a stated need for women to "concentrate on domestic responsibilities."¹⁴⁷

Despite industrialization in Japan and Korea, there is a huge gap between the opportunities available to men and those available to women. Because women are expected to be the primary caregivers for children, aging parents, and in-laws, they are disqualified from full participation in employment opportunities. Further, while they attend junior colleges at a high rate, they are rarely among the graduates of universities, which are the vehicles for access to career mobility.¹⁴⁸

While both Korea and Japan have American-styled constitutions (Japan's written in 1945 and Korea's in 1948) that provided women with the franchise for the first time, entrenched traditional gender roles effectively preclude women exercising real political power. Japanese and Korean women continue to meet systematic resistance to reforms in education, politics, and social systems. What is more, lacking any tradition of liberalism and individual rights, dissent by women is seen as discordant and unharmonious, and is quickly quelled. As a result, Japanese and Korean women continue to be dominated in societies that offer them limited opportunity.¹⁴⁹

¹⁴⁷ Ibid., p. 6.
¹⁴⁸ Ibid., pp. 9-10.
As in Japan and Korea, centuries old Confucian ideology based on family harmony reinforced male dominance and the ideas of separate spheres for women and men in China. In ancient China, the yin and yang philosophy of nature reinforced perception of women's inferiority. Under this system, a man could have more than one wife, and could divorce her, but these rights were denied to women. Women instead, were required to accept their place in society, to protect their chastity at all times, and to swear loyalty to their husbands.\textsuperscript{150} According to historian James Warren, the status of women in this patriarchal family system was comparable to that of an "outsider." Historically, conditions for women and girls in China have been onerous under patriarchal subordination. The traditional concept of filial piety often placed girl children at serious risk, particularly girls from poor families, who often were sold or indentured if parents needed the money.\textsuperscript{151} In this patriarchal system, male children are the most valued. This truth has a profound effect on the health, and life of the girl child, especially in China and South Asia, as we shall see.

Women in China have suffered generations of neglect and abuse, aside from their relegation to "ballast that could be jettisoned when family circumstances required."\textsuperscript{152} Dating back to the eleventh century, girls were subject to one of the most repressive and painful customs for females--the tradition of footbinding. Limited at first to the wealthy upper class, by the 14th century the practice had become widespread. At age three years, the young girl's toes were bent down against the soles of her feet and held there with bandages, stunting the natural growth of the foot. The big toe was pulled toward the heel.

\textsuperscript{150} Elizabeth Croll, as cited in Jayawardena, \textit{Feminism and Nationalism in the Third World}, p.171.
so that the arch rose and broke, shortening the length of a foot to an ideal of about three inches long. Only the heel of the foot could bear any weight, and normal walking was impossible, but the pain was borne in the interest of securing a husband. It was said that Chinese men found unbound feet repulsive.153

Historically, education for women in China was restricted by their delegation to the domestic sphere. The first schools for girls followed the Christian missionary effort in the nineteenth century, and the effect was foreseeable. Announced one girl, "First we bind our feet; second, our minds are bound, third, we are inferiors and servants of our husbands. Today, in the...Students Union, we are unbinding ancient restrictions."154 Employment opportunities seemed to accompany women's expanded education, but soon, Chinese women became the cheapest source of wage labor available, especially in the silk and textile industries.155

Because Confucianism was antithetical to the behavior required for socialist development, under Mao Zedong, many of the impediments to women's emancipation were addressed. Post-Cultural Revolution campaigns emphasized collectivization, democratization of the family and a diminishing ability to exploit women through biological roles.156 Despite new laws and propaganda, gender discrimination prevailed in China during and after the successful revolution and formation of the People's Republic of China.157

154 Elizabeth Croll, as cited in Jayardena, Feminism and Nationalism in the Third World, p. 176.
155 Jayawardena, Feminism and Nationalism, p. 177.
Conclusion

The history of women the world over has been one dominated by patriarchal systems, and often reinforced either by the fact or the legacy of colonialism. So entrenched is discrimination against women, that resistance has greeted every effort at reform. Aside from their common subalternship, women do not share a common history. They do, however, emerge from the twentieth century with many of the same concerns: gender-based violence, lack reproductive rights, access to resources and development means, and traditional son-preference. The origins of each of the challenges facing women can be found in historical stereotypes, entrenched social or cultural values, and power differentials that minimize the value of girls and reinforce the inferior status of women. While the crisis itself may vary from region to region, common themes of prejudice and discrimination reflect a shared history unequal status compared to men.

Today, in every region of the world, it is women who increasingly are recognized as the vehicles for change and development in society. Nevertheless, history reveals an entrenched tradition of orthodoxy and subjugation, which continues to erode the status of women worldwide and block any potential for reform.

157 Jayawardena, Feminism and Nationalism in the Third World, p. 194.
Chapter 2
The Rise of the United Nations

"But that was our right! We were a sovereign State and that was strictly our business."
Hitler deputy, Hermann Goering

Modern human rights law as we know it today emerged in the aftermath of World War II, and reflected the international response to a great global chaos and the atrocities that characterized that war. In contrast to World War I, the majority of fatalities in World War II were civilian, millions were women and children, killed either by bombs, assaulting armies, or in concentration camps. The total dead in Europe is estimated at thirty million; Russia alone lost fifteen to twenty million persons. Germany under Adolph Hitler exterminated twelve million persons in concentration camps, six million of whom were Jews, in an incomprehensible orgy of racial hatred. Physical destruction in the wake of World War II also was unprecedented. On July 16, 1945, Winston Churchill surveyed the rubble that had been Berlin. He and his entourage reported finding over a million people living in the ruins of a city that was seventy-five percent leveled; "Nicht fur Juden" signs still remained posted on mangled walls. Corpses lay rotted and unburied in the streets. The rest of Germany fared little better than had Berlin: ninety-three percent of houses were destroyed in Dusseldorf, Dresden, and Hamburg. Stuttgart had been almost completely flattened by firebombs, and would remain engaged in reconstruction until well into the 1960s.

3 Ibid., p. 1.
War II left millions of homeless and starving to face "closed factories, idle fields, cold stoves, currency inflation, [and] festering wounds." 

In Asia, Japanese imperial aims also precipitated a legacy of death and destruction. Tokyo's population was cut in half by war's end to three million people, and little of the city remained recognizable. Arguably one of the most profound tragedies of America's involvement in the war was the American decision to unleash atomic weapons on the cities of Hiroshima and Nagasaki. The death toll that resulted was a staggering 130,000 persons in Hiroshima, and 35,000 persons in Nagasaki.

Historian Thomas Paterson describes a post war European landscape "overturned, and unhinged," beclouded by the disintegration of "stable world politics, inherited wisdom, traditions, institutions, alliances, loyalties, commerce, and classes." Out of the hangover that followed this season of unprecedented atrocities and brutality, and in an attempt to make sure it never happened again, the United Nations was born.

The traditional modes of conduct between nations had proven inadequate to the tasks both of avoiding war, and of preventing the brutality latent in the new technology of war. Nor was there a mechanism in place that would insure that the abuses of the war would not be repeated. Clearly the enfeebled League of Nations had failed, both to avert war, and to find a way out of it. Diplomats charged with exploring causes for the unprecedented slaughter of human beings concluded: "The great and terrible war which has now ended was a war made possible by the denial of democratic principles of the dignity, equality, and mutual respect for men, and by the propagation in their place

---

4 Ibid., p. 9.
6 Ibid., pp. 592 and 593.
7 Paterson, On Every Front, p. 13.
through ignorance and prejudice, of the doctrine of the inequality of men and races."8

The incomprehensible devastation of World War II, the power vacuum left by the
disintegration of Britain, and the manifest chaos of the international diplomatic system,
all signaled that a new approach to worldwide statecraft would be required for the future
conduct of global affairs. Human rights would have to be part of that framework. Quite
simply, "[h]uman rights are the rights one has simply because one is a human being,
[and] are held equally and inalienably by all human beings. They are the social and
political guarantees necessary to protect individuals from the standard threats to human
dignity posed by the modern state…."9 The experience of the war convinced most that
there was a connection between human rights and peace. Further, the war and the
Holocaust demonstrated that there was no guarantee that states would protect the rights of
all their citizens, particularly those rights of minorities or the unempowered. For this,
states would need an organization larger than themselves, a gestalt union whose authority
would exceed that of the sum of its members. While noble in the ideal, the actual, global
commitment to full human rights protection was less determined, as we shall see.

In a January 26, 1941 speech to Congress, President Franklin Roosevelt specified
four freedoms as requirements to stabilize the post war world: freedom of speech and
expression; freedom of worship; freedom from want; and freedom from fear. Though
magnanimous-sounding, in reality the Great Powers were reluctant in 1945 to make more
than the most general references to human rights when they met to institute a framework
for a United Nations.

8 As cited in Paul Gordon Lauren, Power and Prejudice: The Politics and Diplomacy of Racial
9 Jack Donnelly, International Human Rights: Dilemmas in World Politics (Boulder: Westview
The Dream and the Reality of the United Nations: The National Sovereignty Impasse

In September and October of 1944, World War II victors Britain, China, the Soviet Union, and the United States met at Dumbarton Oaks in Washington, D.C. to lay the groundwork for a new international consortium whose mandate would be, among other things, to insure the protection of human rights in the future. While implicit in the discourse was a recognition that respect for human rights was a prerequisite for peace, the Great Powers limited proposed Charter language to mere statements of intent. Many appeared eager to conceal human rights abuses of their own. "The Soviet Union had its Gulag, the United States had its numerous racial problems, and the Europeans had their colonial empires." While cognizant of the need to address human rights abuses of the past, no country was in a hurry to surrender control of affairs within their borders. Clearly, most states had violated the rights of citizens fairly systematically. While troubling to be sure, until World War II human rights issues had been seen as the domestic political matters of sovereign states, not of the international community. International human rights standards eventually would demonstrate that claims for human rights on behalf of individuals are not the internal affairs of state, and that mankind shared complicity when abuses occurred, to cede this authority would be a slow process. To a large degree, the Great Powers had a vested interest in maintaining the status quo, and resisted the idea of subjecting their own affairs to public scrutiny. Hence would emerge the wedge that would be driven between states and attainment of human rights for all citizens. The barrier, simply, is a foreseeable conflict between the historical claims of

---

national sovereignty, rights of states, and a newly emerging demand for the rights of the individual. Allowing scrutiny of human rights abuses of women would prove even more intractable.

In centuries past, persecuted groups, whether oppressed on the basis of religion, gender, race, or class, could expect to suffer in silence. The state had singular control over the treatment of its citizens, and intervention by other states was rare. States were unwilling to intervene in the domestic affairs of other states and conceivably risk trade or diplomatic relations. More importantly, states were reluctant to invite condemnation of their own abusive practices. Worldwide, there was a long history of deliberate avoidance where human rights abuses were concerned.

The climate began to change, however slowly, in the nineteenth century as a result of many factors, one of which was religious tumult in the Ottoman Empire. No longer able to passively watch the slaughter of Greek Orthodox Christians at the hands of the sultan's forces, the Great Powers were moved to send ships into the area and "[put] a stop to the effusion of blood... no less by sentiments of humanity, than by interest for the tranquility of Europe."12 The century brought with it the means for countries to project military power with the advent of the steam ship and artillery. What remained was a willingness to balance power with moral principles, to and recognize that there must be limits to the national sovereignty excuse. Global outrage boiled over in the 1870s when the Ottoman Empire reached a frenzy of religious persecution in Bosnia Herzegovina and Bulgaria. Tens of thousands of Christians were slaughtered by marauding Turkish troops in an unrestrained orgy of rape, torture, and looting. British Prime Minister William

---

Gladstone responded with a book titled *The Bulgarian Horrors*, wherein he decried the brutality and infamy of events in the Balkans. Most notable in the publication was his recognition of global responsibility to act, and the call for a direct international response in the interest of humanity:

> A little faith in the ineradicable difference between right and wrong is worth a great deal of European diplomacy, bewildered by views it dare neither dismiss nor avow... What civilization longs for, what policy no less than humanity requires, is that united Europe, scouted, as we have seen, in its highest, its united diplomacy shall pass sentence in its might, upon a Government which unites the vices of the conqueror and the slave, and which is lost alike to truth, to mercy and to shame...[13]

The message was clear, events like those in the Balkans must not be repeated. The result was a gathering of the international community to draft the 1878 Treaty of Berlin, wherein, for the first time, the Great Powers went on record as advocates for human rights. Despite these and other efforts in the name of human rights, the Great Powers themselves practiced persecution and discrimination of their own citizens as well as those in overseas empires. Nevertheless, writes historian Paul Lauren, the nineteenth century ushered in a new willingness to confront longstanding evils, and to establish a new "moral awareness and obligation toward humanity as a whole...cautiously challenging the traditional boundaries of domestic jurisdiction and national sovereignty."[14] International human rights standards eventually would recognize that the claims of individuals for human rights are not the internal affairs of the State, and that mankind shared complicity when atrocities occurred. But to cede this domestic jurisdiction would be a slow process.

---

Early Human Rights Efforts

We can see that an awareness of the critical link between human rights and the cause of peace existed before the United Nations Charter. The Geneva Conventions of 1864 and the Hague Conventions of 1899 and 1907 assigned humanitarian principles to combatants, but only addressed the ways a state must treat foreign nationals, not how the state must treat her own citizens. The Covenant of the League of Nations in 1919 did contain a series of provisions designed to protect freedom of religion, and equality under the law, but there were numerous violations as a result of a lack of enforcement machinery, and the Covenant contained no provisions to hear petitioners. International women's groups had become less than enthusiastic about the League, largely as a result of the League's dismal record on the inclusion of women. In a letter to Carrie Chapman Catt, Bertha Lutz confided, "I have no faith in any international edifice of arbitration that is built on the assumption of separate sovereign ties. The trouble with the League is not the League, it is the Nations." Hungarian members of the Women's International League for Peace and Freedom denounced the League as "an imperialist corporation of the Great Powers," and in 1939, WILPF declared that the League had failed because member states refused to surrender their sovereign rights.

The Atlantic Charter of 1941 recognized the failures of the League of Nations, and the need for countries to come together for peace and security. Winston Churchill and Franklin D. Roosevelt came together in August, "somewhere in the Atlantic," and, in

---

17 Bertha Lutz, as cited in Rupp, Worlds of Women, p. 212-213.
18 Ibid., p. 213.
signing it, declared the rights of all people "to live out their lives in freedom from want
and fear...[and] a wider and permanent system of general security" for the world.¹⁹ This
would add to the momentum for worldwide human rights measures.

But nothing would demonstrate the violence and horror of war, together with its
dangerous ideology of racial superiority, like Germany's Final Solution to the Jewish
Question, the Holocaust. Almost too perverse to be believed, Hitler's assault on twelve
million people--most Jews, but also gypsies, Slavs, homosexuals, and others deemed
subhuman--was all too real. At the end of the war, the international community sought to
assign moral blame for the barbarism of the Holocaust and the Reich's ethnic inferno by
convening the Nuremberg War Crime Trials of 1945-1946. Here, "leading Nazis were
prosecuted under the novel charge of crimes against humanity, [but many saw] this as ex
post facto prosecution, punishment for acts that although clearly immoral were not
legally prohibited at the time they were committed."²⁰ What is more, while there was
great hue and cry for punishment of wartime abuses committed by the losers, no inquiry
was to be made in the abuses of the winners; and clearly the world shared in attitudes of
racial antagonism.

Aware of his own subordinate status back home in America, one black soldier
suggested his tombstone carry the inscription: "Here lies a black man, killed fighting a
yellow man, for the protection of the white man." Black American soldiers, supported by
the NAACP, pursued what they called a "Double V campaign" during World War II. It
amounted to a determination to achieve victory against the Axis powers, as well as

¹⁹ Atlantic Charter, as cited in Lauren, Visions Seen, p. 142.
victory over racial discrimination upon returning stateside. But racism in the United States ran deep. In February, 1942, President Roosevelt had signed Executive Order 9066, which detained 127,000 American citizens of Japanese descent and their children, without charges, in ten detainment centers as member of an "enemy race." And there is plenty of race prejudice to be found in Asia too. While the Japanese protested the "racial insult" of European immigration quotas, they were themselves the perpetrators of a barbarous attack on Nanking, China in 1937. Over a period of seven weeks, Japanese Imperial forces under General Iwane Matsui, unleashed a savage attack on the city, which, according to historian Iris Chang, represents one of the worst incidents of mass extermination in history. The death toll, according to the International Military Tribunal of the Far East, was estimated at between 260,000 and 350,000 noncombatants. But what is particularly heinous is the unspeakable cruelty with which Chinese men, women and children met their deaths. Many were used for bayonet practice or decapitation contests. As many as 80,000 women were raped--many of them horribly mutilated. It would take fifty years for the international community to recognize rape as a weapon of war.

Japanese leaders spoke of the need to conduct a "race war" to protect and extend their own "shido minzoku," or "leading race." What is more, in the Cold War scramble for allies and trade, Japan managed after the war to "avoid the moral judgement of the civilized world that the Germans were made to accept for their actions in this nightmare time." A sort of "collective amnesia" about the record exists to this day.

\[21\text{ Lauren, }\textit{Visions Seen}, p. 155.\]
\[22\text{ Costello, }\textit{The Pacific War 1941-1945}, pp. 211 and 212.\]
\[23\text{ Iris Chang, }\textit{The Rape of Nanking} (New York: Penguin Books, 1997), pp. 4-7.\]
\[24\text{ Ibid, p.14-15.}\]
fathomless, pandemic discrimination that existed is epitomized by Winston Churchill's wartime declaration: "Why be apologetic about Anglo-Saxon superiority [to other races?] We are superior."\textsuperscript{25}

What the Great Powers did not fully realize at the time of the Atlantic Charter was that the floodgates had been released as a result of the words these leaders had spoken. Promises had been made, moral declarations had been delivered. Both men and women, of all races, classes, and nationalities had sacrificed in the war effort. Governments all over the world were pressed to face their own hypocrisy with reference to human rights abuses. This time, the "people's war" would not be denied.

Both the outrages of the war, and the measures being delineated to control them in the future, pointed to what historian Paul Lauren calls "a people's war for human rights."\textsuperscript{26} The deception emerging in the debate for human rights was not lost on a growing human rights and nongovernmental organization (NGO) community. The time had arrived when the rights of man could no longer be left purely a domestic matter; countries must be made to focus on the full horror of war, and not just on victory in war. After the experiences of World War II, the unlimited and unrestricted excuse of national sovereignty could no longer be tolerated.

\textit{The Charter of the United Nations}

The United Nations was established in June of 1945. It was proposed, not only to win the war, but also to frame the peace. Delegates and NGOs from all over the world met in San Francisco to negotiate an agreement known as the Charter for an international

\textsuperscript{25} Winston Churchill, as quoted in Lauren, \textit{Visions Seen}, p. 149.
\textsuperscript{26} Lauren, \textit{Visions Seen}, pp. 150-151.
organization to replace the deficient League of Nations. As former Secretary-General Dag Hammarskjold would remark later, the goal of the United Nations, simply, "was to save succeeding generations from the scourge of war." The rub, he recognized, was that this goal was utterly dependent upon the organization's ability to "promote the common interest, equal economic opportunity, political equality, and the rule of law or justice." To achieve this, wrote Hammarskjold further, the first step must be to create an international democracy, where all countries--regardless of history, size or wealth--could come together as equal partners. Hammarskjold had what former Executive Assistant to the Secretary-General Andrew W. Cordier describes as an "almost religious respect for the Charter" and the potential it had to mold a new international, ethical norm.

The provisions of the Charter of the United Nations, which were adopted in 1945, fall into five classifications: purposes, principles, members, organs, and procedures. According to historian Quincy Wright, the purposes of the Charter, generally stated, include "peace, human rights, self-determination of nations, international justice, and social progress." Together with the sovereign equality of nations, the principles of the charter include the duty of member nations to "fulfil in good faith the obligations assumed by them in accordance with the Charter." Women and men worked and suffered together in WWII. The UN Charter addressed the hope that the end of the war would yield a peace imbued with equal rights for women. For the first time in an international agreement, language would include "respect for human rights and for

---

28 Andrew W. Cordier, as cited in ibid., pp. 22 and 23.
fundamental freedoms for all without distinction as to race, sex, language, or religion."[^30]

This is a singular achievement for women, as no treaty based on gender had ever been written prior to the UN Charter. For the first time, issues considered strictly private were openly debated in an international forum.

The importance of NGOs to this effort cannot be overstated. Without the efforts of NGO delegates, "human rights would have received only a passing reference" in the Charter of the United Nations.[^31] Instead, through unrelenting pressure on governmental delegates to the 1945 United Nations Conference on International Organization in San Francisco, NGOs like the NAACP, World Trade Union Congress, Council of Dominated Nations, and countless others would see to it that efforts to create a "people's peace" would not be buried under a Great Power desire to maintain sovereign authority.[^32] What emerged from San Francisco was a Charter that determined as its objective: "To develop friendly relations among nations based on respect for the principle of equal rights and self determination of peoples..." along with the directives to promote freedom without prejudice.[^33] Article 1 of the United Nations Charter states that among the objectives of the United Nations are the following: "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples..." and "to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for

human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."³⁴

Lofty objectives to be sure, but on the ground member governments, especially the "Four Policemen" of the Great Powers, were careful to see that a proviso was applied that would check potential international meddling into their own affairs. Article 2 (7) of the Charter states: "The Organization is based on the principle of the sovereign equality of all its Members...Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter."³⁵ This seeming respect for human rights on the one hand masked efforts by the Great Powers to maintain jurisdiction over their own affairs, on the other hand. From the earliest days of the Cold War to the present, nothing has divided the UN more bitterly than this theoretically intransigent duality. The impact that Article 2 has on women continues to be profound.

Women's activism and agitation burned anew out of the ashes of the League of Nations. Again, international organizations and NGOs envisioned renewed influence over the peacemaking process and the new international order. Yet few delegates who came together at the founding conference were women. Jessie Street and Bertha Lutz of the International Alliance of Women represented Australia and Brazil, respectively. The only other delegations that included women were those from Uruguay, the United States, the Dominican Republic, China, and Canada. In the end, the United Nations Charter did include the principle of equality between men and women: the preamble asserts, "We the

³⁵ Ibid.
peoples of the United Nations, determined…to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...have resolved to combine our efforts to accomplish these aims…” Many were doubtful. Disillusioned with the structure, which she described as an oligarchy of five nations, only three of which actually were great powers, Lutz confided to Catt, "The real truth is that the United Nations have written beautifully sounding words into the Charter but have no intentions of carrying them out.” Others, like Kathleen Courtney who attended the San Francisco conference as a press representative, reported that the U.N. Charter was in some ways better than the Covenant of the League of Nations, and might even work.38

**Eleanor Roosevelt and the Universal Declaration of Human Rights**

Despite the contradiction between the principle of human rights protection for all the world’s people, and a prohibition on interference in the internal affairs of the states, efforts continued on a human rights agenda. Under Article 68 of the UN Charter, a separate commission with a mandate to examine matters relating to human rights and fundamental freedoms, met for the first time on May 20, 1946. The Secretariat of the UN then named nine individuals to a Commission on Human Rights, whose first priority would be to draft an international bill of human rights. The commission met in February, 1947, and elected former first lady Eleanor Roosevelt as its first chair. Roosevelt was well known for her outspoken advocacy of human rights, and was passionately concerned

37 Bertha Lutz as cited in Rupp, Worlds of Women, p. 223.
with the rights of black Americans. She served on the Board of Directors of the NAACP, and spoke out for the equal rights of women at a time when such advocacy could be seen as strident. But her concern for human rights was not confined to Americans, and during her husband's tenure as President of the United States, Eleanor Roosevelt undertook many missions to war torn areas of the world, where she saw firsthand the devastation of imperialism and war. 

Eleanor Roosevelt had long urged American involvement in an international peacekeeping body, and when the UN was created, her dream was fulfilled when President Truman chose her to serve as delegate to UN's General Assembly. She was the only woman to serve in the U.S. delegation. She wrote, "During the entire London session of the Assembly I walked on eggs. I knew that as the only woman on the delegation I was not very welcome. Moreover, if I failed to be a useful member, it would not be considered merely that I as an individual had failed and there would be little chance for other [women] to serve in the near future." Roosevelt earnestly held that human rights must be inserted into the civil, political, social and economic realms of the international community, and envisioned women on equal terms with men in that world:

Where after all, do universal human rights begin? In small places, close to home--so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farms or office where he works. Such are the places where every man, woman or child seeks equal justice, equal opportunity, equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

---

38 Rupp, Worlds of Women, p. 223.
Drafting an international bill of rights would prove a formidable task. Both the Secretariat and the Commission on Human Rights received hundreds of letters and appeals to implement human rights measures, and each of the delegates knew that the work of the commission was being carefully scrutinized.\textsuperscript{42} Despite deep philosophical and cultural differences between the members (who came from Europe, the Middle East, and Asia,) each commission member concluded that "rights must no longer be confined to the few...[but] have become, and must remain, universal. All the rights which we have come slowly and laboriously to recognize belong to all men everywhere without discrimination of race, sex, language, or religion."\textsuperscript{43}

By June, 1948, the Commission on Human Rights finally agreed upon a draft declaration, a preamble and twenty-eight articles, and submitted it to the attention of the Economic and Social Council, their parent body. ECOSOC in turn transmitted the draft to the General Assembly for consideration. Despite heated debate, growing Cold War tensions, and the reluctance of members to assign international protections to citizens, the draft was miraculously approved on December 10, 1948. Of the fifty-six UN member states, forty-eight states voted in support of the Universal Declaration of Human Rights. Eight members abstained: Byelorussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukrainian SSR, Union of South Africa, USSR, and Yugolsavia.\textsuperscript{44} While the abstentions reflect Cold War polarization regarding issues of economic versus social and political human rights, there is no doubt that both superpowers were responsible for regular and flagrant disregard for the human rights of their citizens.

\textsuperscript{42} Wronka, Human Rights and Social Policy in the 21\textsuperscript{st} Century, p. 88.
\textsuperscript{44} Wronka, Human Rights and Social Policy in the 21\textsuperscript{st} Century, p. 112.
In its preamble, the Universal Declaration of Human Rights refers to the "inherent dignity" the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world." Also in the preamble is a clear recognition that the application of human rights is critical to avoiding the "tyranny and oppression" that lead to rebellion. What is more, the preamble directly promotes the rights and equality of women, stating "The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of living in larger freedom." While a breathtaking human rights instrument, the UDHR is a resolution of the UN General Assembly, not a treaty. As a declaration, it is not binding in international law, and that is the rub.

Three documents, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights, collectively are designated the International Bill of Human Rights. While it would take almost twenty years to complete the Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, collectively they are seen as the authoritative corpus of international human rights norms, standards of behavior to which all states should aspire. As we know, United Nations treaties and covenants are deemed binding upon nations only after having been signed by the member state’s government, and then ratified.

---

45 Universal Declaration of Human Rights, Preamble, as cited in Committee on Foreign Affairs, Human Rights Documents, p. 63.
46 Donnelly, International Human Rights: Dilemmas in World Politics, pp. 10 and 11.
In the UDHR, human rights emerge as powerful, even radical, "political ideas...the very idea of human rights is the idea that persons have dignity and worth simply by virtue of being human..."\textsuperscript{47} And the UDHR has evolved into an authoritative tool for justice around the world. Some would argue that the lack of credible enforcement procedures for both declarations and treaties has discredited UN human rights machinery.\textsuperscript{48} But it is nonetheless significant, assert human rights scholars Thomas Buergenthal and Michael Reisman, that "today, few international lawyers would deny that the Declaration is a normative instrument that creates legal obligations for the member states of the UN."\textsuperscript{49} Therein lies its power. Through the UDHR, the United Nations and its member states maintain that the universal application of human rights is the stated member goal. Duties are not restricted to following the recommendations of the UN. Rather, member states also are obligated to apply the authority of the human rights standards to the rule of customary law, "even when there is no clear United Nations guidance," and to encourage other states to do the same.\textsuperscript{50} According to historian Rosemary Righter, America's commitment to the UN probably reached its apex with Eleanor Roosevelt's work on behalf of the UDHR in 1948, a period "associated with the sense that the UN [was] worth supporting because it embodie[d] and project[ed] U.S. values...the UN offered the United States an honorable platform for the exercise of its global influence and power..."\textsuperscript{51} Indeed, the Universal Declaration of Human Rights

\textsuperscript{49} Thomas Buergenthal and W. Michael Reisman, as cited in Joseph Wronka, Human Rights and Social Policy in the 21\textsuperscript{st} Century, p. 3.
\textsuperscript{51} Righter, Utopia Lost, p. 218.
affirms universal human rights standards, but are there ever conditions under which a government may be excused from upholding these standards?

For the past three hundred years, international relations has been organized around the principle of national sovereignty. Until World War II, and with the exception of nineteenth century abolition of the slave trade, states traditionally are loathe to recognize an authority ancillary or higher than their own having influence over their affairs. Nor have states determined a duty to interfere in the domestic matters of other sovereign states. However, the Cold War unleashed "the powerful dynamics of large scale movements, such as the emancipation of colonial peoples and the international struggle against colonialism and apartheid and for self-determination." This urge has forever altered and liberalized the political landscape worldwide. Increasingly, the language of human rights became the discourse of the oppressed, and asserting a claim to one's human rights became a universal manifesto against imperialism. As a result of decolonization in the 1950s and 1960s, Afro-Asian states would come to form the largest voting bloc in the UN, a sea change from the Great Power control of the nascent years. These Third World states were particularly sympathetic to issues of independence, and development, or what are called second, and third generation rights, or social, economic, cultural and solidarity rights. Rights under this category include the right to sustainable, development, peace, rights to a common heritage, and humanitarian assistance in the wake of colonial empire. From a gendered perspective, these second and third generation rights seem to recognize the material realities of social conditions in the developing world, as well as the universality of human rights, a hopeful development in the

52 Donnelly, International Human Rights: Dilemmas in World Politics, p. 5.
achievement of women's rights. But while theoretically included within the provisions of these rights, women in practice have been excluded from enjoying economic, social and cultural rights in much the same way as they have been excluded from first generation, individual political rights. Despite the standards set, women continue to constitute the greatest fraction of those ill-housed, ill-fed, and insecure.

The Rise of NGOs

Other factors have contributed to the preeminence of human rights over the rights of sovereign states, not the least of these is a stunning rise in the number and impact of nongovernmental organizations (NGOs). An NGO is a private association of individuals or groups that engages in political activity. International NGOs (INGOs) carry on their activities across state boundaries. The most prominent human rights INGOS include Amnesty International, and Human Rights Watch. INGOs most concerned with women's issues include Women's Justice Coalition, and the Women's Rights Center. NGOs have a long international history. In the seventeenth century, Puritans and Quakers were some of the first groups to practice political dissent and to develop broadly democratic ideals, known today as human rights.54 We saw in Chapter One, the crucial role that Quaker activists played in the abolitionist and early women's rights movements. In the nineteenth century, benevolent groups like the Red Cross, anti-slavery societies in Britain and abolitionist movement in America, and the National Association for the Advancement of Colored People made significant contributions in matters of universal human rights.55 And we have just seen how NGOs were decisive in ensuring that human

55 Ibid., pp. v, x, and xi.
rights language was included in the United Nations Charter. As a result of these and many other victories, NGO membership soared in post-Vietnam War America, as groups like Amnesty International gained popularity, (and was awarded the Nobel Peace Prize in 1978), and as President Jimmy Carter made human rights the "soul" of his foreign policy.\textsuperscript{56}

Growth in both the power and stature of these cause-oriented associations reflects the extent to which the issue of human rights has become central to the conduct of international politics. The rise of NGOs registers a growing awareness of human rights abuses and the determination of members to intervene, irrespective of sovereignty issues. But they did not set out with much confidence. After both World War I and World War II, most human rights activists were skeptical that the Great Powers would grant \textit{victims} rights over \textit{victors} rights, as we have seen. Nor were they convinced that they could make their voices heard at all. NGOs were able to gain real momentum with the implementation of Article 71 of the UN Charter, which granted participation of NGOs in the non-voting work of the Economic and Social Council, the Commission on Human Rights, and in other UN bodies.

Notable among early women's organizations was the Women's International League for Peace and Freedom (WILPF). On April 28, 1915, a remarkable gathering of women from sixteen neutral and belligerent countries met at The Hague, the Netherlands, to protest the war raging in Europe, and to construct ways to prevent future wars. Organizers of the Congress in The Hague were members of the International Suffrage Alliance, who saw the connection between their struggle for equal rights and the struggle for peace. Fearful that peace would be largely determined "by diplomats who are

\textsuperscript{56} pp. X and XI.
necessarily bound by the traditional conventions which have so long dominated all
intercourse between nations," the women passed a series of resolutions calling for,
among other things, enfranchisement of women, the establishment of an international
society of nations with the participation of women, and the sending of envoys from the
Congress of Women to the belligerent and neutral nations to try and end the war. The
thousand women who assembled at The Hague established an International Committee of
Women for Permanent Peace, which four years later became the Women's International
League for Peace and Freedom. At war's end, the organization rededicated itself to the
twin goals of peace and the emancipation of women, and moved its headquarters to
Geneva, the home of the League of Nations.58

Other NGOs dedicated to the rights of women, The International Council For
Women, and the International Alliance of Women used the postwar period as an
opportune moment to press their visions of equal rights for all the world's citizens. Jane
Addams, a founder of WILPF expressed the convictions of those who worked on behalf
of equal rights, "They all alike had come to realize that every crusade, every beginning of
social change, must start from small numbers of people convinced of the righteousness of
a cause."59

The WILPF remained true to its wartime origins, and worked tirelessly toward the
achievement of peace and emancipation for women. In 1931 its president, Jane Addams,
was awarded the Nobel Peace Prize, and the world watched as women slowly began to
secure the right to vote and to participate in the politics of their countries. In 1946, Emily
Greene Balch, WILPF's first International Secretary received the Nobel Peace Prize for

57 Jane Addams as cited in Lauren, Human Rights, Visions Seen, p. 98.
58 Rupp, Worlds of Women, pp. 28 and 29.
her efforts on behalf of human rights.\textsuperscript{60} Clearly the voices of WILPF and other NGOs would no longer be silenced. When WILPF member Edith Ballantyne was informed that NGOs would not be invited to attend recent meetings of the Office of the High Commissioner for Human Rights, her reply was unequivocal: "If we are not invited, then too bad. We will simply attend anyway."\textsuperscript{61}

While NGOs differ in the particular causes they espouse, their cumulative presence has the effect of transcending a single issue to provide a sense of moral grounding in the international community. Most NGOs accept the Universal Declaration of Human Rights and the Covenants as the authority upon which human rights is defined, and discern human rights as integral to their purposes. These groups are the effective institutional support structures for the international human rights movement for two very simple reasons. First, because they are true, strident, and unrelenting believers. And second, quite simply, NGOs are able to provide programs that governments and the United Nations cannot provide. This will be especially critical in the area of human rights for women, as we shall see. Because NGOs do not stand to gain personal profit from their efforts, they often are able to interact with local populations more successfully, and to "command their trust in ways which governments find impossible."\textsuperscript{62}

The challenges of Third World development since decolonizing in the 1950s and 1960s have been daunting for most new nations. Alleviating hunger, and protecting the rights of citizens both require development efforts from a grassroots level, but these are the very areas where many governments have the least experience and the fewest

\textsuperscript{59}Jane Addams, as cited in Lauren, Human Rights, Visions Seen, p. 107.
\textsuperscript{60}Women's International League for Peace and Freedom, http://www.wilpf.org/history/about1.htm.
\textsuperscript{61}Edith Ballantyne, as cited in Lauren, Human Rights, Visions Seen, p. 288.
\textsuperscript{62}John Clark, Democratizing Development: The Role of Voluntary, p. 3.
resources. Not only are NGOs most responsive at the grassroots level—the best vantage point from which to address the needs of the poor, the majority of whom are women\textsuperscript{63}—they are also able to force progressive legislation and to act as a channel for public concern "where political parties are silent or absent."\textsuperscript{64} In some cases, NGOs act as advisors, providing economic and political counsel both to citizens and to developing governments. Their power originates, in part, from the fact that they are not answerable to any government of constituency, aside from those who fund them. "Providing they remain within the law of the land and can continue raising the money they need, they can chart their own course."\textsuperscript{65} And they can raise money. The 28,900 international NGOs registered as \textit{Organization for Economic Cooperation and Development} institutions listed a total spending in 1994 of $5.7 billion.\textsuperscript{66} In addition to money spent on important grassroots education and development programs, NGOs provide a vital propaganda role in the area of human rights abuses. By focusing on the role of the \textit{individual} in society, NGOs provide "free public relations services to human rights victims whose governments, save for the light of public scrutiny, could continue their abuses with impunity."\textsuperscript{67} An important reason for the phenomenal success of NGOs is their ability to amass public opinion so rapidly. Twentieth century technology and communications means that "today a fact-finding mission of private citizens brought together by a human rights organ can fly from New York to Seoul or to Moscow in half a day. Their findings

\begin{flushleft}
\textsuperscript{64} John Clark, \textit{Democratizing Development: The Role of Voluntary Organizations}, p. 5.
\textsuperscript{65} Ibid., p. 7.
\end{flushleft}
can be beamed home in an instant." While NGOs are not substitutes for the state they continue to provide considerable relief, and for the oppressed, a voice through which to speak the truth regarding human rights conditions in their countries.

Women from the great transnational organizations played a critical role in winning a place for women's equal rights, and continue to monitor U.N. action relevant to women. According to historian Leila Rupp, it was women's transnational NGOs that link the pre-1945 international women's movement to "what might otherwise seem the emergence of such a movement in the 1970s." The influence of NGOs cannot be denied, U.N. Secretary General Kofi Annan recognized, "Without the people of the NGOs, the international program for human rights would be a mere shadow of itself."

**Early United Nations Efforts on Behalf of Women, 1945-1975**

Women in the 1940s played a crucial role in the war effort. As in World War I, women readily moved into wartime industry and into positions of responsibility as men went off to war. As in World War I, women's participation in war-related activities led to further headway gained in the cause of gender equality. French women finally achieved the right to vote in 1944, due, at least in part, to their efforts in the Resistance struggle during the war. Wartime and post-war circumstances seemed to favor a climate more committed to experimenting with the idea of women's equal rights of citizenship. Perhaps women's wartime sacrifices and the need for their engagement in post-war recovery persuaded ruling elite that some gender equality might be tolerated.

---

68 Ibid., p. v.
69 Rupp, Worlds of Women, p. 224.
70 Kofi Annan, as cited in Lauren, Human Rights, Visions Seen, p. 288.
As we have seen, the principle of gender equality was recognized in the UN Charter, which states "We, the peoples of the United Nations, determined...to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women and of nations large and small...have resolved to combine our efforts to accomplish these aims." The Charter also purports to "achieve international cooperation...in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language or religion."71

What is more, as we have seen, at the very first session of the UN General Assembly, a Commission was appointed to draft an International Bill of Rights, and was presided over by one of the towering women of our time, Eleanor Roosevelt. When the Universal Declaration of Human Rights was adopted on December 10, 1948, the following words were included: "All human beings are born free and equal in dignity and rights," and "Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion..."72 Based on these principles, and the creation of the Commission on the Status of Women in 1946, work was underway in earnest to produce further, more binding and more precise provisions for gender equality.

Emerging was a recognition that the UN was created during a time when women in most regions of the world faced serious obstacles in law, often based in tradition and custom, and most concerning marriage and the family. Opportunities for education were often denied females, and in many countries, women still were not free to participate in

71 UN Charter, as cited in Human Rights Documents, p. 61.
72 Ibid., pp. 63 and 64.
the politics of state. June 1946, the Economic and Social Council established the Commission on the Status of Women to study and prepare recommendations for ECOSOC on human rights issues of special concern to women. This signaled the first phase of UN involvement in women's issues, and a marked departure from the centuries long tradition of secrecy regarding matters relating to women and the family. The Commission was mandated "to promote equality with men in all fields of human enterprise...[and to] eliminate all discrimination against women in the provisions of statutory law, in legal maxims or rules, or in interpretations of customary law." The Commission immediately presented a report to the Commission on Human Rights, setting its goal at "raising the status of women to equality with men in all fields of human enterprise." The Commission on the Status of Women played a significant role in insuring that women's issues were addressed in deliberations of the International Bill of Rights. While the Commission was not empowered to force compliance with UN standards, or to investigate accusations of discrimination, (some of those functions would later be addressed in the Optional Protocols to the International Covenant on Civil and Political Rights.) It did, however, initiate a discourse and provide an international forum on human rights for women, ensuring that gender equality maintained a prominent place on the international agenda. The Commission on Women remained part of the human rights division until 1972 when it became part of the Centre for Social Development and Humanitarian Affairs. After 1978, it was renamed the Branch for the Advancement of Women.
In order to devise an effective program for the future, the Commission initiated a survey of gender practices around the world. Governments began to recognize that their own particular policies toward women were about to come under unprecedented global scrutiny, potentially jeopardizing issues of national sovereignty and domestic jurisdiction. Governments were asked to complete this survey, known as the Questionnaire on the Legal Status and Treatment of Women each year, and its findings form the basis for drafting international treaties demanding equal rights for women. The 1947 survey results illuminated the extent to which discrimination on a global scale existed. Of the seventy-four sovereign States responding, twenty-five had not granted full political rights to their female citizens, including the right to vote or hold public office. Also revealed in the survey results was that custom, not legislation, most often dictated women's access to education and that in most states women were excluded from owning property. While it was obvious that more political considerations overshadowed problems relating to human rights, and most especially women's rights, in the Cold War era, the UN did respond to the survey by formulating the 1952 Convention on the Political Rights of Women. It was one of the first UN agreements that was legally binding on signatories, and called upon Member States to recognize the full political rights of women, allowing them to vote, stand for election and to hold public office.

Despite its adoption on July 7, 1954, forty States responded that "they would reserve the right not to abide by some of the provisions contained therein." This would not be the final resistance to equal rights for women, nor the last time states would reserve the right not to comply with agreements just signed. Also during this early phase of UN

77 Lauren, Visions Seen p. 229.
involvement in women's rights, the General Assembly adopted the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (November 7, 1962.) This convention asserted that no marriage may occur without the consent of both parties, and addressed, among other things, the practice of giving girls before the age of fourteen in marriage. It declared that "certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights." 80

The period from 1963 to 1975 reflects a tremendous rise in UN membership as a result of the number of emerging new nations that accompanied decolonization. Accordingly, UN focus shifted from civil and political rights of nations to the development rights of these new economies. The Commission on the Status of Women had long recognized the important role women would play in these newly developing nations, and it became clear to some at least that adhering to the UN Charter's promise to promote social progress and better standards of life" 81 would not be possible without the full participation of women. In 1966, the Third World quest for self-determination provided the impetus empowering the Commission on Human Rights to begin actual protection machinery in the form of investigations. In 1967, ECOSOC enlarged the Commission from 21 to 32 members, and allocated twenty seats to Third World members. This had a profound effect on the Commission's agenda, which between 1967 and 1979, reflected the concerns of the non-Western majority. Concerns of the Non-Aligned Movement (NAM) included criminalizing apartheid, conducting studies on self-determination, and combating racial discrimination. It was at this point

79 Ibid., pp. 17, 18, and 154.
80 Ibid., 160 and 161.
that the Commission sought and received from ECOSOC powers to receive heretofore
confidential communications regarding violations. The Commission now could shift from
confidential hearings on violations to the more embarrassing public proceedings at their
discretion. ECOSOC Resolutions 1235 and 1503 provided for Commission review of human
rights violations. But as in other times of revolutionary change, the situation for women was not
improving.

The 1966 *Questionnaire on the Legal Status and Treatment of Women* results were
disheartening. Women continued to fare poorly in the areas of social and economic development.
In response to the disappointing Questionnaire results, the UN General Assembly drafted a
document aimed at consolidating human rights standards. The 1967 Declaration on the
Elimination of Discrimination Against Women established categorically that any discrimination
against women "constituted an offense against human dignity." This non-binding action called
upon all governments to adopt programs on their own to address the problems of discrimination.
But actual response from states to the Declaration was lukewarm. Without some means of
enforcement, acquiescence to any obligation by states to ensure equality for women would
continue to be perfunctory worldwide.

*United Nations Efforts on Behalf of Women Since 1975*

The UN designated 1968 as the International Year for Human Rights, and the Conference
in Teheran emphasized education and technical assistance to bolster Third World development.
By 1975, the world could no longer deny the crucial role of women in advancing the Third World
economically. Undervaluation of women was identified as both the cause and the effect of
underdevelopment, and was linked to poverty, overpopulation, illiteracy, and malnutrition. It was
also clear that effective participation in matters of development required women's elevation to
equal status with men in society. In 1975, the UN launched its Decade for Women program, and
to combat the increasingly disproportionate effect of poverty on women in the emerging nations, the UN designated the themes of equality, development and peace as themes to women's issues. The UN subsequently launched four major international women's conferences: Mexico City (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995). These conferences provided forums for women to come together and discuss global women's issues. The corpus of work done in the Decade for Women would emerge as the international standard for the human rights of women. As delegates met in Mexico City, participants would call the Conference "history's largest consciousness-raising session." The Declaration of Mexico pledged thirty resolutions aimed at eliminating the obstacles facing women's full integration into national development. The Declaration trumpeted the belief: "Women must participate equally with men in the decision-making processes which help to promote peace at all levels," and touched on questions of dignity, equality, and conflict within the family.

Efforts to resolve the problems engendered by women's underdevelopment increased as a result of momentum gathered in the period from 1976 to 1985--the United Nations Decade for Women. Key to this effort was increased attention to two key areas: the struggle for recognition and implementation of all human rights and fundamental freedoms without discrimination; and efforts to eradicate violence against women. The most notable outcome of the decade came when the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Convention) in 1979. It was entered into force on September 3, 1981, when it had been ratified by twenty states, and is the most comprehensive convention dealing with women's rights. The Convention calls for an end to discrimination against women, and defines discrimination as "any distinction, exclusion or restriction made on

---

82 Chaloka Beyani, as cited in Human Rights of Women, p. 291.
83 United Nations, The Advancement of Women, p. 34.
84 Ibid.
the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and any other field.\textsuperscript{86} The Convention addresses inequality within the family and specifically refers to a number of gender-based acts of violence, including exploitation, forced prostitution, and trafficking of women. Not only does the Women's Convention require states to "condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women..."\textsuperscript{87} but it calls for states to take all measures possible to eliminate discrimination against women by any organization or state. The Women's Convention and the UN committee that monitors its enforcement (CEDAW) have served to focus attention on the global impact of violence against women, and have provided a legally binding format to compel the governments of all countries to ensure full development of women through law. The Convention requires states to submit reports to the Secretary General of the UN for consideration by the CEDAW Committee. The reports should document "legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the convention."\textsuperscript{88} The Women's Convention has been ratified by 165 countries, only the convention involving the Rights of the Child received more state ratifications. The United States, however, is one of only two Western democracies that have not ratified the Convention,\textsuperscript{89} the other being Switzerland. The State Department has concluded that four reservations were needed to bring the Convention into compliance with U.S. law. Reservations, as we have seen, allow member states to exempt themselves from implementing some aspect of a Convention. In the case of the United States, reservations involve private conduct, women in the military,

\textsuperscript{87} Ibid., Part 1, Article 2.
\textsuperscript{88} Ibid., Article 18.
comparable worth, and maternity leave.\(^9^0\) The near unanimity in ratifications of the treaty by the international community is misleading, however. The number of reservations expressed for this Convention are the highest of any human rights convention ever negotiated,\(^9^1\) demonstrating the continued resistance to full and equal rights for women by many UN member states. Former UN Secretary General Boutros Boutros Ghali noted that of the many reservations expressed for the Convention, the largest number concern provisions in Article 16 regarding discrimination in marriage and the family.\(^9^2\) "Most of the countries that did not sign or ratify the Convention have incorporated Muslim law in their civil or family codes...or are strongly influenced by religious and customary laws and practices. Similar reasons are behind reservations."\(^9^3\) Besides the number of reservations accompanying it, another aspect of the Convention is problematic. Insufficient resources and time (the Committee was only authorized to meet two weeks per year to review complaints brought for examination) have been assigned to oversight, resulting in a backlog of cases awaiting review.\(^9^4\)

The themes of dignity, equality, and peace were further addressed at the conference for women in Copenhagen in 1980. Copenhagen marked the most forthright recognition that women played a central role in fighting poverty, and that women's unequal status in society made them much more likely than men to live in absolute poverty. It further recognized that women carry a disproportionate share of the burden during times of social disintegration, and were more affected than men by atrocities in wartime.\(^9^5\) Summit members also concluded that "domestic violence had serious social consequences and perpetuated itself from one generation to the next, and that

\(^{92}\) Ibid., p. 42.
\(^{95}\) Ibid., pp. 57, 58.
women must be protected from domestic violence and rape." Increasingly, the world was forced to face the reality that one of the most serious problems facing the world's women, in developing and developed countries alike, was and is the issue of violence.

For millions of women, across all geographic boundaries, life is overshadowed by violence. Violence against women became a matter for specific international concern in 1985 with the third UN conference on women in Nairobi. Conference participants linked gender-based violence to a long tradition of male privilege and dominance, with roots in a history where women have been perceived as the property of men, who could claim the right to discipline or punish them at will. As we will examine further in chapter three, domestic violence has been considered mainly a private, family matter, and has been treated as such 'in privacy,' outside the realm of public scrutiny or interference. Violence in the home was not considered a criminal offense. The Forward Looking Strategies for the Advancement of Women adopted at the 1985 UN Conference on Women in Nairobi explained how subtle forms of exploitation are associated with cultural, religious, and family customs that have restrained women's advancement and exacerbated their marginalization in society. The centerpiece of the Nairobi conference was the 372-paragraph Nairobi Forward-Looking Strategies for the Advancement of Women, which would become a blueprint for achieving the three identified objectives of the UN Women's Decade: equality, development, and peace. Before the 1980s, violence against women had not been considered a human rights problem requiring governmental action. After 1985, the impact of violence was achieving worldwide recognition at last. "The overwhelming evidence on the violations of the human rights of women shown and debated in public could no longer be denied

---

by governments calling themselves democratic."\textsuperscript{100} However, major studies conducted by the UN showed that, despite the attention given to protection from violence, there had been virtually no improvement for women. Nor had there been measurable improvement in the other targeted areas of employment, health, and education. The 1990 review of progress in implementing the Nairobi Forward-Looking Strategies affirmed the earlier finding, that real change at the grassroots had not occurred to any significant degree. Clearly there were problems implementing and enforcing the existing conventions, and all 1990s conferences would focus on the recognition that, as Boutros Boutros Ghali averred, "Women not only [are] the most adversely affected by social upheaval, but also [are the] potent agents to bring about change."\textsuperscript{101} Frustration was evident at the 1993 United States Congressional Hearings on Human Rights Abuses of Women when Representative Bereuter reported:

There is an appalling litany of gender-based human rights abuses that arise solely on the basis of gender. The slave trade of young women, forced prostitution, widow burning, physical mutilation, selective malnutrition of female children, and female infanticide are all too common. There are also more subtle but equally devastating forms of discrimination against women. In many countries women are denied an education and thus are forced to repeat the endless cycle of poverty. In the past, many of these abuses have been passed off as mere differences in culture. Indeed, at this summer's Vienna Conference on Human Rights, there was an aggressive effort to dilute international human rights principles to account for cultural differences. It is argued that we in the west simply do not understand the complex social institutions that have given rise to gender abuse. But I think we will not be misled...slavery, forced prostitution, bride burning and the rest of the litany of abuses against women should not and must not be excused as cultural idiosyncrasies.\textsuperscript{102}

At last, in December 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence Against Women, declaring gender-based violence a violation

\textsuperscript{100} Gierycz, et al., Human Rights Education for the Twenty-First Century, p. 104.
\textsuperscript{101} Boutros Boutros-Ghali, The United Nations and the Advancement of Women, p. 65.
of human rights. It correctly describes gender violence as one "mechanism by which women are forced into a subordinate position compared with men."\textsuperscript{103} The interpretation that violence against women was a private matter, protected by tradition and culture, was overturned.

Efforts continued in 1994, with the convening of the International Conference on Population and Development in Cairo. Delegates affirmed the four requirements for an effective program of world development: gender equality, empowerment of women, the ability of women to control their fertility, and the elimination of violence against women.\textsuperscript{104} A consensus was emerging in the international community that empowering women was critical to realizing full economic, social, and political development worldwide. The 113-page Cairo Program of Action "enshrine[s] for the first time a new concept of population policy that goes beyond traditional family planning to areas like reproductive health care, enabling women to make their own choices and [also promotes] equality between the sexes."\textsuperscript{105} The program assigned human rights, choice, and planned families—including choice in the number and spacing of children—a central role in the achievement of sustainable development, and each was designated contingent upon achieving gender equity.\textsuperscript{106}

Most recently, September 4, 1995, the 4\textsuperscript{th} World Conference on Women was held in Beijing, China. Again, delegates from all over the world met and identified twelve target areas for women's advancement. Sadly, human rights targets for women were slow to be endorsed by all states. According to Human Rights Watch, a number of countries

\textsuperscript{103} Gierycz, et al., \textit{Human Rights Education for the Twenty-First Century}, p. 112.
including Iran, India, Guatemala, and Egypt were using concepts of women's "special role in society" to deprive women of equal rights. It seemed that women were actually losing ground in their struggle.\textsuperscript{107} Prime Minister Benazir Bhutto of Pakistan opened the Conference: "How tragic it is that the pre-Islamic practice of female infanticide still haunts a world we regard as modern and civilized. Girl children are often abandoned or aborted. Statistics show that men now increasingly outnumber women in 15 Asian nations."\textsuperscript{108} Bhutto's call for action again demanded protection from violence, be it "the rape and terror of ethnic cleansing...or domestic battering."\textsuperscript{109} Agreement was finally reached on a nonbinding "platform for action" that called upon governments to "raise the economic circumstances of women, protect them from increasing levels of violence and improve the status of girls throughout the world."\textsuperscript{110} For the first time, a United Nations document stated that a woman has the right to say no to sex. This is especially important to women who "live in countries where husbands can legally force a wife to have sex even, for example, when a husband is infected with the virus that causes AIDS."\textsuperscript{111} Again, though the UN document is nonbinding, delegates hope that it will provide added visibility about the problems of violence, and will serve as a "template for national policies and legislation."\textsuperscript{112} Maria Plata of Bogota, Colombia explained how women's groups in Colombia use the Women's Convention to promote equality and reproductive

\begin{itemize}
  \item \textsuperscript{106} United Nations, \textit{Women: Looking Beyond 2000}, p. 3.
  \item \textsuperscript{109} ibid.
\end{itemize}
health, observing that, "the moment we used an international treaty, the government saw our claims were legitimate and began to take us seriously."\textsuperscript{113} The result of international pressure for the rights of women in Colombia was inclusion into the Constitution of a provision granting women the right to decide how many children they have.

According to Vivian Brooke, a Missoula, Montana delegate to both the Cairo and the Beijing conferences, while non-binding, the Beijing Platform of Action becomes a moral responsibility that governments take on: "Armed with a unanimously agreed upon platform, delegates then become active participants at home, working to get provisions on the books." Key provisions in the Beijing platform for action include a woman's right to decide all matters relating to her sexuality, rights to protection against violence, the right to access credit, and rights to equal inheritance. To Ms. Brooke, however, the real power of the UN Conferences was in the contacts that were made there. Women from all over the world were able to come together and work toward common goals for the women in their communities. "The networking done by women attending workshops was the most critically important activity of all," said Ms. Brooke, "Coming up with actual programs, together, brings the platform to life." Ms. Brooke described her interaction with a woman from Mexico, who did not know about grant applications or how to write one. Ms. Brooke was able to describe the process, and put the woman in touch with NGOs and sources where she might find funding for the grassroots programs she wanted to see in her community. "Working with other women alleviates the isolation women feel, especially in fund-raising, and especially when competing against men for scarce money." When I asked Ms. Brooke if she felt optimistic, ambivalent, or pessimistic

about her and other women's efforts in the area of human rights for women, she answered pragmatically, "I am sometimes frustrated, so I do something small. I can't stop what the Taliban is doing in Afghanistan, but I can work at the Women's Clinic in Missoula for a couple hours a week. It often feels like the world takes one-and-a-half steps forward and two steps back as far as women's rights goes. But like the Chinese say, 'A journey of a thousand miles begins with the first step.' I think we have taken that step now, so I just try to make steady progress, myself, for the satisfaction of it." When I asked her whom she thought was listening, she answered, "Other women. That's really all we have."¹¹⁴

¹¹³ Rebecca Cook (ed.), The Human Rights of Women, p. 19.
¹¹⁴ Vivian Brooke, telephone interview, October 17, 1997.
Chapter 3
Status of the World's Women

Do not make the mistake of thinking that concerned people cannot change the world; it is the only thing that ever has.

Margaret Mead

Introduction

According to the United Nations Development Programme, Human Development Report of 1995, women's quality of life as defined by such factors as health, education, employment status, and political rights, is nowhere in the world equal to that of men's.\(^1\) However, as the Director of the Centre for International and Public Law at the Australian National University, Hilary Charlesworth writes: "Much feminist energy is now being devoted to finding ways in which human rights law can become less male and truly more human."\(^2\) This chapter will attempt to survey the challenges that confront women today, and that continue to place them at the margins of the international legal order.

No single, radical event like the Holocaust can be shown responsible for the current rise in attention given to the human rights abuses of women, rather, a number of factors may be said to have contributed: worldwide women's rights movements, the decolonization of European empire, the increasing influence of NGOs, and the rise of the United Nations. The standard of equal rights for women has been established in international law since the creation of the United Nations Charter. Achieving equality in practice is a different matter.

---


\(^2\) Ibid., p. xx.
As we saw in chapter two, modern human rights law emerged out of the chaos of World War II. Human rights law that specifically addressed the problems facing women took much longer to formulate. The United Nations had always included women as beneficiaries, "as refugees, that is or as victims of catastrophes," but after 1975, which was proclaimed International Women's Year, the human rights landscape for women began to change. The most profound demonstration of the emergence of distinct human rights protections for women occurred in 1979 with the United Nations General Assembly's adoption of the watershed document, the Convention on the Elimination of All Forms of Discrimination Against Women (the Women's Convention). Women were finally seen as activists as well as beneficiaries in human rights law. The Women's Convention demonstrated an increasing awareness that post-World War II human rights instruments were drafted without full appreciation that rights afforded to individuals did not effectively include women. To examine the problem of applying international human rights standards to women, this chapter first will survey categories of gender discrimination and their regional effects on women. Then, to the extent they exist, governmental articulation of policies supporting women's rights will be investigated. Two obstacles emerge as the most serious impediments to human rights for women: first sovereignty- and tradition-based justifications for abuse and discrimination; and second, discrimination rooted in religious orthodoxy prevalent in many cultures. This chapter will consider ways in which international human rights measures have been applied to correct the abuses that exist, as well as the level of success achieved. Remedies include the adoption of influential international conventions and declarations, the convening of

authoritative conferences, and the establishment of international norms and standards for nondiscrimination. Finally, it is critical to examine, however briefly, the outrageous plight of women in times of conflict, women as refugees, and women as victims of HIV/AIDS, and the extent to which they remain unprotected.

To reassert the original caveat, it is not possible to possess absolute knowledge of what is in the hearts of all the world's women. However, what emerges in the research and literature of human rights for women is a clear pattern of systematic discrimination based on gender. Women may "hold up half the sky," as Mao asserted, but they do so while receiving a fraction of the economic, social, and political resources available to men. The reasons for this tremendous disparity based on gender are complex and vary across borders, but what emerges is a pattern of abuse and discrimination against the world's women along generally shared areas of concern. This chapter will provide the merest survey of issues and challenges faced by women worldwide. At the outset, it is important to acknowledge women's diversity and differences around the world, but also, women's shared history of inequality. It is true that many, including women, consider the gender dynamics of their lives to exist within a familial sphere, beyond the scrutiny—or the protection—of the state or international community. Women may view obstacles to their own development as personal problems that must be borne. They may also be unaware of the matrix from which their families, their culture, and changing material and social conditions emerge to script gender roles, they may very well be uncomfortable resisting these roles in formal, public, and political ways. Nonetheless, the literature reveals considerable resemblance between issues addressed by Western feminists and those addressed by non-Western feminists, though the details vary. Professor Uma
Narayan suggests that while Western women might be unfamiliar with the violence against women connected to the institutions of dowry and arranged marriages, they are no strangers to battery and violence within their own various forms of marriage and family arrangements. Throughout the world, women are disempowered and invisible. The United Nations has recognized that "in no society today do women enjoy the same opportunities as men." Throughout the world, gender is consonant with poverty.

Worldwide, 60% more women than men are illiterate, and women's wages are three-fourths that of men's. In most countries, marital rape is not considered a crime. In countries that practice "son preference," millions of babies are killed at birth or are aborted. In these countries, the sex ratio is as low as 88-92 women per 100 men—the lowest since the census began at the beginning of 1900. In war-torn countries, thousands of women and girls are victims of mass rape and torture; they suffer a double impact from war and social upheaval. Politically, only five countries in Europe have legislatures with 30% or more women, only five countries have women leaders, and there is still one country—Kuwait—where only men can vote. Women in Kuwait are trusted to raise the nation's sons, but not to participate politically. One could argue that while women's "condition" worldwide is not the same, it does, in fact, rhyme.

An exhaustive listing of human rights abuses worldwide is beyond the scope of this paper, but revealed in a country-by-country examination of current abuses are patterns of discrimination that recur: lack of access to the political process;

---

discrimination in education and the problems of illiteracy; women's overrepresentation in the ranks of the most poverty-stricken; discrimination in employment, development, and access to credit; discrimination relating to widowhood, inheritance, and property rights; problems relating to reproduction, health care and childbirth; violence against women, including genital mutilation; and the special problem of women in wartime. Collectively, the evidence of systematic discrimination and abuse will demonstrate the reasons why separate human rights law for women is vital.

Overarching specific categories of discrimination and abuse against women are two important thematic obstacles to women's attainment of their full measure of human rights. These intransigent obstacles are the recent marked growth of religious fundamentalism and ideas of cultural relativism. Following is a brief examination of these two most entrenched barriers to the achievement of universal human rights.

**Religious Fundamentalism**

Although all religions were initially founded with the aim of purifying men and women and helping them to lead ethical lives through prayer, it was found in some instances that blind traditions, customs and superstition often resulted in--not the cathartic effects of religion--but the spread of communalism, fanaticism, fundamentalism and discrimination.8

Heera Nawaz, law student, Bangalore College of Law, 1993

The recent growth in religious fundamentalism poses a serious threat to women's human rights. Professor Martha Nussbaum of the University of Chicago writes that in most liberal democracies, protecting religious freedom is an important function of

---

government. But democracies typically support a number of other important freedoms as well, such as the right to free speech, assembly, movement, and bodily integrity, for example. Some religions, however, do not support these civil liberties, and would seek to deny these freedoms to classes of people based on race, caste or gender. Such sectarian denials of freedom do not have much influence in countries where religions do not wield significant legal power. But in many countries where religious authority actually controls the legal system, denial of civil liberties has an enormous impact on women and minorities.\(^9\)

The term "religious fundamentalism" is infinitely charged, and is often misused to describe extreme religious activism in a religious group other than one's own. For the purposes of this paper, however, the definition of religious fundamentalism may be best described as that which negatively affects human rights achievement for women. Fundamentalism seen his way can be defined as militant activism that seeks to gain or maintain social and legal structures that encompass separate-spheres ideology for men and women. Religious fundamentalists under this definition would fight any movement, social or political, which they would perceive as threatening to a loss of hegemony. This examination will be confined to the contemporary rise of fundamentalism in Christianity, Hinduism, and Islam. Common to each are two beliefs, both rooted in the patriarchal historical past. The first envisions women's sexuality as potentially evil and destructive to men, and insists that structures must be enforced to maintain women's chastity and control their sexuality. The second is an underlying principle that women must be obedient and submit to men. The obedience rule has especially profound ramifications for

women because it maintains a system of complete subordination of women to men, and obviates any possibility for equal status in society. There also exists, under enforced obedience doctrine, a high risk of violence as a result of the belief that a husband is entitled to discipline his wife. What is more, religious fundamentalism rejects United Nations Charter language that denies any particular religious law as the source for human rights standards.

Christianity

Fundamentalism in Christianity can be found both in the Roman Catholic church, and in Protestantism (groups too numerous to enumerate, but collectively referred to as the New Christian Right in the United States.) Like other fundamentalist groups, Christian fundamentalists support the separate-spheres gender ideology where the father and husband exercises absolute control and authority over his wife and children in a protection-in-return-for-obedience model. In Latin America, the conservatism of the Catholic Church coupled with a tradition of "machismo," provide significant roadblocks to women's development in society. Personal freedom is severely curtailed for women in Latin America, where they are denied the right even to make decisions regarding fertility and access to contraception.

Christian fundamentalists, particularly in America, strive to threaten the secular state, and were directly responsible for the defeat of the Equal Rights Amendment. To those advocating universal human rights, fundamentalists' goal of establishing a

---

11 Ibid., p. 591.
conservative religious state, the legal structure of which is the patriarchal family, flies in
the face of the twin constitutional principles of non-establishment, and the free exercise
of religion. The obedience rule also threatens continued diminution of the status of
women in society.

Hinduism

There are a number of fundamentalist Hindu movements, most of which are
located in the Hindu state of India. As with Christianity, Hinduism has experienced a rise
in fundamentalism, and in increased attacks by male Members of Parliament "against the
tyrranny of modern women."14 As Christian fundamentalism embraces the patriarchal
past, Hindu fundamentalism seizes upon its own idealized history, particularly the glory
of ancient India and the glorification of male warriors. The role models found in India's
historical epic stories reinforce strong gender ideologies, but none more important than
that of the goddess Sati, whose name means chastity or virginity. In the myth, Sati
sacrifices herself to preserve the honor of her husband, becoming the Hindu ideal of
womanhood. Thus, sati is the name given to a woman who is burned to death on her
husband's funeral pyre--the ultimate in virtue and honorable womanhood.

Fundamentalist Hindus hold that the primary role for women is manifest by the goddess
Sati, but that she is incapable of maintaining the standard without external controls to her
dangerous sexual nature.15 If a young woman loses or is perceived to have lost her virtue,

14 Nussbaum, Women in Human Development, p. 171.
15 Gerald Larson, "Hinduism in India and in America," in Jacob Neusner (ed.), World Religions in
she disgraces her family, and her male relatives are "obliged to execute her."\textsuperscript{16} The woman's early marriage reduces her potential to disgrace the family, so in fundamentalist families, marriages are arranged at early ages, preferably before menstruation, to minimize the opportunity for premarital affairs. In these families, laws enacted in 1955 and 1956, raising legal marriage age to 18 for women and 21 for men have been largely ignored. One Health Minister in the state of Uttar Pradesh in India reported there were a number of villages where all the girls over the age of eight were married.\textsuperscript{17} There are reports of marriages involving girls as young as seven, a practice bolstered by overwhelming community support. While such child marriages do not necessarily imply sexual consummation--which is usually delayed until puberty--the child is transferred to the power of the husband's home, and her schooling usually ends at this point.\textsuperscript{18}

Fundamentalist mechanisms to ensure obedience after marriage include religious modesty laws requiring women to stay indoors and segregated from men. The ideal of Indian secularism since independence has meant only neutrality in law among the religions, not the separation of church and state. Therefore, the legal system is uneven and circuitous, with most court decisions preserving the status quo regarding women's rights. Broadly, the system works like this: a child is classified at birth into some religious group--usually that of both of his/her parents, and a religion is chosen for the child. Children are governed by that religion's particular system of personal law, rather than a uniform civil code. Increasingly, this system of law results in a life for women

\textsuperscript{17} Ibid., 557-558.
governed by long-standing traditions of child marriage, dowry, and female malnutrition.\textsuperscript{19} Feminist scholars argue that caste and religious communities are increasingly powerful over women's lives in recent years, resulting in heightened violence and strengthened patriarchal controls.

The first campaigns by women's movements for rights in India were organized against dowry and rape. Payment of dowry is a Hindu tradition where a sum of money as well as other items of value are given by the bride's family to the groom's family at the time of marriage. In 1979, a young woman from Delhi made a deathbed statement that her in-laws had set her on fire because her parents were unable to fulfill the in-laws ever-increasing dowry demands. Until this time, women's deaths by fire (listed as "stove accidents," where the woman was found doused with kerosene and lit) were classified as suicides. Police failed to investigate them or even to categorize them as anything more than private affairs of the family. Feminist groups like the Mahila Dakshata Samiti began to take testimony from women, friends and neighbors by way of evidence that the suicides were in fact murders. Eventually, families began to lodge complaints with the police on behalf of their daughters. Finally, in 1982, a Delhi Sessions Court magistrate found two people guilty of dowry murder and they were sentenced to life imprisonment. Feminist pressure around dowry and dowry-related murders have resulted in legislation that required any death of a women within seven years of marriage to be investigated as murder, but legislation has not made it easy to convict in the cases of dowry deaths.

Women have been raised to believe that they were dependent upon in-laws for support. They are therefore reluctant to bring charges of harassment, which might result in further

\textsuperscript{19}Nussbaum, \textit{Women and Human Development}, pp. 214, 254-255.
persecution. 20 While agitation by women's groups has resulted in public recognition of dowry-related crimes, entrenched attitudes continue, as do dowry deaths. Despite legislation, officials in India estimate that more than 7,000 dowry deaths occur each year. 21 The typical conviction rate for this crime is one-in-ten. 22

In 1987, what has become a well-known incident of sati in the village of Deorala, India expanded agitation around questions of religion, the rights of women, and the role of law in society. Despite a law banning sati, Roop Kanwar, an eighteen-year-old university student was burned alive on her husband's funeral pyre. The incident sparked widespread debate in India, where pro-sati fundamentalists echoed the "Hinduism in danger" cry against Indian feminists, accusing them of being Westernists, capitalists, and imperialists—sati was outlawed by the British in 1829. All the major actors in support of the pro-sati movement were men—not women, surely because, despite religious justification, the fact is that most sati is involuntary. 23 Roop's father-in-law was a fundamentalist involved in mainstream state politics, and when her husband died, Roop's marital family decided she would become a sati. As sati is a public event, the spectacle was announced in advance, but not to Roop's birth family. Evidence from neighbors, reported in the Times of India, pointed to murder. Neighbors describe how Roop tried to hide in a barn but was "dragged out, drugged, dressed in her bridal finery, and put on the pyre, with logs and coconuts heaped upon her. The pyre itself was lit by her brother-in-

21 Neft and Levine, Where Women Stand, p. 96.
Despite complaints to the police, it took three days before an officer was dispatched to Deorala. Most interesting was the political response after the incident. Instead of outrage at the continued practice of sati against women, policy makers argued in editorials in the *Times of India* that sati was a fundamental part of Hindu religion, and that refusal to legitimize it was a deliberate attempt to marginalize Hindu identity. This particular, well-publicized incident of sati occurred fifteen years ago, but the religion versus modernism debate continues to rage in India. What is more, despite legislation on the books, a rise in Hindu fundamentalism has resulted in increased acceptance of violence against women. Though India functions as a constitutional democracy that professes women's equality under the law, in reality women continue to live as second class citizens.

**Islam**

Modern feminists assert that Islam and the example set by the Prophet Mohhamad in the 7th century accorded women considerable freedom—more in fact than Western women enjoyed until recently. Early Muslim women could own property, had the right to divorce, and participated in public and religious affairs on a footing approximately equal with men. One could argue that Islamic law as it exists in the Qur'an endeavored actually to elevate the status and dignity of women by removing some of the abuses that devalued women in pre-Islamic time, such as female infanticide. But years of elaboration and interpretations of the Qur'an have tended to obfuscate any premodern Islamic

---


25 Ibid., p. 366.
doctrines or protorights in favor of "newly minted Islamic rules," many of which have impeded the development of human rights concepts.\textsuperscript{27} A.K. Brohi, a former minister of law and religious affairs in Pakistan embodied this theme when he wrote:

\begin{quote}
Human duties and rights have been vigorously defined and their orderly enforcement is the duty of the whole of organized communities and the task is specifically entrusted to the law enforcement of the state. The individual if necessary has to be sacrificed in order that the life of the organism be saved. Collectivity has a special sanctity attached to it in Islam.\textsuperscript{28}
\end{quote}

Gaps in sources and a lack of textual authority regarding the rights of women revealed serious ambiguities in interpretation; Muslim jurists were rarely unanimous on how women were meant to function in society. As a result, women's status in Islamic law is even now complex and unevenly applied. However a central theme throughout fundamentalist Islam is that women hold the seeds of destruction for men and society, and must be carefully controlled. Muslim fundamentalists in recent years increasingly reject the tenets of "modern, western" feminism, and, as a reaction to the west and modernism, have expanded Islamic doctrine to even more severely cloister women. There have been stepped up attacks on those who would advocate equality for women, branding such agitators "servile imitators of the west," and challenging their sense of nationalism and cultural integrity.\textsuperscript{29} These Juristic elaborations on the \textit{shari'a}, or Qu'uranic law, have placed women firmly in a subordinate role vis-à-vis men.

Fundamentalist groups can be found among both Sunni and Shi'ite Muslims, and over a broad geographic range. Fundamentalist Shi'ite groups include the post-

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{27}] Ibid., pp. 48, 49.
\item[\textsuperscript{28}] A.K. Brohi, as quoted in ibid., pp. 51-52.
\item[\textsuperscript{29}] Syed Abul A 'La Maududi, as quoted by Courtney Howland, "Women and Religious Fundamentalism," in Askin and Koenig (eds.), \textit{Women in International Human Rights Law}, p. 563.
\end{itemize}
\end{footnotesize}
revolutionary regime in Iran, the Islamic Call and Islamic Fighters in Iraq, and the
Battalion of Lebanese Resistance in Lebanon. Other fundamentalist groups are found in
Egypt, Bangladesh, Pakistan, Indonesia, Malaysia, Afghanistan, Algeria, the Sudan,
Jordan, Syria, Saudi Arabia, Kuwait, Qatar, United Arab Emirates, Kurdistan, and in
Turkey. An exhaustive study of each is beyond the scope of this paper, but certain
aspects of their beliefs about and treatment of women are strikingly similar and relevant.
All fundamentalist groups support traditional roles for women within separate, secluded,
gender spheres, and the notion of women's obedience to men. Seclusion of women, or
*purdah*, is required so that the patriarch might control "the dangerous sexuality of the
women in the family." As with Hinduism, under fundamentalist Islam marriages often
are arranged for girls at an early age in order to protect their chastity and honor. These
marriages usually occur by age fifteen, but in certain parts of Iran, for example, 80% of
wives had been married between the ages of nine and sixteen.

Obedience is paramount under fundamentalist doctrine, and women are required
to submit to their husband's authority in all things, including his indisputable right to sex.
Should the woman be disobedient, it is permissible for him to beat her. The ultimate
disobedience by a wife is adultery, and in 1990, Iraq sanctioned in law the ultimate
punishment, death, for the crime. Kurdistan recently passed a law exonerating a man for
murder in the case of adultery; 550 women have been thus murdered since the law was
enacted.

---

30 Courtney Howland, "Women and Religious Fundamentalism," in Askin, and Koenig (eds.), *Women in
31 Ibid.
33 Courtney Howland, "Women and Religious Fundamentalism," in Askin, and Koenig (eds.), *Women and
Fundamentalist Islam is premised on inequality between men and women in marriage, divorce and all related matters. For example, a man might have up to four wives, and divorce them all without having to show due cause. A woman, on the other hand, can only be married to one man and has few options for divorce. Should she leave the matrimonial home, she can be physically returned through the execution of a judicial "obedience decree."³⁴

Purdah, or seclusion, has a number of obvious harmful effects on women. It curtails or prohibits women from working outside the home. Also, women are discouraged from any involvement in politics, they are not allowed to travel without written permission from their closest male relative, and in Saudi Arabia, women are not permitted to drive.³⁵ Fundamentalism also enforces modesty codes of dress for women, which require that they be covered from head to toe. In post-revolutionary Iran, violation of the mandatory law requiring women to be veiled brings 74 lashes with a whip. Women often are beaten or harassed on the street for non-adherence to the dress codes, or are punished with extreme acts of cruelty such as being slashed with razors or splashed with acid. Other offenses include using makeup, showing one's hair, or having an open coat button.³⁶ Amnesty International reports that in the Sudan, when women's dress is inappropriate, the woman is "subject to amputation of hands and feet, hanging, stoning to death, or hanging followed by crucifixion of the body."³⁷

In 1998, Pakistan elected its most religiously conservative president since Zia-ul Haq died in 1988. Rafiq Tarar immediately registered his support for the segregation of men and women, separate education for boys and girls, a rule requiring four male witnesses for a rape conviction, and the veiling of women. The U.S. State Department reports that the practice of "honor killings" is on the rise in Pakistan. In June 2000, a young woman was killed by her father who reportedly opposed her efforts to choose a spouse without parental consent.

These aspects of fundamentalist Islam reinforce submission and dependency and deprive women of life choices as well as an ability to achieve their full legal and social capacity.

The Special Case of Afghanistan

While fundamentalist movements have had serious repercussions in many parts of the world, none has had a greater impact on the lives of women than the militant and repressive form of Muslim fundamentalism that has taken hold in Afghanistan. Here, a fundamentalist force known as the Taliban imposes strict Islamic law, the outcome of which has been that women who previously enjoyed a number of rights and freedoms now live lives of complete seclusion and deprivation. The situation in Afghanistan represents the most heinous human rights abuse of women in the world today. The Taliban regime in Afghanistan has waged war upon women in that country since the radical Islamic movement took control of Kabul in September, 1996. The combined

effects of war-related trauma and human rights abuses instituted by the regime have led to a profound human rights emergency in that country.

Under an ultra-conservative interpretation of Islamic law, the Taliban have declared a state of gender apartheid in Afghanistan. Women are stoned to death for adultery, often on little or no evidence. Women can no longer go out in public without wearing the burqa, an all-enveloping cloak that covers women from head-to-foot, leaving only a mesh opening at the eyes. If a woman refuses to wear the burqa, or cannot afford one, she is beaten on the streets by Taliban militiamen. The Taliban requires that women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their windows painted over. Girls can no longer go to school--though schools have been set up and attended surreptitiously.

William Vollmann, writing for the *New Yorker Magazine*, reported seeing a woman being beaten for painting her nails. In his article, Vollmann asks one Taliban member why they do not open the girls' schools. "[Because] we need to protect the ladies," was the Taliban member's response. Vollman continues questioning, "If a Talib sees a woman wearing a head scarf but no burqa, what will happen to her?" "She will be whipped...they punish her in the stadium. They lash the woman. Make her sitting down, and lash her through the burqa." "How many days afterward was she likely to remain injured?" Asks Vollman. "For two, three months. Some die from this action."41

---

Originally, women were excluded from all employment outside the home, but in
1999, were allowed to work in the medical sector, treating only women. Nonetheless,
the status of women's health is declining under the Taliban regime. Life expectancy for
women now is forty-four years. Tuberculosis rates for women, and maternal mortality
rates are soaring. In a 1998 study, the Journal of the American Medical Association
reports the "combined effects of war-related traumas and human rights abuses by Taliban
officials have had a profound effect on Afghan women's health." These include
deteriorating mental health in the form of post-traumatic stress disorder and depression,
as well as urgent physical deterioration due to the severe restrictions on their public
activities. Of the 160 women surveyed, 87% experienced decreased access to a doctor,
97% experience major depression, and one-fifth of the women had considered suicide.
Fifty-three years after the world declared human rights for all, the silence of
Afghanistan's women is deafening.

Cultural Relativism versus Universalism

The second major obstacle to women's achievement of full human rights is what
has come to be known as the "tradition and culture excuse," or cultural relativism. Prior
to World War II, international law was limited to regulating relations between states.
Treatment of one's own citizens was solely within the jurisdiction of the state. As we
have seen, modern human rights law is written to protect the rights of the individual and

42 Department of State, Joint Committee Report, Country Reports on Human Rights Practices-2000:

43 Zohra Rasekh, Heidi Bauer, Michele Manos, Vincent Iacopino, "Women's Health and Human Rights in

to establish a minimum standard of morally acceptable behavior in a civilized world. In her landmark book, *Human Rights of Women*, Rebecca Cook writes, however:

International human rights law has not yet been applied effectively to redress the disadvantages and injustices experienced by women by reasons only of being women. In this sense, respect for human rights fails to be "universal." The reasons for this general failure to enforce women's human rights are complex and vary from country to country. They include lack of understanding of the systematic nature of the subordination of women, failure to recognize the need to characterize the subordination of women as a human rights violation, and lack of state practice to condemn discrimination against women.45

Within states, cultural relativist systems tend to protect male dominated structures and stand as a roadblock to the achievement of universal human rights. It has been argued that women's unequal treatment in domestic law and practice

is a direct result of their systematic exclusion, by custom and by law, from access to key elements of empowerment: education, physical and social freedom of movement, and mentorship by those already in power. It is evidence of structural inequality [that cannot be addressed by a theoretical discourse on rights.] Structural inequality results in the perpetuation of injustice and ignorance...[and] refers to the essential power imbalance between women and men, in which men have held most of the power to make decisions that affect women, families, and society.46

Adoption of the Women's Convention in 1979, and the 1993 Declaration on the Elimination of Violence Against Women is resulting in the slow evisceration of heretofore sacrosanct distinctions between the public and private spheres. It is that dichotomy that has contributed historically to the subordination of women. The private realm was that into which the government refused to intrude, and lack of protection here only exacerbated women's vulnerability. Research supports the fact that gender-based

---

violence is routinely ignored worldwide. During one parliamentary debate on wife beating legislation in Papua New Guinea, one representative remarked, "Wife beating is an accepted custom. We are wasting our time debating this issue."47 A State Department human rights report on Rwanda describes the extent to which traditional practices affect the lives of women in Africa, already suffering under inter-ethnic violence:

Violence against women is common. Wife beating and domestic violence occur frequently. Cases normally are handled within the context of the extended family and rarely come before the courts. Despite constitutional provisions, women continue to face discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector.48

Tradition and culture often are used as justifications for structural inequality, and for practices that are harmful to women. To name a few, these practices include: honor killings, child marriage, bride burning, female infanticide, forced veiling, female genital mutilation, widow immoliation, rape and slavery. Although human rights standards, particularly the Women's Convention, obligate states to take measures to eliminate social and cultural practices that discriminate against women and perpetuate stereotyped gender roles, the pattern of male power is deeply rooted in cultural, traditional systems, and is reflected in national laws. What is more, tradition becomes a weapon of post-colonial nationalism skillfully wielded to maintain the status quo of women in society. All too often, cultural pride equates to blindness of cultural inequities, with women most often its victims. Particularly in the developing world, changes in cultural and traditional values that reform discriminatory practices are selectively labeled "Western," castigated, and dismissed. But Third World feminism is not mimicry of Western feminism. It responds

to issues that confront Third World women, whether those issues be dowry murders or
dowry-related harassment, issues of poverty or health, issues of police rape in custody, or
child marriages. The changes Third World feminists want are not national betrayals, but
rather are pragmatic adaptations of tradition, recognizing that Third World culture is not
frozen in time or space. Third World nationalists freely borrow from Marx and western
theory without being seen as betraying their communities. Traditionalists find it,
however, unacceptable for Third World feminists to adapt "Western" strategies in an
effort to throw off their own oppression. Neither nations nor cultures are static but rather
are historical inventions and constructs that change and evolve. Women ask only for a
voice in how those changes proceed. Despite efforts by the United Nations and NGOs,
the twin obstacles of religious fundamentalism and cultural relativism will ensure that
years of historical discrimination against women will not be overcome any time soon.

**Categories of Discrimination**

Despite United Nations Charter language that affirms "respect for human rights
and for fundamental freedoms for all without distinction as to race, sex, language, or
religion," and an assertion in the Universal Declaration of Human Rights that states,
"All human beings are born free and equal in dignity and rights...", women continue to
encounter the barriers of widespread political, economic, and social discrimination--often
codified in domestic law. In hearings before the Subcommittee on International Security
in 1993, Representative Doug Bereuter of Nebraska lamented:

Normally, when the Congress expresses concerns about human rights,
we look at the behavior of a specific country. We look, for example, at

---

49 United Nations, Article 1 of the Charter of the United Nations, 1945, United Nations and the
Advancement of Women, p. 93.
whether country x is engaged in torture or whether country y is oppressing minorities. But today we are considering the transnational systematic pattern of gender abuse. [italics mine]

The abuses to which Representative Bereuter refers vary by country, but collectively telegraph a pattern of subordinating women. Despite the unprecedented visibility of women's rights movements and governments' articulation of policies supporting women's rights, many governments have failed to reform laws that discriminate against women, or have failed to enforce those reforms that do exist. Thirteen countries that have sworn to combat gender discrimination by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, have as of present continued to deny women full citizenship: Algeria, the Bahamas, Cyprus, Egypt, Fiji, Iraq, Jordan, Lebanon, Malaysia, Maldives, Morocco, Republic of Korea, Turkey, and Tunisia, and reserved the right to so do when they ratified the convention. Other governments openly challenge the notion of extending human rights to women, most notably the Taliban in Afghanistan whose unprecedented oppression of women I examined as an extreme example of religion-based abuse of women.

It is impossible within the scope of this paper to examine the abuse and discrimination of women to the extent that it deserves. But a survey of categories of abuse will reveal a global pattern of discrimination against women. An abridgment of discrimination against women follows:

---

Violence

While the nature of gender-based abuse is different in each country, the underlying function is the same: to maintain the inferior position of women. In the area of violence against women, authorities have long been loathe to deal with the problem, viewing it as a private matter, "not for airing in the public arena." But the very nature of domestic violence is that it occurs in private. The Declaration on the Elimination of Violence against Women, adopted 20 December, 1993, endeavors to reverse this impulse to silence, and to erode violent social mechanisms that have resulted in subordinating women within the public/private dichotomy. The Declaration recognizes that violence against women is widespread, and that it is the result of historically unequal power relations between men and women, which "have led to domination over and discrimination against women by men and to the prevention of the full advancement of women." The Declaration also provides a definition of violence that includes both public and private conduct:

Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

53 House of Representatives: Human Rights Abuses Against Women, p. 3.
55 Ibid., 460.
The impressive number of human rights guarantees and standards adopted in the past fifty years, however, have not changed circumstances for millions of women around the world whose lives are filled with violence and the threat of violence. Wife-beating and rape are universal and continuing problems. As we have seen, throughout history women have been perceived as the property of men who had the freedom to discipline or punish them at will. The prerogative of a man to beat his wife has been claimed throughout most of the world, and often sanctioned by law. In the United States, wife beating was widely permitted by law until 1871.56 Today, violent acts against women continue, often ignored or tolerated, sometimes still sanctioned by custom or law. Domestic violence, rape and sexual assault occurs in all countries of the world. Some violence is confined to region. In some cases, violence begins at birth.

Harvard economist Amartya Sen estimated that, in 1990 100 million fewer women were alive than had been projected by demographic studies. Abortion, female infanticide, and other practices harmful to girls were clearly implicated in the numbers of "missing women."57 Countries where the practice of son-preference is particularly problematic are Bangladesh, Afghanistan, India, Pakistan and China. One survey reported that of 600 families in southern Asia, 51% reported having killed a baby girl during the first week of life.58 Girls that remain in the family often are fed less than their brothers, denied health care and immunizations, and almost always are provided fewer educational opportunities, as we shall see.

Radhika Coomaraswamy, J.D. from Columbia University and United Nations Special Rapporteur on Violence Against Women, writes that constructions of sexuality

56 Naomi Neft and Ann Levine, Where Women Stand, p. 151.
play a defining role in violence against women. Rape has been used throughout history as a means of subjugating and controlling women. Rape is a common weapon used against women and communities in wartime, as we shall see later in the paper. In most countries, rape in marriage is "not a legal possibility." The United Nations reports that sexual abuse of women is common. In Canada, a 1993 study found that fifty-four percent of women had experienced some form of sexual assault by the age of sixteen. In Pakistan and other fundamentalist countries, rape convictions require four male witnesses. In many countries, the penalty for rape does not depend on the gravity of the offense, but on the character of the victim. In Turkey, rapes are rarely prosecuted and when they are, penalties often are reduced if the woman is not a virgin at the time of the rape. In 1996, a series of "honor murders," murders of females considered unchaste, focused attention on inequalities in Turkey's legal code. In one case, a sixteen-year-old girl was murdered by her family because she had dishonored them by "behaving too independently and consorting with boys." Turkey shares the worldwide male preoccupation with female virginity. Human Rights Watch released a report documenting the Turkish government's use of forced gynecological exams in order to insure virginity before marriage.

Fear of women's sexuality is also a factor leading to such practices as child marriages and female genital mutilation. "We like them young. The men have a saying in Hmong: 'If you marry a girl your age, by the time she has given you enough children, she will look twice your age." The man who said this, twenty-year-old Bee Xiong,

58 Naomi Neft and Ann Levine, Where Women Stand, p. 152.
married a thirteen-year-old girl while attending junior college in California. Hmong leaders estimate that between fifty and seventy percent of girls in the Hmong community marry before the age of seventeen; once married, they have an average fertility rate of 9.5 children.63 Throughout the world, girls are married at early ages, often before reaching puberty. Religious fundamentalist leaders in northern Nigeria tell parents it is an Islamic duty to marry off their daughters before puberty to ensure no shame can be brought on the family. All too often, girls given in marriage at such young ages—usually to much older men64—have little or no voice in decisions made about any element of their lives, including reproduction. This subordination of females often leads to serious health complications and sometimes death. An Ethiopian girl named Sefernesh was given in marriage at age ten, and was pregnant at age thirteen. On the seventh day of her labor her husband finally took her to a clinic where she delivered a dead child, and was left with serious reproductive health complications.65 Cultural traditions and norms most often contribute to early marriages, and a bride's value is directly related to her virginity. Early marriage is the result of the belief that it is easier to guarantee the virginity of a twelve-year-old than that of a twenty-year-old, thus, giving a child up to sexuality to avoid sexuality. In Pakistan, Bangladesh, Nigeria and other fundamentalist countries, girls are socialized to run a household at age twelve and marry by age thirteen—they do not have a voice in decisions around marriage. The consequences of early marriage are obvious. Education is cut short in almost every case; the significant age difference between bride and groom reinforces the wife's dependency and powerlessness, and may compel her to

64 Ibid., 673.
stay in an abusive situation; and there are serious health risks. Early marriage leads to
greater risk of AIDs infection at an early age and to difficulties in childbearing.

Nonetheless, adolescent girls are increasingly the objects of adult male sexual attention
because it is thought they are less likely to be infected with the AIDs virus.66 The
international community has grappled with the problem of the early marriage of girls, but,
no international treaty stipulates a minimum age of marriage--only that it be consensual.
There is great disparity among countries as to legally sanctioned marriage age--anywhere
from fifteen years to eighteen, but despite codified law, states one Sengalese official "all
law has to conform in some degree with socio-cultural traditions."67 Government officials
most often acquiesce to local cultural norms, despite what is on the books.

Another effort at controlling the sexuality of women is female genital mutilation
(FGM), which, despite international law against the practice, continues to be performed
on at least twelve million girls every year in Africa, Asia, and parts of the Middle East.68

FGM is an ancient custom in which a young girl's clitoris is cut off, sometime along with
other tissue, and the remaining outer edges stitched together leaving only a small
opening. It is usually performed between the ages of four and ten. Proponents of the
practice claim that it is done to destroy a woman's sexual sensation in order to preserve
her virginity until marriage, and to prevent the woman from succumbing to temptation
after marriage. Women are told that it "beautifies" them, and that a woman is not
considered marriageable unless she has had it done. The procedure is sometimes called
"female circumcision," though a comparable procedure for a man would mean removing

67 Ibid., pp. 673, 691.
the entire penis, sometimes with its surrounding tissue. The consequences of FGM can be severe. The most immediate problem is infection, as this procedure is often done in a non-sterile environment, on several girls consecutively. Herbs, mud or even animal feces are applied to the area to promote healing and stop bleeding. Long-term complications include scarring, obstruction of the vaginal opening, infertility, and obstructed labor—which often is the cause of maternal death. FGM is abhorred in most countries as a harmful and controlling cultural practice, but is a deeply ingrained cultural practice in others, often celebrated with ceremony and ritual.

Political Rights

Despite the fact that women make up half the electorate in most countries, there is not a single country where women enjoy half the political status or influence that men do. While five countries were headed by women in 1997, in no country have they come close to making up half the legislature, or half the judiciary. In only five countries, all in Europe, do women constitute one third of the national legislature. In the United States, 11% of the legislature is female, in Cuba, 23% is female, and in Guatemala it 14%. In fact, the percentage of women in legislatures worldwide has been declining in recent years. Ironically, one reason for the total drop of female representation is that quotas guaranteeing women a certain level of representation in the former Soviet Union and East Europe under communism were abolished when those countries turned to democracy.

---

72 Ibid., p. 19.
Even in countries where legal discrimination has decreased, women continue to be treated as subordinates politically. As we have seen, most women began to acquire political and civil rights by at least the mid twentieth century with the right to vote and to hold public office. But the percentage of women actually holding public office is minimal. Latin America provides an interesting example of women's participation in politics versus their actual power and influence. In Chile--although Chile is not at all unique--more women than men are registered to vote (52% compared to 48%), and almost all women who are registered vote. However there is only one woman cabinet member, no female governors, seven female representatives out of 120 seats, and no women on the Supreme Court. The reasons for women's political under-representation in Latin America are not uncommon in the rest of the world: women are significantly poorer than men--they cannot afford to run for office; they occupy fewer of the skilled jobs than men, and hold little influence in business; and they suffer lower literacy rates. More important to women's lack of voice in government is their lack of power in society and in the home, embedded in the machismo, religiously conservative culture of Latin America.

*Educational Discrimination*

Education is critical to empowering the world's women. Particularly in developing countries, women are often poor, overworked, illiterate, and yet completely responsible for the health and welfare of their families. "Gender apartheid is an obscenity," raged UNICEF's former Executive Director, James Grant, "and it won't end

---

without educating girls."\textsuperscript{74} Literacy has been shown to raise incomes, increase the possibility for smaller, healthier families, improve the social status of women, and increase their willingness to make decisions. Although it is true that boys as well as girls benefit from education, it seems that educating girls actually brings a greater return. Literate women also are more likely to raise literate children.\textsuperscript{75} However, throughout the world, of an estimated 130 million children who are not in school, 60% are girls. In most regions of the world, boys outnumber girls attending school. Even where girls and boys enter elementary school in equal numbers, as they get older, more girls drop out of school. This trend is particularly evident in developing countries: in rural India, 60% of children attend elementary school, but after five years, only 15% of girls remain.\textsuperscript{76} In countries that practice son-preference, if a family cannot afford to educate all its children, boys are educated first. In rural areas, girls often do not receive the education that boys do, and "work an average of three hours more per day than do boys."\textsuperscript{77} In religiously fundamentalist countries, parents believe that school will provide too much freedom for girls, possibly compromise their virginity, and may prove a distraction from girls' traditional roles as wife and mother.\textsuperscript{78}

*Employment Discrimination*

Since the industrial revolution, women's participation in the workforce has been steadily increasing worldwide. Now about 70% of all working age women work outside

\textsuperscript{75} Naomi Neft and Ann Levine, Where Women Stand, p. 29.
\textsuperscript{76} Ibid., p. 46, 47.
\textsuperscript{78} Ibid.
the home. The highest participation of women in the workforce can be found in the developed world and in sub-Saharan Africa. In China, Rwanda, and Sweden, 80% of women participate in the workforce. The lowest participation rates are found in the Muslim Arab states: in Saudi Arabia and Afghanistan, 9% of women work outside the home, (this despite the fact that in Saudi Arabia, women constitute 55% of college graduates.)

Three trends emerge from data involving women's employment. First, women's wages worldwide average from 50 to 70% less than men's, depending on the region. Second, unpaid household work dominates women's time, while paid work accounts for more of men's time in every country. Finally, the amount of time men devote to household work tends to remain the same throughout the man's life, while the amount of time women devote to the household increases significantly throughout her life.

Discrimination in the workplace affects women everywhere. It manifests as unequal pay, unequal opportunity or training, and sexual harassment. What is more, despite the development of international labor standards to protect workers, a recent trend in labor deregulation has led many export-driven countries to actively seek and depend on foreign investment. As a result, all too often, economic reality triumphs over internationally recognized labor rights norms, and women are disproportionately affected. Neoliberal economic models have led to the exploitation of women's labor in a number of countries. In the Philippines, export-oriented, foreign investment-dependent economic programs have resulted in many women becoming involved in export production earning

---

79 Naomi Neft and Ann Levine, Where Women Stand, pp. 48-51.
21¢ per day, (the cost of living is $10.20/per day for the average family). In Mexico, the government attempts to revitalize the economy and to integrate it with rest of North America using the maquiladora sector. Maquiladoras are assembly lines along the Mexican-American border that provide foreign investors with cheap production labor and tax breaks. At least half of the maquiladora workers are women who routinely suffer gender-based discrimination. Because Mexico's federal labor laws require protection of pregnant workers in the form of extra breaks during the work day, maternity leave before and after the birth, and extra provisions for their safety and health, maquiladora factories require women to undergo pregnancy testing as a condition of employment. Women are denied work if they are pregnant, as employers attempt to weed out potentially costly employees. If they become pregnant while they are working, women are harassed or forced to resign. Since wages are higher in the maquiladoras, and many maquiladora workers are uneducated, given the choice between work as a domestic or in the informal sector, women are unwilling to challenge discriminatory practices.

The reality for many developing countries is that all too often national and international labor protections are sidestepped in order to advance economic goals, and no political will exists to counter these trends.

**Trafficking in Women**

On July 12, 2001, The United States Department of State released an unprecedented "Trafficking in Persons Report." The report describes trafficking in

---

persons as "a growing phenomenon...involving at least 700,000 persons a year, especially women and children, across international borders." It reports further, that

Victims are forced to toil in sweatshops, construction sites, brothels, and fields. Deprived of the enjoyment of their human rights, many victims are subjected to threats against their person and family, violence, horrific living conditions, and dangerous workplaces. Some victims have answered advertisements believing that they will have a good job awaiting them in a new country. Others have been sold into this modern-day form of slavery by a relative, acquaintance, or family friend. Trafficking occurs across borders and within countries. It is found in both developed and developing nations, in countries where the government abuses human rights, and in countries where the government's human rights record is generally excellent.83

The State Department report goes a long way in providing authoritative evidence of a persistent and global form of modern-day slavery. Trafficking requires both supply and demand. As a result, the most common victims are poor, and without hope of overcoming their poverty. According to Human Rights Watch, ""the preference for sons in many societies...and the promise of immediate payments often lead families to sell their daughters."84 But women may not necessarily be poor or from developing countries to be victims of trafficking. According to the State Department Report, 45,000-50,000 women are trafficked to the U.S. annually. What they do share is "vulnerability that stems from their status as women, as well as other factors such as youth, a low level of education, a lack of sophistication, mental retardation, family coercion, sheer desperation

or a combination of all of these factors. Some may have merely been in the wrong place at the wrong time.\textsuperscript{85}

Women generally are lured or they are abducted, and are forced into one of three situations: forced prostitution, forced marriage, or forced labor. The fear of HIV/AIDS has resulted in the trafficking of younger and younger children for prostitution and marriage, due to the belief that they will be free of the disease.\textsuperscript{86} Often women are trafficked into remote areas completely unfamiliar to them and linguistically different. These factors compound a woman or girl's already vulnerable status--traffickers hold any identification papers under lock and key. Aside from threats of violence, one method of controlling women under this form of slavery is through invoking a system of debt bondage. Women must work in order to pay for their upkeep, but the amount women earn is often completely unknown to them, and may never be paid off.\textsuperscript{87}

Few trafficked women escape or can be rescued. If they attempt to escape, they are beaten and mutilated in front of other victims as a warning, or are killed outright. For those rare women who do escape bondage, they find themselves adrift in a strange country, without identification, and unable to speak the language. These women are either detained and deported as "illegal aliens," or are returned to the brothel or work situation from which they tried to escape. If deported to their home country, these women often become victims a second time, scandalized as soiled women.\textsuperscript{88} The underlying cause of the trafficking of women is their unequal status in society, which makes them vulnerable to this level of victimization.

\textsuperscript{86} U.S. State Department, "Trafficking in Persons Report," Section I.
\textsuperscript{87} Ibid., 335-336.
The Treatment of Women in Wartime

Throughout history, rape of women in wartime has been a common occurrence. Most recently, rapes have been reported in Bangladesh, Burundi, Cambodia, Liberia, Peru, Rwanda, Somalia, Timor, and Uganda. But the most shocking recent reports have come from the states making up the former country of Yugoslavia. Here, tens of thousands of women and girls were raped during the war that followed the country's dissolution in 1992. All three parties to the conflict—Muslims, Croats, and Bosnian Serbs, have committed rapes, but the Serbs were the worst offenders, systematically raping Muslim women as part of a terror campaign of torture and "ethnic cleansing." In 1996, an International War Crimes Tribunal indicted several Bosnian Serb military, paramilitary, and police officers of rape. It was the first time that rape was recognized as a war crime in international law.89 On February 23, 2001, the United Nations war crimes tribunal in the Hague, in its first trial dealing exclusively with sexual violence, convicted three Bosnian Serb soldiers of raping and torturing Muslim women and girls, and enslaving captives, stemming from events in Foca in 1992 and 1993. The groundbreaking ruling defines rape for the first time as a crime against humanity. The three men were sentenced to from twelve to twenty-eight years in prison, following tortured evidence of Muslim women and girls, some as young as fifteen.90 Confronting the men, Judge Momba, said, "Men of substance do not abuse women in war or peace."91 The message

88 Ibid., 358-360.
89 Naomi Neft and Ann Levine, Where Women Stand, p. 158, 159.
of these prosecutions is loud and clear: rape can no longer be committed with impunity, whether in peace or in times of conflict.

Conclusion

Cultural and attitudinal discrimination exists in all countries, whether as sexual harassment and the "glass ceiling" in America, machismo in Latin America, sati in India, infanticide in China, or female genital mutilation in Africa. Generally, human rights reports on the status of women reveal that gains occur only when the political costs were few, that is, only when there exists no competing interests. Governments and private actors willingly abandon women's rights when other pressures come to bear. Throughout history, power is never relinquished willingly. An Algerian woman puts it this way:

It is never, has never been the right moment to protest...in the name of women's interests and rights: not during the liberation struggle against colonialism, because all forces should be mobilized against the principal enemy: French colonialism; not after Independence, because all forces should be mobilized to build up the devastated country; not now that racist imperialistic Western governments are attacking Islam and the Third World. Defending women's rights "now" (this "now" being ANY historical moment) is always a "betrayal"-of the people, of the nation, of the revolution, of Islam, of national identity, of cultural roots, of the Third World.92

The cultural relativity debate argues that certain traditional practices cannot be altered without harming society, but the international community must ensure that cultural practices that harm women must not trump universal rights, and specifically

92 Marie-Aimee Helie Lucas, as cited in Rupp, Dislocating Cultures, p. 31.
gender rights. "Respecting cultures does not require embracing traditions that marginalize and victimize women."93

Achievement of human rights for all the world's women is not a luxury. Former United Nations Secretary General Boutros Boutros-Ghali wrote: "Women now are recognized as agents of change, as an economic force in themselves and as a valuable resource without which progress in development would be limited."94 Feminist literature is rich with possibility for remedies to the tragedy of women's unequal status. In all of it, though, one simple truth persists: the ultimate aim of international human rights law is to prevail upon, strengthen and enforce national laws. The pressure of public opinion has been shown to have great effect in persuading or shaming governments that violate the human rights of their citizens, and it should be applied on behalf of the world's women. Let there be no mistake about this, human rights issues are political. They involve limiting state power and sovereignty, and no country submits willingly. The international standards have been set. In many cases, national laws against the unequal treatment of women are on the books. What remains is the political will to enforce the laws that exist. States must be made accountable to enforce laws they enact, and pressures for remedy must be applied to states whose legal systems do not protect women, force traditional behaviors, or refuse to sublimate religious law to international standards. Sanctions must be applied in these cases, as they have been successfully applied to end gross violations of racial discrimination in the past. It was only through economic sanctions and the condemnation of United Nations member states that South Africa was compelled to abolish race-based discrimination under apartheid. As it did in 1974, the UN General

Assembly should "refuse to accept the credentials" of any state that refuses to allow all of its citizens the right to participate in society on an equal basis.

Tenacious exposure of entrenched discrimination is also key to achieving the goal of universal human rights. Political activism at the grassroots level is responsible for any improvement in women's status that has occurred to date. This activism must be supported and conducted by men as well—sons must see fathers and teachers valuing girls and women as equals, not as prey or possessions. Clearly, women are the world's largest excluded group. They outnumber men in the one-fifth humanity who live in absolute poverty. There can be no moral ambiguity that human rights promises must be applied universally. This cannot be seen as threatening. Our goal as a civilization should be to "add to the total sum of justice, and [not to] detract from men's portion...men of justice will be satisfied that the rights they enjoy are equally available to their wives, daughters, sisters, and mothers..."95 The extent to which we, as a global community, are guided by a belief in the basic human rights of all people is the extent to which we are truly a moral society.

A revolution has begun and there is no going back. There will be no unravelling of commitments--not today's commitments, not last year's commitments, and not the last decade's commitments. This revolution is too just, too important, and too long overdue...Women are not guests on this planet; rather we represent 50% of the world's population, and we demand our rightful place in societies. Change must come about because change is right.96

---

95 Sonia Picado Sotela, cited in The Human Rights of Women, xii.
Works Cited


**Newspapers/Periodicals**


Electronic Sources


*Commonwealth Currents.* (1-8-1998).


www.state.gov.


www.unhchr.ch/refworld/legal/instrume/women/discr_e.htm


Women's International League for Peace and Freedom.
http://www.wilpf.org/history/about1.htm

*Interview*