HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES by Rebecca Cook (Philadelphia: University of Pennsylvania Press, 1994).

Rebecca Cook's recent contribution to the legal literature on women's human rights, *Human Rights of Women: National and International Perspectives*[1] is an American book that will likely find its best audience in Canada. One of eight volumes in the Pennsylvania Studies in Human Rights, the book emerged out of a 1992 conference on international women's rights held in Toronto. Cook herself is a professor at the University of Toronto's law faculty. Her reputation for extensive contacts and networking in the legal communities of feminist thought and international human rights law is evidenced throughout this multicultural blend. It is a blend that is particularly relevant to the Canadian human rights experience, with twenty-three contributors from Africa, South America and South East Asia, the U.S., Britain and Australia, as well as Canada.

Human Rights of Women offers critical analyses of law's role in redressing the social and legal inequities and inequalities that women face in virtually every human society. It also provides a welcome respite from the "backlash books" that litter the late eighties and early nineties. Indeed, for many who have read Camille Paglia's polemic, *Sexual Personae*,[2] it has become difficult to read any book about the role of women in society without remembering the answer to a powerful question Paglia puts to the reader: who built human society? The answer, according to Paglia, is men. From the great buildings and bridges to the laws of physics and the definitive contributions in science, art, literature and music, the memorable moments of human history owe their existence, almost without exception, to men.

Paglia's explanation for this is not exactly revolutionary in the history of thought: men's psychological behaviour shadows their sexual behaviour and so the physical vectors that propel men in two directions — upwards and outwards — lead them, as it were, to greater things. *Sexual Personae* revived the old chestnut "biology is destiny."

Paglia proceeds to attack women's studies programs (and much of feminist thought generally) as little more than ghettoized fora for organized whining. The reader cannot help but be impressed, if not persuaded, by Paglia's barrage of scholarly support for her thesis, consisting of her views on pretty much everything that has ever happened in the history of western civilization. Paglia also criticizes feminists for their reliance on the crutch of oppression at the hands of men. If this explanation were true, the backlashers argue, women should be more or less equal with men in progressive Western society, at least by now. They would be more strongly represented among the movers and shakers of human thought and entrepreneurial activity. Even in our own "equal" society, Paglia implies, women are not found in anywhere near proportionate numbers in the places that matter — government, politics and business. Indeed, in our industrialized

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1 (Philadelphia: University of Pennsylvania Press, 1994).

2 (New Haven: Yale University Press, 1990).

society, where women can vote and work, there is still no meaningful, independent access to power for women.[3]

The enquiring reader is compelled to ask: Why haven't women done better? And what is being done about it? The lawyer's enquiry is thumpingly, even if not deliberately, answered by *Human Rights of Women.*

While Canada has seen several home-grown publications dealing with human rights in the international context in the nineties,[4] *Human Rights of Women* is different in at least three important ways that distinguish it from collections dealing with human rights law generally. First, it focuses on the critical importance of the "public-private" divisions that prevent international law from "getting at" the discrimination and disabilities faced by women.[5] Second, it emphasizes the practical application of international standards by fashioning local solutions to particular problems faced by women. Finally, it attacks head-on the so-called paralysis that ensues when rights confront cultural values.

Cook's comprehensive introduction summarizes the central questions of the book: what are the reasons for the legal mire that women seem to be stuck in, and are women responsible for this? Cook synthesizes the debates in international law as they affect women and focuses on the powerful tendency in society to relegate women's issues to the private rather than the public realm. It is made startlingly clear under this analysis that women are inadequately sheltered by the myriad international legal instruments that are designed to assist them. In short, women's issues are frequently treated as "beyond justice" simply because they take place on the private side of the schism between the public and private spheres.[6]

Because women's issues are frequently relegated to the private realm, the book makes the case that international law simply does not have the political reach which would enable it to remedy the social imbalances that are most responsible for discrimination. While it is true that there are at least thirteen international treaties and covenants that are or could be relevant to the complex problems faced by women,[7] the

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3 Some of the best books on this topic are not law books — they are business books. See *e.g.* B.L. Harragan, *Games Mother Never Taught You* (Warner Books: New York, 1977).

4 See *e.g.* A.F. Bayefsky, *International Human Rights Law: Use in Canadian Charter of Rights and Freedoms Litigations* (Butterworths: Toronto, 1992); I. Cotler & F.P. Eliadis, *International Human Rights Law: Theory and Practice* (Canadian Human Rights Foundation: Montreal, 1992); D. Matas, *No More: The Battle against Human Rights Violations* (Dundern Press: Toronto, 1994).

5 The best discussion of this issue is found in H. Charlesworth, "What are 'Women's International Human Rights'?" in Cook, ed., *supra* note 1 at 58.

6 C. Romany, "State Responsibility Goes Private: A Feminist Critique of the Public/Private Distinction in International Human Rights Law" in Cook, ed., *ibid.*, 85 at 95.

7 The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; Convention of the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Political Rights of Women; Convention on the Nationality of Married Women; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention against Torture and

writers emphasize the relative impotence of international legal protection, a theme that is taken up by Celina Romany in "State Responsibility Goes Private."[8] It is also examined by Hilary Charlesworth's elegant essay, "What are 'Women's International Human Rights'?"[9] and by Karen Knop's snapshot entitled "Why Rethinking the Sovereign State is Important for Women's International Human Rights Law."[10] The regional implications of public/private debate in South Asia are examined by Sara Hossain in "Equality in the Home: Women's Rights and Personal Laws in South Asia."[11]

I. LOOKING INTO THE PUBLIC-PRIVATE CHASM

Relegating women to the private sphere means that they are disentitled in the public sphere. A person who is invisible in public is not a full citizen in any western sense of that term.[12] Romany, for example, argues that women are treated as aliens within their own countries because genuine citizenship should subsume political participation in civic life, a participation that is effectively denied the moment women step outside their traditional roles in some communities. Thus a married Muslim woman who lives under the laws of Shari'a is formally subject to the guardianship of her husband and is excluded from independent political life in fundamentalist countries. Women who marry a foreign national and lose their right to citizenship in the country of birth necessarily become "alien."[13]

It is true that there are some important similarities between the disentitlement of women in certain societies and the notion of an "alien" in international law, notably in the effective marginalization of women in political, social and economic rights. But the analogy is, in this author's view, of limited assistance. It is true that the alien is *hors la loi*; but the alien's disentitlement arises from the fact that he or she is not a member of the foreign nation state and at common law can claim none of the privileges or rights that nationals have as a matter of course. In the case of certain traditional communities, it is the woman's very adherence to and identification with a cultural community that shelters the traditional practices which in turn preclude the application of international law standards to her. In other words, the problem for women is that their human rights are inadequately protected within the community *to which they belong*. The essence of the alien's predicament is precisely the reverse, namely that he or she does not belong

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other Cruel, Inhuman or Degrading Treatment or Punishment; the European Convention for the Protection of Human Rights and Fundamental Freedoms; the American Convention on Human Rights; and the African Charter on Human and People's Rights. *Human Rights of Women* contains a useful table showing the ratification of these thirteen instruments by 126 States/Parties as of 21 January 1994, in Appendix A "Ratifications of Selected Human Rights Instruments" at 573.

8 *Supra* note 6.

9 *Supra* note 5.

10 In Cook, ed., *supra* note 1 at 153.

11 In Cook, ed., *ibid.* at 465.

12 See Romany, *supra* note 6 at 85.

13 See the *Unity Dow* case, discussed by Chaloka Beyani in "Toward a More Effective Guarantee in the African Human Rights System" in Cook, ed., *supra* note 1, 285 at 294-98.

to the foreign community and it is the absence of "belongingness" that is central to his or her status.

Nonetheless, although the "alien analogy" is probably of limited value, it does underscore the precarious status that women have when they seek full membership status in their political societies. Stepping outside the traditional boundaries of the family frequently provokes anger and violence. Lamentably, a strong indicator of the force of the public/private schism in retarding the emergence of an effective set of legal rights for women is the overwhelming evidence of State sanctioned or tolerated violence against women. Violence against women is a central theme for several contributors, including Joan Fizpatrick,[14] Kenneth Roth[15] and Rhonda Copelon.[16]

Human Rights of Women confronts us with statistics on violence against women that are simply numbing: female feticide and infanticide have reached such proportions in India that they have actually reduced the ratio of women to men in the world's most populous democracy;[17] the Muslims of forty nations in the Persian Gulf, the Arabian Peninsula and Africa still widely practice genital mutilation of young girls;[18] more women were killed in "dowry deaths" between 1988 and 1991 in India than casualties were inflicted at large in the armed conflict in the Punjab over that same time period;[19] men on trial for wife murder are still successfully defended by the "defence of honour" in Latin America.[20]

The danger of the shocking stories and grisly statistics is that they desensitize us to the entrenched poverty and quotidian obstacles in the lives of women in many of the world's nations. Hence the importance of the book's second theme, namely the ways in which the practical application of international human rights instruments can address specific, local problems faced by women.

II. FOCUSING ON LOCAL SOLUTIONS

Understanding local law, practice and social values is critical to the success of international law-driven solutions, especially those that focus on dialogue as a tool for

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14 "The Use of International Human Rights Norms to Combat Violence against Women" in Cook, ed., *ibid.* at 532.

15 "Domestic Violence as an International Human Rights Issue" in Cook, ed., *ibid.* at 326.

16 "Intimate Terror: Understanding Domestic Violence as Torture" in Cook, ed., *ibid.* at 116.

17 In India, the falling rates of women in the population are believed to be related to violence against women in that society: K. Singh "Obstacles to Women's Rights in India," in Cook, ed., *ibid.*, 375 at 389.

18 The term genital mutilation encompasses clitorectomies, female circumcision, excision and fibulation. (1991 United Nations Seminar on Traditional Practices Affecting the Health of Women and Children.)

19 15,891 compared to 14,500 in "Dowry Deaths" *Globe and Mail* (12 March 1992) in Fitzpatrick, *supra* note 14 at 539.

20 Although appellate courts in Brazil have not accepted the "defence of honour," so called because of the justification pleaded by husbands believing themselves to have been cuckolded, lower courts are still accepting the defence. Discussed by Romany, *supra* note 6; Roth, *supra* note 15; and Fitzpatrick, *ibid.*

change. Leading authors from the south point out that sensitivity to history and context provides the starting point for inter-cultural dialogue.[21] Beyond the theories and the abstract principles, in other words, God is in the details. *Human Rights of Women* belies the force of this adage in international human rights law, both figuratively and literally.

On the figurative level, detailed familiarity with local law and cultural practices is fundamental to understanding the obstacles faced by women, and Cook has astutely given an entire section of the book over to the topic of how to guarantee human rights of particular significance to women. This section includes Florence Butwega's analysis of "Using the African Charter of Human and Peoples' Rights to Secure Women's Access to Land in Africa,"[22] and María Isabel Plata's "Reproductive Rights as Human Rights: the Colombian Case"[23] and "The Use of International Human Rights Norms to Combat Violence Against Women" by Joan Fitzpatrick.[24]

One of the best examples of the regional focus is in Akua Kuenyehia's hard look at the reasons why structural adjustment programs are failing women in developing countries.[25] Using Ghana as a case study, she points out that structural adjustment diminishes the access of women to the very social and infrastructural resources they rely on most; roads, health and education services, clean water supplies and food supplements have deteriorated as a result of financial cuts by countries desperately trying to meet interest repayments and World Bank expectations. The disappearance of the basic tools of development in rural areas has had a disproportionate impact on women, with devastating personal consequences. This highlights a major practical problem with aid organizations, foreign development programs and the growing emphasis on market economies. These forces actually divert resources away from the single group that is most responsible for community well-being in developing nations, namely women.

Another important approach lies in the effective use of international law before the courts as an increasingly important tool in the struggle to fashion effective local solutions to human rights problems. Anne Bayefsky lays the theoretical groundwork in her article, which updates earlier work, and addresses methods of approaching this issue from the special vantage point of women.[26] Kathleen Mahoney looks at the Canadian experience in her article, "Canadian Approaches to Equality Rights and Gender Equality in the Courts."[27]

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21 One influential proponent of this view is the psychologist Ashis Nandy who is well known for his analysis of the effect of colonial occupation on the psychology of the Indian people. See A. Nandy, ed., *At the Edge of Psychology* (New Delhi: Oxford University Press, 1980).

22 In Cook, ed., *supra* note 1 at 495.

23 In Cook, ed., *ibid.* at 515.

24 *Supra* note 14.

25 A. Kuenyehia, "The Impact of Structural Adjustment Programs on Women's International Human Rights: The Example of Ghana" in Cook, ed., *supra* note 1 at 422.

26 Some of the material in Bayefsy's article "General Approaches to Domestic Application of Women's International Human Rights Law" (in Cook, *ibid.* at 351) can also found in other publications; see *e.g.* A. Bayefsky, "International Human Rights Law in Canadian Courts," in Cotler & Eliadis, *supra* note 4 at 115.

27 In Cook, ed., *ibid.* at 437.

A regionally specific analysis applies these principles to the exercise of understanding how a community responds to these challenges. Florence Butwega, for example, explains why the rules of inheritance and land transfer are making only minimal progress in traditional African societies, but also looks at how international law may be a vehicle for change.[28]

God is also emphatically present in the details on a much more literal level. Institutional religion can be a significant barrier to the guarantee of women's rights. The contributors examine the role of religion, particularly in its traditional and fundamentalist manifestations, and propose ways in which to establish a constructive dialogue with religious institutions.

The obvious starting point is the Islamic fundamentalist movement, viewed by many women as especially threatening, and it receives specific attention in the book.[29] Asma Mohammed Abdel Halim examines the history of the laws of Shari'a and their development in Sudan as a model to show how patriarchal interpretations of traditional laws have consistently appropriated the voice of religious institutions in conservative Muslim countries.[30] Abdullahi Ahmed An-Na'im also analyzes the impact of Muslim law on women in several conservative Islamic countries. He uses male guardianship as a striking example of how women spend their lives under a form of tutelage (*qawama*). Although both of these authors opine that *qawama* infringes basic human rights and freedoms, it is also true that there are reformers in the Muslim tradition who support the abolition of male guardianship and other repressive features of fundamentalist practice, but in a manner consistent with Islamic law.

The Catholic Church's role is also examined critically by Maria Isabel Plata who looks at the Church's traditional influence in Columbia on family planning.[31] The role of the Church in secular life in that country is fundamental not only to understanding the problem, but also to the effectiveness of any proposed solution.

Religious imperatives and prohibitions also weave a complex fabric around South Asian women, according to contributors Kirti Singh and Radhika Coomaraswamy.[32] One of the compelling case studies used by Coomaraswamy is the traditional, now rare, Hindu practice of sati. Coomaraswamy examines an infamous case of the sati of Roop Kanwar, an eighteen year-old girl who was burned alive on the funeral pyre of her

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28 See Butegwa, *supra* note 22.

29 See A.A. An-Na'im, "State Responsibility under International Human Rights Law to Change Religious and Customary Laws" in Cook, ed., *supra* note 1 at 167. For a recent example of how traditional Islamic practices are brought home to Canadians, the Quebec Human Rights Commission recently released a study on the practice of the excision of genital organs in young Muslim girls and the practice of reinfibulation of women after childbirth. The study was released on Monday, March 13, 1995.

30 A. Halim, "Challenges to the Application of Women's International Human Rights in the Sudan," in Cook, ed., *ibid.*, 397 at 408.

31 *Supra* note 23.

32 See Singh, *supra* note 17 at 375; and R. Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity, and the Discourse of Rights," in Cook, ed., *supra* note 1 at 39.

husband in 1987. Kanwar's death, surrounded by controversy, is still a focal point for human rights debate in India and around the world. Did she solemnly and willingly commit suicide or was she drugged or coerced? Were the Hindu clerics involved in forcing the young woman to take her own life? Should the religious overtones of the practice diminish the moral force of protests against it?[33] For Coomaraswamy, these debates obscure what to many is the central issue of sati as a motif for the larger issue of what happens when women's rights confront cultural demands: "what is the point of all these laws if the people do not believe that putting an eighteen year old girl on a funeral pyre ... is not a denial of the most basic fundamental right — the right to life?"[34]

III. UNIVERSAL PRINCIPLES AND CULTURAL PRACTICES

This brings us to the third central theme of *Human Rights of Women*, and probably the most troubling for liberal feminists, namely the defence of cultural legitimacy. How can a thinking human rights advocate engage in a dialogue with cultures whose starting assumptions are based on the premise that the "West" must abdicate any claim to a role in dialogue with the developing "South"? The origins of this debate in international human rights law are found at least as early as the Universal Declaration of Human Rights in 1948.

Academics and critics from the "South" frequently criticize human rights as a "western" reflection of imperialist culture, imposed on fundamentally different value structures. A look at the list of authors of the Declaration belies these complaints. Of the nine authors, only two (Roosevelt and Cassin) were from the developed West. Two more were from the Communist block, one from China, one from South America and the rest from less developed nations including India, the Phillipines and Egypt.[35]

This conservative side of the debate is played out on the field of women's issues by arguments that traditional cultural values and practices adequately protect women and that they do so with a much more sensitive understanding of individual and social context, and most important, with a view to what is good for the community. For this reason, western feminists clash with traditionalists over the proper way to deal with practices that suppress women's full participation in society, especially those practices which threaten women's physical integrity.

A genuine attempt to engage in dialogue would arguably enhance the human rights argument by improving its chances for viability in a different culture, perhaps by creating a variant of the rights claim that is culturally intelligible in a different society. This is the real dilemma for liberals: if one acknowledges values in an apparently

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[33] For an extraordinary insight into Nandy's views in the context of sati, see "Sati as Profit versus Sati as Spectacle" in Hawley, ed., *Sati: The Blessing and the Curse* (New York: Oxford University Press, 1994) at 131.

[34] Coomaraswamy, *supra* note 32 at 50.

[35] See M. Conley, "Human Rights and the United Nations: The Creation of the Universal Declaration of Human Rights" (Fall-Winter 1994) 4:3 H.R. Forum 5.

oppressive culture in order to improve one's chances of effecting meaningful change, there is a risk of legitimizing the very principles that one is trying to change. Liberals' instinctive recoil from "cultural legitimacy" is easier to understand in this context. This is where international human rights law becomes most useful, because it does not assume (at least in theory) that bare equality will redress the wrong.

Most of the contributors to *Human Rights of Women* start from the assumption that international human rights law, like many social and legal constructs, is thoroughly gendered. Unlike radical feminists, though, most of the writers also assume that meaningful and peaceful change can be effected through dialogue and open debate.

Liberals correctly argue that there are certain forms of social disability that can be effectively, or at least more easily, remedied through dialogue which results in a change in law. For example, the denial of basic rights such as citizenship has been such a major issue for women in international law that a specific international instrument has been successfully implemented, namely the Convention on the Nationality of Married Women, which has been ratified by 106 nations. Nevertheless, the social structures that gave rise to the need for that Convention are still present despite the existence of progressive laws. The liberal rights analysis is deficient, practically speaking, because by not changing the underlying social structures that permit this form of discrimination, the problem is not really remedied.

This failure has been ascribed in part to a perceived Western indifference for other cultures' values. However, effective rights implementation means that the rights themselves must be coherent in the culture in which they are seeking expression, and therefore pragmatism compels us to require more of a rights-based value structure than a theoretical claim to moral rectitude. This argument is made eloquently by the Sri Lankan author Coomaraswamy when she argues that traditionalists will always have the general population's support as long as "Western" rights claims are not made intelligible in the context of that country's value structure or culture.[36] Understanding culture, in turn, requires serious attention to the laws, community practices, peer pressures and political forces that bind individuals to society. One essential element in this equation is political citizenship.

At common law, a subject's subservience to a feudal lord underpinned the relationship of fealty, the notion of subjecthood and then of its successor, citizenship. For women in several developing or very traditional nations, the notion of a women's subservience to the male head of the household is at least historically coherent to the West in that it is strikingly similar to feudal serfdom. It is the ties of obedience and the ultimate objective of perfect humility and subservience that are central to a women's role in the family and in the traditional community.

In countries whose notions of political citizenship are still in their early stages, a claim to the full panoply of rights that accompanies citizenship requires a loosening of the ties of obedience to the individual and their replacement with reciprocal rights and

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[36] *Supra* note 32 at 37-38.

obligations to the state. This poses a serious dilemma to the traditional community and to men whose authority is perceived to be undermined. Giving a woman full citizenship rights would confuse her legal status — is the woman's primary obedience still to her husband or her country? Thus, a liberal form of "equality" is profoundly destabilizing for traditional societies. These perceptions have generated a significant amount of hostility in Third World countries and Muslim countries to feminist liberal thought.

There has also been a hostile reaction to liberal feminism in the West, with antagonistic roots that predate "backlash" books like Paglia's.[37] By insisting on context-specific "equal" treatment, liberal feminists are thoroughly trounced when male-dominated institutions apply "equality" rules in an apparently neutral way with no effort to address the underlying causes of systemic discrimination. Challenging liberal feminist thought, more radical feminists have called for a power shift in basic family and social structures. Critical Legal Studies profoundly changed legal thought by pointing out that the language of rights is meaningless without an underlying change to society.[38] In this sense, the radical feminists have seen the problem with clearer eyes, because they have not succumbed to the liberal belief that "what shocks the conscience will also shock the world." Meaningful change may require something more forceful.

Meaningful change requires at least a rethinking of basic assumptions about equality, and Mahoney describes this in a nutshell:

> Systemic discrimination or inequality of condition, the most damaging form of discrimination, cannot be addressed via the rule-based sameness of treatment approach. Indeed, the use of this model virtually makes systemic disadvantage invisible. By structuring equality around the male comparator, the assumption is made from time to time that equality exists and from time to time, individuals will be discriminated against. The persistent disadvantage women suffer across the board because of societal biases is obscured. The question then becomes, can [international human rights law] support and deliver substantive equality?[39]

This is, in my view, the single most important theoretical observation of the book, as much of a problem in the developed West as it is the South and is particularly insightful when dealing with the cultural legitimacy debate.

Traditional Muslims (and born-again Christians, for that matter) seize on social biases and manipulate the double standard by holding up the burden imposed on Western women by liberal feminism as fundamentally unfair. Traditionalists know that as long as men do not share equally in domestic work that women can be told, without being accused of factual inaccuracy, that "liberated" women are being exploited. Western women are expected to go out of the home, away from the protective power structure of the family patriarchy. They will thereby expose themselves to harassment and a lifetime of probable inferior professional status or be forced to seek "protection" in one form or another within the workplace with a powerful male. They are also

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[37] See *supra* note 2.

[38] See Charlesworth, *supra* note 5 at 60.

[39] See Cook, ed., *supra* note 1 at 11-12.

expected to bear the children, care for them and manage the home. Who in their right minds would knowingly choose such a life when traditionalists uphold a "simpler," clearer role for women in their "own" culture? Thankfully, writers from developing countries share the view that these tactics must not detract from the central case at hand, namely a basic restructuring of domestic and social burdens and a reallocation of power and wealth. These writers maintain, quite rightly, that "the argument from cultural relativity or cultural diversity cannot be used to undermine or evade human rights obligations."[40]

Writers from the South also make another important point: the acquisition of power is essentially strategic and is not a rights-driven exercise. Failure to identify the key signposts, the critical alliances and the importance of context will result in failure at best, and death at worst. Liberal feminists do understand the theory and correctly argue that there is such a thing as a universal set of principles that are at the foundation of civilized society. They sometimes fail in practice because the theory only allows you to understand where you are going; it rarely tells you anything about the content of the rules. While the manipulation of "cultural values" as a shield to protect abusive power structures is properly denounced by several of the writers from the South, it is also true that as in all relationships, the relationship between human rights and the cultural community in which they seek expression must be governed by an understanding that is sensitive to context.

For this reason, it is in the use of context-sensitive approaches to specific problems that *Human Rights of Women* is most successful. It is weaker when it examines the theory of liberal feminist values and its cultural relevance. For example, most liberals will be horrified by the statistics on female feticide in countries like in India or China where females are less socially valuable. The Western reader's rejection of these practices is probably grounded in the fact that we recognize the fact that killing a fetus only because it is female is a manifestation of violence against women at its most basic level. But the same liberals will fight hard for the right to abort a child, including a female child, simply because it poses an inconvenience for the mother at a given point in time. I do not put forward a position as to whether one cultural value (male children as opposed to a mother's self-realization) is superior to the other. But it is clear that reflexive reactions in the two cases do tell us something about the problematic conceptual footing of some liberal principles and the failure of feminist theory to confront these problems.

There are more specific difficulties with *Human Rights of Women*, but these lie mostly in the realm of omission. It is surprising, for example, that Coomaraswamy's otherwise intelligent analysis of the Roop Kanwar case does not discuss in any detail the evidence that Kanwar's in-laws stood to reap a significant financial gain from the sati of their daughter-in-law. It is apparently common knowledge in Rajput society that a living widow may return to her own parents with her dowry. On the other hand, an

[40] Beyani, *supra* note 13 at 285.

immolated Roop would ensure that the dowry would remain in the hands of the in-laws.[41] Instead, Coomaraswamy focuses on the social and religious debate, creating an omission that is rather troubling.

In Asma Mohammed Abdel Halim's analysis of women's rights in the Sudan, genetical mutilation of girls is inexplicably absent among the litany of problems confronting women in that country. This is especially perplexing in light of the fact that Sudan has one of the highest levels of this traditional practice in Muslim Africa, and this despite criminal prohibitions.[42] There is also no mention of the practice of slavery of women and children in that country.

It is unfortunate that there is no analysis of the current pushes for change in the United Nations itself and of its deeply male biases. Complaints of sexual harassment and hush-up campaigns from the ranks of the clerks and secretaries right up to the alleged involvement of the Secretary General in hampering the investigation of the now-notorious Clayton case[43] are the stuff of popular press.[44] Of all books, *Human Rights of Women* should have addressed this issue directly, given the United Nations's self-professed role as an international guardian of women's well being, a role that is linked to the development and promotion of women's issues.

These omission are, by and large, tangential to the principal strength of the book as a beacon of some hope in a rather bleak landscape of the practical effectiveness of international human rights law. *Human Rights of Women* is more than an important contribution to recent legal literature on international human rights. It is unusual for the scope and ambition of its agenda, particularly as an exegesis of why the human rights of women have not been better protected domestically and internationally. Paglia may have been right. Perhaps biology is destiny: but a defining characteristic of human achievement has been our ability to wrestle with destiny and to prevent history from defining our future. *Human Rights of Women* gives a glimpse into how international law will have a critical role in creating a brighter future for women, not just in the theory of international law, but also in the communities in which they live.

F. Pearl Eliadis*

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41 See Oldenburg, "The Roop Kanwar Case: Feminist Responses" in Hawley, ed., *supra* note 33 at 101.

42 See Fitzpatick, *supra* note 14.

43 In 1991, Catherine Clayton accused her superior, Luis Maria Gomez, of sexually assaulting her in his office. Three women with similar complaints against the same individual were allegedly prevented from testifying. Finally, after several complaints about official interference, an independent decision maker was finally appointed by Boutros-Ghali, and the case was decided in Clayton's favour.

44 One of the best recent examples of investigative reporting in this area is Judith Warner's piece "U.N. (As in Unenlightened)" *Mirabella* (February, 1995).

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