



4. A Historical Analysis of Development of the Concept of Women's Rights

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Abstract

The concept of women's human rights is said to have developed from the writings of Mary Wollstonecraft's Vindication of the Rights of Women in 1792. By 1848, almost all sections of the society started to demand for concrete Women's Rights. The first law with regard to women was passed in the Great Britain in 1857. Publication of J.S. Mill's The Subjection of Women helped in organising women to fight for their legal and political rights. Women took active part in the labour market during World War I and organised various movements to bring in peace among the conflicting nations. However, various human rights violations with regard to women like physical and sexual abuse, economic deprivation, unequal access to education, employment opportunities and property, etc., was not considered seriously by the international organisations including United Nations until the passing of the Universal Declaration of Human Rights in 1948. The UN General Assembly declared the year 1975 as International Women's Year. The World Conference on the International Women's Year was held in Mexico City in 1975. Such conferences had the development of women as their primary aim and they helped in legitimising the demands of women in front of national leaders who were especially men. Within few years the number of women representatives were almost equal to that of men representatives. Thus, the concept of women's rights is gaining significance today and is being viewed as an inseparable part from the notion of human rights.

Keywords: Women's Rights, Legislations, United Nations, Discrimination, Human Rights.

1. Introduction

The concept of Women's Rights is gaining significance in the recent days. There is a considerable shift in the mindset of individuals on granting equal rights to women in parity with men. The agreement that women's rights and human rights are indivisible was signed at the Declaration of Programme of Action at Vienna in 1933. It declared that preventing violence against women must be made as an obligation upon all the states under the human rights charter. It stated that Women's Rights are inalienable, indivisible and integral part of the concept of human rights (Ashworth, 1993). Despite such developments, women still face problems in the family, workplace and in the public sphere. Women are still not provided equal access to education and are not allowed to take part in the decision-making process even if such decisions directly affect them.



The concept of women empowerment was first introduced at the International Women's Conference at Nairobi in 1985. It was defined as 'a distribution of social power and control of resources in favour of women'. It included the components like equal opportunities to use the available resources, prohibition of gender discrimination, freedom from violence, economic independence, participation in decision-making (Cook, 1994). There are multitude efforts from all the sides to ensure a better livelihood for women. However, such positive changes didn't happen over a day but it is a result of gradual development achieved through continuous struggles and constant demands put forward by feminist activists. This paper tries to analyse the timeline through which the notion of Women's Rights travelled to reach its current position.

2. Review of Available Literature

Hume (1963) insists that women need a solid education to fulfil their historic civilising role and thus he anticipates one of the major aspects of Bluestocking feminism— its emphasis on promotion of intellectual life of women. Hume dismisses the conventional fear attached to the 'learned ladies' by men and tries to bring in the importance of education for women for the constructive development of the society (Hume, 1963).

Macaulay (1848) tries to analyse the reasons why the society was hierarchized in such a way that men are always dominant and women are the submissive ones. Macaulay's History invites us to reconsider the dynamics between the public and private sphere, and also talks about the changes in the relationship between femininity and politics towards the end of the 18th century. Her narratives close with the outbreak of glorious revolution. The role women play in her history is not just an affective or sentimental ones. (Macaulay, 1848).

Smith (1759) introduces a concept called 'impartial spectator' where a person is asked to judge his/her own acts from the point of view of a third person. His argument is largely gender-biased as he sees men as positive, generous and public-spirited motivated by rational judgements, while women are said to merely give in to their natural feelings of sympathy. He says that 'humanity is the virtue of a woman, generosity of a man' (Smith, 1759).

Wollstonecraft (1792) tries to establish an imaginary society where men and women would be equal and they would be performing their corresponding duties in a righteous way; they wouldn't demarcate between the public and private sphere. Her basic concept was that rights entailed duties. She thus demanded through her Vindication that women must be given certain natural rights to perform their duties in a better way (Wollstonecraft, 1792).

Beauvoir (1949), and tries to elaborate on why women are always considered as the "Other" and to be defined in terms of men. She provides a complete timeline of a woman's life right from her birth till the end, and how she is socialised in a way that she chooses herself to be as the slave of men. The question she raised exposes a huge research gap in feminist literature- "Why should men alone be dominant from the beginning and woman as his slave?" (Beauvoir, 1969).

Millett (1971) brings out the famous contention of the radical feminists that "personal is political". She explores the role of patriarchy in determining the relationship between men and women. She tries to figure out the historical underpinnings of feminist movements and also laid down the future course of action to be taken by the feminists (Millett, 1971).



Hooks (1984) largely echoes the voice of black women. She contends that feminism is a movement to end sexist oppression. She insists on the fact that feminism must not be seen as a lifestyle or as a counterculture and advocates using the phrase ‘I advocate feminism’ instead of ‘I am a feminist’ so that the concept of feminism could cover a wider range of audience other than the bourgeoisie women alone (Hooks, 2000).

Kerr (1963) states that the violence against women is not only committed by individuals but also by the governments themselves, when the women speak against the brutalities of the government. Kerr mentions about the custodial rape of women and other forms of inhuman and cruel punishments and also says that Rape, threat of rape, sexual humiliation, etc. are seen as various techniques that are used to illicit information from the women convicts during interrogation and to punish them for their activism (Kerr, 1993).

Cook (1994) states that police and the jail custodians’ rape women very often because they know that they can easily get away from such cases. It was mainly because that it was only in 1992 that rape was mentioned as a crime by the United Nations Human Rights Commission. Even after that, the governments don’t consider such brutalities seriously and the punishments given to the offenders are very minor in nature, according to Cook (Cook, 1994).

Habermas (1962) provides an account of the emergence, development and decline of public sphere within early modern Europe. He defined the public sphere as an intermediary space in which members of the public could meet with one another to debate rationally about the affairs of the state. He acknowledges the presence of women in such spaces but still his attitude towards them is ambiguous (Habermas, 1962).

Pateman (1988) argues that the dichotomy between the public and private provides the ultimate base of feminist movements. She pointed out the dangers of ignoring sexual differences in approaching political differences. She further contends that the political theorists argue about the individuals thinking that they are concerned about the public world; but she says that they fail to investigate the ways in which the ‘individual’, ‘civil society’, and ‘the public’ have been constituted as patriarchal categories without regard to the womanly nature and the ‘private’ sphere (Pateman, 1989).

Amnesty International Report (1995) lists various measures to combat such issues of female prisoners like guarding of female inmates in a prison only be female officers and that all the male officers who come for investigation must be accompanied by female guards. It also lays down that stringent actions must be taken against those who involve in sexual violence against women (Amnesty, 1995).

Chatterjee (2005) states that the Indian women are always suppressed because it has always been the patriarchal men who interpreted all the religious texts without giving women access to such texts for their own welfare and to maintain supremacy. She says that Indian women are completely unaware of the extent by which their rights have been violated by men and they are always kept in a mental and emotional bondage and made to believe that they are below men because they were created by God after them. Chatterjee argues that all such facts have never been mentioned anywhere in any of the religious texts (Chatterjee, 2005).

3. The Beginning of Feminist Thinking in Literature:



The concept of women's human rights is said to have developed from the writings of Mary Wollstonecraft's *Vindication of the Rights of Women* in 1792 that was published in response to the works of Rousseau. Some argue that the history of Women's Rights began in the early 15th century itself with the writings of Christine de Pizan's *Book of the City of Ladies*, which also stimulated the debates about women, *Querelle des Femmes* (Charvet, 1982). Pizan's work was published in response to Boccaccio's work, *Concerning Famous Women* (1361) that recorded the history of exceptional women in history as the ones who had a "manly spirit" and other manly characteristics like sharp intelligence, etc. Pizan argued that they must actively participate in the public sphere also so that they can be economically independent from men. Pizan wanted to provide an alternative to the male dominated history and tradition so that women themselves understand their importance in the framing of history.

Following her, many women of the 16th and 17th century wrote extensively on women's contributions to the society but under the context of anonymity so that they are not attacked for intruding into the public sphere. All of them argued for the education to women which they considered was the basis for transforming the lives of women. Spender appreciated Lady Montague for being the first Englishwomen to enter the politics directly by publishing a work entitled *The Nonsense of Common Sense* and being the author of a series "Sophia, a person of Quality" in which she argued for the education of women and to abolish the constraints associated with marriage and other customs (Charvet, 1982). Moreover, publication of J.S. Mill's *The Subjection of Women* helped in organising women to fight for their legal and political rights.

4. The first law on Women's Rights

The first law with regard to women was passed in the Great Britain in 1857. The British Parliament passed a bill that provided the wives right to inherit their husband's property even after divorce. The English women gained equal rights for divorce only in 1923 and it was only in 1973 they got equal rights with fathers regarding the legal custody of their children (Ashworth, 1993).

4.1. Women and Political Rights

Abigail Adams, the wife of the Second President of USA, wrote to her husband Adams, "Don't forget the ladies" letter when he was drafting the new Constitution for the country in which she stated:

"Don't put such unlimited power in the hands of the husbands. Remember all men would be tyrants if they could. If particular care and attention is not paid to the ladies we are determine (sic) to foment a rebellion, and will not hold ourselves bound by any law in which we have had no voice, or representation" (Bunch, 1990).

By 1848, almost all the sections of the society started to demand concrete Women's Rights. All such demands were put in a theoretical framework that demanded the right to vote for women. It was called as the Declaration of Sentiments or Seneca Falls Declaration, 1848 by Stanton who was its lead author. She wanted to allow women to participate in profitable employment like law and medicine and demanded equal access to education. She largely based her work on the Declaration of the Rights of Women and Citizen of Olympe de Gouges in 1791. This Convention called for action in both the



public and private sphere and organised women both nationally and internationally that led to the gaining of suffrage by women which ultimately increased their political activity (Cook, 1994).

4.2. Equality in employment opportunities

The resistance to women's participation in public life is explicit in a decision of the State of Illinois Supreme Court in 1870 by preventing a woman from practicing as a lawyer in the court claiming that such profession is meant for men by God and that if women enter such field the nature is not prepared to hold such things. However, Illinois prohibited such discrimination in practising as lawyer in the Court by passing a bill in 1874 and it was only in 1879 that the first woman Belva Lockwood was allowed to practice in the court (Elshtain, 1993).

5. Women during the World War

Women took active part in the labour market during World War I. During the 1919 Peace Conference at Paris, women reported before the Labour Commission to ensure 44-hour work per week, equal pay for women, etc. They also represented to bring legislations on women's education, suffrage, women trafficking, etc. Thus, the League of Nation finally declared that women and men workers must have fair and humane employment conditions.

The International Alliance for Women (IWSA) prepared a charter on women's rights in the 1920 Conference. The demands include:

- a. Suffrage movement was the major one with regard to public sphere while birth right was predominant with regard to private sphere.
- b. Political rights included suffrage rights and rights of representation, both at national and international levels.
- c. Personal rights included freedom from slavery and rights of married women including reproductive rights and right to use contraceptives especially among poor women.
- d. Domestic rights included rights of married women to hold property and the provision of maintenance to widows by the state. It also included the provision of equal rights to the children born out of wedlock. (Chatterjee, 2005).

6. United Nations and Human Rights

Various human rights violations with regard to women was not considered seriously by the international organisations including UN until the passing of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR mostly used the word 'everyone' instead of using 'men' to denote the entire realm of human beings.

The UDHR along with the International Covenant on Civil and Political Rights (1966) and the International Covenant on Social, Economic and Cultural Rights (1966) together became the International Human Rights Law. The major criticism against the Declaration is that it didn't acknowledge religious and other traditional feelings attached with every nation. But the UN wanted to stay away from any kind of religious connections that has led to major wars in the country in the previous decades. But the secular nature of the Declaration bothered many who wanted to lead their lives within the belief system established through centuries (Griffin, 1986).

6.1. Development Decades of UN



In 1962, UN General Assembly asked the UN Commission on Women to look into the prospects of women's development. The Women Commission suggested that the primary need for women development is their social and economic development.

The Second Development Decade of UN included a phrase "full integration of women in the total development effort". It encouraged the Commission on the Status of Women along with the Social Development Commission to convene an Inter-Regional Meeting of Experts on the Integration of Women which was held in June 1972. The year also marked the founding of the Federation of Organizations for Professional women in Washington, D.C. The group rigorously fought on various issues like equal pay for equal work.

The Women in Development (WID) Forum was setup within the Society for International Development (SID). The group tried to improve the conditions of poor women who had little access to education and other social welfare measures (Fraser, 1987). 1

6.2. UN Conferences on Women

The UN Commission on the Status of Women always wanted to conduct a Women's Conference since 1946. The UN General Assembly declared the year 1975 as International Women's Year and a World Conference was held in Mexico City in 1975. Another Conference took place in Copenhagen in 1980 to mark the UN mid-decade of Women under the theme 'Equality, Development, and Peace'. The third Conference took place at Nairobi in 1985 to mark the end of Women's decade. All such conferences had development of women as their primary aim and they helped in legitimising the demands of women in front of national leaders who were especially men. Within few years, the number of women representatives were almost equal to that of men representatives (Jamieson, 1995).

The Fourth World Conference on Women that was held in Beijing in 1995 asserted that "women's rights are human rights". The members of the Conference decided to include women in all the programmes and policies of UN and not just in the ones relating to women directly. They wanted women to be equal participants like men in the public arena, by building awareness among them and expanding coordination among them. A paper was circulated in the Conference under the title "Gender" (Landrine & Klonoff, 1997).

6.3. The Convention on the Elimination of All Forms of Discrimination Against Women

The UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. CEDAW tries to give the provisions of UDHR a gender perspective and defines discrimination against women for the first time. It emphasises the governments to protect women from violations and to abolish their roles as inferior beings. The Convention was ratified by 163 countries. It aims at breaking the traditional public-private divide that largely restricts women to private spheres and ensuring equality for women both in the public and private arena. Some countries like China argue that the convention is interfering with the cultural aspects of their country and have ratified it with various reservations (Peters & Wolper, 1995).

6.4. UN Rapporteurs on Women's Rights

Almost all the country-specific and theme-specific special rapporteurs of the UN Human Rights Commission address gender related violence that are within their mandate by creating a special section at the end of their reports on how women are being affected.



- i. The Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions, Asma Jahangir from Pakistan mentioned about the incidents of honour killing of women for having committed adultery or for seeking divorce. She argued that such killings cannot be justified in the name of tradition or culture nor shall it be neglected as private matters but that it accounts to murder.
- ii. The Special Rapporteur on Freedom of Expression addressed women's rights to seek, receive and impart information.
- iii. The country-specific rapporteurs on Iran, Nigeria, Somalia, Sudan and Myanmar addressed the issue of women's human rights like abolition of female genital mutilation, early marriage, incidents of rape during war, psychological issues of women who have undergone domestic violence, etc. in 1999.

7. Women's Rights at the Global Level

The Global Campaign for Women's Human Rights was launched to bring into light various types of violence faced by women that are not being considered by the states. They organised tribunals like Vienna Tribunal including various NGOs that made women to testify about their first-hand experiences regarding war crimes against them, violation of bodily integrity, etc. They came to the conclusion that the subordination of women in their private sphere must be seen as a major human rights violation and that states must act against such violence. They demanded that CEDAW be strengthened and special rapporteur be appointed to deal with women's human rights issues, especially war crimes against women.

The Declaration to Eliminate Violence against Women was approved by the General Assembly in December 1993. It clearly defined the term violence against women as happening in home, community and sponsored by the governments itself. Radhika Coomaraswamy was appointed as a special rapporteur on Violence against Women. An International Criminal Court was established in 1999 to deal with issues of rape, sexual violence, forced pregnancy, war time crimes against women, etc (Sullivan, 1994).

The 1999 newly reformed Commission on Human Rights included a separate agenda for "Integration of Gender and the Human Rights of Women". Along with the UN Human Rights Commission, organisations such as the Division for the Advancement of Women and UNIFEM organise workshops on gender-related notions of human rights and to ensure respect for the protection and promotion of women's human rights (Chatterjee, 2005). The World Bank has introduced a plan called "Safe Motherhood" to ensure the health and safety of women and the children.

8. Conclusions

Since 1979, various institutions have emerged throughout the world to protect and promote the concept of human rights. Still, most of the governments around the world are reluctant for various reasons to take action against the violators of rights of women and children. A recent WHO report states that women aged 15 to 44 account for more deaths due to violence by their partners than by malaria, cancer, etc. The study also revealed that about one-third of women in Africa become a victim of rape at least once in their lifetime and that about a million children in Asia are providing sexual services to adults in a year. The governments of all such countries are remaining as silent observers of such crimes against



women thus becoming active participants in such kind of violences. The UN suggests its member nations to increase access of girls and women to formal education and other technical and professional courses. Organisations like UNICEF and UNESCO demand that strict legislations be made to prevent gender discrimination in education and want to educate the parents of the girl child about the need of their child's education. All such measures by the United Nations and other international actors have brought in a positive change in the conditions of women at least in terms of theory, though not in practical terms. It is indeed delightful that Mary Robinson of Ireland became the first woman United Nations High Commissioner for Human Rights thus giving shape to the dreams of many of her ancestors. All such legislations and efforts will help only if it is accompanied by a positive change in mindset of citizens around the globe on granting equal rights to women.

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