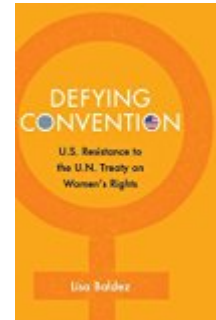


Lisa Baldez. *Defying Convention: U.S. Resistance to the UN Treaty on Women's Rights.*
New York: Cambridge University Press, 2014. 250 pp. \$85.00, cloth, ISBN
978-1-107-07148-3.



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Published on H-Diplo (July, 2015)

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A decade ago historian Kristin Hoganson could ask, “What’s Gender Have To Do With It?”[1] Today women’s and gender history has found a permanent seat at the foreign relations table, no more so than in the robust study of international organizations and the development of human rights agendas following World War II. Research on the United Nations (UN) and its specialized agencies, especially the International Labor Organization (ILO), display an approach toward transnational history in which women’s and gender historians are complicating the interplay of the local, national, and global.[2] Scholarship on these institutions of global governance moves between scales of analysis precisely because such institutions depend on the nation-states that compose them, which enter into regional, ideological, and political blocs that further impact their operations.

The UN has served, historians Sunil Amrith and Glenda Sluga conclude, as the “arbiter of the universal and defender of the particularism of the nation-state.” Within its various committees, it

has had to balance “competing, or converging, universalisms—imperial and anticolonial, ‘Eastern’ and ‘Western,’ old and new.”[3] In *Defying Convention: U.S. Resistance to the U.N. Treaty on Women’s Rights*, political scientist Lisa Baldez illuminates this interplay between particularism and universalism. She considers the role of the United States in drafting CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), the major achievement of the UN Commission on the Status of Women (CSW), and then explains why nearly forty years later the United States still has not ratified this major treaty on the rights of women.

Three-quarters of the way into her text, Baldez confesses: “When I first learned about CEDAW, I was skeptical that it was an issue worth paying attention to, from an academic ... as well as a policy perspective” (p. 142). But then she observed a session of the committee that monitors compliance by state parties, that is, country ratifiers of the treaty. She was “astonished” by the dialogic process, “uncomfortable to watch—and

thrilling at the same time” (p. 150), in which diplomats answer questions from independent commissioners (individuals appointed as experts rather than as representatives of national delegations) and confront evidence supplied by feminist nongovernmental organizations, who are also present in the room. Such hearings socialize signatories “to the norms defined by CEDAW” (p. 143), even though the convention by itself cannot compel nations to change laws or practices. She left the hearing convinced that the jurisdictional rules and updated procedures that had evolved since 1979, when the General Assembly passed the convention, had endowed CEDAW with a powerful process for improving women’s rights not only abroad but also at home.

This book is a hybrid: part careful history, part policy brief. Enthusiastic advocacy for the convention does not keep Baldez from weighing opposing political arguments and divergent scholarly interpretations in a balanced manner. Her eight chapters divide into three sections: the origins of CEDAW, the evolution of its monitoring committee, and the politics of US consideration. “CEDAW matters” (p. 152), she convincingly asserts, because it has served as a touchstone for foreign policy as well as for national debates over abortion, motherhood, violence against women, and equality between the sexes. Based on a wide array of sources—including government documents (such as printed congressional hearings and State Department memos), legal cases, oral interviews, UN proceedings, memoirs, and newspaper stories—*Defying Convention* provides the fullest account we have of the domestic and geopolitical forces that have shaped US engagement with CEDAW.

Casting aside “the ‘feminist empowerment thesis’” that attributes a progressive evolution of “a global norm” to “shared gender identity” (p. 10), Baldez narrates the tensions between feminists within the United States and between US women and delegates from Latin America, Scan-

dinavia, and Eastern Europe that was one factor making the CSW a weak agency with limited leeway under the UN Economic and Social Council. Some US delegates believed that a separate commission would marginalize women’s issues, but others merely sought to thwart their stateside adversaries from the National Women’s Party, who called for the end of women-only protective laws for being discriminatory. What constituted equality was not apparent, however. As the delegate from India announced in 1947, equality guaranteed little where men lacked rights. Nonetheless, the United States generally pushed civil and political rights over economic and social ones—providing an opening for Soviet charges of US hypocrisy based on racial discrimination. While other scholars have recounted this story, Baldez skillfully uses it to construct a genealogy for contestation over CEDAW within the United States.[4]

Looming over disagreements between women was first and foremost the Cold War, which turned the UN and its commissions into ideological battle zones to win the hearts and minds of the world’s peoples, especially those emerging from anticolonial struggles. The nonaligned movement within the UN would vote as a bloc in the 1970s, usually against the United States. While the United States “feared that giving the UN power to affect domestic policy on women’s rights would strengthen the power of the Soviet Union ... within the UN,” Baldez documents, “both of the superpowers claimed superiority on the issue of women’s equality” (p. 13)—with the Soviet Union emphasizing equality gained through labor force participation and the United States and Great Britain calling state-socialist nations to task over the absence of independent trade unions, that is, unions separate from the state that engaged in collective bargaining with employers. Ratification of women’s rights instruments became crucial “not because American women lacked rights, but in order to maintain global leadership in the context of competition with the USSR” (p. 56). This argument took center stage during the Nixon and

Ford and then the Carter administrations “as a way to reassert declining U.S. power within the UN” (p. 63). Rhetorical support for human rights allowed the United States seemingly “to accede to the demands of developing nations for greater equality without supporting their calls for the radical redistribution of economic resources from wealthy to poor countries,” Baldez contends (p. 71). But, as US feminists learned at the International Women’s Year conference in Mexico City, women from the global South held fast to a “developmentist view” (p. 102) that emphasized a new economic order, judging sexism, sexuality, and abortion rights as “luxury” concerns of privileged Western women (p. 79).[5]

The preamble to CEDAW embeds this developmentalist approach, but subsequent sections enumerate specific rights after calling for states to place equality between the sexes in their constitutions and protect women from discrimination by private actors (individuals or organizations) as well as by government. Articles cover equal remuneration, equal rights to vote and hold office, equal access to education, and equal rights in marriage and the family. They also condemn trafficking and prostitution and ask countries to educate against gender stereotyping. Access to paid maternity leave appears as a right necessary for equality at work, underscoring the persistent special treatment of the pregnant woman. The convention requires states to compensate for past discrimination through forms of temporary affirmative action but leaves the exact course of action to each nation. In essence, CEDAW incorporates previous declarations and conventions of the UN and, in terms of economic rights and social security, the ILO.

Baldez demolishes the long-held belief that the difficulty of gaining Senate approval for any treaty explains inaction; the United States has signed some human rights treaties, even if belatedly. Baldez concludes, “ratification of a treaty is decided on the basis of debates over anticipated

compliance costs that occur *within* a particular country” (p. 28). She further underscores how timing was everything. With equal rights feminism triumphant within the United States, a bipartisan delegation to the CSW helped forge a comprehensive treaty in the early 1970s, though with antagonism toward the United States high, delegates often had to have their proposals come from other nations. Conservative opposition to the treaty grew when the Republican Party under Ronald Reagan abandoned its support for women’s rights amid conservative opposition against the very feminism that had succeeded in crafting CEDAW.

Powerful political forces blocked ratification. Concern with international encroachment on domestic policy, so prominent in earlier opposition to international treaties, lingered. While US feminists focused on securing the Equal Rights Amendment (ERA), conservative women mobilized against CEDAW as well as against the ERA. Antifeminists and “pro-lifers” fanned concerns that CEDAW also disparaged motherhood and homemakers, required abortion on demand and women in combat, and led to comparable worth, the concept of equal pay for work of equal value that compensates for occupational segregation by sex. When the US Senate conducted hearings in 1988 and the 1990s, feminists emphasized the improved status of women abroad that US ratification of CEDAW would bring. With the breakup of the Soviet Union, the Cold War threat ceased to drive the US stance toward global women’s rights and such arguments had less traction than previously. But the “war on terror” renewed such claims. Here Baldez follows the contours of the debate without judging what other scholars have labeled the rescue narrative of white women saving brown women from brown men.[6] On the other hand, she aptly critiques the “Democratic Party, which ostensibly took up the banner of support for the Convention, [but] has framed that support in terms of arguments that de-emphasize its impact on the constituents who would be most

likely to support it" (p. 182). Neither was CEDAW a priority during Barack Obama's first term when the Democrats had the votes to ratify.

Sometimes Baldez succumbs to her own wishful thinking. Despite saying that women in the United States already possess all of the political, civil, social, and economic rights enumerated in CEDAW, she contends that the convention could provide greater protection against domestic violence than obtainable from either appeals to international human rights tribunals or any ERA. Her argument here is utopian because any future US ratification would come with a reservation against coverage of private conduct in keeping with constitutional limits. Additionally, she oscillates between two contradictory assertions: CEDAW will have little impact on existing laws because it requires positive action by states; CEDAW actually would bring about some of the changes that conservatives fear, such as comparable worth and interference with private conduct. She is on steadier ground when illuminating the ways that foreign policy has influenced the pursuit of women's rights. *Defying Convention* defies scholarly boundaries to examine policy making from the local to the global. Historians can learn much from the transparency in which Baldez presents normative claims.

Notes

[1]. Kristin Hoganson, "What's Gender Got to Do with It? Women and Foreign Relations History," *OAH Magazine of History* 19 (March 2005): 14-18.

[2]. For example, Jean Quataert, *Advocating Dignity: Human Rights Mobilizations in Global Politics* (Philadelphia: University of Pennsylvania Press, 2009); Karen Garner, *Shaping a Global Women's Agenda: Women's NGOs and Global Governance, 1925-85* (Manchester: Manchester University Press, 2010); and Eileen Boris and Susan Zimmerman, eds., *Women's ILO: Transnational Networks, Working Conditions, and Women's*

Equality (London and Geneva: Palgrave and ILO, forthcoming).

[3]. Sunil Amrith and Glenda Sluga, "New Histories of the United Nations," *Journal of World History* 19 (2008): 256, 260.

[4]. Margaret E. Galey, "Women Find a Place," in *Women, Politics, and the United Nations*, ed. Anne Winslow (Westport, Conn: Greenwood Press, 1995), 10-27; Arvonne S. Fraser, "Becoming Human: The Origins and Development of Women's Human Rights," *Human Rights Quarterly* 21 (1999): 884-94.

[5]. For a fuller account from the standpoint of "Third World" women, see Jocelyn H. Olcott, "The Battle within the Home: Development Strategies and the Commodification of Caring Labors at the 1975 International Women's Year Conference," in *Workers across the Americas: The Transnational Turn in Labor History*, ed. Leon Fink (New York: Oxford University Press, 2011), 194-214.

[6]. Lila Abu-Lughod, "Do Muslim Women Really Need Saving: Anthropological Reflections on Cultural Relativism and Its Others," *American Anthropologist* 104 (2002): 783-790.

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Citation: Eileen Boris. Review of Baldez, Lisa. *Defying Convention: U.S. Resistance to the UN Treaty on Women's Rights*. H-Diplo, H-Net Reviews. July, 2015.

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