

Feminist Foresight in Statelessness: Century-Old Citizenship Equality Campaigns

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Abstract

Gender discriminatory nationality laws exist in roughly fifty countries today and one of the most severe consequences of such laws is statelessness. It may have appeared to many working in the statelessness sector, or those campaigning against gender discriminatory nationality laws, that until the launch of the Global Campaign for Equal Nationality Rights in 2014, efforts to eradicate such laws were largely only coordinated on a national level. This paper, however, uncovers a hidden period in statelessness history: the citizenship-equality campaigns of the early 1900s. These campaigns are situated within the growing momentum in women's rights activism from Napoleon France to the Beijing Platform for Action. And, questions are posed on how gender discriminatory nationality laws have, or have not, been addressed in during these historical moments.

Introduction

On 13 March 1930, feminist activists from around the world descended on the Hague to protest a gathering of the League of Nations. Not invited to the opening ceremonies of the conference, the activists held a protest rally a few doors away. Gaining plenty of attention by the press, they were dressed colourfully, using their clothes to represent the countries they came from and the restrictive women's rights that existed there. White clothes stood for complete equality, while pink and blue etc. signified a change in law toward equality. Black, worn by the hosting Dutch feminists, meant complete discrimination in the law. While this lively event sounds like the actions of suffragettes of that period, the discriminatory laws these women were protesting were in fact nationality laws. In 1930, nationality laws in all but five countries in the world made distinctions based on sex, specifically discriminating against women by making their nationality dependent on that of their

husbands.¹ In 2020, there remains roughly fifty countries in the world that continue to discriminate against women in regard to their nationality.²

The launch of the Global Campaign for Equal Nationality Rights in 2014, to work toward the full eradication of gender discriminatory nationality laws (GDNL), was very welcome, particularly to those working on ending statelessness.³ Statelessness is a real consequence of GDNL for millions of children born to mothers in those twenty-five countries where women do not have the same right as men to pass on their nationality.⁴ However, what this paper reveals – possibly for the first time to many working on statelessness today – is that women’s citizenship equality campaigns are not new. So highly regarded, and prominent, was the importance of women’s nationality rights during the early 1900s, that the International Alliance of Women was renamed the International Alliance of Women for Suffrage and Equal Citizenship.⁵ Also, in notable similarity to today’s Global Campaign for Equal Nationality Rights, the protests of the 1930s have been referred to as ‘the campaign for equal nationality rights’.⁶ Once pulled, this thread of early 20th century GDNL campaigning, reveals an abundance of literature written on these campaigns.⁷ That literature conveys the vibrancy of the

¹ The five countries were Argentina, Chile, Paraguay, Uruguay and the Soviet Union, see Candice L. Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (University of California Press 1998) 195.

² For a full list of the countries and other information relating to gender discriminatory nationality laws, see The Global Campaign for Equal Nationality Rights, ‘The Problem’ <<https://equalnationalityrights.org/the-issue/the-problem>> accessed 7 February 2020.

³ As will be detailed later, there have been several variations of gender discriminatory nationality laws over the past century, some have been almost fully eradicated, and others not. In this article, gender discriminatory nationality laws (GDNL) is used as an umbrella term for each form of nationality law that discriminates against women.

⁴ cf Lina Abou-Habib ‘Gender, Citizenship, and Nationality in the Arab Region.’ (2003) 11 Gender & Development 66; Zahra Albarazi ‘No Legal Bond, No Family Life.’ (2014) 19 TLR 11.

⁵ Bredbenner (n 1) 203.

⁶ Carol Miller ‘Geneva—the Key to Equality’: Inter-War Feminists and the League of Nations’ (1994) 3 Women’s History Review 219, 226.

⁷ Chrystal Macmillan, ‘Nationality of Married Women: Present Tendencies’ (1925) 7 J Comp Legis & Int’l L 142-154; Bertha Lutz, ‘Nationality of Married Women in the American Republics’ (1926) 60 Bull Pan Am Union 392; Muna Lee, ‘The Inter-American Commission of Women: A New International Venture.’ Pan-American Magazine (1929) <<https://www.uhmc.sunysb.edu/surgery/IACW.pdf>> accessed 10 February 2020; Blanche Crozier, ‘The Changing Basis of Women’s Nationality’ (1934) 14 BU L Rev 12; Jacqueline Bhabha and Sue Shutter, *Worlds Apart: Women under Immigration and Nationality Law* (Longwood Pr Ltd 1985); Miller (n 6); Mary Trigg ‘To Work Together for Ends Larger than Self: The Feminist Struggles of Mary Beard and Doris Stevens in the 1930s’ (1995) 7 Journal of Women’s History 52-85; Bredbenner (n 1); Nitza Berkovitch and Nişşā Berqôvîč, *From Motherhood to Citizenship: Women’s Rights and International Organizations* (JHU Press 1999); Ellen C. DuBois, ‘Internationalizing Married Women’s Nationality: The Hague Campaign of 1930’ in Karen Offen (ed.) *Globalizing Feminisms, 1789-1945* (Routledge 2010) 204; Katarina Leppänen, ‘The Conflicting Interests of Women’s Organizations and the League of Nations on the Question of Married Women’s Nationality in the 1930s.’ (2009) 17 Nora - Nordic Journal of Feminist and Gender Research 240-255; Karen Knop and Christine Chinkin, ‘Remembering Chrystal Macmillan: Women’s Equality and Nationality in International Law’ (2001) 22 Mich J Int’l L 523-586; Mary E. Daly, ‘Wives, Mothers, and Citizens: the Treatment of Women in the 1935 Nationality and Citizenship Act.’ (2003) 38 Eire-Ireland 244-263; Feryal M. Cherif, *Myths about Women’s*

campaigns – the characters, the conversations and disagreements between them, misogynistic slurs against them, the parades and protests staged, and the drafting of documents and conventions by feminist lawyers and academics – although the present paper does not deal with these in detail.

Instead, this paper details, in the first part, key historical events in the citizenship equality campaigns of the early part of the 20th Century, and how GDNL have (or have not) been addressed by the Beijing Platform for Action. The second part of this paper discusses the significance of the early 1900s citizenship equality campaigns for contemporary statelessness academia and women's rights activism.

Limitations

This paper's heavy reliance on secondary sources has limited the focus to citizenship equality campaigns in the Western context in the early 1900s. Little is known, or at least written about in English – another limitation of this study – that discusses similar activism in other regions during that period.

Part 1 – Feminist Revisionist History: 1900s Campaigning

*Few international questions present such conflicting and perplexing aspects as that of the nationality of women. It is a modern question... Now [women] have been forced into a rude awareness of the completely chaotic conditions of existing nationality laws.*⁸

- Muna Lee, 1929

1.1 Introduction

At the time of the First World War, nationality laws implied that a woman was compulsorily stripped of her nationality upon marriage to a foreign man.⁹ In contradiction to the idea that the First World War brought women's nationality issues to the forefront, Chrystal Macmillan, in 1925, reminded readers that the International Council first took up the issue in 1905.¹⁰ Nevertheless, as this paper is largely reliant on secondary sources to recount early 20th century activism – the majority of which focus on the interwar period – the 1920s and 30s are the main period of attention.

Rights: How, Where, and Why Rights Advance (Oxford University Press, 2015); Helen Irving, *Citizenship, Alienage, and the Modern Constitutional State: A Gendered History* (Cambridge University Press 2016); Linda Guerry and Ethan Rundell 'The Nationality of Married Women in the International Context (1918-1935).' (2016) 1 *Clio. Women, Gender, History*, 73-94; Paolo Amorosa, 'Pioneering International Women's Rights? The US National Woman's Party and the 1933 Montevideo Equal Rights Treaties.' (2019) 30 *European Journal of International Law*, 415-437.

⁸ Lee (n 7) 1.

⁹ Macmillan (n 7) 154.

¹⁰ Macmillan (n 7) 143.

Before detailing highlights of those campaigns, it is instructive to look at a brief history of the origins of 'nationality', and the simultaneous growth of feminist activism throughout the 18th and 19th century.

1.2 Background

1.2.1 The 1791 *Citoyennes Passives*

The concept of 'nationality' and its codification began over a hundred years prior to the citizenship equality campaigns of the early 20th century.¹¹ This historical account begins in France, the first modern nation to codify nationality.¹²

In the wake of the dissolution of the feudal system in France in 1789, revolutionaries claimed to represent universal principles and combat class oppression. However, this articulation of freedom and equality was noted by feminists of the era as completely oblivious to women's subordination.¹³ A 1791 manifesto of feminist claims, by Olympe de Gouges, was a most radical critique of the new nation.¹⁴ Her fight was against the exclusion of women from equal enjoyment of liberty and equality on the grounds that women 'naturally' belonged to the family.¹⁵ Women's subordination and exclusion was in fact written into France's 1791 Constitution, defining women as *citoyennes passives*. Citizenship in the Constitution was status-driven, and women, as 'passive citizens', did not possess full political rights. The majority of men, on the other hand, were defined as 'active citizens'.¹⁶ Women were joined in their passive category by children, servants and a 'motley assortment of civic outsiders'.¹⁷ Unlike most of the 'marginal comrades', Annie Smart points out that women were born 'passive' and remained so, without any opportunity to grow up or out of their category. In 1793, Olympe de Gouges was rewarded for her 'vehement feminist attacks' on revolutionaries with death by guillotine, and subsequently all women's clubs were declared illegal.¹⁸ De Gouges had been specifically campaigning for the civil and political rights associated with citizenship – as opposed to citizenship as a legal status. Had she lived another decade however, she would have witnessed (and likely campaigned against) the 1804 Napoleonic Code which made a

¹¹ In conformity with statelessness academia, nationality and citizenship are used interchangeably to denote the legal tie between a person and the state.

¹² Verena Stolcke, 'The 'Nature' of Nationality.' In Veit Bader (eds) *Citizenship and Exclusion* (Palgrave Macmillan 1997) 61, 66.

¹³ *ibid* 67.

¹⁴ *ibid*.

¹⁵ *ibid*.

¹⁶ Annie Smart, *Citoyennes: Women and the Ideal of Citizenship in Eighteenth-Century France* (University of Delaware Press, 2011) 4.

¹⁷ *ibid* 204.

¹⁸ Stolcke (n 17) 67.

woman's citizenship dependent on that of her husband.¹⁹ The principle of *jus sanguinis*, the inheritance of citizenship through fathers explicitly, was deemed fundamental to warranting loyalty at a time when the Napoleonic wars encompassed Europe.²⁰

1.2.2 Nineteenth Century Beginnings

There was, in the 19th century and only in certain countries, a growing but gradual momentum in advocacy movements for women's rights. Starting with the seminal 1848 Seneca Falls Convention in New York, US activists promoted the idea of such 'Women's Rights Conventions' at which a wide spectrum of women's grievances could be expressed and affirmed. High on the women's agenda from the outset was the extension of full franchise to women. Pragmatic demands were also prominent, the right to education and payment for work done, while the position of the married woman was singled out by campaigners and declared to be that of the 'civilly dead'.²¹ In 1888 in Washington DC, at a meeting attended by fifty-three women's organizations from nine countries, the US National Women's Suffrage Association, helped to found a new organisation, the International Council of Women.²² By 1905 the Council had grown to having national branches in thirty-five countries. In that same year, the International Council of Women carried out 'a special investigation' on the issue on unequal nationality laws and continued advocating for reform in the decades that followed.²³

1.3 Protest Preparations Begin

The interwar years saw the growth of a global citizenship equality campaign. Several national feminist organisations petitioned their respective governments on the issue, and local commitment translated to wider united action on the issue. Globally, the International Alliance of Women for Suffrage and Equal Citizenship (hereafter the Alliance) became committed to the principle that married women should 'enjoy all the freedom granted to men to retain or alter their nationality'.²⁴ In 1923 the Alliance put together a set of international guidelines as, what Caroline Bredbenner called, a 'cure for the dismal state of married women's nationality rights'.²⁵ The

¹⁹ *ibid* 66.

²⁰ *ibid*.

²¹ The damning conclusion of 'civilly dead' would have full resonance in the 19th and early 20th centuries when the legislation passed by national governments invariably excluded the mother's right to pass on nationality to her children. See, *1848 Declaration of Sentiments* [Online]. [Accessed 11 May 2020]. Available from: <<http://www.womensrightsfriends.org/1848.php>>.

²² Linda L. Clark and Linda Loeb Clark, *Women and achievement in nineteenth-century Europe* (Cambridge University Press, 2008) 251.

²³ Macmillan (n 7) 143.

²⁴ Bredbenner (n 1) 198.

²⁵ *Ibid*.

collaborative nature of international activism is clear from the Alliance's response to the 1928 announcement that the League of Nations would hold a Conference on Codification of International Law in 1930, in the Hague (hereafter, the Conference).²⁶ When the announcement was made, a committee created by Alliance, sprang into action.²⁷ The committee was directed by three pioneering lawyers, Chrystal Macmillan, France's Maria Vérone and Betsy Bakker-Nort from the Netherlands.²⁸

At the same time, and since the formation of the Inter-American Commission of Women (IACW) in 1928,²⁹ significant efforts to secure equal nationality rights for women at the Hague Conference were being made by US feminists. Alice Paul, described as a leading figure in the US feminist community, spent two years collating a volume of work on nationality laws around the world. Laws were sent to Paul and her colleague Dorothy Stevens, in their original text and with translations, from feminists in eighty-four countries. Languages included Japanese, Greek, Siamese, Bulgarian, Russian.³⁰ The IACW, led by Paul, put together another progressive text, the Equal Nationality Treaty, which was registered by the Council of the American Institute of International Law. The Treaty stated that a contracting party shall make 'no distinction based on sex in their laws and practice relating to nationality'.³¹ The Treaty specifically guaranteed the right of mothers, equally with fathers, to transmit nationality to their children. For women in the United States, the next step was getting to the Hague for the Conference. On failing to secure positions with the US delegation, national feminist organisations sent their own, unofficial, delegates to the Hague.³²

²⁶ Conflicts and differences of tactics did, however, exist across groups and so this collaboration should not be oversimplified nor romanticised. See Miller (n 6) 229; Trigg (n 7) 61; Bredbenner (n 1) 216. In literature on the Inter-American Commission of Women (IACW), attention is largely placed on the contributions of North American activists. Dorothy Stevens and Alice Paul are particularly noted as key leaders in the Pan-American alliance. On closer examination however, it is possible to find reference to a strain between Latin and Northern American feminists. Latin American members were resentful of a perceived hijacking of the IACW by Dorothy Stevens. Limited by the availability of literature available, the present paper does not illustrate the extent to which women of colour were ignored, or muted, as a means for white women's emancipation in the early 1900s. See Ann Towns, 'The Inter-American Commission of Women and Women's Suffrage, 1920–1945.' (2010) 42 *Journal of Latin American Studies*, 779, 796.

²⁷ Formerly the International Woman Suffrage Alliance. The renaming indicated the elevation of the citizenship-equality issue to the women's cause. Dubois (n 7) 206.

²⁸ Ibid.

²⁹ In Spanish: Comisión Interamericana de Mujeres (CIM).

³⁰ See Lee (n 7) 19; Amorosa (n 7) 293.

³¹ Bredbenner (n 7) 204.

³² Ibid 207.



Image 1: National Association Women Lawyers petitioning United States Plenipotentiaries to vote for equality at the Hague. Washington, 1930 (Harris & Ewing Collection, Library of Congress Prints and Photographs Division)³³

1.4 Conflict at the Peace Palace

‘the unattainable dream’³⁴

By opening night of the Conference, March 13th, 1930, women had arrived from around the world. As the formal opening ceremonies commenced, a women’s protest procession took place nearby, a ‘public spectacle adapted from the grand suffrage parades of the past.’³⁵ Thirty-five countries were represented by the participants.³⁶ Women from each nation carried their respective country’s flag and their dress colour symbolised their country’s nationality laws. According to Ellen Dubois, ‘The closer to the [International Alliance’s] Committee on Nationality’s proposed standard of independent nationality for wives, the more cheerful the colours.’³⁷ The black colour of the Dutch dress, and the irony of the location of the protest, was not lost on the Dutch activist, Betsy Bakker-

³³ Prints and Photographs Online Catalog (Library of Congress, nd)
<<https://www.loc.gov/pictures/item/2016878749/>> accessed 10 February 2020.

³⁴ Quoted in newspapers describing women’s proposal for equal nationality rights, Chairman of the Codification Conference, and long-time enemy of the Dutch woman suffrage movement, Former Prime Minister Theodorus Heemskerk. Dubois (n 7) 207.

³⁵ *ibid* 206.

³⁶ Berkovitch and Berqôvîč (n 7) 81.

³⁷ Dubois (n 7) 206.

Nort. She observed that the 'legal situation of women [in the Netherlands] is still based on the obsolete principle of subjection of women to men'.³⁸

The momentum of the protesters did not wane throughout the month-long Conference. Bredbenner and Dubois record exactly how the persistence of the protesters was received by the League of Nations delegates, noting how a joint memorandum sent to the Conference by the International Council of Women and the International Alliance of Women, was read to the assembled delegates on March 13th. Representatives from the two women's groups were given permission to meet with the Bureau of the Conference on the proviso that this would by no means affect the general conference.³⁹ At the meeting, the women emphasised their commitment to nationality-law reform for the next twenty-five years, and insisted that they be given an opportunity to speak before the full assembly on behalf of women, saying 'even a criminal is not refused a legal defender'.⁴⁰ Within two weeks, and following the arrival of the 'militant' American feminists, the actions of the women as 'unofficial delegates' had finally antagonized the presiding officer of the Conference. The presiding officer was Theodorus Heemskerk, ex-prime minister of the Netherlands and long-time enemy of the Dutch women's suffrage movement.⁴¹ Heemskerk claimed that the women's groups were harassing the delegates. He gave an order to the Dutch police to eject them from the grounds of the Peace Palace and he then had them barred.⁴² Not to be defeated, the women simply regrouped and resumed their protests outside the palace gates.

The tenaciousness of the protesters annoyed Heemskerk, who was quoted in the press angrily claiming that the women 'came not merely as strangers, but with the hostile intention of frustrating the work of the conference'.⁴³ He also referred to the feminists' proposals for equality as 'the unattainable dream'.⁴⁴ The Conference was reportedly a rather dull international event in many respects, and so the actions of the feminists were pursued by news reporters who delighted in the 'publicity-seeking' activists.⁴⁵

1.5 The Convention on Certain Questions Relating to the Conflict of Nationality Laws 1930

The only outcome agreed upon at the Conference was the Convention on Certain Questions Relating to the Conflict of Nationality Laws (hereafter, the Convention). In spite of the

³⁸ *ibid* 207.

³⁹ *ibid*.

⁴⁰ Bredbenner (n 1) 210.

⁴¹ Dubois (n 7) 201.

⁴² Bredbenner (n 1) 210.

⁴³ *ibid* 211.

⁴⁴ Dubois (n 7) 207.

⁴⁵ Bredbenner (n 1) 211.

colourful and persistent campaigning of feminists at the Conference, the Convention was not to their satisfaction. It did not uphold equality between men and women in terms of nationality, but only addressed women's nationality rights in so far as ensuring that they would not become stateless (Articles 8–11) or dual nationals. The Convention still retained the idea that married women's nationality was conditional. This, the campaigners understood, implied inferior.⁴⁶ It is worth noting here that while campaigners, prioritised equality, choice, autonomy, and in particular the disestablishment of male marital authority,⁴⁷ they also recognised the risks of proliferating childhood statelessness through GDNL.⁴⁸ International jurists at the Convention were in fact more open to preventing statelessness, than they were to engaging with feminist principles of equality, wanting to find solutions to statelessness with 'as little disruption as possible to male headship of marriage.'⁴⁹



Image 2: From Washington, National Women's Party members telephone their colleague, Doris Stevens, in the Hague to ascertain whether the World Code being drawn up on nationality laws will be based on sex discrimination.⁵⁰

⁴⁶ Irving (n 7) 173.

⁴⁷ Dubois (n 7) 207.

⁴⁸ In 1934, Blanch Crozier, noted 'There are already thirteen countries in the world in which men and women transmit nationality to children upon the same terms (Argentina, Chile, Colombia, Dominican Republic, Ecuador, Nicaragua, Panama, Paraguay, Peru, Soviet Russia, Turkey, Uruguay, Venezuela), and no greater difficulties have been encountered than in countries where the father alone has the right to transmit nationality.' Crozier (n 7) 152.

⁴⁹ Dubois (n 7) 207.

⁵⁰ Media (Picryl, nd) <<https://picryl.com/media/feminists-telephone-the-hague-to-determine-their-status-in-proposed-world-code>> accessed 20 February 2020.

The work of feminists wasn't over. In succeeding years, governments were either frustrated or bemused by the continuing campaigns for the eradication of GDNL when statelessness, in their view, had been addressed by the 1930 Convention.⁵¹ During the League of Nations Council Meeting in January 1931, women from all over the world sent campaigning telegrams to Council members. British foreign minister Arthur Henderson, president of the Council at the time, received 210 telegrams in less than forty-eight hours, 150 of these from England.⁵² As a result of the telegram campaign, and on the initiative of the representatives of Guatemala, Peru and Venezuela, the Council agreed to place the nationality of married women on the Assembly agenda.⁵³ Moreover, it invited eight transnational women's organisations to form a committee within the Council of the League of Nations.⁵⁴ The committee's proposals would be presented to the Twelfth Assembly in 1931.⁵⁵

The new committee, entitled the 'Women's Consultative Committee on Nationality' (hereafter the Committee) brought forward proposals opposing the Hague Convention because 'it differentiates between men and women as regards nationality'.⁵⁶ Instead, the Committee insisted that each state party should agree that 'there shall be no distinction based on sex in their law and practice relating to nationality'.⁵⁷ In counterpoint to the 1930 Hague Convention, the Committee emphasised how women were 'deeply concerned to see that articles predicated on the theory of women's subordination have been included in an international agreement'.⁵⁸ They maintained that that recognising the 'old idea' of subordination in practice was to 'refuse [women] adult status'.⁵⁹

1.6 The Convention on the Nationality of Women 1933

One of the major achievements of the 1920s–30s period was that, following years of advocacy and research by the Inter-American Commission of Women, an equal-nationality treaty was on the agenda of the 1933 Pan American Union Conference. Out of this Conference, came the adoption of the world's first international convention relating to women's nationality rights, or to women's rights of any kind, the 'Convention on the Nationality of Women'. Article 1 specified that

⁵¹ Irving (n 7) 240.

⁵² Miller (n 6) 227.

⁵³ Hudson (n 57) 118.

⁵⁴ Miller (n 6) 227.

⁵⁵ Hudson (n 57) 118.

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ Guerry (n 7) 85.

⁵⁹ *ibid.*

signatories agreed that 'there shall be no distinction based on sex as regards nationality, in their legislation or in their practice'.⁶⁰

1.7 The End of the Campaigns?

The question as to what extent, the citizenship equality campaigns of the 1920–30s, came to an end at the outbreak of the Second World War in 1939, has no definitive answer. Most of the scholarship on the equal citizenship campaigns of the first half of the 20th century focuses on the interwar period. Miller writes that, thanks to persistent demands to advance the status of women, the League of Nations Assembly in 1937, finally approved a plan for a comprehensive and scientific inquiry into the legal status of women throughout the world.⁶¹ However, the work of the inquiry committee that was set up, appears to have been brought to a halt by the beginning of the Second World War.⁶² Nonetheless, the work of feminists in the 1930s would bear further fruit in the creation of the UN Status of Women Commission in 1946.⁶³ Successive international treaties and conventions would continue to crop up until the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was drafted in 1981.⁶⁴ And with it, at last, came a full and comprehensive convention requiring equal nationality rights for women.

Although three UN conferences on women were held in and around this period, it was the 1995 Fourth World Conference on Women in Beijing that holds most historical importance. The conference resulted in the Beijing Declaration and Platform for Action, adopted by 189 states, it is considered one of the most advanced and wide-ranging strategic plans for women's rights.⁶⁵ It is therefore worth looking to Beijing as a possible rejuvenation of the movement against GDNL which had declined since the interwar period and – perhaps the height of those campaigns – the Hague Convention in 1930. While it is difficult to find exact details on the issues lobbied for by civil society at the Fourth World Conference,⁶⁶ one can instead look to the Beijing Declaration as an output of their efforts and, as a signifier of government interest in addressing GDNL. Though nationality law wasn't specified in the Beijing Declaration, all states pledged to remove gender discrimination from

⁶⁰ Convention on the Nationality of Women 1933, art 1.

⁶¹ Miller (n 6) 237.

⁶² *ibid* 238.

⁶³ *ibid* 237.

⁶⁴ *ibid* 239.

⁶⁵ United Nations, Fourth World Conference on Women, 4-15 September 1995, Beijing, China <<https://www.un.org/en/conferences/women/beijing1995>>

⁶⁶ Owing to the number of lobbyists in attendance: over 30,000 people attended the parallel NGO forum while 4,000 NGO representatives participated in the Fourth World Conference on Women. See, United Nations, *Report of the Fourth World Conference on Women* (Beijing, 1995), 208.

all laws.⁶⁷ The only acknowledgement of the issue of GDNL is insofar as it relates to the girl child. Strategic Objective L.1 'Eliminate all forms of discrimination against the girl child', action point no. 274 (b) states that 'Consistent with article 7 of the Convention on the Rights of the Child, 11/ take measures to ensure that a child is registered immediately after birth and has the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.'⁶⁸ This singular focus on children's nationality fails to acknowledge the impacts on women, in their own right, when they are restricted equal rights with men to acquire, change, retain and transfer their nationality. While feminist activists in the early 20th century were not satisfied by international agreements on safeguards against childhood statelessness, did the Beijing Declaration represent a decline in momentum?

Part 2: Recentring GDNL in History – a Discussion

2.1 Introduction

An analysis of the key events and characters from the early 1900s, described in part one of this paper, can be a source of inspiration and lessons for today's campaigns against GDNL. To draw out such lessons it is useful to reflect on the foresight of equality campaigners on statelessness issues and also to question the role of race in the history of GDNL.

2.2 Feminist Ferocity and Foresight

At the core of the early campaigners' demands was a whole-hearted commitment to equality, interpreting this commitment can be a source of inspiration for today's GDNL campaigns. Nationality laws that prevent a woman from passing on her nationality to her child arguably receive more attention by statelessness actors or international organisations today, than the laws that discriminate against a woman in her right to acquire, change or retain her nationality.⁶⁹ Understandably, statelessness is more of an immediate risk in countries where children cannot acquire their mother's nationality, and the necessity for campaigns on the issue is unquestionable. Also, given the fact that the Convention on the Rights of the Child is the world's most widely ratified treaty, canvassing against this form of GDNL may be easier. However, 1930s campaigners did not

⁶⁷ Strategic Objective I.2, 'Ensure equality and non-discrimination under the law and in practice' 232 (d) *Beijing Declaration and Platform for Action* (Fourth World Conference on Women, Beijing) 1995, 96.

⁶⁸ *Beijing Declaration and Platform for Action* (Fourth World Conference on Women, Beijing) 1995, 112.

⁶⁹ cf 'Global Action Plan to End Statelessness: 2014 – 2024: Action 3' (UNHCR, 2014) 15
<<https://www.unhcr.org/en-ie/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>> accessed 15 February 2020.

give up their fight when safeguards against statelessness were drawn up, but instead, stuck to the principle of equality. This raises the question of whether GDNL campaigns today should also place their emphasis on women's equality as the overarching need for law reform. In fighting, first and foremost, for equal nationality laws between men and women, it is arguable that campaigns to eradicate GDNL one hundred years ago were less conservative in their demands than some of the campaigns today. Furthermore, it's worth considering if the grouping of 'women and children' in today's campaigns against GDNL is problematic?⁷⁰ On the one hand, does the grouping of women's and children's rights together reproduce the infantilization of women? To use the phrasing of the 1931 Women's Consultative Committee on Nationality, does this focus 'refuse [women] adult status' in their own right? And on the other hand, does the emphasis on children in GDNL campaigns reify the role of women as mothers? For example, the Beijing Declaration, which focused on GDNL solely through the lens of the rights of the girl-child overlooks the importance of eradicating GDNL for women in their own right.

One of the key lessons to take from the early campaigners is the value of collaboration. Campaigners in the early 1900s overcame financial, logistical and linguistic barriers to meet at the Hague in 1930, launch international campaigns such as the telegram campaign in 1931, and to collate an eighty-four-country report on nationality laws. This is to say nothing of the equality treaties and conventions that the campaigners drew up and lobbied for in the face of relentless opposition. Collaboration in the form of international support also reached the activists: 'Distinguished editors, men and women of letters, jurists, and feminists from all over the world have sent encouragement, congratulations and approval. The responses range from India to Greece, and from Canada to the Argentine.'⁷¹ Looking later to the 1995 Beijing Declaration, and the lack of specified focus on eradicating GDNL, reemphasises the fact that attention and international collaboration on this issue had significantly diminished. Today, with profound improvements in telecommunications, and far more financial and logistical resources, it is realistic for international organisations to aim to facilitate frequent and consistent collaboration between activists in the fifty countries where GDNL persists. In honouring the work of international activists a century ago, and to foster the work of national activists today, activists from each country could be brought together on

⁷⁰ cf Cynthia Enloe, "Womenandchildren': Propaganda tools of patriarchy.' in Greg Bates (ed) *Mobilizing democracy: Changing the US role in the Middle East* (Common Courage Press 1991: 29-32; World Conference on Statelessness Report 2019 (The Institute on Statelessness and Inclusion 2019) 11
<<https://www.institutesi.org/conference>> accessed 25 February 2020.

⁷¹ Lee (n 7) 6.

an annual basis to develop their ideas for global action against GDNL.⁷² Furthermore, not only is collaboration needed across countries affected by GDNL, but wider attention to the issue is sorely required. With each Beijing Declaration anniversary that occurs, how is it possible to raise the profile of GDNL with feminist allies in other areas of women's rights?

2.3 A Whitewashed and a Forgotten History

In contemporary statelessness literature, the gap in general awareness of the early campaigns, may be due to the fact that several authors of the 1930s campaigns are historians, and their works were simply missed. Indeed, authors who work on the early campaigns for citizenship equality note how relatively unexplored this dimension of 20th century feminist history is.⁷³ Unfortunately, in addition to the lack of attention paid to earlier campaigns, most historians do not refer to the on-going existence of GDNL at the time of their publications, with the exception of one or two accounts.⁷⁴ GDNL as a cause is therefore forgotten on multiple levels.

In remembering and honouring the early 1900s campaigns, it's nonetheless important to maintain a critical perspective of their campaigns, and the histories written about them. These have centred white Western heroines. As noted earlier, this paper has not dealt with the likely suppression of the voices of women of colour in the earlier citizenship equality campaigns, nor has it covered the ways in which nationality and immigration laws affect(ed) women of colour in Western countries.⁷⁵ The role race and geographical inequality plays in the continued neglect of GDNL is a subject that requires another study. By way of illustration, the fifty countries which retain GDNL today are, with the exception of Monaco, non-Western.⁷⁶ This is a worrying reflection of perhaps how, once women in the West were granted full nationality rights over the course of the 20th century, non-Western countries were forgotten. Reflecting on the vibrancy and creativity of the

⁷² The first ever global meeting of the Global Campaign for Equal Nationality Rights took place in Istanbul in 2019. Civil society leaders from Africa, the Caribbean, the Middle East, South Asia and Southeast Asia were in attendance. See, Global Campaign for Equal Nationality Rights, 'News' (2 May 2019) <<https://equalnationalityrights.org/news/96-end-gender-discrimination-in-nationality-global-statement-2019>> accessed 8 May 2020.

⁷³ Dubois (n 7) 204; Bredbenner (n 1) 2; Irving (n 7) vii; Amorosa (n 7) 416.

⁷⁴ In her 2001 piece on GDNL in international law, Knop notes that challenges to GDNL were 'currently before the courts in Bangladesh, Nepal and Pakistan' Knop (n 14) 91. Cherif who provides an overview of the 1930s campaigns, analyses why GDNL was eradicated in Morocco in 2007 but not in Jordan. However, Cherif's conclusions rely on unsubstantiated justifications and makes very problematic generalisations of those countries, Cherif (n 7) 85.

⁷⁵ For an explanation of how campaigning for women's equal nationality rights in Britain was conducted in racist terms, see WING (Women, Immigration and Nationality Group) *Worlds Apart: Women under Immigration and Nationality Law* (London, Pluto Press, 1985).

⁷⁶ The Global Campaign for Equal Nationality Rights (n 2).

early 1900s campaigns, it's disappointing to think that such urgency wasn't extended to, or maintained for, countries in their postcolonial independence era.

Conclusion

During the interwar years, feminist campaigners were filled with energy to eradicate GDNL. At the Hague Conference in 1930, campaigners even announced that they would remain committed to the cause for another twenty-five years. This makes one wonder how disappointed those campaigners would be if they witnessed the persistence of GDNL almost a century later. On the other hand, it is possible to question, why the energy of the interwar feminists was not carried on for the other countries that upheld GDNL in the decades that followed. One could ask too why we are left with a situation where all but one of the countries with GDNL are non-Western, where global public awareness on the issue is lacking, and where any transnational feminist commitment to the cause is a diluted version of that of the 1930s. The bottom line is that the campaigns from the early 1900s highlight the long-overdue nationality rights of all women that are still in need of attention. At a time when the centenary of suffrage is being celebrated around the world, can the campaign for women's equal nationality rights, an early sister to those suffrage campaigns, receive the awareness it needs to be finally fulfilled?