The Global Parliament of Mothers: History, the Revolutionary Tradition, and International Law in the Pre-War Women's Movement

Susan Hinely

Follow this and additional works at: https://scholarship.kentlaw.iit.edu/cklawreview

Part of the Law Commons

Recommended Citation
Available at: https://scholarship.kentlaw.iit.edu/cklawreview/vol87/iss2/8
THE GLOBAL "PARLIAMENT OF MOTHERS": HISTORY, THE REVOLUTIONARY TRADITION, AND INTERNATIONAL LAW IN THE PRE-WAR WOMEN'S MOVEMENT

SUSAN Hinely*

INTRODUCTION

Of the numerous transnational political movements that marked the years before the First World War, the largest by far was the women's movement, a broad-based collection of reformers and revolutionaries, divided by class and race to be sure, but united in their transnational identity as enfranchised citizens of no state. Speaking in London to the Fifth Congress of the International Women's Suffrage Alliance, Carrie Chapman Catt explained that though "diligently and persistently we work each in our own land," the international women's movement "has lifted us above the sordid struggle of each nation."

We have been baptized in that spirit of the Twentieth Century which the world calls Internationalism.... Our task will not be fulfilled until the women of the world have been rescued from those discriminations and injustices which in every land are visited upon them by law and custom. 1

In spite of the enormous size and range of the movement and the continuing resonance of many of its slogans and ambitions, this mass uprising has been reduced in popular memory to the "suffrage movement," a single-issue campaign waged by privileged Victorian women that ended in victory with postwar enfranchisement. Cast as a foregone development in the march of electoral expansion, the movement ranks obligatory but marginal mention in survey texts and its heroes are missing from the usual parade of freedom champions: there is no place

* Susan Hinely is a native Texan who received a B.A. from University of Texas, a J.D. from Harvard Law School, and a Ph.D. in modern European history from Stanford University. After practicing litigation in New York City for a number of years, Susan joined the History faculty at State University of New York in Stony Brook where she now teaches gender, legal, and global history.


439
for Anthony in the globally recognized line of emancipators that runs from Jefferson to Lincoln, Gandhi, King, and Mandela.2

Mainstream academic history has done little to dislodge this stubbbon popular stereotype of the elite, socially conservative, historically superfluous, and fatally dull suffrage movement. While feminist historians have offered sophisticated analyses of the culture and politics of the suffrage campaigns, and have produced an even richer body of work on women's philanthropic, economic and cultural activities in this period, these studies, like the movement itself, tend to get relegated into a women or gender "field" separate from the core narratives of democracy and the revolutionary tradition; stories about women's suffrage freedom fighters are treated as categorically different from the celebrated liberation struggles of African Americans or colonized nations.3 Indeed, the academy has produced a widely absorbed narrative that turns these heroes into villains, a line of analysis that highlights the racism within the movement and shows how women suffragists served to legitimate imperial rule. Outside of feminist scholarly circles, Elizabeth Cady Stanton is as likely to be remembered for her infamous reference to "Sambo" in the debates over the Fourteenth Amendment as she is for her advocacy of interracial marriage and her radical critique of both capitalism and Christianity.4 Antoinette Burton's groundbreaking work on the imbricated discourses of feminism and imperialism in the British women's suffrage movement has spawned a narrative that has become dislodged from the nuances of

2. See, e.g., FELIPE FERNANDEZ-ARMESTO, THE WORLD: A BRIEF HISTORY, VOLUME TWO: SINCE 1300 (2008); James A. Henretta et al., AMERICA'S HISTORY (6th ed. 2008) (devoting a thirty-page chapter to Jacksonian democracy and a total of three pages in three different subsections to the movement for women's political emancipation). The leaders of the movement have little cultural or commercial charisma, and with the possible exception of Alice Paul, whose memory was resuscitated by Hilary Swank in a slick 2004 HBO dramatization "Iron Jawed Angels," they are all subsumed in an anonymous stereotype of the fussy, middle-aged, and sanctimonious suffragette, a popular image first cultivated by anti-suffragists in what must be one of the most successful media campaigns in political history. See LISA TICKNOR, THE SPECTACLE OF WOMEN: IMAGERY OF THE SUFFRAGE CAMPAIGN, 1907-14 (1988). Note, as just one of many examples of the unmarketability of suffrage stories, that Ken Burns's marvelous film about Anthony and Cady Stanton, NOT FOR OURSELVES ALONE: THE STORY OF SUSAN B. ANTHONY AND ELIZABETH Cady Stanton (PBS 1999), is routinely downplayed or omitted from advertisements and other listings of his highly successful documentaries. See, e.g., www.shoppbs.org.

3. Note that this pallid image of the suffrage movement was first drawn by second wave feminist historians whose political culture distanced them from the "bourgeois" suffragists and drew them towards figures and movements they perceived to be working class and more revolutionary. See, e.g., WHAT IS LIBERATION? IN WOMEN: A JOURNAL OF LIBERATION (1970), reprinted in THE COLUMBIA DOCUMENTARY HISTORY OF AMERICAN WOMEN SINCE 1941, at 223 (Harttiet Sigerman ed., 2003).

4. See, e.g., Henretta et al., supra note 2, at 469.
her original text and that has converged with an earlier scholarly story that dates the origin of racism in the European overseas empires with the arrival of white women in the mid-nineteenth century.5

Recent studies of the three to four decades before the First World War, however, offer fresh non-ideological ways to think about the radical movements of this period and suggest that both the academy and the public might be ready see the pre-war women's movement in new ways. Often labeled as "global histories," these studies highlight the ways that new technologies in communication and transport produced complex confluences of people and ideas, creating a rich cultural brew that isn't easily organized into conventional ideological categories.6 At their best, these histories break through national and racial boundaries to illuminate political aspirations, revolutionary alliances and utopian dreams that were generated in this first stage of contemporary globalization by groups that cut across the categories historians conventionally employ. This new scholarship from historians appears to be developing independently from an equally promising trend of recent studies of this period offered by legal theorists.7 Citing some of the same technological and economic developments highlighted by the historians, these legal scholars see pre-war global culture as the critical seed bed for contemporary international law, especially in its configuration of the doctrine of state sovereignty. Like the historians, the legal theorists describe complex imperial encounters which, they argue, produced a body of international law that has cultural inequality built into its foundation. These two separate though related trends offer

5. Antoinette Burton, Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865–1915 (1994). In no way does Burton's work support the earlier thesis, but her descriptions of suffragists' racist and imperial rhetoric resonated among those scholars already conditioned to receive and absorb these images by the claims made in the earlier work. These descriptions became those that were remembered and passed on in traditional academic communities. An unscientific survey of American and European mainstream political history conferences, seminars and course syllabi suggests that this imperialist image still appears in treatments of the women's suffrage movement, in those uncommon instances when the movement appears at all.


exciting analytical categories and archival material that could support a new approach to the theory and politics of the pre-war women's movement. It is perhaps a testament to the durability of the segregated suffragist stereotype that none of these studies of pre-war radicalism and transnational legal movements consider or, in most cases, even mention the organized women's movement as a participant in this global radical and intellectual exchange.

What follows is an introduction to this historiographical challenge as well as a preliminary framework for reconsidering the pre-war women's movement. If we employ the techniques of the new global histories and legal theories, does a different image of the women's movement come into view? I suggest that if we focus on the transnational elements, a profoundly radical critique of the late imperial state begins to emerge from the archive, a revolutionary strand that has been submerged by the traditional scholarly fixation on the suffragists' use of the dominant imperial discourse. A recasting of the pre-war women's movement that turns "philanthropists" into "revolutionaries" and "nationalists" into "cosmopolitans" would reveal another side to a history we thought we knew while also providing a relevant global past, one that speaks to women today from Tahrir Square to Madison, Wisconsin. From this alternative perspective we can then examine the operation of gender in the construction of international law and pose the same question raised by critical legal theorists: is it possible for international law to deliver justice to those whose exclusion is built in to its very foundation?

I. The Historiographical Challenge

Any attempt to claim a place for the pre-war international women's movement at the heart of democratic revolutionary history faces an often crippling postmodern objection at the outset. "Women" as an analytical category, it is argued, is fatally overbroad. In purporting to write the history of "women," historians in fact write the history of a dominant subset of women while erasing the class, race, and other divisions within this category. To make claims about the global ideas and politics of the pre-war women's movement will inevitably be a partial story that privileges the bourgeois white women who led it and
that hides the particular stories of non-Western, peasant and working class women activists of this period.8

No historian can escape the paradox of having to use categories that do violence at some level to the ever-fragmenting particularity of the past, yet the category “women” seems to be off limits in a way not applied to other equally problematic categories, such as “Third World,” or “Global South,” or “African American,” or “working class,” or any postcolonial nationality. Making claims about the past of any of these groups inevitably places the historian in the taxonomical trap of assuming the existence of the very thing to be explained, of describing a group using terms that were not of the group’s own making.9 But one clear constant in the long history of modern liberation movements is the indispensability of a historical identity as a precondition for political mobilization.10 To claim that women are too diverse to have a common history or, to put it in postmodern terms, that “women” is a social construction that cannot be employed without reproducing the hegemonic relations inherent in the term, is effectively to deny women political agency.11 As I suggest below, women in the pre-war international movement were acutely aware of this paradox yet it did not stop them from making political claims on behalf of women of the world. Historians with far less at stake should have at least as much audacity as these women and directly confront the de-politicizing academic critique that accepts the intellectual validity of, for example, a history of Indian colonial liberation (Whose India? Can Western-educated Congress Party elites speak for the peasant woman from the Deccan plateau?), while rejecting a history of the international women’s movement as conceptually flawed. In writing the history of any of these groups, the historian is tracking the construction of “inventing sub-


9. The linguistic paradox reproduced in the writing of “feminist” history as something separate from the history of radical democracy is addressed by Denise Riley in “Am I That Name?”: Feminism and the Category of “Women” in History (1988). Joan Wallach Scott traces this discursive conundrum in modern French history in Only Paradoxes to Offer: French Feminists and the Rights of Man (1996). For the paradox of writing the history of India using names and identities constructed by imperial Britain, see Dipesh Chakrabarty, Provincializing Europe: Postcolonial Thought and Historical Difference (2000).


jects,” described by Mrinalini Sinha as social subjectivities that are “both invented (the cultural and ideological effects of others’ invention) and as inventing (as opportunistically self-inventing new subjectivities enabled within a given sociohistorical context).”  

Rather than assuming the existence of a fixed reality called “women,” historians of the women’s movement follow the political ideas and actions of human beings wrestling with gendered categories and trying to articulate their ideals and expand their freedoms within a matrix of cultural identities. Any one of these humans will mobilize her gender identity at one moment and her racial or class or other identity at another (or simultaneously), depending upon the utility of these categories in a given context. It is, therefore, not surprising but expected that what we perceive today as “racist” discourse would be employed as an enabling tool by women who, in the pre-war cultural context, carried a privileged racial identity. This does not close the door, however, to the possibility that these same women could be simultaneously inventing a political subjectivity with women who carried other racial identities, that their complex registers of constructed and constructing identities could converge in politically empowering ways.

This is precisely the sort of cultural convergence that the new global histories describe as they track unexpected alliances between metropolitan radicals and colonial subjects. The postcolonial theoretical framework that structures these studies applies as well to an analysis of gender politics. As was argued by second wave feminist theorists, but never fully integrated into mainstream political theory or history, the relationship of men to women is an imperial one, a mutually constructed and economically based relationship of dominance in which a universal masculine identity is constructed against the presumed natural difference of the “other.” Dipesh Chakrabarty’s analysis of European historicism in which the colonial other is indefinitely assigned to “an imaginary waiting room of history,” tracks precisely the discourse found in the women’s suffrage archive. Like imperial subjects, suffragists simultaneously denied and embraced the “civilizing mission” through which they were to become capable of governing themselves,

14. Chakrabarty, supra note 9, at 8.
claiming at one moment to have a different and superior culture and at
the next demonstrating that they were the same as civilized men and,
therefore, ready for self-rule. They found themselves in the same dis-
cursive trap as the non-Western communities Martti Koskenniemi de-
scribes in his history of international law in the decades before the
war: nations that challenged Western practices were not "civilized"
足够的 to be considered equal sovereigns in the family of nations, yet
those that deferred to Western demands and relied upon the West
economically lacked the independence that was the mark of a true sov-
ereign. The suffragists' alternating criticism of the masculine state
and acceptance of its rules, by which measure they, like the non-
Western nations, always came up short, parallels precisely this imperi-
al relation of difference. Antony Anghie's thesis—that the central prob-
lem of international law is not how order is created among sovereign
states, but instead how it was determined who gets to be a "sovereign"
in the first place—is theoretically equivalent to a feminist understand-
ing of the central problem of liberal democratic theory: not how order
is created among equal individuals, but who gets to be considered an
"individual" in the first place. A mass women's movement was de-
manding that law recognize their individuality at the very moment that
non-Western nations and colonial subjects began demanding recogni-
tion of their sovereignty, and the terms, logic, and often the activists
themselves were inter-related. This cultural traffic between women
activists and critics of Western rule is present but not recognized in
Leela Gandhi's account of fin-de-siecle radicalism. Her account high-
lights the themes of friendship and passive resistance, including hun-
ger strikes, without noting that friendship as an ideal and an
alternative to bourgeois marriage was one of the oldest and most
revered slogans in the women's movement, or that women were en-
gaging in hunger strikes at the very moment and place that is the set-
ing for her study. Marilyn Lake and Henry Reynolds subtitle their
widely acclaimed study "white men's countries and the international
challenge of racial equality" (emphasis added), yet do not discuss the
mass women's movement as a possible factor in the white male panic
they chronicle and instead see it entirely as a response to migrant la-
bor and colonial nationalism. The cosmopolitan network of anarchists
and anti-colonialists that Benedict Anderson describes in his most re-
cent work relied upon Western women as translators, couriers, fund-

raisers and publishers, and the links he tracks between Tokyo, Manila, Paris and London converge with the itineraries of global suffragist activists.

Clearly, the theoretical and archival material is available for a project of re-thinking the pre-war women's movement and placing its ideas, tactics and heroes in the center of both academic and popular revolutionary memory. What follows is a suggested framework for approaching the massive women's movement archive in support of this project.

II. SUFFRAGIST REVOLUTIONARIES: DISCOURSE

What strikes any historian entering the suffrage archive for the first time is the weight of nationalist and eugenic rhetoric. But as suggested above, this is precisely the discourse one expects to find from an excluded group in this period: they will use the most effective tools available to claim an identity with those in power. Similar rhetoric can be found among other pre-war anti-colonial groups and radicals, including Mohandas Gandhi, whose Indian nationalism at this time was still framed by his claim of rights as a subject of the British Empire, with a racial identity distinct from (and superior to) that of the native South Africans with whom he lived.16

But like Gandhi and the other anti-colonial activists, the suffragists simultaneously drew scathing indictments of their governments, including the imperial economic relations upon which they depended. In targeting the "Government of Men" and its unjust "Law" as the chief barriers to women's freedom and, consequently, to the freedom of the world, the suffragists were drawing upon a long anti-state tradition within the Western women's movement, a movement that from its origin in the mid-nineteenth century had been principally a campaign against disabling, immoral, and intrusive laws. This rhetorical current was fed by an even longer libertarian stream within the socialist movement. An essential first step in re-visioning the suffrage movement is to recognize its close links with the socialist tradition and to look again at the internationalist ideals and tactics that animated both pre-war movements. The strategic skirmishes and trade union resistance that produced a narrative of separation between suffragists and socialists should no longer obscure the more important fact that a sizeable majority of women in the suffrage movement identified them-

selves as socialists, in theory and, where it was viable, in political affiliation. Indeed, many of the leaders of the pre-war women’s movement got their political education in the socialist revival of the 1880s. At a time when the term “feminism” did not exist, when the complexity and cross-currents of gender unrest were reflected in the open-ended phrase most often used to describe it—“The Woman Question”—the discourse of socialism, which in all of its doctrinal manifestations promised freedom for women, was the best available way to express ideals of gender emancipation.17 In the socialist debate over participation in elections, a lengthy “reform versus revolution” discussion that was settled by the ejection of the anarchist socialists from the Second International in 1893, disenfranchised socialist women were likely to take the revolutionary side, understanding that to adopt the state socialist strategy of electing representatives to Parliament would be to place the future of socialism in a governmental system they could not enter and that enforced their subordinate position through a myriad of laws. Many of these women who called themselves anarchists in the 1880s, or allied with anarchists in the socialist debates, called themselves suffragists twenty years later while pursuing the same substantive socialist ideals. Charlotte Wilson, editor of the London anarchist communist journal Freedom in the 1880s and 90s, and then suffragist activist in the decade before the war, in 1908 described “Socialism and Women’s Emancipation” as “the two most vital movements of our time,” clearly suggesting that for her suffragism and socialism were part of the same revolutionary cause.18 The slogans, rituals, and art of the suffrage movement revived the Victorian culture of revolutionary socialism, as the same emancipatory verses from Shelley’s “Prometheus Unbound” were quoted in suffrage journals that had appeared in the pages of anarchist journals in the 1880s, and hundreds of brightly colored banners of Indian silk and pre-Raphaelite posters decorated the massive suffragist rallies and marches, recalling earlier, smaller scale exhibitions of socialist art. Alongside the suffrage discourse of national and Christian duty, one also finds a new voicing of the radical revolutionary tradition, a gendered commitment to “the sacred duty of

insurrection" through a defiant stance against "masculine sovereignty." 19

While the discourses of international socialism and suffragism both drew upon the emancipatory tradition, both promising to deliver "a re-created world," the rhetoric of the women’s movement distinctly identified its cause with the freedom of "subject races." Reporting on the gathering of international suffragists in Amsterdam in 1908, Teresa Billington-Grieg wrote that "the rebellion of the women of Great Britain" had sent "widening rings of unrest pulsing out" to "other lands and set other women afire." 20 As suffragists, women tapped into global circuits they had earlier built as revolutionary socialists. In contrast to the state socialists, the anarchist socialists included immigrants, political refugees, and other disenfranchised groups as part of their constituency. The links socialist women made with anti-tsarist exiles, Eastern and Southern European immigrants, and African-American activists were then renewed in their pre-war service to "the Cause." Co-existent with the imperial discourse that we all know well, an anti-colonial theme courses through the suffrage archive as many of these women continued to support causes they had first taken on as socialists. Gathered in Budapest in 1913, international suffragists heard condemnations of low-waged, colonial labor that were at least as damning as anything in the socialist press:

In great buildings filled with buzzing, whirring machinery, floor after floor are filled with young women, who are driven the pace of Western labour at cotton and silk looms, and in the making of cigars. Here there are no child labour laws, and babies scarcely out of arms are at work in the hot, greasy-smelling rooms. Here laws set no time limit, and fourteen hours is considered a fair day, and is regarded as a Western standard of Christian justice. Eastern avarice has been stirred by Western example, and many an Eastern master has learned to play the game of the sacrifice of the life and health of employees for his own profit as unscrupulously as any of his Christian mentors. Western nations engaged in the rivalries of international politics have planted the seat of their activities in Asia, and are believed to be actuated by no nobler motive than the exploitation of the East for the selfish benefit of the West. 21


Anti-capitalist rhetoric was accompanied by revolutionary stories with non-Western women as heroes, and with no distinction drawn between the causes of national liberation and women's emancipation. The suffragists pondered the global pattern in which women, both Western and Eastern, are mobilized for revolution and then denied citizenship in victory:

[When] a national interest arises which needs aid, all through the ages, such men, black, brown, white, or yellow, have forgotten their reasons, and become not only willing but anxious that women should come out of the cloister, take off their veils, break their silence, and cease their servility. At such times they encourage women to plunge their nimble fingers into the nation's fire and to bring out the roasting chestnuts of the nation's liberty. These men take the chestnuts, and send the women back to the cloisters and veils, the silence and servility.... It is our business to encourage these women to demand their share of the chestnuts when they have been won.22

Aletta Jacobs and Carrie Chapman Catt's 1913 suffrage world tour had found sister "Revolutionists" all over the world, including Japan, the Philippines, and Java. They told the story of "a Princess of Egypt" who had "taken up her weapons" and was now part of "a society of Mohammedan women organized in Cairo to work towards the emancipation of their sex."23 The story of Nouradojah Kahnom, a "brave, intrepid heroine" for the cause of "emancipation for women and self-government for Persia" was told as part of a larger narrative that placed the blame squarely on British and Russian imperial politics for the failures of the 1906 revolution: "Do not forget, women of the West... that all this came to an untimely end through the interference of Western Christian nations."24 Women's militant participation in the 1911 Chinese Revolution became the central story in Chapman Catt's presidential address. Offered "equal rights in the deeds of risk and danger," Chinese women formed "Dare to Die clubs, and secretly carried arms and ammunitions from Japan to Canton"; an estimated three to four thousands of them died in the fighting. In spite of their sacrifice, the National Convention held at Nanking "acknowledged their services and the theoretical belief in woman suffrage," but determined "that the women were not yet ready!", proving once again that "in some things the East is a faithful follower of Western example!"25

22. Id. at 89.
23. Id. at 91. See also International Women's Suffrage Alliance, Women Suffrage in Practice 55 (1913) [on file at TWL] (where Finnish revolutionaries are praised).
25. Id. at 96.
Although Chinese women were denied national enfranchisement, the Kwangtung Provincial Assembly did pass universal suffrage and reserved ten seats for women representatives. No doubt with conflicted emotions, Jacobs and Chapman Catt observed the Assembly in session and saw women they described elsewhere as “miserable, feet-bound women” exercising more political power than they possessed.26 This was hardly the only occasion when Western women, who in the dominant discourse should be leading the way in the march of emancipation, found that non-Western women possessed civil rights and professional opportunities they still lacked. The discursive dissonance between Western women’s subjective imperial power and the reality of women’s suffrage equality in a number of colonial legislatures, including Rangoon, where women had had the vote on the same terms as men for over thirty years, surfaces periodically in the archive and reveals cracks in the usual rhetoric of suffragist optimism.27 Enfranchisement of colonial sisters not only reversed the fable of Western-led progress, it threw into question the value of the vote since the enfranchised colonial women still clearly lacked meaningful emancipation and political power. The fracturing of Western identity is also legible in the slightly disoriented but clearly awed manner in which European women related to Cornelia Sorabji, the Oxford educated lawyer and activist from Bombay who, as described by Chapman Catt, “has not only studied law, but is permitted to practise by the British government, which denies this privilege to its own daughters at home.”28

Perhaps it was the suffragists’ link with the discourse of colonial liberation that led them to develop one other distinctive theme in their rhetoric. The Cause was not only international but also “interconfessional,” an often iterated claim that the women of the world were united by a spirituality beyond any one organized religion. While Biblical references and Christian motifs mark the archive at least as frequently as the nationalist themes, there simultaneously exists a shaming of the practice of Christianity, especially its legacy in the non-Western world. Christian armies, manufacturers and politicians are compared unfavorably with the “heathen” (invariably set in quotation marks) women and children they employ and enslave. Enlightened and

26. Id. at 32-33.
27. See also Chrystal Macmillan, Facts Versus Fancies on Woman Suffrage 1 (1914) (on file at TWL) (where she bemoans the fact that Britain “has been outstripped by her own colonies”); Women Suffrage in Practice, supra note 23, at xi (listing the non-Western women with franchise rights “still denied to their western sisters of the Latin, the German, and the Slav nations”).
empowered women, the suffragists claimed, are not only re-making the world’s religions, they are part of an international spirit expressed in new habits of living, such as vegetarianism, and in new blended faiths such as Baha’i and Theosophy, whose world spiritual leader, the 1880s English socialist activist Annie Besant, was building schools and supporting the Cause from her adopted home in Benares.29

III. TACTICS

Perhaps the strangest aspect of the mainstream de-radicalized version of the suffrage movement is the popular memory of “militancy,” a chapter within the segregated story that turns suffragists into “suffragettes” and reduces a complex tactical history into a one-dimensional tale of desperate but ineffective violence.30 A wide range of original and carefully deliberated strategies, from civil disobedience to street theater to property destruction, are all conflated into one militant stereotype that turns an international strategic debate and practice into a localized and personalized story about the Pankhursts. Not only are suffragists missing from radical stories of political freedom, they are missing, remarkably, from many accounts of the modern political tradition of the hunger strike. These accounts typically present Gandhi as the global model and originator, yet these accounts have it exactly backward, for Gandhi, writing from South Africa where his campaign for Indian independence was just underway, admired the suffragist political prisoners, made note of their tactics, and predicted their ultimate success, as he put it, “for the simple reason that deeds are better than words.”31 The project of re-telling the history of the pre-war women's movement must re-assert the historical fact that the suffragists were the first to prosecute hunger strikes as protests against imprisonment and were doing so quite consciously as part of a global tradition of radical revolt.

The standard version of the “militant” campaign has the effect of localizing and sanitizing the one moment in modern history when women as women, that is, as part of a distinctly gendered political movement, physically confronted the state and forced it to use violence

30. For just one example of the popular memory of “militancy,” see the portrayal in the film, The Great War and the Shaping of the 20th Century (PBS 1996).
against them. The suffrage archive is rich with material for important contemporary discussions of governmentality, biopolitics, and state violence, yet this archive is routinely overlooked in favor of the examples of imperial or ethnic resistance to the state. Like Giorgio Agamben's "homo sacer," suffragists understood themselves to be "outlaws" whose open defiance of man-made law forced the state to reveal the violence underlying the façade of liberal consent. This tactic of provocation was not the particular and exclusive notion of the Pankhursts or the WSPU, but was rather a broadly debated and applied strategy that co-existed with "constitutional" strategies within the international movement; again, this sort of simultaneous defiance and embrace of the existing political order is precisely what one should expect when approaching this archive from a postcolonial perspective. The popular history of the "suffragette," however, transforms an array of strategies, including passive resistance and the refusal to eat, into a simple story of "militancy." In fact, it was overwhelmingly the state that exercised "militancy" against the bodies of the suffragists, not only in the policy of forced feeding—another contemporary political practice whose origin in the suffrage movement is routinely ignored—but also in violent attacks on suffragist demonstrations, a forgotten history of police brutality that the archive reveals in graphic detail. The tactic of provocation was successful, in suffragist terms, to the extent that the "civilized" state was unmasked and the Cause translated into a "just war" against brute force.

Again, the suffragists cast their "just war" against "sovereign masculinity" as part of an international revolt against the imperial state, and they recognized the similarity in the state's response to both challenges. Speaking to the Women's Freedom League in 1912, Laurence Housman sarcastically noted that "it is male government that has made our rule in India the success it seems" (emphasis original), and he drew a direct parallel between violence against women at home and violence against colonial nationalists:

The conscience that is not offended by the unjust subjugation of struggling nationalities abroad, is less likely to be offended by the unjust and brutal treatment by our authorities at home of Women's

32. I would like to thank Eva Vaillancourt of the Barnard Center for Research on Women for bringing this important point to my attention. See GIORGIO AGAMBEN, HOMO SACER: SOVEREIGN POWER AND BARE LIFE (Daniel Heller-Roazen trans., Leland Stanford University 1998); CHARLOTTE DESPARD, WOMAN IN THE NATION (1910) (on file at TWL).
deputations and political prisoners; for they too are a subject people struggling against despotism for constitutional rights.33

Certainly the British imperial state saw the two political uprisings as linked, and it devised pre-war international containment strategies that addressed both forms of “outrage.” In expanding the surveillance capabilities of Scotland Yard to address the uprisings at home and in the colonies (including, of course, Ireland), and in practicing its own form of internationalism through police collaboration with other Western nations, the British were continuing a project commenced in the 1880s in response to the perceived threat from anarchist immigrants. Indeed, there is a striking continuity between Victorian state and media depictions of anarchist “dynamitards” and the pre-war depiction of suffragists, who are quite explicitly described as “anarchistic” and whose behavior is often ascribed to the same criminal biopathology as the racialized immigrant anarchists.

Here again we find a merging of the histories of suffragism and revolutionary socialism, with a focus now on the tactic of “propaganda by the deed.” The incendiary effect of symbolic strikes against the state had been part of the socialist tradition since Bakunin, and arguably part of the revolutionary tradition since the seventeenth century Levelers. The resurrection of this tactic by the pre-war women’s movement shows a sophisticated appreciation of the power of mass media to construct and broadcast politically charged images. Suffragists used acid to sear the slogan “Votes for Women” on golf course greens, painted the 1689 Bill of Rights on the side of St. Stephen’s Hall, refused to cooperate in the courtroom under “Manmade Law,” and shattered the windows of 10 Downing Street, all as part of a well-considered strategy of connecting the Cause with a global emancipatory tradition. The extensive and passionate debates about tactics show that the suffragists understood the limits of symbolic politics, and their disagreements over strategy provide a fascinating record of the paradox of politics, rather than a simple story of personalities in conflict, as is conventionally portrayed.34 When Teresa Billington-Grieg accused the Pankhursts of “abusing the name and spirit of revolution,” she did so in support of the critical connection between the Cause and what she called “the big

33. Laurence Housman, Sex-War and Women’s Suffrage 52-53 (May 7, 1912) (on file at TWL). Housman went on to describe domestic violence and marital relations as the primordial political arena, in terms that prefigure Carole Pateman’s analysis.

34. See Shoulder to Shoulder (BBC 1974) (for the tactical debate as a television miniseries drama of wills between Emmeline and Christabel Pankhurst on one side and Sylvia Pankhurst and the Pethick-Lawrences on the other).
movement," a universal "fight for fundamental things," an emancipation "of very much greater value than the vote we demanded." The proper means for reaching the transformative end were debated not only in London, but also in New York, Paris, and in every capital where international suffragists convened.

IV. INTERNATIONAL LAW

Suffragists and socialists, as well as a wide range of other intellectuals, began to see the body of public international law developing in the pre-war period as a first step in the construction of the emancipated global community they imagined. Disillusioned by the failures of the liberal nation state, they transposed the democratic ideal to an international level and claimed that here, at last, a truly universal political order of freedom and equality could be secured. In so doing, as Koskenniemi shows, they were renaming, rather than resolving, the fundamental tension between liberty and order and were participants in the construction of a legal regime still resting upon doctrines of exclusion. Nonetheless, the strategies, ideals, failures, and small successes of actors building a new order are the very core of political history, and the role of suffragists in making this "last utopia" deserves central treatment. While they are hard to detect in a record dominated by state politics and elite academics, areas from which women were still excluded, their indispensable presence as interlocutors, researchers, translators, fundraisers, hostesses, benefactors, organizers, stenographers, as supporters in every sense, is legible in the developing discourse of "the gentle civilizer of nations," one of the many phrases used to describe international law in this period that hints at the influence of a gendered politics.

As is to be expected, the discourse of international law in the pre-war women's movement is marked by the characteristic co-existence of both a challenge to and acceptance of the established international order. While Western women mobilized their identities as citizens of powerful states when useful, most often in international conferences not explicitly identified with the movement, where they attempted to be heard in an overwhelmingly male conversation, they also constructed new categories in this evolving legal discourse, hybrid legal identities that reflected their paradoxical position both within and outside of

35. Teresa Billington-Grieg, supra note 20.
the international order. Their ambiguous and tentative national identity, an identity that dissolved upon marriage to a man of a different nationality, alongside their political alliance with national movements seeking sovereign status, both within Europe and beyond, produced a dissonance within their legal discourse and a need to employ new units of "sovereignty" in order to picture an international community that included them and their non-Western sisters in the revolutionary movement.

The question who gets to be a "nation" in the new world of internationalism was specifically addressed in the first conference of the International Women's Suffrage Alliance in 1904, where it was acknowledged that to accept existing definitions of sovereignty would raise "difficulties" for the politics of international suffrage. The founders addressed this problem by "freeing the new organization from the embarrassments which beset international diplomacy" and defining a "nation" as "a country which possesses the independent right to enfranchise its women."\[37\] The IWSA, however, stretched and molded the terms of this definition in order to include groups that clearly lacked this power, but that perhaps would have this power in the imagined international community of the future. Thus, Poland was recognized as sovereign for purposes of international suffrage politics, even though its dependent and divided status as a possession of the Russian, German and Austro-Hungarian empires meant that the Polish suffrage delegation was necessarily divided and forbidden by law from collaboration, a "political persecution" by imperial powers that the IWSA regularly condemned.\[38\] The suffragists went back in time as well as into the aspirational future to resurrect sovereign identities in which women held pre-modern political rights. Thus, Bohemia became a sovereign in the women's international structure since landed women had held ancient political rights that had been extinguished in the modern reconfiguration of German speaking Europe. As with the unexpected legal rights held by some non-Western women, such disheartening retreats from power in the march of modernization disrupted the story of Western progress, leaving critical openings for new categories and recasting the West, not as a unified and civilized culture, but as a still contested arena of imperial power. The unified identity of the United States similarly dissolved in international suffrage congresses, where the power to enfranchise held by each state in the federal system

\[37\] Report, supra note 21, at 84.
\[38\] Id. at 126.
turned these states into "nations." The recasting of the states into imperial subjects that Lake and Reynolds describe is apparent in the suffrage discourse as well, as the movements in California and Colorado and other states are often clothed in the rhetoric of national liberation, and their progress noted alongside reports from France or Argentina or other sovereign states. American suffragists supported proposals for uniform codes that would commit American states to progressive laws in a discourse analogous to the international suffragists' simultaneous promotion of uniform laws on industrial safety and human trafficking that were to bind the international community.

The fragmentation of established sovereign units and the renaming of the building blocks of an international community were also evident in the attempts to find "nations" in the non-Western world. As described above, the liberation struggles of Chinese and other non-Western women were seen as re-enactments of the Western emancipatory mission, restoring passion and utopianism to a no longer revolutionary West. It was critical for these revolutionary nations to be members of the new legal order, but established categories did not seem to describe the women Western suffragists admired and worked with. This conundrum was especially clear in the case of India, a colony, not a sovereign, but also a vibrant center of activism and solidly part of the international women's movement. Efforts to get information about women's voting rights, either traditional or municipal imperial grants, revealed that the India Office in London did not know and did not care, leaving it to the IWSA to explore and establish meaningful political communities for suffrage politics.\textsuperscript{39} The result was a flexible taxonomy that reflected cultural divisions within India, so that "Mohammedan" is used as a national category, as is "Hindu" and "Parsee." At the same time, "Burma" is a recognized entity because of its documented municipal franchise rights for women, even though there was an overlap between this category and the religious categories.

In spite of these taxonomical challenges, the women's movement placed high hopes and an enormous amount of labor into the pre-war project of public international law. While a distinctive voice from the movement is hard to detect in the pre-war annals of an emerging global civil society, I will briefly outline three areas of international law where pre-war women's activism is legible. First is in the law of war, specifically, disarmament and arbitration of international disputes. The

\textsuperscript{39} See Women Suffrage in Practice, supra note 23, at 147.
leadership of suffragists in the pre-war peace movement is well-known, not only their roles behind the scenes at The Hague Conventions of 1899 and 1907, but also in the less known Universal Peace Congresses held annually from their first meeting in 1889 as part of the centennial celebration of the French Revolution. By the time of the 1913 Universal Peace Congress at The Hague, where the French delegate Jeanne Mélin denounced international banks that provided money for armaments but refused loans to women, the discourses of socialism, suffragism, and peaceful arbitration were thoroughly intertwined. Activists took full advantage of women's widely accepted claim to maternal expertise in the mechanisms of peaceful mediation, securing them a place in the movement for international arbitration, as well as a voice in parallel movements within states promoting arbitration in legal disputes. In the lead-up to war, as militarism and diplomatic tensions grew, international suffragists highlighted this association between mothers and peace and presented their cause as the last, best hope for avoiding war.

Second is industrial health and consumer protection. Already leaders in national efforts to regulate working conditions and the safety of consumer goods, women in the pre-war movement promoted international standards as the only way to insure compliance in a competitive global marketplace. As in all the international law organizations, the leadership of the International Association for Labour Legislation was male, but women ran the business of the organization, served on its sub-committees, and made up much of the audience at its public presentations. Alice Hamilton, physician, pioneering toxicologist and first female member of the Harvard faculty, was often the only woman represented in the Association's publications as an authority on issues such as lead and petroleum products poisoning. But Hamilton traveled the world advocating international safety standards while residing at Hull House and promoting women’s suffrage with her lifelong friend Jane Addams, and the two international causes were mutually supportive. The most successful of the pre-war international occupational initiatives, and the one with the clearest lineage in the women's movement, was the effort to ban the production and import of white phosphorous matches. As a socialist, Annie Besant had exposed the horrors of "phospy jaw" and had led the highly publicized strike of working women and girls at the Bryant and May Match Com-

pany in 1888. By the pre-war years, the socialist complaint against match manufacturers had transformed into a suffragist and international law campaign, resulting in the 1906 Berne Convention against the Manufacture, Sale and Import of White Phosphorous Matches. At their international congresses, suffragists drew a correlation between the enfranchisement of women and support for the white phosphorous ban, as when Tasmania’s 1911 bill enfranchising women was soon followed by its decision to join the Berne Convention. The federalist language suffragists used to describe U.S. state/nations, appears in the rhetoric of international labor law advocates as they bemoan the U.S. unwillingness to submit to international standards, and a taxonomical disorientation similar to that of the suffragists marks their uncertain application of international law to non-sovereign colonial economies.41

Finally, international laws against slavery and human trafficking are the most clearly marked by the politics of the international women’s movement. Women in the pre-war movement knew well that abolition of slavery and women’s emancipation shared a common political history, and they saw their campaign against the “White Slave Trade” as a continuation of this honored crusade. Even though the activists and the victims in this campaign were almost always women, when it moved to the plane of international law the leadership and public voice became male. Josephine Butler, whose campaign against the Contagious Diseases Act had started the movement and who remained the spiritual leader of the cause through the 1904 passage of the International Convention for the Suppression of the White Slave Trade, is present but largely silent in the record of the international congresses. Slightly more audible are the representatives from women’s organizations who attend all of the White Slave Trade conferences and report back to their own conferences on the progress of this closely monitored international legal initiative. What is striking is the difference in tone of Millicent Fawcett or Carrie Chapman Catt when addressing a suffrage gathering and when addressing the mostly male delegates at the law conferences. As chair of the Thursday morning session of the 1913 Congress for the Suppression of the White Slave Traffic, Chapman Catt is reserved and strictly parliamentarian; when addressing the International Women’s Suffrage Alliance just a few weeks earlier, she speaks with passion and redefines the cause as an interracial one:

41. See International Association for Labour Legislation, Report, British Section, For the Year 1912–13, at 3 (on file at TWL) (discussing the particular problems attendant upon “the growing Indian match industry”).
The "Slave Traffic"—white, brown, and yellow—has received a tremendous impetus through the demand of Western men living in the East. Slavers—Christian, Jew, Mohammedan, Confucian, Shintoist—ply their common trade with ceaseless activity, and girls by the thousands are annually sacrificed upon the altar of the common lust of East and West...This unspeakable barbarism, so out of place in the twentieth century, would never have existed had not the men of the world, regardless of race, colour, or religion, united in the preachment of doctrines concerning women, wickedly false in every particular, and enforced those teachings by physical force.42

Although Chapman Catt dropped the word "White" from the name of the campaign when addressing suffragists, a proposal to do the same at the international law conference received little support. While the German delegate pointed out the existence of countries where "women of another colour" need protecting, the French delegate responded that "White Slave Trade" was a recognizable trademark that should not be changed, for it carried "great moral and emotional weight with the public." The disinterest in broadening the racial scope of the campaign no doubt related to the majority view that the "coloured women of the Colonies" were not victims at all but had chosen to engage in prostitution. With regard to the Straits Settlements, the British delegate F.S. Bullock reported:

We have made enquiries, and find that no innocent girls are known to be in the Straits... There are a certain number of girls brought in to replace the prostitutes in the Straits, but they are not innocent girls; they were prostitutes before they went to the Straits at all.43

To hearty applause, Bullock further reported that "all the British Possessions, Crown Colonies, and Protectorates have, without exception, carried out the conditions of the Arrangement of 1904," closing any further discussion of trafficking in the colonies. This formalistic dodge provoked a response from one of the few female voices in the record. "I do not mean that Mr. Bullock's speech is not strictly accurate," Mrs. Archibald Little began,

but I have lived so long in the Far East that I cannot sit silent and hear English people speak for foreign nations. The state of Hong Kong and Shanghai and Singapore fills one's soul with sadness, fills one's soul with shame; and I know no nation more responsible for that than my own.44

42. Report, supra note 21, at 97.
43. The Fifth International Congress for the Suppression of the White Slave Traffic, Proceedings 340 (1913) [hereinafter Proceedings].
44. Id. at 341.
In a direct rebuke to Bullock, Little went on to describe an elaborate, open and expanding system of trafficking in East Asia, a network that extended to the west coast of America, and that involved “temporary purifications” of mass deportation. No applause was recorded at the end of her comments, and the Convention’s focus on the trade in Western women remained unchanged until after the War.

Though women appear to have had little impact on the language of the law, they continued to dominate the practice on the ground, as their decades old organizations of philanthropic assistance were relied upon to carry out the reporting, sheltering, and repatriation requirements of the Convention. Doing the same work as is done today by international non-governmental organizations, these pre-war abolitionists criticized the practice of compulsory repatriation, as do most anti-slavery activists today. The repatriation policy ignored the stateless character of many of the victims, as was pointed out by Miss Pappenheim in an unsuccessful motion to eliminate the requirement at the 1913 conference. Employing the discourse of suffragism, she spoke “internationally and interconfessionally” on behalf of a “nation” that was not recognized in international law:

It is also my duty as a Jewess to draw your attention to the fate of the Jewish girls... [who] form a large contingent of the merchandise in the world’s White Slave Traffic. There is no consulate, no philanthropic society, no Home, no “friend” compelled to befriend this Eastern European Jewish girl, and if she is compulsorily... sent back to the frontier of her native country... she would be an outlaw and at the mercy of the officials at the frontier and the agents of prostitution.

Real world difficulties in implementing the law were also raised by Mrs. Leathes of Toronto, whose Local Council of Women had responded to victims’ hesitance to turn to an all-male police or appear in an all-male court by creating the equivalent of today’s “safe houses”

45. Id. at 341–42. Quoting a member of the Hong Kong Municipal Council, Little asked “can anyone suggest what ought to be done with these poor creatures? You cannot quite drive them into the sea.” Note that the Dutch delegate also challenged Bullock’s formalistic response to the conditions in the colonies: “Let us therefore not allow our Governments to live in peace till they have started the fight against the Slave Traffic not only in white but also in the coloured women of the Colonies... [A]ll the world over it must be heard: Against the White slave, against the Black slave, against the Brown and the Red and the Yellow slave, against all Women traffic; we can’t tolerate any Women traffic. Woman is not a commercial article.” Id. at 339.

46. See Kevin Bales & Jody Sarich, Anti-Slavery and the Redefining of Justice, in GLOBAL CIVIL SOCIETY 2011: GLOBALITY AND THE ABSENCE OF JUSTICE 64 (Martin Albrow et al. eds., 2011). Note that Bales & Sarich describe the late nineteenth and early twentieth century campaign against the white slave trade as a useful historical example for today’s anti-slavery efforts.

47. PROCEEDINGS, supra note 43, at 119.
and bringing women rescue volunteers into the courtrooms. A special women’s court, to which “the male outside public is not admitted,” was supplemented by the appointment of two women to the police force, “dressed in plain attire” but with “full powers of arrest.” Mr. Coote noted that the London Metropolitan Police also “have a lady who takes depositions and is always at the command of any girl or woman,” but the notion of deputizing women police was more controversial. Rescue workers also confronted resistance from organized crime, whose profits from human trafficking made them formidable foes, not only of the women abolitionists but also of the suffragists working to empower them politically.

**Conclusion**

The popular narrative that tells a story of suffrage victory looks problematic once the movement is analyzed from a global history and critical theory perspective. Like most radical democratic uprisings, the women’s movement failed, ended abruptly by the very war between “Masculine States” that the women claimed they could prevent if they had the vote. The bestowal of a limited franchise in the postwar years as a reward for cooperation in war-making was no victory, and although the inclusion of women in the electorate soon became a global mark of state legitimacy, it did not lead to the international community the suffragists had imagined.

This story helps us better see the parallel story of failed postcolonial “victories.” Like the granting of the vote to women, the granting of formal sovereignty to colonial nations after World War Two masked the persisting inequalities within the international economic and political framework. Both stories continue to be written in contemporary global efforts to give substantive, egalitarian meaning to the language of law and democracy.