

Communication of Mrs. Angelina Hurios Calcerrada FOR THE OPEN COUNCIL OF FIFCJ in ROME, OCTOBER 2013

Family obligations, perhaps will not allow me to be with you, as it would be my will.

Please accept this communication as an evidence of my fidelity to the aims of the FÉDÉRATION INTERNATIONALE DES FEMMES DES CARRIÈRES JURIDIQUES, and to all those colleagues who have given their time selflessly to achieve those objectives.

I- PAST. - A QUICK HISTORICAL VIEW OF WOMEN.

II. - PRESENT - GREAT DIFFERENCES. CIRCUMSTANCES. MOVEMENTS. LEGAL TOOLS.

III. - FUTURE. - POSSIBILITIES.

I. - PAST. - A QUICK HISTORICAL VIEW OF WOMEN.

For a long time it was discussed whether women had souls, if they were inferior to men, if they only served to deliver children, to work at home and in the field, etc..

Recent studies on DNA have shown that women and men are very much alike in many aspects, but there are two books written by a neurologist, Dr. Louann Brizendine, that explain WHERE ARE THE DIFFERENCES.

It tells us that the big difference between us is in the reproductive and hormonal system.

Women are cyclical, especially during the reproductive years.

Men are more stable biologically, although they are also subject to their ups and downs in testosterone.

Leaving aside that one of the wonders of nature is that even though we sought we would not find two people exactly alike, regarding gender, we also have these hormone-like differences.

Regarding intelligence, abilities, etc., we can accept that men, by constitution, generally have more physical strength than women. In their primitive roles they were the ones who hunted and defended the families of dangers, and the role of women was to deliver children and to take care of the clan.

When we study the history of mankind, despite the great silence which has planned for centuries on the lives of women, we have examples of very gifted women.

Before the feminist movement arose, due to the fact that women had the same INTELLECTUAL potential than men and, in specific cases, more than some men, woman was like a very mighty river put on tight margins and sometimes it overflowed in different ways and sometimes she had to use her beauty and shrewdness to get from the man what she wanted. To find natural channels for

the development and implementation of the qualities of all women, is one of the most important aims for jurist women. A new legal system has to be created that permits, to all women, to occupy positions that involve equal rights as men and a shared responsibility, to humankind and nature.

There is much controversy surrounding these issues, but what is clear is that the development of the qualities of a human being, depends largely on the circumstances surrounding it, since the moment of conception until the day of its death.

So, the cultural factor plays an important role in the lifestyle of people, apart from genetic inheritance.

In the FIFCJ, we have had women who have contributed to important changes in the legal world in favor of women: Clara Campoamor, (one of the founders of the FIFCJ) Marlise Ernst-Henrion, who together with other Belgian jurists of the FIFCJ contributed to the drafting of CEDAW, Yvonne Tolman of France, Maria Telo Nuñez of Spain, Teresa Assensio, from Italy, Sergeva Nina, from Russia and many more.

Before going into the historical aspect I would like to make a clarification on three important words to understand the struggle of women for their rights:

Patriarchy.

Patriarchy is a concept used in the social sciences, particularly in anthropology and feminist studies. It refers to an unequal distribution of power between men and women in which men would have preeminence in one or more aspects, such as the determination of the lines of descent (patrilineal descent pattern exclusively, from which a Family name is derived), the rights of primogeniture, personal autonomy in social relations, participation in the public-political or religious space or (in) the attribution of status to different occupations of men and women, determined by the sexual division of labor.

Androcentrism.

Androcentrism The word refers to the practice, either conscious or not, of giving men or to the male point of view, a central position in one's own worldview, culture and history. As well, some feminists argue that the language used routinely is androcentric, since masculine is often considered as the generic. According to Montserrat Moreno, Professor at the Department of Basic Psychology, University of Barcelona (Spain), androcentrism 'has pervaded scientific, philosophical, religious and political thought for millennia. "

Gender

Gender, in a broad sense, refers to "the socially constructed roles, behaviors, activities and attributes that a society considers appropriate for men and women." In addition, gender would configure ontology (theory that deals with the nature of being) and epistemology (theories of knowing) of an individual as well as the intellectual machinery through which things are perceived, attributing gender loaded meanings.

Gender is socially defined in a way that the understanding of masculinity and femininity evolves during the lifetime. Therefore, these meanings vary according to culture, community, family, interpersonal relationships and the group relations and regulations, and with each generation and in the course of time, and so, this term refers to the "set of differentiated characteristics that each society assigns to men and women."

Lately there is a great deal of talk about the Queer Theory.

Queer theory is a hypothesis about gender that asserts that sexual orientation and gender identity or gender of people are the result of a social construction and that, therefore, there are not essential or biological sex roles inscribed in human nature but socially varied components of sexual role-taking.

Nor can we fail to mention the positive influence that Marxism had on some aspects of the feminist movement, although many of its theoretical points have important dissonances.

Engels, in *The Origin of the Family, Private Property and the State*, linked the subjection of women to the development of capitalism and argued that their release was necessary, in addition to the socialist revolution, to work outside the home, which was also defended by last century feminists.

Let us try to give a look at the History,

On October 5, 1832, 181 years ago, there appeared an advertisement in a newspaper in England that read: SALE BY AUCTION: BE IT KNOWN THAT ON THE DATE INDICATED, JAMES THOMSON OF VALLEY FARM WILL SELL HIS WIFE MARY UP AT PUBLIC AUCTION AT TWELVE O'CLOCK AT NOON. The merchandise will be offered without warranty. This woman was tendered and sold, closing the auction, for 20 shillings and a Newfoundland dog.

I think that to try to see how some women have become free, we must speak of the circumstances and movements that have enabled and still enable to achieve spaces for freedom. One of the most important movements has been and is the Feminist Movement:

THE FEMINIST MOVEMENT.-
Concept by Victoria Sau. -

"Feminism is a social and political movement that began formally in the late eighteenth century and involves awareness of women as human collective group, of the oppression, domination and exploitation that they have endured by the collective of men within patriarchy in its various historical phases of production model, which moves them to action for the release of their sex with all the changes in society that may be required. "

The feminist movement was born at the beginning of the struggle for emancip-

ation and equality, immediately after the independence of the U.S. and the French Revolution.

The feminist movement has evolved and presented different variations, both sociologically and politically, according to the different times. There has never been a unified movement in all its aspects, although it has had common goals, such as the struggle for equal rights between men and women and the eradication of all forms of violence against women.

During the French Revolution outstood a woman, Olimpya de Gouges (Marie Gouzes) who wrote the Declaration of the Rights of Woman and the Female Citizen (1791). The Declaration of the Rights of Man was published in 1789 and practically what she did was to write a text very similar to it, but claiming equality for women.

On November 3, 1793 she was executed by guillotine at the Place de la Concorde in Paris. At the trial she had no attorney and she defended herself.

Another outstanding woman in terms of women's rights was Mary Wollstonecraft, a British writer and philosopher. She is one of the great figures of the modern world. She wrote novels, short stories, essays, treatises, a journey story and a book of children's literature.

One of her most important essays was: A Vindication of the Rights of Woman (1792), in which she discusses that women are not by nature inferior to men, but they appear to be because they do not receive the same education. She argues that men and women should be treated both as rational beings and imagines a social order based on reason. She laid the basis of modern feminism and became one of the most popular women in Europe at the time.

Within the feminist movement we must emphasize different stages:

The woman suffragist movement.-

This movement was the fight of women to achieve their right to vote in all State legislatures. It first arose in the United States of America and the United Kingdom. It was a very important movement and some women were arrested and jailed in 1913 and there was even an Englishwoman, Emily Davidson who was part of the radical wing of the suffrage movement. She had gone to jail several times for her violent demonstrations and was struck by King George V's horse, Anmer, at the Epsom Derby on June 4, 1913 and she died because of this, four days later.

The movement in the U.S. also had a great impact and the right to vote for women was first achieved in 1776 in New Jersey, but it was abolished in 1807.

In 1848 there was a major convention in Seneca Falls, where 300 activists and observers gathered for the first time to proclaim the rights of women in the U.S., and the final declaration was signed by about 100 women.

In Spain, a woman who fought hard to win the right to vote for women, was the lawyer Clara Campoamor. Clara Campoamor Rodríguez (Madrid, February 12, 1881 - Lausanne, April 30, 1972) was a Spanish politician, advocate for the rights of women and leading advocate of women's suffrage in Spain, achieved in 1931, and first exercised by women in the 1933 elections. Clara Campoamor was one of the founders of the Fédération Internationale des Femmes des Carrières Juridiques (1928) in Paris.

WAVES.-

When talking about feminism, it is usual to refer to Waves. The first, the second and the third one.

First-wave feminism.

Demonstration of suffragists in New York on May 6, 1912.

The second phase or first-wave feminism refers to the feminist movement that developed in England and America during the nineteenth and early twentieth century.

Originally it focused on obtaining equality with men in terms of property rights and equal capacity to act, and demand of equal rights within marriage. In the late nineteenth century, the efforts focused on political empowerment, particularly the right to vote.

A milestone of feminism, as mentioned above, is the Seneca Falls Convention in New York in 1848, where 300 activists and observers gathered at the first convention for women's rights in the United States. The final declaration was signed by about 100 women.

In England, appeared the suffragists, civil rights activists, led by Emmeline Pankhurst and numerous authors and activists, mostly from the United States and England, who led the feminism to the field of activism, especially in a context of vindication of equal rights before the State.

The historical events of the time, especially the abolition of slavery, will be very influential in the evolution of the feminist movement, and it can be found a correlation between the struggle for abolition and the struggle for women's rights: many of the leaders of this first current were the wives of abolitionist leaders.

Suffragist headquarters in Cleveland, 1912.

Once obtained the abolition, there were contacts among feminists and black women, highlighting the big differences in the situation of upper middle class white women, the only feminist so far, with black women. This meeting was personalized by Sojourner Truth and her speech "Ain't I a Woman?" (1851). The differences and specific features of the problems of black women together with those of women workers (a group that started to appear) generated conflicts and problems such as the incompatibility of the feminine model of worker woman with feminist pioneers.

Lucretia Mott, Lucy Stone and others were important authors and activists of the first-wave feminism.

Second-wave feminism.

Betty Friedan, 1960.

The Second Feminist Wave, the Movement of Woman or of Liberation of Woman refers to a period of feminist activity that started in the early 1960s and ended in the early 90s of the twentieth century.

Whereas first-wave feminism focused mainly on overturning legal obstacles (de jure) to legal gender equality (voting rights, property rights, etc.) the second-wave feminism broadened the debate to a wide range of issues such as sexuality, family, and the workplace and maybe in a more controversial way in reproductive rights.

Simone de Beauvoir, with her book "The Second Sex", Betty Friedan in "The Feminine Mystique", Kate Millett in "Sexual Politics" or Shulamith Firestone "The Dialectic of Sex" are some of the most representative authors of this stream of thought that ends in the 90s with the arrival of the third wave, with postmodern characters that diversifies feminism in a radical way, both in its views as in its proposals.

Third-wave feminism

Rebecca Walker was the author that used for the first time the term "third wave" in her texts.

Main article: Third-wave feminism.

Third wave feminism is a term identified with diverse strains of feminism. Activism and research began in the early 1990s and continuing to the present. The movement arose as a response to the perceived failures in the so-called second wave feminism: the awareness that there is not a single female model; on the contrary, there are many female models, determined by social, ethnicity, nationality or religion. This current move away from essentialism and definitions of femininity sometimes assumed as universal and over-emphasized the experiences of upper-middle class white North American woman.

The interpretations given to gender and sex are essential in the third wave, characterized by its post-structuralism. The variety of approaches, proposed solutions, visions of the problems of this strain and the lack of a clear common aim, reflects the post-modern character of the third wave of feminism that incorporates multiple streams of feminism taking Queer theory components, anti racism, postcolonial theory, ecofeminism, transgender, a positive view of sexuality, among others.

Rethinking third-wave feminism is manifested, for example, in the fact that some feminists of this strain have a positive perception of female sexuality and have reconsidered their positions face to sex work and pornography of the second wave of feminism. Third wave feminists focus on the "micro politics"

and challenge the concept of what is good or bad for the woman of the second wave

The third wave of feminism emerged in response to the errors of the second wave, but some events marked the beginning of this trend, such as the case of Anita Hill, a woman who alleged sexual harassment by Justice Clarence Thomas, nominated to the Supreme Court of the US. Thomas denied the accusations and after extensive debate, the U.S. Senate voted 52-48 in favor of Thomas. In response to this case, Rebecca Walker published an article entitled "Becoming the Third Wave" in which she stated: "I am not a post-feminism Feminist. I am the third-wave". [Other milestones in the history of the third wave are the debates called "Feminist sex wars", sometimes regarded as the beginning of the third wave. They were a series of acrimonious debates regarding issues relating to sex, prostitution, sadomasochism and Trans sexuality that divided the feminist movement and the feminist lesbian community.

II. - Present. - Woman Today. What woman are we talking about?

If we look at woman from the individual point of view, we would end up saying, as we have said, that no two women are the same.

The circumstances of women who are financially independent are very different from those that are still dependent on the husband, father or male relatives.

We cannot deny that the conditions of women have changed a lot in the last hundred years. The incorporation of women into the work, since the Second World War and the birth control due to several scientific advances have allowed women who have had access to work and to birth control methods to achieve some freedom spaces, but we cannot forget that there are still many women who are living subject due to economical, political and religious issues due to patriarchy.

Thanks to the struggle and study of many women and some men, the idea of equality of rights between sexes has been making its way.

We still have much to do, but it is clear that worldwide women have gained ground in the field of rights. We have laws that promote equal rights in many countries; we have Continental and International Laws coming from the UN and other bodies. We must make a special mention to the International Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18/12/1979. It has been signed by 187 countries. In 1999 was signed the Protocol of the Convention and until 2006 it has been signed by 87 countries.

Although there have arisen other bondages, e.g. prostitution, trafficking and smuggling of women, labor markets with unequal pay, lack of work that affects more women than men, especially if they are of reproductive age and when they have passed it, they are considered too old

And there are still many difficulties, but we would be blind if we would not see the great advances that have occurred, such as:

The access of women to many important tasks, both in the labor field and in politics, leadership in many civil society associations, recognition in the fields of research and science, access to the priesthood within the Anglican Church

and other churches, its important participation in all peace movements as well as access to the media at all ages.

In the world of law, it often happens that first there exist some customs, when a critical minority (33% of the population) think and believe that laws have to be changed or new laws have to be created in correspondence to new circumstances, as in the cases of the right to vote, the right to hold positions of responsibility, both in politics and in civil life, the creation of a new mentality, provides the basis for making those laws to be enacted and then applied because they already have the support of society. Hence the importance of our meetings, our writings, the conclusions of our Councils and Congresses, their dissemination, as all that usually is the basis of the changes which are produced in society.

When the older among us watched war movies in the 50's, those who went to war were depicted as heroes, warlords producing more casualties among the enemy, were the greatest, the most important, the most admired. Gradually a culture of peace has arisen and war has begun to be seen as one of the worst evils of mankind. Films like Saving Private Ryan, Schindler's List and many others have already started to deal with the serious errors of wars and the tragedies as a result thereof. The movements for peace and nonviolence are on the basis of these transformations.

However, console games of our grandchildren continue to project the archetype of the strongest man, who kills more, faster and to make things worse, "saves humanity" from "the villains of the drama".

On the issue of women in some countries we have gone from being sold and right objects to subjects of law thanks to the struggle and to the study of many women, and some men. The idea of equal rights for both sexes has been consolidated in some countries and in others it is emerging.

I HAVE TRIED TO MAKE A SUMMARY TO UNDERSTAND WHERE WE ARE TODAY AS WOMEN and where to it is necessary for us to go. Most of you already know what I have tried to explain, but if some data or idea is of some use to any of you, I will be satisfied.

III. - FUTURE. - I think that when we study the lives of some of the women who came before us, we should feel a great appreciation for their struggle and continue to work to achieve that equal rights become a reality not only in our countries but worldwide.

It is also just to bear in mind all those men that have participated and collaborated in the achievement of the aims of feminist women. They are many, and each day there are more of them who have very clear that equality of rights and empowerment of women would benefit humanity and therefore men.

I want to make a special mention to all women aged 60 and above, who are often in full possession of their faculties and even if some of them are not, they

know how to deal it with dignity and without publicity. At this stage of life when you are no longer subject to the disadvantages of hormonal ups and downs, there are many opportunities to continue creating, to enjoy helping, to generate energy and positivity so much needed by humankind and the planet.

Another objective of the FIFCJ could be to highlight all the contributions made and which still can do old women and to counteract with applicable laws, the legislation that some countries are preparing as a result of false financial ideas which are considering to reduce rights, including that of vote, after a certain age, as well as to reduce acquired rights for not being "active personnel." (I recommend you to read the Dossier of Le Monde Diplomatique , "Une planète grisonnante", June 2013: <http://www.monde-diplomatique.fr/2013/06/A/49210>).

Let us fight also for women in the final stretch of life so that they are respected, VALUED and given opportunities to continue building.

Women today we have a great tool that can make unimaginable advances. Informatics.

At international meetings of jurists which I have attended lately, I've been pleasantly amazed to see young colleagues speaking several languages and going everywhere with their computers.

Usually they belong to the elites of their countries, but there are some of these women who are fighting for equal rights, to make ablations disappear, to get out of poverty large groups of people from their respective countries, for peace. They are the hope of a brilliant future with more solidarity and brightful.

News travels fast, legal applications for women, can be known worldwide the same day they are published in the country where they have originated.

We must trust that the empowerment of women will lead to have joint responsibility with men, to the continuity of the earth, to the disappearance of inequalities and the performance of the Millennium Development Goals of 2000.

To finalize, I will quote three sentences of three men:

"There is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, and never tolerable." UN Secretary-General, Ban Ki-moon.

"I've said it before, and I'll say it again. Without the true liberation of women, the full liberation of people would be impossible, and I am convinced that an authentic socialist should also be an authentic feminist." Hugo R. Chávez.

"In a world structurally unjust, unsustainable and violent, the priority of each person, of each collective and of each people is to live to transform it." Martí Olivella Solé"