

LOOKING FORWARD: RHONDA COPELON'S LEGACY IN ACTION

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When I was asked to speak about Rhonda Copelon's impact on my work, I did not know how to start. How do you measure or describe the effect of a person that does not merely influence but literally infuses everything and everyone around her with her vision and spirit? I can easily describe how Rhonda persuaded me (on a twenty-five hour car ride) that I should turn my life's work toward human rights in the United States. I can share with you how she compellingly explained why it was a broader and deeper vision of social justice than the rights framework in which we as social justice lawyers in the United States operate. I can tell you about specific legal strategies, whether constitutional, regional, or international, that she pushed me to explore, but none of these strategies would fully capture her legacy in action.

The only image that comes to mind is the idea of building the plane as you fly it. Rhonda was never satisfied with the confines of the law, even the most progressive of frameworks fell short in her mind and failed to bring the kind of human freedom and equality to which she was so fiercely committed. She believed the law could be a tool for nothing short of liberation and she had no intention of letting the expectations of the legal profession get in the way. She began from the premise of what the law needed to be and proceeded to act like the most activist Supreme Court justice anywhere in the world wholly unencumbered by precedent. She bent it, pulled it, and reshaped it toward these ends.

Rhonda also understood her legal advocacy to be a collective effort. She worked deeply ensconced in a political feminist community that informed all her priorities and constantly nourished

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her considerable creativity. In the same way that she tied her personal and political identities into one integrated whole, she tied her areas of engagement with the law—scholarship, litigation, teaching, advocacy, U.N. lobbying—into one strategically connected and seamless line of work. When she sought to write about domestic violence as torture while on sabbatical in Costa Rica she did so with a clear eye toward changing the law in the Inter-American system as well as the world.¹ Her scholarship was never simply about an academic conversation, nor about building her personal intellectual profile. Her scholarship was instead another activist expression of the need for change in the world.

When Rhonda called for change, she did so with such unparalleled stubbornness, intelligence, and indefatigable energy that she made change all but inevitable. She was also not above touching the pride of those she was engaging in order to make change. When she was working toward having rape recognized as a form of genocide, she called her contacts both at the Inter-American Commission and the Rwanda Tribunal to urge them each to hurry up and issue the right judgment so they could be the first, playing them off beautifully against one another—all for a good cause, of course.²

Rhonda also understood deeply the political connections across all her areas of work. She knew the anti-fundamentalist work she did on behalf of Algerian feminists was no different from the pro-choice work of battling Christian fundamentalists in the United States.³ She understood that economic justice and reproductive freedom were inextricably intertwined in the real lives of

¹ Rhonda Copelon, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, 25 COLUM. HUM. RTS. L. REV. 291, 292 (1994) (situating the article within a “global women’s campaign . . . to transform significantly the place of women and the status of gender based violence within the human rights discourse”).

² See *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment, ¶ 731-734 (Int’l Crim. Trib. for Rwanda Sept. 2, 1998) [hereinafter *Akayesu*] (finding Akayesu guilty of genocide, including criminal liability for sexual violence taking place at the Taba commune); Rhonda Copelon, *Gender Crimes as War Crimes: Integrating Crimes Against Women into International Criminal Law*, 46 MCGILL L. J. 217, 228–233 (2000) (describing the *Akayesu* judgment in the context of mainstreaming gender in international jurisprudence); *Report on the Human Rights Situation in Haiti*, (1995) 11 Y.B. Inter-Am. Comm’n H.R. 358, 418–420 (finding that rape and the threat of rape used against supporters of Jean-Bertrand Aristide to be a form of torture under both regional and U.N. instruments).

³ Rhonda Copelon was legal counsel on cases covering both areas. See, e.g., *Doe v. Islamic Salvation Front*, 257 F.Supp.2d 115 (2003) (Alien Tort Statute claim on behalf of nine Algerian feminists charging defendants with crimes against humanity and war crimes, including rape, sexual slavery in the form of “temporary marriage,” and the enforcement of sexual apartheid); *Harris v. McRae*, 448 U.S. 297 (1980) (challenging

poor women. She saw no point in doing international work without connecting it to the domestic context. And she knew that what happened at times of war and at times of peace to women did not represent wholly different scenarios but rather deeply influenced and informed—if not determined—one another.

Rhonda Copelon was a force of nature. Luckily for all of us she was a force for good. We will never stop missing her and the hole in our universe she has left will never be filled satisfactorily. The best we can do is fuel her legacy in action to continue to breathe life into the vision created—as she would say, in concert with others—by this visionary woman.

the discriminatory restrictions of the federal Hyde Amendment on Medicaid funds for medically necessary abortions affecting poor women).