

RHONDA COPELON: A CELEBRATION OF A LIFE FULLY LIVED

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This *City University of New York Law Review* Symposium in recognition of Rhonda Copelon represents an important addition to the tributes to her work and life, which include events in Nicaragua, France, Costa Rica, and Uganda as well as the United States. At Rhonda's passing, remembrances poured in from over thirty countries all over the world—her community of activists, scholars, and friends spanned the globe from Algeria to Argentina, Burma, Chile, El Salvador, Ethiopia, Germany, India, Japan, Kenya, Malaysia, Serbia, Sierra Leone, and the U.S.¹

Rhonda's keen intellectual acumen, her strategic brilliance in legal and political matters, her unswerving and courageous advocacy, and her perseverance in the pursuit of justice for all, touched so many people intellectually, politically, and personally. She was a fierce pioneer for gender justice with a creative legal mind that never stopped—literally keeping her and many of us up at night. We remember her as the generous and demanding teacher who helped to launch many careers in social justice work, and as a tender and loyal friend who took great joy in sharing her love for the beauty in life, food, nature, and music.

Even though Rhonda's perseverance sometimes drove us crazy—for example, in the women's caucuses for United Nations World Conferences, when we all thought a document was finished, she often raised another point not seen before, after it had already gone to the printer. We wanted to tell her it's too late, but we knew

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¹ Taken from the extraordinary blog to Rhonda Copelon organized by her friends Maureen Mason and Anita Nayar. REMEMBERING RHONDA COPELON, <http://rhondacopelon.blogspot.com/> (last visited Nov. 21, 2012). There are now 120 people from over thirty countries who have shared their remembrances and photos.

she was usually right, and something more needed to be said or done.

Rhonda played a crucial role in many feminist and human rights developments, often working behind the scenes. But her fingerprints, or perhaps I should say “brain waves,” are all over many of the most important breakthroughs in progressive feminist advances both in the United States and globally. She was an insightful political adviser as well as a litigator and a teacher who helped many of us sort through complex, thorny issues and never shied away from difficulty.

Early in her career as a litigator at the Center for Constitutional Rights (“CCR”), Rhonda played a critical role in the legal evolution of reproductive rights, and particularly the intersection of gender with race and class in determining women’s access to these rights in the U.S. From her successful argument in the U.S. Supreme Court on behalf of African-American teacher aides in Mississippi fired for being unwed mothers,² to her lead as counsel in *Harris v. McRae*,³ which challenged the federal Hyde Amendment cut-off of Medicaid funds for most abortions, she made connections between policy, law, and the everyday realities of who can exercise their rights, especially for women of color and poor women. Even though the loss in *McRae* was heartbreaking, the vision of reproductive justice in Rhonda’s extraordinary brief has influenced the field deeply and changed, if not the law, then the politics and advocacy strategies to more profoundly link social and economic rights to personal rights.

Rhonda was also co-counsel in other critical CCR cases challenging racist practices, governmental misconduct, and the Vietnam War. She ultimately served as co-counsel in the groundbreaking case *Filártiga v. Peña-Irala*, which conferred jurisdiction on the federal courts to hear actions based on alleged violations of customary international law, including state-sponsored torture.⁴ *Filártiga* laid the foundation for work that Rhonda continued by developing gender perspectives in numerous cases involv-

² *Drew Mun. Sch. Bd. Dist. v. Andrews*, 425 U.S. 559 (1976) (dismissing the petition for certiorari as having been improvidently granted, leaving the favorable decision by the Court of Appeals for the Fifth Circuit intact).

³ 448 U.S. 297 (1980).

⁴ *See Filártiga v. Peña-Irala*, 630 F.2d 876, 878 (2d Cir. 1980) (“Construing this rarely-invoked provision, we hold that deliberate torture perpetrated under color of official authority violates universally accepted norms of the international law of human rights, regardless of the nationality of the parties. Thus, whenever an alleged torturer is found and served with process by an alien within our borders, § 1350 provides federal jurisdiction.”).

ing war crimes, corporate abuses, and immigrant domestic workers.

In 1983, Rhonda became part of the founding faculty of the City University of New York (“CUNY”) School of Law where she was a Professor of Law and Director of the International Women’s Human Rights (“IWHR”) Clinic, which she co-founded in 1992. This is the point at which I began to work closely with her. We both felt that we had been on parallel tracks in our U.S. feminist work in the 1970s, although we had not worked together. When she came to my apartment in Brooklyn in 1990 to discuss with me and my partner, Roxanna Carrillo, how she could bring her legal expertise to the developing global women’s human rights movement, a close partnership began. We also shared a passion for linking global women’s struggles to feminist and human rights issues in the U.S.—to seeing ourselves and United States movements as part of global solidarity, not as separate.

Together we traveled to Latin America to engage in feminist *encuentros* (where Rhonda rapidly picked up speaking Spanish with a French accent), while learning from women there who had been working to bring feminism to Latin America’s human rights struggles. We strategized with activists from around the world on how to bring a feminist interpretation of human rights to the U.N. World Conference on Human Rights in Vienna in 1993,⁵ which first fully recognized women’s rights as human rights (and led some male human rights activists to accuse women of “hijacking the event”). We called for women’s reproductive rights to be recognized as human rights at the Cairo International Conference on Population and Development (“ICPD”) in 1994,⁶ and we agitated for a women’s human rights perspective to inform the framework for the platform adopted at the Beijing World Conference on Women in 1995.⁷

As Rosalind Petchesky, a close friend of Rhonda, puts it:

She has been my beacon and partner in crime ever since the days of fighting (in *McRae* and CARASA⁸) for abortion to be

⁵ World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action*, U.N. Doc. A/CONF.157/23 (July 12, 1993).

⁶ U.N. International Conference on Population and Development (ICPD), Sept. 5–13, 1994, *Report of the International Conference on Population and Development*, U.N. Doc. A/CONF.171/13 (1995).

⁷ Fourth World Conference on Women, Sept. 4–15, 1995, *Beijing Declaration and Platform for Action*, U.N. Doc. A/CONF.177/20 (1995).

⁸ The Committee for Abortion Rights and Against Sterilization Abuse (“CARASA”), formed in 1977 in opposition to the infamous Hyde Amendment.

safe, legal and fully accessible to all women. We put our heads together to draft language on bodily integrity rights in Cairo, and she's guided my thinking about how to conceptualize sexual rights and the indivisibility of all human rights in international law to this day. But even more than her brilliant mind, Rhonda's example shines in her practice of a truly feminist humanity in the everyday—her devotion to younger generations, her fierce and loving presence for her many friends, and her passionate embrace of both politics and fun. Rhonda is my model of a life fully realized.⁹

Through the IWHR Clinic, Rhonda always brought her students along, providing them with opportunities to be involved in ground-breaking developments in human rights by preparing documents and participating in key United Nations meetings related to the development of feminist gains in international instruments and human rights treaty bodies.

Her intellectual leadership is also reflected in her ground breaking articles—including her 1994 article, *Intimate Terror: Understanding Domestic Violence As Torture*,¹⁰ which impacted the work of the Committee Against Torture and the Special Rapporteur on Torture over a decade later, and remains one of the favorite eye opening articles of my students at Rutgers University.

Her article *Gender Crimes as War Crimes: Integrating Crimes Against Women into International Criminal Law*¹¹ contributed to the recognition of rape as a form of torture when committed by state actors in several international and regional judicial bodies, including the Inter-American Commission on Human Rights¹² and the International Criminal Tribunals for Rwanda and the former Yugoslavia.¹³ One of her lasting areas of leadership was co-founding the Women's Caucus for Gender Justice, leading to the landmark codi-

⁹ Rosalind P. Petchesky is a CUNY Distinguished Professor in Political Science and Women's Studies. Professor Petchesky founded International Reproductive Rights Research Action Group and has authored numerous articles and books on reproductive and sexual rights, including *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom* and *Global Prescriptions: Gendering Health and Human Rights*.

¹⁰ Rhonda Copelon, *Intimate Terror: Understanding Domestic Violence As Torture*, in *RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES* 116, 152 (Rebecca J. Cook ed., 1994).

¹¹ Rhonda Copelon, *Gender Crimes as War Crimes: Integrating Crimes Against Women into International Criminal Law*, 46 *MCGILL L.J.* 217 (2000).

¹² See *Fernando and Raquel Mejia v. Peru*, Case No. 10.970, Inter-Am. Comm'n H.R., 1995 OEA/Ser.L/V/II.91 (1996).

¹³ See *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment, ¶ 597 (Int'l Crim. Trib. for Rwanda Sept. 2, 1998), <http://www.unict.org/Portals/0/Case%5CEnglish%5CAkayesu%5Cjudgement%5Cakay001.pdf>; *Prosecutor v. Muciae et al.*,

fication of gender as a protected class in the Rome Statute of the International Criminal Court (“ICC”).¹⁴ This was the first international human rights instrument to incorporate gender from the beginning, rather than women having to catch up to add it later.

It is impossible to imagine the progress of the international women’s human rights movement over the past two decades in gaining a feminist interpretation of human rights without Rhonda’s creative legal mind and her political persistence and persuasive arguments. She trained judges in every continent and for the ICC; U.N. Special Rapporteurs and Representatives sought her advice; and she always showed up when we asked her to speak to global activists at the Center for Women’s Global Leadership at Rutgers University. Whenever we in the movement had a legal-political question someone would always say, “let’s ask Rhonda,” and she would respond.

It is not only her legal mind, but also her creativity and courage we celebrate. She was willing to tackle the difficult issues, whether in the *McRae* case, or in her representation in a U.S. Court of Algerian journalists, feminists, and their families, persecuted and murdered by armed Islamist groups in the groundbreaking case *Jane Doe v. Islamic Salvation Front (FIS) and Anwar Haddam*.¹⁵ That case was so dangerous that the clients, including people who had witnessed the killing of their own children, had to remain anonymous. As Karima Bennouna noted:

Rhonda takes up human rights causes that many other progressives have neglected and is a nearly legendary figure among Algerians working to oppose religious extremism in their country. They see her as a visionary who comprehends that the state is not the only source of threat to human rights and who understands that the most progressive stance toward the Muslim world even in the era of the ‘War on Terror’ is concrete solidarity with its progressives rather than apology for fundamentalism.¹⁶

Case No.: IT-96-21-T, Judgment, ¶¶ 494–96 (Int’l Crim. Trib. for the Former Yugoslavia Nov. 16, 1998), <http://www.icty.org/x/cases/mucic/tjug/en/cel-tj981116e.pdf>.

¹⁴ See Rome Statute of the International Criminal Court, art. 7, ¶ 1(h), art., 21 ¶ 3, July 17, 1998, 2187 U.N.T.S. 90.

¹⁵ *Doe v. Islamic Salvation Front (FIS)*, 993 F. Supp. 3 (D.D.C. 1998).

¹⁶ Karima Bennouna is a Professor of Law at the University of California-Davis School of Law, and has published widely on women’s human rights, international law, and terrorism, including *The Paradoxical Feminist Quest for Remedy: A Case Study of Jane Doe v. Islamic Salvation Front and Anwar Haddam*, 11 INT’L CRIM. L. REV. 579–587 (2011) and *Terror/Torture*, 26 BERKELEY J. INT’L. L. 1, 1–61 (2008). Professor Bennouna also has served as a Legal Advisor to Amnesty International, a delegate for the Center for Women’s Global Leadership at the Fourth World Conference on Women

Many people profoundly admired Rhonda's willingness to take on an uphill battle often virtually alone, a hallmark of her legal career. Rhonda was not someone you could warn that something could not be done—her response was always to try to do it and to bring you along in her effort to push the boundaries!

Her voracity for life knew no boundaries, personal or political. She wanted to know everyone, to be everywhere (even if she arrived when the event was over), and to do everything with a sense of urgency about social justice and a vast curiosity about the world that could exhaust those around her and often led to missed deadlines or very late dinners.

I remember many times that Rhonda said "We must do . . ." to which I would try to sensibly reply: "But Rhonda, who is the 'we'? Who can take it on? We are all overloaded"—but to little effect, as it rarely stopped her from finding a way to take it on herself or move others to action.

Her extraordinary willpower could manifest in stubbornness that drove us crazy, but it also helped to achieve many of the milestones discussed today. It extended her own life against all the odds: to give her time to see one more opera, make one more submission to the Inter-American Court of Human Rights, and to say goodbye to so many of those who loved her. And love her we did. The organizers for this event today did it out of respect and admiration for her extraordinary work, but above all, out of love, because she touched so many of us so deeply as a friend. Lepa Mladjenovic of Women in Black Belgrade captured this love when she wrote:

Rhonda Copelon is admired, read, discussed and cared for all over the world. At one point her piece on rape in war as primarily a form of male violence against woman, and not just nationalism, was a keystone. It was crucial in the particular moment of the war for us feminists from the Balkans, to have our Rhonda near, knowing that all her professional and activist self, written [and] spoken is behind her political belief. And as well her tender face that gives love and meaning to her feminist theory and inspires us to cherish her.¹⁷

in Beijing, and an election observer with the Dutch NGO Gender Concerns International during the Tunisian Constituent Assembly elections.

¹⁷ Charlotte Bunch, Commentary, On the Occasion of the Society of American Law Teachers ("SALT") M. Shanara Gilbert Human Rights Award, Given to Rhonda Copelon, Jan. 2009 (on file with author). Lepa Mladjenovic is a feminist lesbian activist and a feminist counselor for women who have experienced male violence, as well as lesbians, in Belgrade. She is also active in Women in Black Against War, a feminist anti-war and anti-fascist group organizing against the Serbian regime. Lepa

Fortunately, the work Rhonda goes on today. It is unfinished but her impact is lasting, and that includes her impact on training a new generation of committed feminist progressive lawyers, as seen in many of the speakers at this symposium. Rhonda remains loved and respected by many around the world who know that our world is better because she was part of it. Politically and personally, we honor her with great love and admiration.

co-founded Arkadija (1990–1997), a lesbian and gay group, and the lesbian human rights organization Labris (1995). Lepa was counselor and coordinator of the Counseling Team at the Autonomous Women's Center (1993–2010). Lepa has edited two books, on alternatives to psychiatry and violence against women, as well as numerous essays on issues of male violence, the feminist response to war, and lesbian conditions. More recently, Lepa has worked as a facilitator of workshops on themes including: emotional literacy, discrimination against women, lesbian lives, sexual violence, and similar topics.