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Introduction: Women's Rights as Human Rights: Global Contestations over the Longue Durée

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Abstract

This short essay introduces the forum on 'Women's Rights as Human Rights: Global Contestations over the Longue Durée'. It briefly outlines the state of the field, a new agenda for research in the area and the topics of the articles in the forum. The forum derives from a symposium on the same topic sponsored by *Gender & History* and held at the University of Sheffield in spring 2022.

The history of human rights has been the subject of a boom in historical scholarship over the past fifteen years, yet this lively new literature seldom foregrounds the question of women or gender.¹ This forum of *Gender & History* aims to counter that trend, arguing that reading the history of human rights through the lens of gender challenges some of the key assumptions of this recent scholarship. The erasure of women's rights was perhaps most striking in one of the canonical texts of the new human rights history, Samuel Moyn's *The Last Utopia*, which argued that feminist campaigns for women's rights were part of an older history of struggles for citizenship rights that had no place in the minimalist human rights 'breakthrough' of the late 1970s and beyond.² In this narrative, human rights emerged as a moral language that represented an alternative to the failed utopias of revolutionary socialist politics. This argument seemed to be borne out by the pared-down understanding of women's rights – focused on reproductive rights and sexual violence rather than social justice – central to the Western, liberal internationalist vision of human rights that gained ascendancy at the United Nations (UN) in the aftermath of the Cold War. By contrast, the articles in this forum suggest that the genealogies and chronologies of women's rights as human rights were multiple and contested. Their aim is less to rehearse the well-known debates within human rights history about 'breakthrough' moments, and rather to open up a conversation about the different conceptual, intellectual, and temporal frameworks shaping the global history of women's rights from the nineteenth to the twenty-first centuries.

Contributors to this forum were invited to reassess the narrative of a human rights 'breakthrough' in the late 1970s by thinking about the *longue durée* of the relationship between women's rights and 'human rights', however those 'rights' were articulated. This endeavour was inspired by a number of pioneering works that have already examined the history of women's human rights in a similar period.³ Among the most influential was the volume recently edited by Carola Sachse and Roman Birke, *Menschenrechte und Geschlecht im 20. Jahrhundert. Historische Studien*, which offers

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trenchant reflections on the tensions between universalism and particularism in the gendered history of human rights in the twentieth century.⁴ This forum expands on their important contribution, as well as other earlier research in the area, by connecting European case studies to a broader global, imperial and international landscape, and by trying to situate them within a longer historical narrative. We suggest that this global and diachronic perspective is necessary to understand how, why and in which circumstances women's rights have been claimed in relation to broader human rights – even if not always articulated as such. We also suggest that this broader perspective is necessary to understand the divisions within movements supporting women's rights, including claims that some women deserved greater rights than (or at least different rights to) others.

Since the eighteenth century, as Lynn Hunt has argued, the universalism of human rights declarations offered a language for claims from various groups that had previously been excluded from the category of the 'human' on the basis of their gender, sexuality, social class, or ethnic, cultural or religious belonging.⁵ The internationalisation of human rights by transnational actors, supranational organisations, institutions and courts in the twentieth century created the fiction that the legal subjects of human rights were no longer citizens claiming rights within states or colonial spaces, but rather individual human beings independent of their national belonging or territorial location and equally entitled to making claims. Yet in reality these contexts still mattered greatly. In 1948, when the Universal Declaration of Human Rights was adopted, women could be appointed as government ministers in certain countries, while elsewhere they could either not vote, or remained alongside men under the rule of colonial powers.

Beyond individual historical contexts, women's human rights claims have often been further obstructed by four general factors, as suggested by Sachse and Birke: first, women were frequently excluded from the category of 'human', or the abstract individual was implicitly gendered male. Second, women often had to claim special rights or protections that clashed with the principle of universal equality. Recognising their different status was key to the UN Convention on the Elimination of all Forms of Discrimination Against Women, which was the first treaty that acknowledged women as a subject of human rights. Third, women have often been seen both as individuals and as members of families, cultures and religions, which placed the right of individual bodily self-determination, and the rights to property or to residence, in potential opposition with the right to protect the family, religious freedom or cultural self-determination. Finally, the idea that there is a universal female identity, or a binary model of gender, has been increasingly challenged since the 1970s.

For these reasons, the struggle of women for human rights remains under-researched in historical scholarship. For example, in Moyn's periodisation of human rights as the 'last utopia', the integration of women's rights in human rights discourse was part of its failure.⁶ It was yet another attempt to integrate the demands of ever more social groups into the human rights agenda. This multiplicity of claims, and the tensions to which it contributed, ultimately eroded the minimalist and clearcut programme that had led to the success of 'human rights' as a political and legal initiative in the first place. For others, notably Jan Eckel, human rights lost their relevance after 1948 except in the area of women's rights, which made great steps forward between 1952 and 1962 because feminists could draw on networks that they had already created in the League of Nations era.⁷ Eckel also stresses women's importance for human rights activism in the 1970s, as members of Amnesty International or in the protests against the Pinochet dictatorship in Chile; human rights in the 1990s, according to Eckel, were not weakened by the turn to women's rights, but rather strengthened.⁸ Yet the appeal for gender equality, which when carefully historicised offers an unparalleled lens for illuminating the complexity of human rights ideas, is typically ignored in these histories. By contrast, it has received greater attention in a number of studies in law and the social sciences, which have focused on debates about women's rights as human rights related to religion and education around the world as well as on questions of gender equality that arise from considerations of gay rights.⁹ To an extent, historical scholarship on empire has also considered debates about women's rights as human rights, even if 'human rights' as a concept remains unarticulated, when examining contrasts between women's rights within and across empires.¹⁰ Not least, scholarship on the history of women's rights – for suffrage,

for reproductive autonomy, and otherwise – has of course often touched on the idea of women's rights in terms of human rights, even if this consideration has not always been central to the research or articulated directly by the historical actors studied.¹¹

The articles that appear in this forum seek to set a new agenda for historical research on women's rights as human rights by bringing together these disparate strands of scholarship. In doing so, they emphasise the contingency, diverse chronologies and multiple languages involved in staking claims for women as actors endowed with their own human rights. The contributions to this forum are based on papers given at a *Gender & History* symposium at the University of Sheffield in May 2022. We are grateful to all the contributors, as well as the workshop participants whose excellent papers we were not able to include in this collection.

The forum also includes a revised version of the *Gender & History* annual lecture, given by Celia Donert, which challenges the narrative of a liberal, minimalist human rights 'breakthrough' by considering the perspective of female international lawyers in socialist Eastern Europe. During the Cold War, as Donert outlines, the Soviet Union and East European communist states had frequently defended an expansive vision of human rights at the UN, including racial and sex equality as well as social and economic rights. Women's rights were understood by state socialist governments as a tool of cultural diplomacy – useful for taunting the capitalist West for its failure to guarantee social justice – but also as essential for building the strong states that were an integral part of the socialist vision of self-determination and international order after the Second World War. Yet socialist contributions to writing women's rights into international law – notably via the UN Convention on the Elimination of All Forms of Discrimination against Women – were double-edged, since communist delegates ultimately helped to create an international legal framework that, once the socialist states crumbled, strengthened the liberal internationalism that communism had battled to contain. At the same time, Donert's article suggests that feminist international lawyers on both sides of the Cold War ideological divide continued to support a vision of women's rights that could not be reduced to a minimalist, neoliberal concept of bodily autonomy that ignored questions of social justice. Bringing in the socialist history of human rights, therefore, challenges Moyn's argument (drawing on theorists such as Nancy Fraser) that contemporary feminist visions of women's rights exemplify how the human rights breakthrough of the 1970s was predicated on a neoliberal understanding of human rights as a minimum guideline rather than an expansive vision of equality.¹²

Taking us back to the interwar period of the twentieth century, the first article, by Helen Glew, also shows us how discussions of women's rights in terms of human rights transcend the breakthrough moment of the 1970s and surpassed more recent neoliberal concerns about basic rights for all. Glew examines how international women's organisations used the language of human rights to contest the marriage bar – the legal requirement for women to resign their employment upon marrying – in Europe and America during the first half of the twentieth century. She demonstrates that not only the radically egalitarian Open Door International for the Economic Emancipation of the Woman Worker, but also the International Council of Women, the International Alliance of Women for Suffrage and Equal Citizenship and the International Federation of University Women used human rights language in their campaigns for married women's right to undertake paid work in the first half of the twentieth century. These organisations, mainly based in the Anglophone world, did not have formal representation at the League of Nations and were granted an advisory role at the International Labour Office only in 1935. The Open Door International, known for its fierce opposition to protective labour legislation, seems to have pioneered the decision to reframe the marriage bar as a human rights question in the 1920s. Other women's organisations followed suit, particularly after the National Socialist victory in Germany and the rapid spread of laws across Europe restricting women's right to work, not only on the basis of marriage but simply on the grounds of their gender. After the Second World War, however, all four women's organisations referred far less frequently to human rights when discussing married women's work. Perhaps this was due to the institutionalisation of human rights at the UN, although Glew notes that the shift also reflected changing societal perceptions: married women's work was now taken as a given, and the focus shifted to debates about how their paid

employment could be accomplished alongside their other social functions, above all, as wives and mothers.

Restrictions on married women's right to work had been imposed in increasing numbers in Europe, North America and Australasia from the 1870s, reminding us that even as women were slowly gaining political rights in the first half of the twentieth century, marriage remained one of the most powerful vehicles through which states could shape the gender order. As Nancy Cott has written, 'The whole system of attribution and meaning that we call *gender* relies on and to a great extent derives from the structuring provided by marriage'.¹³ Marriage bars were introduced in response to new legislation regulating married women's property and their right to control their own earnings, as well as the opening up of the professions to women after their enfranchisement from the early twentieth century onwards. In many countries, these restrictions were further tightened in the Great Depression of the 1930s, as a response to the misguided belief that educated married women were taking jobs away from men, when in fact such women were typically concentrated in female-only sectors of the labour market. Trade unions seldom defended the rights of women workers, and since the First World War, governments had been increasingly adopting protective legislation based on the principle that women's paid employment should not undermine their social function as mothers.¹⁴ The marriage bar affected certain categories of female workers, above all teachers, civil servants and clerical workers, who tended to be educated, middle class and, typically, white. Marriage bars also mainly affected women in the metropolitan territories of colonial powers; in Britain, both the Foreign Office and the Colonial Service remained closed to all women, regardless of marital status, until after the Second World War. Diplomacy and colonial administration were seen as a man's job, although the small number of European women working as teachers in the colonies were also required to resign upon marriage.¹⁵ Empire thus remains a silent presence in Glew's article, reflecting the perspective of many of the women's organisations that she discusses in her article.

This blindness to empire becomes the central focus in the second article in the collection, by Anna Nasser, which reveals the paradoxes inherent in discussions of 'universal' women's rights at the UN in the early years of decolonisation. The end of the Second World War transformed the international context and institutions in which women's human rights were debated. Decolonisation and the Cold War created new actors that challenged the liberal internationalist architecture created by the League of Nations and its founders, most of whom were Western imperial powers. The French empire was reborn as the French Union shortly after the Second World War, amid heated debates about the meaning of overseas citizenship within the Republic.¹⁶ Before 1946, non-Europeans in France's overseas territories were considered French nationals or subjects, but not French citizens; they could become citizens 'only if they gave up their personal status under Islamic or "customary" law, accepted the rules of the French civil code over marriage and inheritance, and convinced administrators that they had fully accepted French social norms'.¹⁷ Representatives of France at the UN staunchly rejected suggestions that the territories of the French Union should be brought under international oversight in the same way as those that fell under the regime of international trusteeship. Non-Self-Governing Territories, argued the French delegation along with other colonial powers such as Britain and Belgium, were dependent territories that fell under the authority of the metropolitan government and should not become subject to UN jurisdiction.¹⁸

Nasser's article explores the role of the French politician and former Resistance fighter Marie-Hélène Lefauchaux, who chaired the United Nations Commission on the Status of Women between 1947 and 1953, in pushing for equal rights for women 'within an imperial framework'. A representative of the Conseil National des Femmes Françaises, an affiliate of the International Council of Women, known for its cautious stance on questions of women's rights, Lefauchaux fiercely opposed sending international investigators to study the conditions of women in former French colonies, and likewise argued that France was not obliged to report on political conditions in French non-autonomous territories, as was the case for Trust territories. As Nasser demonstrates, Lefauchaux defended this position by erasing 'colonial difference' and stating that the conditions for women's

equality in metropolitan France and its former colonies were, essentially, the same. She also tried to prevent invitations to UN conferences being sent directly to women's groups in French Africa, fearing that this would erode metropolitan France's monopoly on women's organisations across the whole French Union. Debates about women's rights in the early years of the UN, as Roland Burke has also argued, thus exposed the paradox of imperial powers justifying their approach to rights on the basis of both universal republican ideas and cultural difference.¹⁹

The remaining three articles focus on the period between the 1970s and the 1990s, but in ways that challenge the idea of a minimalist human rights breakthrough in this period. Maria Fernanda Lanfranco Gonzalez's article focuses on campaigns by communist and socialist women's organisations to raise awareness of violations of women's human rights in Chile after Pinochet's military coup. She argues that existing scholarship on human rights activism under the Pinochet dictatorship in Chile has largely neglected women's contributions, due to the focus either on solidarity campaigns organised by male-dominated organisations of the Left, such as trade unions or political parties, or on the human rights work of intergovernmental institutions or nongovernmental organisations such as Amnesty International. Both these strands of scholarship have tended to neglect women. Lanfranco Gonzalez demonstrates, however, that both the Women's International Democratic Federation (WIDF) and the Women's International League for Peace and Freedom (WILPF) sent fact finding missions to Chile in the years following the 1973 Pinochet coup, which framed their investigations in the language of human rights. Both these organisations defined rights in an expansive manner – including political, civil and socioeconomic concerns – even though they based these claims on different ideological principles, given that the WIDF was more closely aligned with communism and the WILPF with democratic socialism and pacifism. This challenges the widely held view in recent scholarship that international human rights in the 1970s were dominated by 'minimalist' definitions that were not concerned with economic justice or equality. Lanfranco Gonzalez also argues persuasively that women's organisations had been using fact finding missions 'to gather information about people experiencing human suffering across the world' since the 1920s, thus complicating claims about the novelty of such strategies when used by Amnesty International and other NGOs from the 1960s. Finally, her article forcefully demonstrates that women's organisations were advancing a gendered analysis of human rights centred on violence against women in the context of state repression already in the 1970s.

Maud Bracke's article foregrounds the role of the global women's health movement in a 'post-1945 international genealogy of reproductive rights thinking', arguing that 'the historical processes leading to the UN reproductive rights paradigm as it was defined in the mid-1990s remain under-explored in scholarship'. The London-based International Campaign for Abortion, Sterilisation and Contraception, founded in 1975 and renamed the Women's Global Network for Reproductive Rights in 1984, is used by Bracke as a focal point for exploring the role of this movement in transforming the definition of reproductive rights at the UN in the 1970s and 1980s. Debates about reproductive rights at the UN in the 1970s, Bracke argues, coalesced around conflicts over family planning. While Western women's organisations tended to see access to contraception and abortion as central to reproductive rights and distanced themselves from early twentieth-century maternalist feminism, which made claims to citizenship on the basis of women's social roles as mothers, Bracke observes that feminists from Latin America, Africa, and Asia 'held more varied positions on motherhood and its political meaning as a basis for rights claims'.²⁰ At the same time, they called attention to the coercive dimension of Western-sponsored family planning programmes, which were motivated by the neo-Malthusian aim of combating global 'overpopulation'.²¹ One indication of their impact on the UN was the shift away from the language of 'parents' rights' to 'women's rights' in discussion about reproductive rights at the 1985 World Conference on Women in Nairobi and the 1994 UN Conference on Population and Development in Cairo.

Finally, Rebecca Turkington's article takes a fresh look at the iconic speech on 'women's rights as human rights' given by US First Lady Hillary Clinton at the 1995 Fourth World Conference on Women in Beijing. Widely seen as a turning point in the significance and symbolism of women's rights in US foreign policy, the speech is frequently cited but has hardly been subjected to historical research.

Drawing on the previously unused papers of Clinton's deputy chief of staff, the Clinton Presidential Library and oral histories, this article explores the processes that resulted in Hillary Clinton giving this speech in the form that it eventually took, and the impact this had on elevating women's human rights as a US foreign policy issue. While recent scholarship by Lisa Levenstein has highlighted the important role of American grassroots feminist organisations in shaping events at Beijing, Turkington's article provides important new insight into the tensions within the US administration over the role of women's rights in diplomatic policy. The focus on women's rights was not pre-ordained, she notes, and its articulation in Clinton's speech to the UN conference was shaped by factors including the First Lady's 'signature concept' of linkage between foreign and domestic policy, White House and State Department priorities, pressure from the public and feminist groups, and the strained US–China relationship. In conclusion, Turkington highlights the ambivalent legacies of the Clinton Administration's efforts to integrate women's rights into American foreign policy, including the weaponisation of women's human rights in the service of US military interventions in Afghanistan in the wake of 9/11.

Together, the articles in this forum take us from interwar Europe to imperial and postcolonial outposts around the world, and from the history of international women's rights organisations to some of the social and political considerations guiding US foreign policy. Throughout, they show the varied concerns that guided groups seeking to claim women's rights as a form of human rights and the diverse languages and politics involved. Despite this diversity, the movements outlined here were united by their interest in expansive rights for women, rather than in legal minima like those associated with the neoliberal politics of human rights since the 1970s. Moreover, they were bound together in a common heritage that harked back to earlier considerations of human dignity and the rights afforded to women. Into the twenty-first century, this history continues to resonate not only in campaigns for women's human rights, but also for the human rights of all those who consider themselves female.

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ENDNOTES

¹ Important contributions here include, amongst many others, the volumes released in the two pathbreaking series *Human Rights in History* (Cambridge: Cambridge University Press) and *Pennsylvania Studies in Human Rights* (Philadelphia: University of Pennsylvania Press).

² Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Belknap Press, 2010).

³ See, for example, several of the chapters in Jean Quataert and Lora Wildenthal (eds), *The Routledge History of Human Rights* (London: Routledge, 2020) and in Patricia Grimshaw, Katie Holmes and Marilyn Lake (eds), *Women's Rights and Human Rights: International Historical Perspectives* (Basingstoke: Palgrave Macmillan, 2001).

⁴ Roman Birke and Carola Sachse (eds), *Menschenrechte und Geschlecht im 20. Jahrhundert* (Frankfurt; Göttingen: Wallstein, 2018).

⁵ Lynn Hunt, *Inventing Human Rights. A History* (New York: W.W. Norton, 2007).

⁶ Moyn, *The Last Utopia*, p. 223.

⁷ Jan Eckel, *Die Ambivalenz des Guten: Menschenrechte in der Internationalen Politik seit den 1940ern* (Frankfurt: Vandenhoeck & Ruprecht, 2014), p. 134.

⁸ Eckel, *Ambivalenz*, p. 824.

⁹ For example, amongst many others: Christine Forster and Jaya Sagade, *Women's Human Rights in India* (London: Routledge, 2020); Emily Burrill and Lydia Boyd (eds), *Legislating Gender and Sexuality in Africa: Human Rights, Society and the State* (Madison: University of Wisconsin Press, 2020); Susanne Zwingel, *Translating International Women's Rights: The CEDAW Convention in Context* (Basingstoke: Palgrave Macmillan, 2014); Niamh Reilly, *Women's Human Rights: Seeking Gender Justice in a Globalizing Age* (Cambridge: Polity, 2009); Lynn Savery, *Engendering the State: The International Diffusion of Women's Human Rights* (London: Routledge, 2007); Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006); Courtney W. Howland, *Religious Fundamentalisms and the Human Rights of Women* (Basingstoke: Palgrave Macmillan, 1999).

¹⁰ See, for example: Judith Surkis, *Sex, Law, and Sovereignty in French Algeria, 1830–1930* (Ithaca: Cornell University Press, 2019); Mrinalini Sinha, *Specters of Mother India: The Global Restructuring of an Empire* (Durham: Duke University Press, 2006); Julia Clancy-Smith and Frances Gouda (eds), *Domesticating the Empire: Race, Gender, and Family Life in French and Dutch Colonialism* (Charlottesville: University of Virginia Press, 1998).

- ¹¹ See, for example, Susan Kingsley Kent, *Sex and Suffrage in Britain, 1860–1914* (Princeton: Princeton University Press, 1987); for an excellent recent discussion of the tension between human rights and women's rights regarding population control and reproductive freedoms, see Roman Birke, *Geburtenkontrolle als Menschenrecht: Die Diskussion um Globale Überbevölkerung seit den 1940er Jahren* (Göttingen: Wallstein, 2020).
- ¹² Nancy Fraser, *Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis* (New York: Verso Books, 2013).
- ¹³ Nancy Cott, *Public Vows. A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2001), p. 3.
- ¹⁴ Although, of course, there were certain exceptions, not least amongst women's trade union organisations such as the American and British Women's Trade Union Leagues. On protective legislation, see, for example: Ulla Wikander, Alice Kessler-Harris and Jane Lewis (eds), *Protecting Women: Labor Legislation in Europe, the United States, and Australia, 1880–1920* (Urbana: University of Illinois Press, 1995). In turn, this move towards protective legislation for women workers sparked new transnational and international initiatives often led by women activists: Susan Zimmermann, Eileen Boris and Dorothea Hoehtker (eds), *Women's ILO: Transnational Networks, Global Labour Standards and Gender Equity, 1919 to Present* (Leiden: Brill, 2018).
- ¹⁵ See, for example: Helen McCarthy, *Women of the World: The Rise of the Female Diplomat* (London: Bloomsbury, 2014), chapters 10–12; Helen Callaway, *Gender, Culture and Empire: European Women in Colonial Nigeria* (Basingstoke: Macmillan, 1987).
- ¹⁶ Frederick Cooper, *Citizenship between Empire and Nation: Remaking France and French Africa, 1945–60* (Princeton: Princeton University Press, 2014).
- ¹⁷ Cooper, *Citizenship*, p. 6.
- ¹⁸ Jessica Lynne Pearson, 'Defending Empire at the United Nations. The Politics of International Colonial Oversight in the Era of Decolonisation', *Journal of Imperial and Commonwealth History* 45 (2017), pp. 525–49.
- ¹⁹ Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).
- ²⁰ See, for example, Seth Koven and Sonya Michel (eds), *Mothers of a New World: Maternalist Politics and the Origins of Welfare States* (London: Routledge, 1993).
- ²¹ For general context, see Matthew Connelly, *Fatal Misconception: The Struggle to Control World Population* (Cambridge: Belknap Press, 2008).

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