

## **Human Rights – Conversations Across Generations**

**Episode: Rebecca Cook**

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### **Transcript of audio conversation**

MEREDITH LOCKWOOD 0:04

Hi, welcome to our podcast, Human Rights, Conversations Across Generations. I'm Meredith Lockwood, founder of Lockwood Creative, a purpose-driven creative agency. And I'm here with my dad.

BERT LOCKWOOD 0:16

And I'm Professor Bert Lockwood, the director of the Urban Morgan Institute for Human Rights at the University of Cincinnati College of Law.

MEREDITH LOCKWOOD 0:27

Together, we are your father-daughter co-hosts.

BERT LOCKWOOD 0:29

For over 50 years, I've had a front-row seat to the evolution of international human rights.

MEREDITH LOCKWOOD 0:35

And now, we're sharing that expertise with you by connecting to the powerful stories and insights of human rights voices from around the world.

BERT LOCKWOOD 0:43

We bridge the past and the present, making complex human rights issues more approachable and understandable.

MEREDITH LOCKWOOD 0:50

So, pull up a chair and join our table as we speak with Nobel Peace Prize recipients, political leaders and the world's leading human rights scholars and activists.

Hey, listeners. Welcome back. today, our guest is one of our heroes, heroes, Professor Rebecca Cook. She is a close family friend who has worked with my father for decades, not only as a colleague, but as a contributor to his book series, The Human Rights Quarterly. Rebecca is a leading authority in her field, dedicating her life to challenging injustices. her pioneering work has profoundly shaped the landscape of international law for women, particularly around reproductive health and challenging structural gender discrimination across the globe. Let's tune in now for our conversation.

MEREDITH LOCKWOOD 1:43

get us started, Rebecca, I would love to talk to you about how your work has profoundly shaped the landscape of international human rights, particularly for women. And we will go back into the 1970s and bring it to modern day. To set the stage for our conversation, I'd love to take us back to your early days. The first thing I'd love to explore is what initially ignited that spark within you to pursue a career as a human rights lawyer?

REBECCA COOK 2:09

I think maybe my mother initially, she grew up during the Depression and talked a lot, a great deal about it and was very conscious of prejudice, bias prevailing around her. She grew up in rural Maine and was really affected by how poor people were in that situation. Also, in my father's family, the men were very much privileged over the women. My aunt was compromised in her access to education, while my father and his brother were really quite privileged. So, it was really, you know, they pursued careers at MIT and went on to be engineers. But my aunt's did not pursue education. So, it was really out of that family background that I got a sense of an injustice.

MEREDITH LOCKWOOD 3:05

And from there, within that period, was there anything that drew you specifically to becoming such a fierce offender, specifically of women's rights, as well as women's reproductive health?

REBECCA COOK 3:19

I think it was Harriet Pell. She was, during the 60s and early 70s, legal counsel at Planned Parenthood, and also a partner in a New York law firm. Her one area was copyright, and her other area was reproductive health, which was then called. And she was really quite an amazing woman. This was pre-Roe v. Wade, pre-1973. And the way she brought people into her network and facilitated them to fight for women's rights and for reproductive rights was, it was phenomenal. She gave a talk when I was in graduate school, and I was incredibly impressed by her and went on to be very good friends with her.

MEREDITH LOCKWOOD 4:04

Wow, that's incredible that you got to end up working together and being friends.

REBECCA COOK 4:09

Yes, yes.

MEREDITH LOCKWOOD 4:11

And speaking of friendships, I know you and my dad have had a long-standing friendship. When my dad and I were preparing for this episode in the podcast, we said, this is going to be the Rebecca Cook fan club episode. That is our theme. We are your biggest fans. Now, this is a question for both of you and my dad.

BERT LOCKWOOD 4:30

Well, Meredith, that's not quite correct. Because when I made that comment that I was the head of Rebecca Cook Fan Club to the contributors to the Human Rights of Women, whatever

the title of the latest book was, that there were a number of interventions suggesting that, no, they were the chair. They wouldn't let me get away with that.

MEREDITH LOCKWOOD 4:56

So there's a competition. Okay.

BERT LOCKWOOD 4:58

There's a competition, yeah.

MEREDITH LOCKWOOD 5:00

the friendliest of. So to pose this to both of you, do either of you recall when your paths first crossed

REBECCA COOK 5:09

Well, my recollection was when I was doing my doctorate at Columbia Law School, and I sent a paper to Bert as editor of Human Rights Quarterly, and he rejected it.

BERT LOCKWOOD 5:21

Oh!

REBECCA COOK 5:25

That was

MEREDITH LOCKWOOD 5:26

great way to start, yes keep going.

REBECCA COOK 5:27

I mean, it was. But what struck with me was the way it was rejected. It should have been rejected. I think if I were editor, then I would have rejected it as well. But he was very encouraging and explained, oh, this paper has some ideas, but it really does need work. And then I, I don't know, Bert, whether I met you at some of those human rights workshops at Columbia Law School that Paul Martin put together, or my next recollection is working with you on the book, Human Rights of Women. Early on, it would have been the early 90s that I started on that book. That book came out in 1993, and it was the first book that I had ever edited. And I really didn't know too much of what I was doing, a you were incredibly helpful without being directive.

BERT LOCKWOOD 6:19

Well, I was thinking maybe an annual meeting of the American

REBECCA COOK 6:24

Okay,

BERT LOCKWOOD 6:24

Society.

REBECCA COOK 6:24

yeah.

BERT LOCKWOOD 6:25

but with respect to the, uh, rejection, I recall soon after I began, uh, I think in my second year of editing the quarterly, Ved Nanda invited me out to, uh, speak. At, um, Denver, and there was a movie, They Shoot Horses Don't They? That was, uh, going out. And so I did a rather on, um, They Don't They? And I was talking about human rights defenders basically around the world. It was okay. I mean, it wasn't a great thing, but it was okay. But he never told me the format. And so I get there thinking it's going to be like in a seminar class or something. Well, it's this auditorium, uh, up on a stage. A he has three people.

Two of the three I had rejected articles or manuscripts for the quarterly. And I thought, oh my God, they're going to absolutely kill me. And in fact, they were, very gracious and, and, and, and kind. And the lesson that I learned was that harbor the desire to submit a future quarterly. thought that if they were nice to me, I'd be more inclined. That was, that was the lesson I took from it.

MEREDITH LOCKWOOD 7:53

And now if I'm correct, all these years later, Rebecca, you're an editorial advisory board member for the Human Rights Quarterly.

REBECCA COOK 8:00

Yes. Yes. Right.

MEREDITH LOCKWOOD 8:02

Yes. So. That

BERT LOCKWOOD 8:03

doesn't involve

MEREDITH LOCKWOOD 8:04

work.

BERT LOCKWOOD 8:04

a lot of

MEREDITH LOCKWOOD 8:04

Right.

BERT LOCKWOOD 8:04

work.

REBECCA COOK 8:05

No.

MEREDITH LOCKWOOD 8:06

But she didn't let her first rejection stop her. She's.

REBECCA COOK 8:09

Right.

MEREDITH LOCKWOOD 8:09

A

BERT LOCKWOOD 8:10

I

MEREDITH LOCKWOOD 8:10

distinguished advisor.

BERT LOCKWOOD 8:11

see.

MEREDITH LOCKWOOD 8:12

And author scholar, through that connection. and for our listeners, we're going to get all into reproductive health and the legal structure. but my sister and I have incredibly fond memories of being esteemed guests of Rebecca's who would bring us to the gala. In New York city. Uh,

REBECCA COOK 8:30

Right.

MEREDITH LOCKWOOD 8:30

for the Center for Reproductive Rights, which is an organization that I hold near and dear. so yeah, we just, it was, we're just such wonderful events. We got to go with you too. but if we may go back into, the landscape of the 1970s, and when I was doing research, through that time in your early days, the really sad reality is how similar it is now in the United States and how we are going so far backwards. Um, so very quickly. so to start talking about identifying injustices, from the 1970s, particularly with the barriers in women's health care, you have spoken significantly about injustice about denial of access to contraception and abortion. We have seen here in America, Roe versus Wade, no longer, you know, being part of our legal landscape. and from the 1970s, how did those stark realities coupled with the then prevailing criminal law approach, ignite your drive for And also how did your personal experience foster empathy for these struggles? As I know, when you were a child, you had polio the year the vaccine came out and through that illness, it had a devastating impact on you. But to quote

you, I know that going through that health challenge, you were able to have even more empathy with the women you worked with at International Planned Parenthood.

REBECCA COOK 10:05

Ye. When I was at International Planned Parenthood, there were several, at that point, uh, there were all sorts of questions about the safety and efficacy of different contraceptive methods. And some were still in the, uh, stage of being approved. Uh, and so there were lots of debates about safety and efficacy, but some drugs had been approved, but they hadn't been really distributed far and wide. And that upset me a great deal because of my experience with polio and not having access to the vaccine. So that ignited, a sense of injustice. And I did a lot of work on some methods of contraception then on trying to get them distributed far more widely through social and then I also got involved in a group that was working on delivery. Well, the research on the French pill, that was after I left IPPF and I was at Columbia because I had been writing on, abortion laws and the group Etienne Beaulieu, who was then looking at how to counteract problems of infertility came across, the hormone that was necessary to implant fertilized eggs. And that's what led him to develop the, what was then called contra, contragestive pill. so I was very involved with that group. so access modern methods of contraception was absolutely critical, but I also noted that, it was far more than just access to contraception. It was patriarchy. It was a very conservative medical profession. All kinds of sexism were quite pervasive at that point. The other thing that was very apparent at that time was we knew very, very little about maternal mortality, um, that is death to women while pregnant or within 42 days of pregnancy. We knew a great deal about infant mortality but we had, we really didn't even know the epidemiology of maternal mortality. And when I was, I'm doing my doctorate at Columbia Law School, I was also teaching at the School of Public Health at Columbia. And there the the, the, well, he became dean, but he, uh, Dr. Allan Rosenfield helped very closely with Dr. Mahmoud Fathalla, an Egyptian obstetrician/gynecologist, and, uh, and, uh, an And they were trying to create research networks to understand the magnitude of maternal mortality and, uh, and, uh, an Episodically, they knew that it was a big problem, but they, there was no real data. So that, that, that was another real motivator for ensuring that the research was there to move this field forward. But it's hard to explain now, um, , we really knew nothing about maternal mortality. Um,

MEREDITH LOCKWOOD 13:21

. . . Wow.

REBECCA COOK 13:21

So, and that was also critical because the field was so focused on abortion, contraception, sterilization, it was split and Dr. Mahmoud Fathalla did this very famous article that brought it together into reproductive health, which really laid the groundwork for the, Cairo Population Conference. So he was somebody, from Upper Egypt, Southern Egypt, who really did some cutting edge research that helped. build the field. He was the first person to do a confidential inquiry into maternal deaths in Syria. And that, that confidential inquiry, first of all, the methodology to make sure it was confidential,

MEREDITH LOCKWOOD 14:11

Mm-hmm.

REBECCA COOK 14:12

laid the basis for better understanding. And that methodology was adopted, far and wide after that. But he was somebody who really had his eyes on the horizon. And just to watch him and Dr. Rosenfield put together the research networks really eye-opening in so many ways.

MEREDITH LOCKWOOD 14:33

So both of them were pioneers of their times.

REBECCA COOK 14:35

Absolutely. Absolutely. They convinced the World Bank. They convinced the World Health Organization, UNFPA, UNICEF, to get together and really do the epidemiology. And a lot of that research was being done at the School of Public Health by epidemiologists. And I co-taught a course on health and human rights with some of those people. I was at Columbia. Yeah.

MEREDITH LOCKWOOD 14:59

Absolutely incredible. a dear friend of all of ours, that I would love to recount this story that you had shared on a recording, a video recording about oral history, um, with women's healthcare, is our dear friend, Sir Nigel Rodley. we had the honor of having Lyn, his wife, uh, do a tribute episode. and our listeners

REBECCA COOK 15:18

Oh,

MEREDITH LOCKWOOD 15:18

have-

REBECCA COOK 15:19

wonderful.

MEREDITH LOCKWOOD 15:19

Probably almost every podcast recording we do with our dear friends and guests, Nigel comes up. so I know that our community is quite familiar with him at this junction. and I really loved the story you had shared. you know, in the 1970s, Nigel at the time was, uh, with Amnesty International and he was focused on civil and political rights. And you at the time were IPP, International Planned and I loved how you mentioned the, you know, International Planned Parenthood is a service organization, and you had to have a conversation with Nigel, that at first was a bit challenging, but ultimately became a supportive conversation when you explain the work you were could you share with our listeners a bit about that conversation and what his support meant for your work?

REBECCA COOK 16:09

Well, in the 1970s, health and human rights was unknown. And for a service organization like International Planned Parenthood Federation, uh, to think about norms and human rights was almost a bridge too far. And I was running this very small program. It was essentially me, to try to get some of the IPPF affiliates to develop advocacy programs. And Harriet Pilpel was the chair of the advisory committee. And that's how we became such good friends. and some people said, well, why don't you talk to Nigel Rodley? Cause they're weren't that human rights organizations. So I reached out to Nigel and he was really befuddled. Well, you know, what do I, what do I have to do with family planning?

BERT LOCKWOOD 17:02

is this a

REBECCA COOK 17:02

Right.

BERT LOCKWOOD 17:02

crank call?

REBECCA COOK 17:04

Exactly. um, he did understand that trying to create norms and, content around norms about access to healthcare generally, would be facilitated by some of his work at Amnesty International because they had developed norms and human rights around prisoners of conscience and had done a remarkable job. So it was always very helpful to tune in with Nigel every once in a while, just to see, what he was up to and whether I might think about adapting it in the context of International Planned Parenthood. Wonderful, wonderful person. I mean, how he found time to reach out to somebody like me with many years as junior is I really value in or, and did then.

MEREDITH LOCKWOOD 17:52

when we were talking to Lyn, she painted the picture of Nigel back in, you know, his very, very early days, um, with his friends and colleagues that were dreaming up of an international human rights organization, which is now presently Amnesty International and that they would meet in a tiny little restaurant in London with books and papers and taking notes. And it's just such a wonderful memory to share of just thinking of Nigel back then, along with friends thinking like, we just want to make a difference. We want to be involved in global human rights. And now to be able to reflect on it all these years later, it's really Um, for our listeners, I also want to talk about your work at the University of Toronto. and for me looking at Rebecca, you are an architect of human rights for women and through your work and your text titled Human Rights for Women that came in 1993. Um, how did your vision for legal education at University of Toronto shape your career in advancing human rights for women?

REBECCA COOK 18:58

Well, everybody, um, teaches differently and everybody learns differently. I think the way I thought about it was it was very important for students to have some sort of experiential



education as well as just book learning. so I was very keen for students to have internships, and to the extent possible encourage them to write and publish on those internships. after taking a course on, on human rights or women's rights, so it was really a combination of experiential education, encouraging research, as that had been so important in my career trajectory is writing and researching. but certainly there are many, many ways to develop, uh, interests in human rights, women's rights, here in Canada, we've, um, done, I think quite an amazing job with regard to indigenous women's rights and some of the, advocacy organizations here in Canada and how they've brought cases before international, particularly the human rights committee under the international covenant on civil and political rights has been, uh, really absolutely critical. So, um, really absolutely critical. So encouraging indigenous women students, um, indigenous women scholars here at the university to, uh, document that work and why it was so important. certainly here in Canada, the Indigenous women's advocates really developed the skill set of interacting with international forum, essentially to embarrass our government. And that really propelled really the protection of Indigenous women's rights in some significant ways. We definitely have a long ways to go, but that was very, very significant. So trying to bring that into the classroom to the extent possible was very important for me.

BERT LOCKWOOD 21:01

How did you get to Toronto?

REBECCA COOK 21:03

Oh, well, I married my husband, who was a Canadian.

BERT LOCKWOOD 21:08

Okay , okay.

REBECCA COOK 21:09

that's why I'm in Toronto. When I was at International Planned Parenthood, I was asked to do a report on abortion laws in Commonwealth countries. And at that point, I wasn't a lawyer. And I needed somebody to help me. So I hired him. He was then at the University of Toronto. So, but he had written, his master's thesis was on the abortion law in the UK. So that's why. So we wrote that report for the Commonwealth Secretariat on abortion laws in Commonwealth countries. And we kept finding ways to continue writing reports and articles together.

BERT LOCKWOOD 21:53

Well, I had exchange earlier today with one of our LLM students, a Ukrainian. I've been in touch with her. She's back in the Ukraine. she just wrote me this email that she is going to get married. And she's marrying a fellow student she met in the LLM program.

REBECCA COOK 22:18

Oh, wow.

BERT LOCKWOOD 22:19

And he has agreed to move to the Ukraine

REBECCA COOK 22:23

Ooh.

BERT LOCKWOOD 22:23

was, was part of it. But I was at this meeting today and I asked the head of our LLM program if this was the first marriage. It's been around about 20 years. And she said, yes. And I related this conversation I had had a number of years ago when I was chair of the admissions committee and we broke the barrier of having 50% women.

And when I was recruiting female students, I would use this pitch that, you know, we've got, you know, over 50% women, you know. And, and so one of my fellows that I had used that pitch with in her third year, she said to me, you know, by the way, I just want you to know it's not a selling point.

to suggest that you've got more than 50% women, you know.

And so the head of our LLM program, one of my former fellows started to, react to that. And then she said, oh, I married my classmate. I guess I can't. She had married someone that she'd met a, as a law student. So, that's how you, that's how you got to Toronto.

REBECCA COOK 23:44

Right. That's how I got to

MEREDITH LOCKWOOD 23:45

Yes.

REBECCA COOK 23:46

Toronto. Right.

MEREDITH LOCKWOOD 23:46

And

REBECCA COOK 23:46

Right.

MEREDITH LOCKWOOD 23:46

now more than ever, marrying a Canadian sounds like a great option.

REBECCA COOK 23:51

Yes.

MEREDITH LOCKWOOD 23:52

As

REBECCA COOK 23:52

Right.

MEREDITH LOCKWOOD 23:52

Americans, we really love our Canadian neighbors. Please don't let the current administration think anything less of how much we love Canada.

BERT LOCKWOOD 23:59

ye.

MEREDITH LOCKWOOD 24:00

So up next, I would love to take our listeners into both of your classrooms as you are both educators of women's rights. today we are facing pressing issues with women's rights and women's healthcare. and I would love for our community to be able to see what it's like teaching currently. such as what's guiding this next generation through the complexities of women's rights. Um, either you, Rebecca, or my dad, if you could just kind of allow us to have an inside look of what it's like in the classroom.

REBECCA COOK 24:35

Um, it, for me, it depends on your teaching objectives. I mean, and that's one of the reasons why I've really trended my teaching towards understanding principles of discrimination and equality, to allow students to really grasp those concepts in many different contexts. Um, what I'm trying to do my class this fall, In part because I'm teaching with the former ombudsman of Afghanistan, is we're- the first part, the first third of the course is on theories of discrimination and equality, using the work of, uh, Sandra Fredman, Sophia Moreau, who've been so illuminating on thinking about discrimination and equality from many different perspectives. So that's the first part of the course. The second part of the course is folk- applying those concepts to, Indigenous women here in Canada. and then the third part of the course is focused on, uh, the discrimination against women and girls in Afghanistan, really focused on this very important case that Australia, Canada, Germany, and the Netherlands are bringing against against Afghanistan. it's the first contentious case under CEDAW, state to state Um, it will drag on for years. Um, there, I think, the last I heard, they're in the negotiation phase. Um, there, I think, the politics of the politics of Afghanistan is very, um, uh, the Afghan diaspora, the diaspora is very, very concerned that by bringing the case, they're going to recognize the Taliban, which is, in fact, not the case. But, so the politics around that were very-

MEREDITH LOCKWOOD 26:24

That was going to be my question. If they're going after the Taliban for this.

REBECCA COOK 26:29

Yeah, they, they are. And there, there, there is case law that says in bringing such cases, you're not recognizing the de facto government. You're just bringing it against the state. Um,

hopefully that's convincing enough so the Afghan diaspora will get behind it. so for the course, Really the, the learning objectives for the course or for the students to really grasp different approaches to discrimination and equality and apply them into specific situations. The human rights field has gotten so vast, so complex ... um, that I thought if you could just ensure that students have some clear cut learning objectives that then they can take away and apply in different contexts would be a step that would be very helpful to them. And, so that's where I've gone with my teaching, and, in my course. And I'm really excited to be doing it with, uh, Ghizaal Haress who was our scholar at risk for two years here in the law school. And, uh, she will be, we'll be co-teaching together. So I'll learn a great deal.

BERT LOCKWOOD 27:46

So we have something similar occurring. and that is, uh, Dina Haynes is one of my former fellows taught, uh, at New England law school, uh, for a number of years, but, she has just landed the, um, position as the head of the human rights clinic at the Yale law school.

REBECCA COOK 28:06

Oh, fantastic.

BERT LOCKWOOD 28:08

And one of the people that she's working is from Afghanistan and during the Taliban thing headed up one of the women's, organizations, I believe, or it may have been a governmental thing that initially. She's in exile now, but I'm bringing her out speak to my class. And we'll do a dinner and some,

REBECCA COOK 28:30

fantastic

BERT LOCKWOOD 28:30

uh, stuff around but, Afghanistan is such a, um, Rebecca, to some extent, I students may be more sophisticated in, you know, terms of human rights. What I find in my human rights class that about half of the class, and the women's rights that first day I go around and say, why are you taking the class? uh, about half of them would say, I need a

REBECCA COOK 28:58

this.

BERT LOCKWOOD 28:58

seminar

REBECCA COOK 28:59

Right. It's a

BERT LOCKWOOD 28:59

requirement

REBECCA COOK 28:59

good time

BERT LOCKWOOD 29:00

on

REBECCA COOK 29:00

slot.

BERT LOCKWOOD 29:01

And, and this looked particularly interesting, you know, from the selection. So, it's important for me to sort of start out with what I think will get them hooked on what, what this is about because many of them haven't, had any, uh, particular, focus or interest in international, uh, things. So, there's something similar, uh, Meredith to the, I think the way we're, uh, approaching it, the, the course book I use is, uh, Rebecca's, uh, um,

MEREDITH LOCKWOOD 29:34

yes.

BERT LOCKWOOD 29:35

So, uh, obviously there's

REBECCA COOK 29:37

overlap,

BERT LOCKWOOD 29:39

overlap.

REBECCA COOK 29:40

Yeah.

MEREDITH LOCKWOOD 29:42

Yeah. Rebecca of sorts is almost in your classroom, dad.

BERT LOCKWOOD 29:45

Yeah.

MEREDITH LOCKWOOD 29:45

Um, and Rebecca, whenever um, have a dear friend of mine who either works in women's rights or women's reproductive health care, or is maybe just a wild feminist, your books are always the first. I always kindly ask my dad if he could put in the post, for reading.

BERT LOCKWOOD 30:01

to follow with an idea Unity Dow was very gracious. Uh, the past, uh, the past couple of years, uh, I have had my class Zoom with her,

REBECCA COOK 30:11  
testing. Yeah.

BERT LOCKWOOD 30:12  
And, and, and I, you know, I assigned her case, and it's another way that they're thrilled to meet

REBECCA COOK 30:19  
somebody. Yeah.

BERT LOCKWOOD 30:21  
Yeah. That's, uh, achieved the, uh, success, but with, uh, her background and she, and she's been, I think, delighted to, to do it. It's nice for her

REBECCA COOK 30:30  
um,

BERT LOCKWOOD 30:30  
to, uh, have the opportunity One of the things I hesitated about, um, was not being in person, but Zoom. But I have to tell you, my experience was, it was almost more intimate.

REBECCA COOK 30:44  
Oh, interesting. Yeah.

BERT LOCKWOOD 30:45  
She was right there and sort of responding to them. Whereas if, you know, a person up in the classroom or, you know, lecture hall or something, would be more distant, this was very intimate, if you will. I mean, she was, you know, talking from her home, uh, given the, the, the hour differences. um, but yeah, no, that was, a wonderful experience for them. I think I haven't done my curriculum yet, but I'll probably, try to do something similar.

MEREDITH LOCKWOOD 31:14  
And for our listeners who may not know Unity Dow, she is the first female Botswana Supreme court justice, as well as one of the leading women's and human rights lawyers in Botswana, who also has done incredible work in South Africa and other African nations. Um, and Rebecca, she also joined us on the podcast. so for you and our listeners, you can listen to Unity Dow, um, who was very generous with her time, just as you are. Um, and thank you for sharing an inside look into both of your classrooms. and I would love to discuss the book Frontiers of Gender Equality by you, Rebecca. and through this book emphasizes understanding gender discrimination from the perspective of the discriminated. So a question

to get us started is how can human rights law effectively apply this approach to combat entrenched gender stereotypes across cultures and legal systems?

REBECCA COOK 32:17

the first chapter in the Frontiers book is by Sophia Moreau. And she asks a fundamental question. What are the wrongs of discrimination? She goes beyond, I think, sort the well-worn path of what are the grounds of discrimination? And the way you teach, uh, discrimination laws, you first start on the grounds. Sophia goes, as a legal philosopher, she sort of takes us to another level of abstraction and asks, what are the wrongs of discrimination? And she really makes you think through what those wrongs are. and I, I found that really very, very illuminating. and one of the wrongs is the denial of dignity. And that can happen through prescriptive and harmful stereotypes of women that they should only be mothers, that they should only be caregivers. Um, so articulating what is the stereotype and how narrows women into prescribed roles is a harm that is incredibly important. Now it's definitely easier said than done. and you can, it's very important to think about it as, In different sectors, for example, the wrongs of discrimination, stereotypical discrimination in, uh, the health sector, the wrongs of stereotyping in the military sector. My co-author on this gender stereotyping book, Simone Cusack, has done a lot of work in the judiciary.

MEREDITH LOCKWOOD 33:53

Um,

REBECCA COOK 33:54

There's some Supreme Courts, High Courts have set up gender units and Simone has, really worked with some of those gender units in Chile, for example. so, working with them to set up a methodology of identifying and naming and discussing the nature of the harms of stereotyping is what led me to Sophia's work on what are the wrongs of discrimination. so it's really looking at discrimination law from a very different perspective. um, and I think, a very helpful one, um, and it allows for sort of more comparative constitutional, uh, work, as opposed to getting grounded in all the weeds of, you know, what are the grounds? Is the difference really harmful? Et cetera, et cetera.

MEREDITH LOCKWOOD 34:44

And one topic in this realm is structural discrimination. you did an incredible talk at Western University that I found very illuminating. Um, and your talk was structural, structural discrimination, the case of polygamy. and through that is deeply rooted gender stereotypes. and I'd love to talk about this in terms of educating our listeners, about the discrimination and polygamy as some may not know, that are also perpetrated legally and culturally. so I'd love to talk about that and share a little bit about, the parallels through historical practices and also implications of women's equality. and then my follow-up question will be from an international landscape, that you taught me through that talk about, Ind, South Africa, Canada, the UK. so if you could just tell us a little bit about your work, um, through structural discrimination.

REBECCA COOK 35:46

So in discrimination law, one can go from grounds of discrimination to group discrimination through indirect discrimination and then structures of discrimination. And my current work, um, is structure, structural discrimination or systemic discrimination. And polygamy is a very good example because many countries have laws that allow for polygamy. Um, and when you allow for polygamy, a man to marry many wives, you're saying right there that, women aren't as valued as, as men and that their role is really keep the home and to produce children. So the work that I started doing on polygamy per se was because of a case that was brought here in Canada, in British Columbia, against, they wanted to use the criminal law to ban, polygamy. And the case was brought to find out whether that was constitutional. And in Canada, when the state brings a case or when a case is brought, the Canadian government is very conscious of its international obligations. So I was asked to do a report on the requirements of Canada under international law with regards to banning polygamy. A what I found was it was, it was, it was fascinating the, the way different countries have moved to discourage or actually ban discrimination, that some had banned it through the criminal law. and some had banned it through just really circumcising people's ability to, have polygamous union, for example, in South Africa, women in polygamous marriages, they had to be able to inherit equally. What's happened in quite a few, Western countries is they've discouraged it through immigration control. So for example, in Canada, if a man married polygamously in another country, he has to show, if he wants to bring the second wife, he has to show that he's legally divorced the first wife so as not to allow her, um, sort of be high and dry back in her, her own country.

MEREDITH LOCKWOOD 38:08

Mm-hmm.

REBECCA COOK 38:08

This can be problematic in some ways that I've recently learned through this case. So, a group of us supported an Afghan family, um, to come, a polygamous Afghan family come to Canada after the Taliban took over. It was a polygamous family. The man had married the second wife because her husband had been killed by the first time the Taliban took over. So it was a levirate marriage. It was for him to protect, his brother's wife. so it was very delicate because there they were in hiding in Iran and they had to get visas and, um, to Canada and the lawyer that we, the immigration and refugee lawyer that we were working with here in Toronto, she said, oh yes, I've come across this problem many times before. Not a problem. We'll just file individually for each of them. So they can still come as a family. So as countries move to try to eliminate, discourage, uh, polygamous families, one still has to recognize the well-being of women in polygamous marriages. and this was very sensitive way of this lawyer to arrange for this. And I'm happy to report they are now living in Toronto as a polygamous family. Um, and very happy to be here. But it was a real

MEREDITH LOCKWOOD 39:30

Oh.

REBECCA COOK 39:30



lesson. It was a real lesson. in, yes, in polygamy is very discriminatory, but there are some women who are in polygamous marriages, who want to be in polygamous marriages. So you have to be very tolerant of those situations and accommodating of those situations. But it was a real lesson for me.

MEREDITH LOCKWOOD 39:51

Likewise.

BERT LOCKWOOD 39:52

I had a, um, male student, from, uh, it was either Ivory. I think it was Ivory Coast. It was Senegal or Ivory Coast. Took my women's rights class. ass. And he sort of shocked us when during the course of one of the topic discussions he mentioned his tribe was matriarchal. And that he had to get the approval of his mother to be able to come to study in Cincinnati. uh, it was, it was interesting. I, I met, uh, his at graduation, uh, when they, when they came over. yeah, you don't get too many for matriarchal societies.

REBECCA COOK 40:34

And I said, no, you don't. Wow.

MEREDITH LOCKWOOD 40:37

and Rebecca, something that I found very fascinating through your talk at Western University, and I'd love to share it with our listeners even more, is, you know, through CEDAW, which is the convention of elimination of discrimination against all women. you talked in depth about international law, and you talked about three distinct trends in comparative constitutional law. One being the rationale to protect polygamy in its traditional Christian form of marriage. Number two, prevent fraud on the state. polygamous women marry, but present themselves as single mothers to get benefits from themselves and their children. Um, and the third, which is one of the most recent findings, is promoting women's dignity and equality. and we just talked about a very interesting Canadian case with Afghanistan family. you had also shared two constitutional decisions, um, 2007 Indonesia, um, which for our listeners is the largest Islamic country in the world. You also discussed 2009 from South Africa. And during that time in 09, um, South Africa was ruled, uh, by the former president, Zuma, who was a Zulu traditionalist, as well as quoting the BBC here, "unabashed polygamist, who has married at least four, four different women over the years". and last but not least, I found it incredibly interesting the UK's immigration law when it came to husbands and bringing over their various wives. and I know that was a lot of information I just shared. If you could just share a little bit more with our audience from your research and understandings from Indonesia to South Africa and the UK immigration law and policies.

REBECCA COOK 42:29

Well, there, there's many domestic cases such as you mentioned in Indonesia and in South Africa. And then there have been efforts of, for example, with regard to the UK, I think it was the immigration policy that went to the European Court of Human Rights, I believe, as I recall

MEREDITH LOCKWOOD 42:50

Mm

REBECCA COOK 42:50

correctly.

MEREDITH LOCKWOOD 42:50

hmm.

REBECCA COOK 42:51

And that was because the UK, the then UK immigration policy allowed a man to choose, um, which wife to bring. And now I think that has changed, like in Canada. So if the man chooses a second wife, he has to show evidence of divorcing the first wife.

MEREDITH LOCKWOOD 43:11

Mm hmm.

REBECCA COOK 43:12

see,

MEREDITH LOCKWOOD 43:12

OK.

REBECCA COOK 43:12

So you can see different countries managing this in different ways. So in South Africa, if you're in a polygamous union, all wives have to inherit equally when the husband dies. Um, so each country will have its own uh, and some are more human rights compliant than a, it's a delicate balance between recognizing the rights of women within polygamous unions and moving to eliminate it entirely. And each country is going to have its own choice and each country is going to have to decide how best to, uh, manage that balance.

MEREDITH LOCKWOOD 43:47

Because it seems like there's quite sensitivity from culture, religion, tribal, et cetera, with very long histories. And we're trying to bring it to present day legal structures that are all various from different countries.

REBECCA COOK 44:02

Yes, absolutely. Right. And in some societies, polygamy is more entrenched than in others.

MEREDITH LOCKWOOD 44:09

Yes,

REBECCA COOK 44:09

Yeah.

MEREDITH LOCKWOOD 44:09

Um, another topic that I have found incredibly fascinating and have learned a lot from your work, um, is the evolution of reproductive health in terms of family planning and comprehensive rights. um, and something that I really would love to talk to you about through family planning, which, you know, brings into the comprehensive reproductive health approach, um, and how this evolution along with challenging issues, like what I find very interesting, um, is spousal authorization. Um, f me, I just like take a big step back and I'm like, sorry, what, but unfortunately it is still something that we are navigating. and so, you know, having a spouse authority for care, and how that has transformed the human rights discourse around reproductive autonomy and access to necessary healthcare, including abortion. could you share a bit about that?

REBECCA COOK 45:07

So, in the reproductive health field, you've got a, a criminal law approach, uh, which tries to ban different methods of contraception, abortion. You have a public health approach, which focuses in on the, uh, harms, uh, the epidemiology of the criminal bans. And then you have a constitutional and human rights approach that tries to show, um, women have or have not been treated equally. In terms of access to methods, one can think about it in terms of a clinical approach, a health systems approach, or, uh, what we call an underlying, conditions. So, in terms of the clinical approach, you have, um, in some countries requirements, sometimes they're legally required, sometimes they're just a matter of policy, of spousal authorization. where a clinic will require a husband to authorize the wife's access forms of reproductive

Sometimes, as I say, these are informal policies that the clinic has developed. They're not legal. So some clinics have just quietly eliminated those policies. There have been court challenging other spousal authorization requirements. In the health systems approach, you have a lot of movement right particularly as a medication abortion has been approved. So whether or not a health system will allow for medication abortion to be available as it was during the pandemic through telehealth, that's a huge issue right now for health systems to deal with. Or access through pharmacies as opposed to doctors. In terms of the underlying conditions, um, you have courts saying that we need to address the risk factors for unwanted pregnancy as opposed to using the criminal law. the risk factors for unwanted pregnancy such as adolescence, poverty, and courts, uh, in particular, the Portuguese Supreme Court has so ruled that they upheld a law that allowed access to abortion because they said that, um, the health system has to address the risk factors for unwanted pregnancy and not use the criminal law as a, to ban abortion. So you have different approaches depending upon whether you're dealing at the, the clinical level, the health systems level, or the underlying conditions, to promote access and to promote, uh, women's autonomy. Um, and within each of those areas, you've got different clusters of people working on different aspects.

MEREDITH LOCKWOOD 48:16

Mm-hmm. Mm-hmm. I was just recently on PBS, a documentary, um, that took place from the 1970s of 12 really brave women, in New York City, before Roe vs. Wade, when abortion was illegal. And there um, no medical access. And then you had the back alleyways and a lot of the back alleyway doctors were men, and a few women who were nurses or aides or caregivers, they decided to form a secret society and to go underground. Um, and they read books, they practiced, they practiced, and they actually became abortion providers underground to women. and in the documentary, they show their mugshots because six of them did end up getting arrested and released. Um, and you know, one of the closing parts of this very short documentary I watched was in America, we already have states that have banned abortion. And we're at great risk of all states losing our rights. I, I live in a liberal state, a blue state here in Oregon. My dad, I grew up in Ohio, is now a red state. We cannot get abortion care there. and it was just a reminder of we're not learning from history and how far back we're going. so I was just really inspired by the work you've done. Um, and even, you know, in Georgia, a woman was pregnant who had a, a devastating outcome, with her health. Um, and she ended up being kept alive because of the legal ramifications in Georgia. and know, her husband, her family, they didn't get a say. So even though we're talking about spousal authority and for me as a woman, I don't want anyone making a decision on my body, except me. and even if it is a partner or not, um, but then it's going to the extreme of realizing that a government, a law that you don't even agree with. Is going to make a decision on your body, pregnant or not. And as many of our listeners probably know, they ended up keeping her alive until doctors could safely, allow an induction and the baby was born and thank goodness and good health. But that to me is one of many cases to come. s your work has been unbelievably critical in this space. and I'd also just like to pay tribute to your legacy and position, with the Center for Reproductive Rights. Um, and if there's anything you would like to share with our listeners about your work there, perhaps a unique insight, um, the role you've played there in advancing reproductive rights.

REBECCA COOK 50:50

Well, I was on the board for ten years, I believe, and then a chair for the last part of decade. And recently I uh, zoomed into a webinar they had on a very important, uh, strategy. They, uh, developed the Human Rights Committee under the International Covenant on Civil and Political Rights has just decided three cases, uh, four cases, uh, against three Latin American countries, Ecuador, Guatemala, and Nicaragua, two against Nicaragua, that have found violations for denial of adolescent access to abortion care, um, tragic facts. but I thought the, the strategy of bringing four different cases, kind of like not exactly a collective complaints procedure, but really highlighting this problem, um, across different countries, uh, really, really impressive, litigation work, that the center has done. so, I, I, I was incredibly impressed. I haven't really.

BERT LOCKWOOD 51:56

Where did they bring these, Rebecca?

REBECCA COOK 51:58

A Human Rights Committee is the, it,

BERT LOCKWOOD 52:01

That's what I

REBECCA COOK 52:01

yeah.

BERT LOCKWOOD 52:01

meant. That's what I thought you

REBECCA COOK 52:03

Human

BERT LOCKWOOD 52:03

said, yeah.

REBECCA COOK 52:03

Rights Decision, yeah. Um, and, and they've just come down this year, so they're very important decisions. Um, in some ways, they're like the collective complaints procedure before the European, uh, So Rights Committee, or the inquiry procedure under the CEDAW protocol. I think it's a very new form of advocacy that organizations like the Center for Reproductive Rights are trying to identify, real problems among subgroups of And, and, and adolescents in Latin America have been very, very neglected. and so I, I hope this really surfaces this problem in a very major way, um, and get some action from the governments to protect adolescent rights through access to better family planning, better sex education, uh, and obviously abortion care where needed.

MEREDITH LOCKWOOD 52:55

Absolutely. Um, and for our listeners, the Center for Reproductive Rights is the only global legal advocacy organization dedicated to advancing reproductive rights. and it is an organization that kindly takes donations We need to support these incredible organizations. And I'll also mention to our listeners that, as I was so inspired by Rebecca's talk at Western University, it is a video recording, so I will add it to our show notes. If anyone would like to watch that um, and Rebecca, if we may go to, our

BERT LOCKWOOD 53:28

Can

MEREDITH LOCKWOOD 53:28

closing,

BERT LOCKWOOD 53:28

I go?

MEREDITH LOCKWOOD 53:29

Oh yes, dad, please go before I go to our reflection

BERT LOCKWOOD 53:31

Yeah, I just want bring to Rebecca's attention. Do you know Philip Alston's new, um, course book?

REBECCA COOK 53:38

I haven't really looked at it. I need to look at

BERT LOCKWOOD 53:41

it's online and free.

REBECCA COOK 53:43

Okay . Oh, fantastic. Yes.

BERT LOCKWOOD 53:45

if you go to his NYU thing, you just click on,

REBECCA COOK 53:49

okay.

BERT LOCKWOOD 53:49

but I mean, we're talking I think, 1200 pages or

REBECCA COOK 53:53

yes,

BERT LOCKWOOD 53:53

something.

REBECCA COOK 53:53

it's, I know the old

BERT LOCKWOOD 53:55

But, but, but it's such a service. I mean, he just had incredible, uh, information in there. these days with students and the cost of books and things, it's,

REBECCA COOK 54:05

It's fantastic.

BERT LOCKWOOD 54:06

Yeah.

REBECCA COOK 54:07

I've used his um, uh, his fact finding book that edited volume that he brought together with, another person. Gosh, that's an excellent book on fact finding.

MEREDITH LOCKWOOD 54:15

Could you share who he is and what his background is?

REBECCA COOK 54:18

Oh, he's, a human rights law professor at NYU and a giant in the field of human rights really. And done many case books, uh, has been special rapporteur on poverty, special rapporteur on economic, social, and cultural rights. I mean, he's, he's a real giant.

BERT LOCKWOOD 54:38

Australian, I think.

REBECCA COOK 54:40

Australian. Yes. Yes. Yeah.

MEREDITH LOCKWOOD 54:43

Well, to wrap up this amazing podcast, um, Rebecca, you yourself are a giant Um, And with your career, it just shows that profound change is possible through determination and sustained effort, for the listeners who feel very moved by today's discussion. and some of them may be unsure where to start. You yourself may have ignited a passion for them to want to make a difference, um, especially what's going on in the UK. In today's society, is there any advice or tips you may be able to offer such as one tangible action item they could take or one mindset shift they can adopt, to help continue to advance human rights, uh, particularly women's rights? I know it's a big

REBECCA COOK 55:27

Everybody,

MEREDITH LOCKWOOD 55:28

question.

REBECCA COOK 55:30

has different, uh, career trajectories. They all depend on maybe opportunities. But I think I'd ask, I'd turn the question around and ask three questions of people who are wanting to develop a career in human rights. I'd say, what skill set do you have to bring to the table? I mean, my skill is research. Um, I've seen how research can really open up new paths of inquiry in different contexts, bring new insights, and bring new forms of discussion. as I mentioned before, uh, uh, as I mentioned before, Dr. Mahmoud Fathalla and his confidential inquiry into the causes of maternal death in Syria really was the basis for a whole new field on maternal mortality. So, but if research is not your thing, uh, uh, what is the skill set that you bring to, different organizations, human rights organizations where you can make a difference in many,

many different ways through advocacy, implementation of human rights, or training. and then the second question I'd ask is, you, how do you take time to get out of your disciplinary silos? Um, uh, I think in the course of my career, I've found it, for example, with the gender stereotyping work, taking time to stand back from the details of law and looking at, uh, social psychology to inform how we think about stereotyping prejudice and bias. Um, uh, uh, uh, taking time to, uh, uh, taking time to, uh, uh, step back from my disciplinary silos to understand, uh, uh, philosophical approaches to human rights, to going to a higher level of abstraction, to allow me to allow me to see the forest through the trees. Then the third question I'd have is, do you have an ability to, uh, laugh at yourself and see yourself in perspective? And here I'm reminded one time I was asked to give a talk and I was very nervous about it and I tried it out on my husband and of course he promptly fell asleep.

Boy, I gotta work on this talk.

MEREDITH LOCKWOOD 57:41

Yeah.

REBECCA COOK 57:43

But that was terribly important, um, because I, I, you know, I thought I was saying the, bringing the most important insight and he Right.

Didn't

criticize me, he just fell asleep.

MEREDITH LOCKWOOD 58:00

A quiet criticism.

REBECCA COOK 58:01

Right. And so I've, In law school I've always found people that can help me laugh at myself and see myself in perspective.

BERT LOCKWOOD 58:11

This is going, going to go down as legend.

MEREDITH LOCKWOOD 58:15

Yes. Yes.

Yeah. Well, that's something about my dad with his students. Um, and I've been really lucky that I've become friends with a lot of his former fellows and alum. and you know, I think when they're students, they, they think my dad is so serious. and obviously I have a very different look at that. And my dad loves his own jokes. he loves, he even brings up jokes that he made 40 years ago that he still thinks are really fun. And he'll still laugh at them. So I do think that in the work you both do, that can be very heavy. It's really important to find that sense of humor



and find light in it. Um, um, Rebecca, it's just been an absolute honor. Like I said, the theme of today's podcast was the Rebecca Cook Fan Club. Um, would love to have you back for another discussion. I wanted to be respectful of your time because this could have been two or three hours.

BERT LOCKWOOD 59:06

Yeah, it's, it's been wonderful and look forward to more. but thank you ever so much for sharing thoughts, this was great.

REBECCA COOK 59:13

Yeah.

BERT LOCKWOOD 59:14

Thank you for your friendship.

REBECCA COOK 59:16

Well, likewise, Bert.

MEREDITH LOCKWOOD 59:18

And Rebecca, before we go, I just wanted to make because it was very hard to condense the millions of topics I would have loved to talk to you about, is there any specific topic on women's rights, particularly reproductive health that I may not have asked, or any like quick little question that you wanted to bring to our listeners that I may have not brought up?

REBECCA COOK 59:36

Well, I just like to say in closing that I really, um, have found it tremendously helpful to have a mentor like Bert Lockwood Bert Lockwood has opened up so many different doors, allowed me to get out of my silos. He's hosted some incredible meetings at the University of Cincinnati Law School. in, in particular, I can remember one in honor of Joan Fitzpatrick after she died in 2003, and another in honor of Nigel Rodley. then I, I know when Bert was trying to encourage me to do another volume on human rights of women, he invited me for a, to give a lecture at the University of Toronto, and I said, oh boy, Bert's really now serious about volume. I remember that lecture, because I, I, I was very nervous about it, and I thought, I've, I think I've rewritten that lecture many times in my life, and certainly many times during book, because I didn't feel like I gave a very good lecture in, in 2019, when I gave that lecture, and I didn't answer adequately to some of the questions, particularly the question that Dean gave me on transformative equality, and I've been trying to answer that question ever since. So, Bert, thank you.

BERT LOCKWOOD 1:00:53

you. Well, we had the, we had the wonderful time that you came, uh, Beth Mandel, who one of my graduates that is very much on reproductive, uh, she's a lawyer downtown, but, She sort of has this group of about 30 young women that are interested in reproductive rights in Cincinnati. and so we had a dinner with you when, with them,

REBECCA COOK 1:01:18

yes.

BERT LOCKWOOD 1:01:18

when they came. And, uh, I mean, it was the thrill of their life, it was, you know, I always think how appropriate in the, um, city where right to life was born.

MEREDITH LOCKWOOD 1:01:30

Mm-hmm. Mm-hmm. Yes, And, um, last but not least, Toronto is one of my favorite cities. I have not been since COVID and the pandemic, but I am itching to come visit, so I would love to see you and your husband, on a trip there. And if you make it out to the Pacific Northwest, out here in Portland, Oregon, please let me know. I would love to see you.

REBECCA COOK 1:01:50

Yes. Wonderful. Well, thank you both. This has been just really wonderful to see you both, and I'll definitely be in touch on many matters.

MEREDITH LOCKWOOD 1:01:59

Thank

REBECCA COOK 1:01:59

I'll

MEREDITH LOCKWOOD 1:01:59

you

REBECCA COOK 1:01:59

send

MEREDITH LOCKWOOD 1:01:59

so

REBECCA COOK 1:01:59

you my

MEREDITH LOCKWOOD 1:02:00

much.

REBECCA COOK 1:02:01

syllabus, Bert, for my course.

BERT LOCKWOOD 1:02:02

Thank you.

MEREDITH LOCKWOOD 1:02:03

Great. Thank you so much. Bye-bye.

As a proud member of the Rebecca Cook fan club, I hope you enjoyed today's conversation. We encourage you to follow the show and leave us a rating. It helps more listeners find our series around the world. if there is one of your heroes in the human rights world that you would love for us to have on our show, feel free to get in touch. We would love to hear from you. Our email is [humanrightsconversations at gmail.com](mailto:humanrightsconversations@gmail.com), or you can visit my website, [meredithlo](http://meredithlo.com) to learn more. We look forward to having you back next time.