

Feminist Scholarship on International Law in the 1990s and today: An inter-generational conversation between Hilary Charlesworth, Gina Heathcote and Emily Jones

Conversation edited by Emily Jones and Sari Kouvo

Introduction

The world of international relations and law is constantly changing. There is a risk of the systematic undermining of international organisations and law over the next years. Feminist approaches to international law will need to adapt accordingly, to ensure that they continue to challenge inequalities, and serve as an important and critical voice in international law.

This article seeks to tell the story of feminist perspectives on international law from the early 1990s till today through a discussion between three generations of feminist international legal scholars: Hilary Charlesworth, who, with her colleagues, contributed to the area in the immediate post-Cold War years, Gina Heathcote, who over the past decade has published extensively on feminist perspectives on the use of force and collective security, and Emily Jones, an early career scholar working on feminist approaches to international law. The conversation, which began as a Skype discussion, considers both the ways in which feminist approaches to international law have changed over the past two decades, as well as the ways in which they have been shaped by global politics, before turning to consider the future for feminist approaches to international law. The impact of feminist approaches to international law has been considerable. However, it seems that feminist approaches still lack legitimacy and credibility in many mainstream circles, remaining on the disciplinary periphery.

Charlesworth, Heathcote and Jones discuss potential ways in which to manage some of these tensions, noting both the importance of ‘speaking to ourselves’ (Charlesworth 2011) as a creative and nurturing space, as well as the need to be seen as a more credible voice in the mainstream. They note the need, too, for further feminist work beyond the realms of sexual violence and women’s representation. While the great amount of work in this area is, indeed, foundational, having achieved many important legal and political outcomes, feminist approaches should now develop beyond these areas. Doing so will not only propel this area of scholarship in new and exciting directions, but it might help feminist scholarship gain further traction by avoiding categorisation only under the umbrella of “women’s issues” and thus ready dismissal as just another specialist area of international law in the era of fragmentation.

Conversation

The Beginning: Entering the Academy

What was it like to enter academia as a feminist international legal scholar at the time that you did?

Hilary: When I joined the academic world in 1987, I did not see myself as a feminist international law scholar at all; rather as a generalist international lawyer. I had managed to wend my way through law school and my graduate studies with little understanding of feminism. It just didn’t seem relevant to me.

I first encountered feminist theory when I listened to a seminar by Frances Olsen, who was a fellow graduate student at Harvard Law School. She presented a paper which was then published in the *Harvard Law Review* on the family and the market (1983). The paper was

compelling and showed how illuminating a feminist perspective could be. I then began to attend some feminist legal workshops associated with the Critical Legal Studies movement. By the time I took up my first academic position, I was fascinated by feminist legal theory but I would not have called myself a feminist scholar. I certainly did not see the connections between feminist theory, feminist legal studies and international law. They seemed like parallel tracks with no points of intersection.

I started to make the links between feminist theory and international law when I began discussing these issues with Christine Chinkin and Shelley Wright. I met Christine at an international law conference in Sydney where we were the only two women present: we bonded instantly! Christine introduced me to Shelley, who was then her colleague at Sydney Law School. The three of us began discussing feminism, initially in relation to our own universities and the various causes we had begun to get involved in there - with students, the faculty, trying to change courses etc. We decided to propose a paper on feminism for the annual Australian international law conference more as a lark than because we had a sense of what we might say. We were surprised when the paper was accepted, and then had a frantic time working out what we would do. The paper was a mixed success, with some colleagues enthusiastic about the ideas, and others alarmed by them. One senior colleague stood up and said that he was very concerned that we were undermining the objectivity of international law. In any event, that episode eventually led to our first article on feminist approaches (Charlesworth, Chinkin and Wright, 1991).

I had been a lecturer for 4 or 5 years already before starting this work. In retrospect this was helpful, as I already had published mainstream international law articles and could demonstrate that I had some grip on the traditional doctrine. I was also very lucky to have feminist colleagues who supported the work. But it was not easy at all Australian institutions.

One colleague was advised to omit her feminist publications from her CV when applying for promotion because they would make her scholarly work seem overall less credible.

Gina: I would say I did not have issues with proving my credentials on entering academia but actually for the opposite reason. I was beginning 10 years after your early work had been written and on the back of *Boundaries* being published (Charlesworth and Chinkin 2000); so I felt that there was an established body of work on feminist approaches to international law that I was speaking to and could be a part of.

I came as a feminist legal theorist to international law after coming back to study, having been away from an academic environment altogether for a while. For me, my real push to work in this area came from when I did my Masters. A lecturer was very unhappy with the piece I submitted for my Masters programme. The piece was not for a feminist course (I was doing an LLM in Women and the Law): it was a general course on the law of the use of force. I only took the course as a last-minute thing because it was the one course that fitted with the hours my mother-in-law was available to provide childcare. So I submitted an assessment piece that provided a feminist analysis of the law of the use of force, the lecturer gave it a low mark and told me that one could not provide a feminist analysis of this area of law. In response, I went and wrote a proposal for a PhD, and my PhD, on precisely that topic. So, I have also had those moments where people have not seen what I am doing as legitimate, but I never once felt there was no place for what I was doing. I put the PhD proposal together in 2002, so, as I said, it was just after *Boundaries* had come out. By the time I started my PhD, it was 2003 and more pieces had been published and I felt supported and affirmed by that.

Emily: I started my PhD in 2014 and by then there had been a whole new generation of feminist scholars, following those early works, who had obtained their PhDs and gained

positions – Gina being one of these people. Feminist approaches to international law were even more established by the time I started. I for sure never had to prove that feminist approaches existed.

However, I do still feel the need to “prove” myself in legal spaces at times. There remains an issue in that feminist work is still seen as being specialised or marginal. Further, feminist work is often only included where it is accommodating to the norm in some way. Work which actively tries to disrupt that norm is still very much on the periphery, such work being deemed to be departing too much from legal doctrine and that which tells us what international law is. In a sense, this is just a continuation of the example Hilary gave above of a senior colleague’s concern that feminist approaches undermine the objectivity of international law. If it challenges “our” conception of what law is, it cannot really be law.

Gina and Hilary: Today, it seems that feminist analysis in law is much more accepted within academia. However, it is clear that certain institutions attract and support people working on feminism more than others.

Gina: It is worth noting that overall, there are more feminist scholars in law schools that do work focused on women than on feminist theory more broadly. Describing oneself as ‘feminist theorist’ is not a common academic description. Similarly, incorrect labels are applied or bundled up as one thing, if you work on feminist theory or feminist approaches to international law then it is generally assumed that you work on women’s human rights, and – well really – any issue in the international domain that specifically names women as victims.

Gina and Emily: Indeed, there are very few people who now put feminist methodologies at the *centre* of what they do and more and more people working on women (although often

described as working with a gender perspective). It is great that an interest in feminism has expanded but there ends up being a much smaller cohort of people working on theory and methodologies. Given the preliminary forays gender perspectives have made into the international institutions, it seems the right time to return to theories and methodologies, to ask ourselves what the tools are that feminist approaches bring to international law, what are the tensions and what are the possibilities for feminist approaches to international law, beyond highlighting harm and discrimination against women.

What were the particularities of global politics and perspectives on international law of that time and how did this shape your perspective, experience and work?

Hilary: I started in academia at the end of the Cold War, where there was a great revival of interest in international law. One of the objections to our work therefore was that we were critiquing and attacking international law right at the time where it had been re-established as an important discourse. We would usually respond by saying that we just wanted to make it *even better*.

Today I am more conscious about the limits of any type of international law to effect fundamental change. It is an important discourse of power, but it is not necessarily progressive. In any event, international law is just one strand in influencing behaviour and needs to be supported by other forms of influence.

Gina: I think things had changed once again by the time I got to do my doctoral thesis in about 2002/2003. International law had returned to crisis mode and there was a real sense that international law and the UN would not survive the use of force in Iraq or even the humanitarian intervention in Kosovo. There was also a lot of discussion on the Responsibility

to Protect and the idea of re-thinking international law in that way... I think that before 2005 and the Summit Outcome, which confirmed that international law would not be fundamentally changed, there was a sense of shifting. Critical Legal Studies really gained a voice in the mainstream in that period as well, with the likes of Koskenniemi (2005) and Kennedy (2004) being picked up by the mainstream. I was very optimistic at that time. I am sadly less optimistic now, partly due to changing global politics, but also due to the fragmentation of international law and the way this has affected feminist scholarship: in particular, the emergence of gender perspectives in some but not all sub-disciplines of international law.¹

Emily: I started my LLB at the time of global financial crisis. This has massively impacted on my work and perspective. I feel that my generation has always had to be aware of the precariousness of work. I am, of course, extremely privileged. Despite this, I have had to work zero-hour contracts and numerous fractional jobs (often at the same time) to both pay for my studies and to get the experience I needed to become an academic. I have seen friends struggle financially while all the safety nets which used to be provided have been (and are being) slowly taken away. I think this is why I am so obsessed with capitalism (and getting rid of it, ideally!). I think the global financial crisis really made people everywhere think more about the fact that that the global economy *is* a fiction. There are, now, several scholars from various disciplines who are looking more and more towards post-capitalist futures: this is no coincidence.

I have also noticed that there seems to be more scholarship on law coming from Marxist perspectives and I don't think this is a coincidence either...

¹ See further: Heathcote, Gina, 'Fragmented Feminisms: Critical Feminist Thinking in the Post-Millennium Era' in Reinisch, Footer, Binder (eds.), *International Law and ... (Select Proceedings of the European Society of International Law 2014)*, Hart Publishing (2016).

Gina: I should add that now – while we are talking – there is a big protest going on at SOAS about zero-hour contracts for the security staff here. The fractional part-time staff here at SOAS, graduate teaching assistants and teaching fellows, recently successfully won their campaign for the recognition of their unpaid labour.² The School has agreed to pay for all their coursework and exam marking which is a substantial amount and really represents the university recognising the work fractional colleagues undertake.

At the same time, there is a need to remember who holds these vulnerable positions, with usually women and other vulnerable groups being massively over represented. This is not just in terms of fractional staff but also support staff and professional services staff within universities. It has been interesting to note how, in the fractional campaign, whilst there has been a lot of celebration, getting recognition for the three women who ran the campaign this year and the unpaid work they have done has been hard. There has been a disappointing silence about that.

This also maps onto international law and the way intersectionality is often silenced there too. Despite the emergence of Marxist approaches and speaking and owning that in international law and more broadly, the feminist component and the intersectionality of gender and economic privilege and disadvantage is often not at the forefront of those debates. I find that very troubling in terms of what is going on in our own institutions but also pedagogically. It seems that there is often a disconnect between what people think they are doing as academics and what is actually happening in the university itself. This can be exemplified by the fact that, as noted before, there has been a rise in the number of people who have feminist claims in their research profiles yet this has not necessarily flowed down to

² See: Charlie L. Jones, “SOAS Management give in to Fractional Teaching Staff Pay Demands,” *London Student*, May 8, 2017, accessed June 2017, <http://londonstudent.coop/banner/2017/05/08/soas-fractional-fair-pay-agreed/>.

how the university works and what is going on within university structures to transform gender inequalities.

Hilary: These are huge issues, especially around precarious work. I am conscious that they weren't issues that we have tackled in our work on international law. We didn't think we had a lot of competence to tackle them, we felt more within our sphere of competence staying closer to traditional doctrines of international law.

One criticism I would make of our early work and even our current work is that it has not looked enough at the economic lives of women and the world of work. This is maybe one side of the fragmentation issue you talked about Gina. There is fragmentation in law and there is also fragmentation in the academy. I have always tended to play it safe and stick to areas of international law in which I have some expertise but this excludes large parts of women's lives.

Emily: I agree, thinking through topics and issues together and noting the intersections is a particular challenge in the current times, where fragmentation of both international law and the academy works to discourage such thinking. We are also living in a moment where right wing ideologies are multiplying. Living in the United Kingdom, racism following Brexit has massively increased or, rather, it seems it is now more out in the open. I think Europe is at a crossroads. Europe has never really gotten rid of its fascist tendencies. International law, too, is guilty of the same charge, this being exemplified by various recent neo-colonial military interventions. There is a need to decolonise both Europe and international law, yet this seems ever more impossible in the face of the state of global politics now. This is why it is more important than ever, as Gina noted, to consider intersectionality in relation to work and

economic issues, as well as to ensure that we, as feminist international lawyers, try to provide more opportunities for scholars working in the Global South.

The journey: How has our Reading of Feminism, Law and Politics Changed over Time?

- How and why has feminist and your own scholarship on international law changed over time?

Hilary: I think that there is certainly more interesting work in more areas of law now. Gina's work, going out of the human rights field to look at the use of force, is an example of significant changes in the area. There is also important feminist work in the realm of climate which was not there before and work on international trade law from a feminist perspective. Feminist approaches have clearly entered into new areas of international law.

There have, however, also been these major feminist debates which have somewhat structured the field. One example is the debate between Catharine MacKinnon and Janet Halley over the centrality of sexuality as a site for the oppression of women and the role of international law in regulating sexuality. MacKinnon's work, both at the domestic and international level, has focused on women's sexual subordination and the victimisation of women (eg MacKinnon 2005), while Halley is interested in the pleasurable and empowering aspects of sexuality (Halley 2006). This debate is reflected in feminist analyses of international criminal law, with some scholars applauding its attention to sexual crimes (Brammertz and Jarvis 2016), while others regard this as a limiting feature (Engle 2005).

All: We now have a wide variety of really interesting critical feminist scholars, people like Karen Engle and Dianne Otto, Ratna Kapur and Vasuki Nesiah, among others. These people

are working to question what a feminist position is while expanding queer, TWAIL and other alternative dialogues alongside feminist approaches. Their work is incredibly important and yet much less likely to be identified within mainstream international law spaces as key feminist writing.

Hilary: It is striking that in international law feminists remain on the margins and often devote themselves to debating and critiquing each other. There is still little engagement between feminists and the mainstream. One of the very rare examples of mainstream connection with feminist debates is Fernando Tesón's critique of our initial article (1993). Even though Tesón attacks most of the points made in that article, he engages with the arguments seriously. Today, mainstream overviews of international law scholarship may mention feminist perspectives as a strand of international law scholarship, but feminist arguments are not engaged with in depth.

Gina: Do you also think that feminists have had too much of a fixation on the UN Security Council, in particular, international criminal law and sexual violence?

I guess, when I entered academia, I had an optimism about looking at different topics outside of these areas, especially following in the wake of *Boundaries*, which had just been published at that time. I have been somewhat disappointed by the continued focus on sexual violence and international criminal law. A lot of the other work in *Boundaries*, which questions broader international legal structures and concepts, has not been developed further. What do you think, Hilary? Is this something you have noticed too?

Hilary: Yes, I agree. The problem of sexual violence in conflict has attracted a lot of feminist attention, while there has been much less focus on all the other effects of conflict on women, particularly economic and social.

International criminal law is a particularly popular area for feminist work today. This may be because lawyers feel at home in a judicial system. But, as many people have observed, the whole project of international criminal law is an uneasy one. It has huge resources and yet there are questions about whether a judgment on one case, on one specific set of circumstances, really achieves much. The consistent focus on sexual violence in international criminal law can imply that is the only problem for women in times of war. So, you have both the narrow construction of women's needs there and the problematic focus on legal institutions. International criminal law has a strongly retributive strand, centred on punishment. I think this focus on international criminal law is then crowding out many other issues. That is not to diminish the terrible nature of these crimes but they are not the only thing occurring.

Gina: It makes me think of another loss, though I hate to use the language of loss in light of Clare Hemmings work on this (Hemming 2011) which examines how feminist scholarship tells stories of progress, loss and return that do not always adhere to the trajectories of scholarship. So, while I am cautious of finding a 'lost' approach I do think the ways feminist scholarship on international law happens today has shifted away from some key tenets of earlier engagements. When you began writing, Hilary, along with Shelley and Christine, you not only looked at various areas of law but also drew on feminist legal theory (outside of international law) as well as a lot of feminist theories from outside the law, like Mohanty, for example (Mohanty 2003). You used these theories to set up your enquiry. One of the things which I find problematic with the focus on international criminal law, for example, and the

pursuit of carceral feminist agendas, is the lack of focus on feminist legal theory and feminist theory more broadly. Domestic feminist legal theories have long shown us that criminal law is a weak tool in challenging sexual violence but this has not travelled, for some reason, to the international level. One of the things Emily's work does is to go outside and think about French feminism, post human feminism and other theories and the ways in which they can apply to international law. For me, that is deeply connected to the history of feminist approaches to international law and both to *Boundaries* and the seminal 1991 piece. Both, after all, were also doing work around what is feminism and not just feminism in international law.

Emily: I think one of the key reasons as to why there is so much focus on international criminal law is partly, as Hilary said, because lawyers feel comfortable in a judicial system, but also because that space gives feminist scholars legitimacy precisely because it has a court system.

This is, of course, also very much related to the idea that feminists are speaking to themselves (Charlesworth 2011). Feminists in international law are seen, by many, as scholars who work on sexual violence and representation alone. It seems to me that many scholars often don't even consider attending feminist panels as they see feminist work as irrelevant to them. This ensures that feminist approaches are and continue to be seen as marginal; another specialist category in the era of the fragmentation of international law, as Gina noted above. This is why it is important that, as feminists, we try to also take up space at mainstream events and on mainstream panels. Of course, those spaces can be difficult to be in and being there obviously requires that someone accepts us into these spaces in the first place, for example, by accepting a feminist paper onto a more general international law panel, but I think there is a need to push for this more to ensure that others *do* listen to us. This seems as an important

strategy, also, when it comes to trying to counteract the co-option of feminism by those with more right-wing agendas. Whether critical feminists can truly counteract these agendas or not is another question but speaking in the mainstream at least ensures that critical voices are not fully lost.

Gina: Those are incredibly difficult spaces though. I remember I was asked to speak at the American Society of International Law as a new voice in 2006. I have to say there was a resounding silence in the audience in terms of responding to my work. All the technical things in other people's papers got picked up and discussed at length and it felt like they just did not want to go there with a feminist analysis of the law of the use of force. I do think it is important to be in mainstream spaces but they can also be lonely spaces and I do not know how you break down those different experiences and blend them further.

Going back to the point of what has influenced these changes in feminist approaches to international law that we have noted, I guess, for me, working in a Centre for Gender Studies which does not focus so much on law has really allowed me access to thinking about where gender and feminist theories are now. I think being at SOAS, too, as a place which is incredibly active, particularly around issues of race and thinking about the Global South, has influenced me quite profoundly.

Hilary: You are very lucky as that is a rich intellectual environment. In my case, I feel a bit like I am frozen in a tundra of my own making. I am not at all an expert in feminist theory, but rather a magpie theorist, picking up bits and pieces to make my nest. Gina, you mention the work of Clare Hemmings. I admired it but I also struggled with it, realising the limits of my own capacity with theory.

Gina: I think that book speaks so much to what we are talking about here, even though Hemmings is not really speaking about law: thinking about the stories feminism tells is important and helps us see our own blind spots. For me, SOAS offers a very good space to engage with feminist theories from outside the Global North and being here has challenged a lot of the assumptions I had before I arrived at the institution. Being at SOAS also really brings home the transnational feminist links between activism, academia and policy in a different way to the way feminist engagements in international law often describe the histories of feminist engagement with institutions. I think as feminist international lawyers there is a lot more we can do... in a way I do think of it as a return to how you, Hilary, and others, started the project of looking outside international law to understanding the scaffolding underneath feminist thinking on law.

I think looking at these ideas too and what is happening elsewhere can also work to ensure that we do not get caught up, for example, in a United States feminist debate. There is such rich scholarship from Africa, the Middle East and Asia which, if drawn on, can really change our encounters with the law. We have scholars like Ratna Kapur and Vasuki Nesiah doing this (See: Kapur 2005; Nesiah 2001) but there is a need for more of this work.

The Present: What is the Role of Feminist Scholarship on International Law Today?

- What signifies feminist scholarship on international law today and the role it plays? How should we balance the challenge of “speaking to ourselves” and the need to balance resistance and compliance?³

³ See: Sari Kouvo and Zoe Pearson (eds.), *Feminist Perspectives on Contemporary International Law; Between Resistance and Compliance?*, (Oxford and Portland, Oregon: Hart, 2011).

Emily: It seems to me that a lot of this discussion so far has been about resistance and compliance. This can be seen, for example, in our concern over the narrow focus of much feminist international legal work, with much of this work focusing on sexual violence and representation issues. Part of this focus comes from the success feminists have had in these areas, thus making them promising sites for further possible change. There is, however, a need to re-think how we can continue to push further, resist and transform, and I think one of the key things to note here is that resistance and compliance is a false binary. After all, part of the success of the fight for a greater focus on the invisibility of sexual violence and on women's representation has, to some extent, come about because of the way feminists have used the existing structures, such as human rights law, and pushed for them to include their needs too. Any radical change of any system or structure has always come about, to some extent, via using the system itself, whether that be through calling for the system to expand to include women's rights too or disrupting the system so much that it becomes no longer workable through, for example, strikes such as the fractional marking boycotts at SOAS mentioned above. Of course, these two things are both similar and different, but they both in some way sit within spectrum between resistance and compliance, with their position in this spectrum also changing over time as causes and perspectives become more mainstreamed and other areas come to take the place of what is deemed to be more critical thought.

In light of this, feminists need to be attentive to the multiple ways in which resistance and compliance can be used together in the hope of promoting more transformative aims. There is a need to push further towards resistance, drawing on the successes feminists have achieved so far and using those foundations to claim more. One of the ways this can be done may be through focusing more on other areas of international law too, including those which do not seemingly have a gendered impact, such as the idea of the state as per some of Hilary's earlier

work, for example (Charlesworth 1997). By returning to some of these core, foundational international legal concepts and challenging them, as much of that early feminist work did, feminists may be able to work towards transforming international law further.

That is also why I think we need to be on those mainstream panels, no matter how hard that is, to resist by using and occupying what exists...

Gina: I am perhaps influenced by being a child of the seventies, but I do really value spaces of feminist collective work. One thing I think is important *is* talking to ourselves as it's in those spaces that something new is created. Emily and I both learnt this from Christine Chinkin: we are both involved in the feminist judgments project and have been writing with Christine and Henry Jones. We were asked to write feminist judgment of the *Lotus* case⁴ and we all initially felt a bit lost. Christine insisted that we write everything together. I thought we would each write a section and paste them all together but, instead, we worked together in collective collaboration. So, all of us wrote both none and all of the final piece and I think we are all really proud of the outcome and we all really enjoyed the process. None of us would have been able to produce it alone.⁵

I have also been fortunate to participate in a number of events focused on women working in international law, such as the Wisconsin International Law Journal's Symposium in 2014.⁶ Even though not everyone was working on feminism, I think that was the most collegial thinking spaces I have participated in. I also found this when I went to the ten-year anniversary of [International Law Grrls](#) in March 2017, where I had a similar feeling of support. This is interesting as I tend not to focus on women in international law alone, yet

⁴ *S.S. 'Lotus' Case (France v Turkey)* PCIJ 1927 (Ser. A) No. 10 Sept. 7th

⁵ See: Christine Chinkin, Gina Heathcote, Emily Jones and Henry Jones, 'Bozkurt Case (aka the Lotus Case) France v Turkey: Two Ships that Go Bump in the Night' in Hodson, L., and Lavers, J. T., *Feminist International Judgement Project*, Hart Publishing (December 2017).

⁶ See: "Wisconsin International Law Journal Annual Symposium, 2014," accessed July 13, 2017, <http://law.wisc.edu/wilj/past/2014.html>.

these 'women only' spaces, in both the university and beyond, have been an important part of my growth and I do feel that they are important for the future of feminist approaches to international law.

Writing with Christine made me realise that this is how you, Hilary, and she must have written and I think that is an important legacy. You, Christine and Shelley wrote that original piece in 1991 together. Sadly, the university is stripping away this space for collaboration, trying to focus more on individual achievement.

Emily: Yes, I learnt a lot from that writing experience with you, Gina, and Christine and Henry, and I have also learnt a lot from other feminist collective spaces. It is, however, important to note the fact that, while some places may feel inclusionary to some, this does not mean they feel inclusionary to all. There is a need to be constantly critical in our understandings of collaborative spaces to ensure that we do not alienate people.

Mentoring is also key. I have been very lucky to have met many amazing senior feminist international lawyers and to have been supported by them. That has really nurtured me and my work in so many ways. I do think mentoring is key for feminist international lawyers, especially in a space where we are somewhat still seen on the margins.

Gina: I agree. The collaborative spaces make you robust enough to go into those activist and mainstream spaces. I think I still have the fantasy of feminist consciousness raising from the seventies but I do think it remains an important intellectual project and commitment of feminism.

Hilary: The most recent feminist event I have been to was the farewell event for Dianne Otto in Melbourne in November 2016. It was really a beautiful event, partly, of course, as it was all about Di but also the people there, the discussions and papers and topics – it was inspiring.

Talking to ourselves creates, indeed, an important space but there is also an issue here of credibility. Even when mainstream scholars support feminist work and know it well, they rarely cite, or debate, such work in their own texts.

This is why I find it exciting that you, Emily, are working on autonomous weapons systems, an area otherwise regarded as very technical and rarely considered from other perspectives.

Gina: I have also had many wonderful allies and mentors along the way who have not necessarily been feminist *per se* but have supported my work. I have also found it surprising when the same mentors and allies write as though none of the feminist work they are clearly aware of exists.

But in a way, we are going back to where we started. There are still many areas of law where there is no feminist analysis...

Emily: Yes, and that works to impact credibility and how feminist work is seen...

Summary and Discussion

Throughout our conversation, we discussed the ways in which this entire project and much of our work has always been bracketed by the invisible care work we all do.

Hilary, for example, discussed how, when writing the original 1991 piece with Shelley Wright and Christine Chinkin, she would think, ‘can I do this before my daughter wakes up’? ‘Will she stay quiet long enough for me to get this done’?

The conversation itself was also bracketed by care. This discussion began through an initial Skype discussion across time differences. Emily and Gina were both worried about getting into SOAS for 9am due to their various caring responsibilities. The first conversation was thus shaped by caring responsibilities at the outset and at the end, as Hilary then had to leave after one hour to look after her granddaughter so that her daughter could write – this is also speaking to intergenerational element of care work and the way many of us draw on support from others to produce written work.

Care is a key issue affecting all scholars, with economic and affective dimensions. However, women often remain responsible for the majority of the care work done globally. Another key theme in this conversation has been the question of whom we are speaking for; the need to both question the subject of the woman in feminist approaches as well as the need to consider and work to change discriminatory institutional practises in academia. This conversation exemplified this final point through a discussion of precarious work and the disproportionate ways such precarity affects different groups of people, including women and people of colour. While a politics of care has been rightly challenged by anti-essentialist scholars of gender, there remains a need to note the ways in which care continues to structure many of our academic lives and careers disproportionately. This can be seen, not only in the need to structure our writing and research around our caring responsibilities, but also the ways in which these responsibilities limit, at times, our ability to access the mainstream. There are very few mainstream international law conferences which offer childcare to participants, for example, and this lack of structural support already limits who may be able to speak where. The economic consequences and the affective demands of this create a link between macro and micro structures of care and work that have not received a great deal of international within international legal scholarship.

Beyond this, there are key themes which have been drawn upon in this conversational piece. One theme is the tension between ‘talking to ourselves’ as both a positive and a restrictive device and the importance of entering and engaging with the mainstream. The feminist community is often a nurturing environment, providing different ways of learning, thinking and being outside the restrictions and value systems of the academy. There is also a need for feminist international lawyers to engage more with the mainstream and support one another in doing this, in order to encourage the mainstream to see feminist work as credible and legitimate.

In relation to this, another theme which appeared in these discussions was the need for feminists to continue to work on areas beyond international criminal law, sexual violence, human rights and women’s representation. While the work in this area is so crucial and has had a massive effect on the global legal order, feminists need to be writing and speaking about other issues to engage the mainstream more fully and to avoid being dismissed as centred only on “women’s issues”.

A sense of the loss of the focus on feminist and gender theory and feminist methodologies in international law also came from our discussions. Feminist approaches to international law are, in many ways, theoretically behind many other feminist-disciplines in the way they approach key issues including conceptualisations of “the woman” and gender as well as broader conceptions of agency, subjectivity and structure, for example. It seems that there is a need to push to hold on to this theoretical element, to ensure that feminist approaches to international hold on, too, to their transformative potential. Whilst there are many scholars doing this work, including people like Vasuki Nesiah, Ratna Kapur, Karen Engle, Dianne Otto, many scholars working with feminist approaches to international law do work that is focussed on women but without attention to the structural arguments of feminist approaches. We must extend the limits of our own thinking and continually evolve.

To end, it is probably useful to add how important intergenerational conversations are: we have spoken about talking to ourselves and talking within mainstream, or even in critical, legal spaces but how often do we think about intergenerational conversations as a starting point for thinking through the methods, meanings and trajectories of feminist thinking: as a conversation, we might then talk and listen in productive, collective ways and through transnational forums.

References

- Brammertz, Serge and Jarvis, Michelle (eds) 2016, *Prosecuting Conflict-Related Sexual Violence at the ICTY*.
Oxford: Oxford University Press.
- Charlesworth, Hilary. 1997. Sexing the State. In *Sexing the Subject of Law*, ed. Nagaire Naffine and Rosemary J. Owens, 251-68. Law Book Co. Ltd.
- Charlesworth, Hilary. 2011. Talking to Ourselves? Feminist Scholarship in International Law. In *Feminist Perspectives on Contemporary International Law; Between Resistance and Compliance?* ed. Sari Kouvo and Zoe Pearson, 17-32. Oxford and Portland, Oregon: Hart.
- Charlesworth, Hilary. Chinkin, Christine. and Wright, Shelley. 1991. Feminist Approaches to International Law. *The American Journal of International Law* 85 (4): 613-645.
- Charlesworth, Hilary. and Chinkin, Christine. 2000. *The Boundaries of International Law: A Feminist Analysis*.
Manchester: Manchester University Press.
- Chinkin, Christin. Heathcote, Gina. Jones, Emily. and Jones, Henry. Forthcoming. Bozkurt Case (aka the Lotus Case) France v Turkey: Two Ships that Go Bump in the Night. In *Feminist International Judgement Project*, ed. Loveday Hodson, and Troy Lavers, Hart Publishing.
- Engle, Karen. 2005. Feminism and its Discontents: Criminalizing Wartime Rape in Bosnia and Herzegovina *American Journal of International Law* 99: 778-816.
- Halley, Janet. 2006. *Split Decisions: Why and How to Take a Break from Feminism*. Princeton: Princeton University Press.
- Heathcote, Gina, 2016. Fragmented Feminisms: Critical Feminist Thinking in the Post-Millennium Era. In *International Law and ... (Select Proceedings of the European Society of International Law 2014)*, ed. Reinisch, Footer, Binder. Hart Publishing.
- Hemmings, Clare. 2011. *Why Stories Matter: the Political Grammar of Feminist Theory*. Durham: Duke University Press.
- Kapur, Ratna. 2005. *Erotic Justice: Law and the New Politics of Postcolonialism*. London: Glass House Press.
- Kennedy, David. 2004. *The Dark Sides of Virtue: Reassessing International Humanitarianism*. Princeton. New Jersey and Oxford Princeton University Press.
- Koskenniemi, Martti. 2005. *From Apology to Utopia. The Structure of International Legal Argument*. New York: Cambridge University Press.
- Kouvo, Sari. and Pearson, Zoe, eds., 2011. *Feminist Perspectives on Contemporary International Law; Between Resistance and Compliance?* Oxford and Portland, Oregon: Hart.

MacKinnon, Catharine. 2005. *Are Women Human?* Cambridge: Harvard University Press.

Mohanty, Chandra. 2003. *Feminism Without Borders: Decolonizing Theory*. Durham and London: Duke University Press.

Nesiah, Vaskui. 2011. Priorities of Feminist Legal Research: a sketch, a draft agenda, a hint of an outline...'. *feminists@law* 1(1) online journal: <http://journals.kent.ac.uk/index.php/feministsatlaw/issue/view/3>.

Olsen, Frances E. 1983. The Family and the Market: A Study of Ideology and Legal Reform. *Harvard Law Review* 96 (7): 1497-1578.

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Tesón, Fernando R. 1993. Feminism and International Law: A Reply. *Virginia Journal of International Law* 33: 647-684.