
Current and Future Issues for Feminist Legal Studies

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Where to begin? Each day that I open a newspaper in Canada, a pressing issue for feminist research leaps out. One day it is the decriminalization of prostitution, the next day the legality/decriminalization of polygamy. The day after that it could be: the place of religiously-observant women in multicultural societies, the failure of state-provided day-care and the feminization of flexible labour. Add to this any number of other issues that lurk in the background of our daily news – the renegotiation of masculinity and the ‘plight’ of the boy child; criminalization, masculinity and race; the many lives – and dimensions – of reproductive politics; the decline of ‘women’s studies’ as a field of academic endeavour and the rise of ‘sexuality studies’ – and a research agenda for any enterprising feminist legal studies scholar is more than full.

Over the past year or two, my approach to feminist legal studies has been shaped by an explicitly activist lens and the pressing research issues I want to focus on in my short commentary come from a two-day workshop I organized in May 2010, together with a small group of colleagues, on *Sexual Violence and Conflict in Africa* hosted at Carleton University in Ottawa, Canada.¹ That workshop brought in scholars and activists from various regions in Africa and across North America. Our aim in this event was to facilitate a conversation across the regional, disciplinary, scalar, and institutional divides that seem to compartmentalize current conceptions of, and responses to, sexual violence and conflict in various parts of Africa. As a first step in this direction, the workshop was successful. For me personally, and as a feminist legal scholar, it left me with a number of questions and incentives for future work.

First, the importance of scale. In Anglo-American academic circles, there has been a recent fascination with the ‘exceptional’; the seemingly ‘law-less’ spaces created by the large arcs of geopolitics. The preoccupation with the larger-than-life making (or unmaking) of ‘empire’ has tended to divert attention, in my view, from the more immediate micro-processes of governance. There is a need for feminist research exploring the (small) spaces where women’s lives are shaped by the ‘large’ geopolitical developments that dominate newspaper headlines.

A case in point, it would seem to me, is the political economy of sexual violence, particularly (but not exclusively) in the Democratic Republic of the Congo, Zimbabwe and south Sudan. There is a close relationship between the quotidian business practices of Western mining interests and the insecurities and violence experienced by women and girls in these regions. Rather than seeing these as ‘law-less’ or ‘exceptional’ spaces, it might be more productive to consider how law, regulation, development and finance construct and impact upon these as ‘conflict zones’ or ‘failed states’. What is the relationship between capital flow and the patterns of violence, including sexual violence? What governing practices are made possible or obscured

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¹ For more information on the workshop and on the topic of sexual violence and conflict in Africa, see: <http://www2.carleton.ca/africanstudies/sexual-violence-and-conflict-in-africa-workshop/>.

by the constructs of ‘failed states’ and ‘zones of conflict’? What is the relationship between governance and state restructuring in the Global North, and the operation of mining industries in the Global South?

Second, the political economy of women’s lives. The need for research on the political economy of women’s lives is not limited to African contexts. For those of us working in universities in the Global North, the so-called ‘global economic crisis’ and the consequent slashing of government funding and services dominates our immediate lives. We are in the throes of a restructuring of the state (again). What implications will this have for women and girls? How will the liberal promise of equality, for example, fare in this restructuring? What analytical and political tools does feminism provide for naming and addressing the consequences of this latest morphing of the state and are they the tools we need?

Third, the place of feminist research. Women’s equality, as a political and legal objective, is in a contradictory place at the moment. In Anglo-American contexts, women’s equality seems to have no place on the domestic political agenda. In Canada, the current right-wing government declared equality a done deal for women in the autumn of 2006, thus relieving the government of any need to fund or address programs to enhance women’s equality. In contrast, women’s equality is a *cause célèbre* internationally. Everyone, it would seem, wants it, and there is even (some) money flowing to it. Both of these developments have significant implications for feminist legal studies. The latter requires diligent research on what issues are seen as most important for women’s human rights internationally. Who is framing the priorities for funding and in what terms? How is the money flowing and to where? What are the criteria by which funding is allocated and success measured?

The former development – the erasure of women’s equality as a political issue in the Global North – requires a much greater and more explicit commitment by feminist academics to addressing the significant gaps caused by the de-funding of civil society groups. While we as academics face our own challenges and limits, we remain in a much stronger position than activists outside the academy. What resources, however, small can we marshal to support feminist, and related, activism?

And finally, one of the areas where the Canadian state is de-funding both civil society and its own services is in the generation of data on women’s lives. The Canadian government, for example, has moved away from collecting reliable data on a range of issues making it harder to measure certain forms of inequality. Research itself has become a frontier in the battle over women’s equality. For feminist legal studies, this contestation over the very doing of feminist research will be felt most immediately in the field of human rights. How and to what end can rights strategies be used without the social science evidence demonstrating inequality, for example? But other questions also present themselves: does the existence of (and contestation over) sex-segregated data speak to the technocratic orientation of feminist policy work or represent a taken-for-granted research foundation we risk losing? Who is and should be doing feminist research? And what is, or should be, the place of empiricism in feminist legal scholarship?
