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## If wishes came true – future research issues for feminist legal scholarship and *feminists@law*

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### *Still young, but experienced and well-skilled*

Joanne Conaghan presents an extensive body of feminist legal scholarship in the four-volume edited collection *Feminist Legal Studies* (2009). According to Conaghan the field of knowledge “is of fairly recent vintage” (Conaghan 2009 I, 1). The volumes cover 30 years’ research on key interventions and developments in feminist legal scholarship (FLS), feminist legal scholars’ engagement with liberalism as well as with legal method and reasoning, and contemporary challenges and contestations within FLS. My main impression of the discipline, as presented in the four volumes, is the predominance of ‘Anglo(inter?)national’ texts. Interestingly, the fourth volume, with a focus on contemporary changes and contestations, is the most international. In this last volume, there are also some texts focusing on men. When thinking of urgent future research issues for feminist legal studies, I started with the image of the discipline explicitly and implicitly presented in this publication. Which issues are lacking in FLS or, which issues ought to be focused upon?

### *Three wishes*

FLS is supposed to be a discipline with a contextual epistemology (theory and practice are interrelated), with a political agenda (to make life better for women), and with an emancipatory interest in knowledge (i.e. a critical and self-reflective approach to knowledge). Out of these expectations of the discipline, my three wishes<sup>1</sup> for future research in FLS and in *feminists@law* are:

1. More (true) *international*, *transnational* and *cross-national* studies or *non-national* studies.
2. More reflections on political and societal changes such as (a) individualisation, (b) the disempowering of the collective democratic (?) political system in favour of civil society and (c) the increasing commodification of human beings.

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<sup>1</sup> Everyone familiar with folk tales knows that you always have three wishes, no less and no more.

3. More (re)considering of the theoretical and empirical meanings and impacts of notions like not only 'feminist', 'gender', 'gender relations', 'woman', but also 'man' and 'masculinity'.

#### *From Anglo-national to international*

As a discipline or as a perspective in law, feminist legal studies has developed in different parts of the world, and in different jurisdictions. Conaghan mentions US, Canada, UK, Australia and Norway (Conaghan 2009 I, 1). Except for Norway, all of the mentioned jurisdictions are situated in English-speaking countries. If this is correct, it is doubtful to talk of feminist legal scholarship as an international discipline; it is rather an 'English-speaking countries' discipline. But what is more, when scholars from other non-English-speaking countries publish their works, they are primarily performed in English. What are the consequences of different languages? Does the language as such influence our perception of the world? What are the consequences of different jurisdictions? Do the differences affect the notions, the formulation of theories and methods and the use and relevance of them? The explicit assumption of a connection between theory and practice in FLS, ought to make us self-reflective of the contextuality of the discipline's own theories and methods.

What are the consequences of different political and societal contexts? For example, the distinction between private and public is understood in different ways in different countries. The *welfare state* model is not the same everywhere and *gender equality* as a political goal and a legal principle is understood, expressed and implemented differently in different contexts.

I would like to see more reflections on these differences and what impacts they have on the discipline and its notions, theories and methods. The present overrepresentation of studies from the English-speaking world should be challenged from other parts of the world. The relation between the centre and the periphery should be switched in favour of the (until now) periphery. The meaning of and consequences of a contextual epistemology should be taken seriously.

#### *Political and societal changes*

There are two political and societal changes that I understand as important, the individualisation and the disempowering of the collective democratic (?) political system in favour of civil society, as well as the increasing commodification of human beings. Individualisation is an ongoing process that has impacts in different ways. In a Nordic context, there has been a shift from redistribution and collective solutions to individual and private solutions when it comes to social security and health care, but also education and transportation. The increased discourse of individual human rights is, at

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least in a Nordic context, not always positive. If at the same time the tax funded welfare system is decreasing, the result can be for the worse. Pylkkänen has studied this shift in her book *Trapped in Equality* (2009). What is more, the political system, supposed to be democratic, loses force in favour of the market and private solutions in civil society. The need for charity is increasing when the welfare state is dismantled. What are the consequences of these changes?

Another urgent issue for me is the increasing commodification of human beings. This process can be seen, for example, in the discourse of sex-work, surrogacy, cosmetic surgery and commercialism of the human being. To buy and sell a human body, or parts of it, is becoming normalized. What are the consequences of this commodification of the human being and what alternative are there? How can the commodification be challenged from standpoints other than religious or conservative moralism?

#### *Theoretical and empirical meanings and impacts of notions*

I wish there would be more (re)considering of the theoretical and empirical meanings and impacts of notions like not only 'feminist', 'gender', 'gender relations', 'woman', but also 'man' and 'masculinity'. The *feminism* in FLS can be understood in several ways. Feminist as a label for research can be understood as a critical perspective, or in the words of Habermas: the interest of knowledge is emancipatory. In this respect, feminists do not have a necessary connection to women. The focus is on the mainstream or the traditional dogmas in a discipline and the purpose of feminist scholarship is to be critical. But feminist also refers to women and a focus on women's lives. It has a 'political' dimension, meaning that one purpose of feminist knowledge is actually to make differences in society. A lot of efforts have been made to evaluate the consequences of legal implications for women and to propose law reforms to make the situation better for women. In the Nordic countries, especially in Sweden, the focus has not been on women to the same extent as internationally but on gender equality, or the relationship between women and men. To improve the situation for women, it is necessary to include men in the analysis. And what is more, some problems with consequences for women may be better dealt with if the focus is primarily on men. This is the case when it comes to the purchase of sex or care work for instance.

It can often be said that focusing on women is to focus on the symptom, while focusing on men is to focus on the problem. One problem today, recently raised in Sweden, is the narrow ideology of manhood. Young boys and men are worse off in school. One often heard explanation (individual) is that the school is feminized and this has bad consequences for boys. Another explanation, according

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to a (structural) gender system theory, is that masculinity is defined as 'what is not feminine'. Today, it is feminine to do well in school and therefore, a boy who wants to become a real man, has to separate from this. Manhood often indicates the use of violence and lack of empathy. What are the consequences of this image of manhood? Does the image of the man have impacts in the legal system? There are some studies of the construction of the (male) perpetrator in sexual crimes, and they show that the expectations on men are different from the expectations on women. There are a few studies in FLS about men and masculinity but not enough. I would like to see more of this.

As a contributor to the first edition of *feminists@law*, I intend to encourage and invite feminist legal scholars, especially from the Nordic countries, to publish in this new open access journal. I hope to see more discussion and debate between scholars from all over the world, on the topics I have mentioned, or others.

### *References*

Conaghan, Joanne (ed.), *Feminist Legal Studies*, Volume I – IV, Routledge 2009.

Pylkkänen, Anu, *Trapped in Equality: Women as Legal Persons in the Modernisation of Finnish Law*, Finnish Literature Society 2009.