

‘It’s not a research gap, it’s a research crevasse!’

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2020-01-08T16:00:03

To kick off our book symposium on the [Research Handbook on Feminist Engagement with International Law](#), Völkerrechtsblog’s Isabel Lischewski talks to editors [Susan Harris Rimmer](#), Associate Professor, Griffith University Law School, Brisbane, and [Kate Ogg](#), Senior Lecturer, ANU College of Law, The Australian National University, Canberra.

For many people unfamiliar with the concept, it might not be immediately apparent what feminist engagement with international law brings to the table or how its insights differ from “traditional” perspectives on international law. What would be typical methodologies or question a feminist approach applies to international law?

It is impossible to identify ‘typical’ methodologies or questions because there is significant theoretical and methodological diversity in feminist approaches to international law. A scan of the *Research Handbook*’s table of contents indicates that our contributors draw on many different feminisms as well as other critical theories (queer theory, critical race theory and third world approaches to international law just to name a few) and methodologies ranging from oral history, statistical analysis and doctrinal research. This heterogeneity is one of the field’s strengths.

What these approaches and perspectives ‘bring to the table’ is both an understanding of how international law marginalizes and discriminates against certain people on the basis of factors such as gender, sexuality, race, nationality and class as well as the ways it can be a tool for empowerment. While mainstream international law scholarship accepts and works within the boundaries of international law’s fundamental concepts and structures, feminist scholarship questions international law’s norms and hierarchies as well as what is deemed to be within and outside the sphere of international law and the processes through which these distinctions are made. At the same time, feminist scholars are expertly familiar with international law’s procedures, mechanisms and jurisprudence because they have to work within the established system to achieve change.

Can you give us an example where you found that a feminist approach helped uncover a facet of international law that was not visible before?

An example of how feminist approaches to international law can uncover hidden issues is in Kate Ogg’s chapter in which she reflects on her experiences of doing a feminist analysis of article 1F of the [Refugee Convention](#) (exclusion from refugee status in the grounds of criminality). Her research uncovered cases in which female

refugees had been excluded from refugee protection for actions that occurred in highly coercive circumstances (such as abduction, torture and trafficking). She also evidenced that legal reforms intended to make exclusion assessments fairer and more in line with the Refugee Convention's objectives were ineffective. She also offered a different legal approach guided by existing feminist jurisprudence. Another example is [Mary Keyes'](#) chapter, which is the first to subject private international law to a feminist analysis. Her research reveals that private international law, traditionally thought of as 'gender neutral' or at least an area of international law where gender is not relevant, has profound and often perverse impacts on women's lives.

Although there also critical chapters on this, I did notice that quite a few contributions in the Handbook are calling for “women’s voices” to be heard, for more women to be involved on the benches of international courts, in diplomacy, etc., implying that inclusion of women will lead to a more feminist/ gender-sensitive international law. Do you see the danger of a feminist international law discourse essentializing “women” as a fictitious category where other fields of study have long since moved beyond this?

We don't necessarily agree that more women actors in international law will necessarily lead to more gender-sensitive law making or law reform. This is an empirical question that requires more sustained research. However, we do believe in gender equality and non-discrimination on the basis of gender – concepts enshrined in international law through the Convention on all forms of Discrimination against Women ([CEDAW](#)). Due to the fact that women make up approximately half of the world's population, they should also make up approximately half of all positions in international institutions – including in the upper echelons of these organisations based on equal citizenship. Gender equality is the prime basis on which to insist on equal representation – women should not have to prove that they offer something different or that international law will be improved with greater female involvement.

There are certainly dangers with respect to essentialising women and this is something we were very aware of throughout the project. Feminist international law scholarship has been criticised for essentialising women, in particular women from the Global South, and we were careful to acknowledge this in our introductory chapter. The question we had when mapping an agenda for feminist engagement with international law is how we, as white feminist scholars living and working in the Global North, and the field more generally, can address this very valid critique. We insisted on a diversity of voices in the volume – we have contributors from every inhabited continent and authors who draw on other critical perspectives (not just feminist theories).

We chose to use the term 'feminism' in the book's title rather than 'women' or 'gender' for two reasons. First, feminism is more inclusive in the sense that it does not only address women – it examines gender as a social construct and takes into account intersectional factors such as age, disability, sexuality, religion, nationality and class. Second, unlike gender scholarship, feminist research always has a political element – it identifies and advocates for the changes necessary to bring about equality. Nevertheless, we don't believe that the category or term 'women' is a fictitious category or that it no longer holds value or relevance. [Jaya Ramji-Nogales](#)

addresses this in her chapter. She highlights that while some fields of scholarship have moved away from the term 'women', it still has significant power with respect to political mobilisation, as seen in the recent women's marches. Her chapter, 'Revisiting the Category "Women"' undertakes a careful and nuanced analysis of the volatility and utility of the term 'women' and provides some powerful conceptual breakthroughs with respect to the continued place of the category 'women' in international law.

Is there a specific international law issue which, having not received much feminist attention to date, you would especially like to see addressed from this perspective?

We want to see every area and aspect of international law subject to feminist analysis – especially subjects which don't at first appear to raise issues of gender discrimination. As part of our research for the book, we undertook an empirical and statistical survey of feminist scholarship of international law from 1950 to 2016. This evidenced that the critique commonly levelled at the field – that it is fixated on sexual violence – is misplaced. Feminist international law is much more diverse and far reaching. However, it also indicated that there are many areas of international law that have never been subject to a feminist lens. In the introductory chapter, we outline four objectives for the future of the field. The first is to diversify feminist engagement with international law – to take it to new frontiers. The first section of the book contains chapters that do this. For example, [Siobhan Airey](#) brings feminism to the Vienna Convention on the Law of Treaties ([VCLT](#)). Who would have thought that feminist theories would have any relevance to the VCLT? Airey's chapter uses feminist insights to unearth the ways in which the VCLT has permitted coercive practices in contemporary treaty making. We also have chapters that shed a feminist perspective on state practice, international wildlife law, climate change law and disaster law. We sought very hard but couldn't get contributions on feminism and the law of the sea and space law – two areas for further research. We note though the brilliant recent work of [Gina Heathcote](#), (2019) '[Feminism and the Law of the Sea: a preliminary inquiry](#)', in: [Irina Papanicolopulu](#), (ed.), [Gender and the Law of the Sea](#).

Finally, in your Introduction to the Handbook, I found it fascinating how you show that, while we may intuitively believe that feminist engagement with international law is this burgeoning field of study, it actually is not growing much at the moment and especially not beyond a certain relatively enclosed, separate space in academia. Would you encourage scholars just beginning their careers to get involved here, and if yes, why and how?

We absolutely would encourage early career scholars to undertake feminist research. There are so many areas of international law that may appear to be over-researched but as soon as you adopt a feminist lens, an entirely new set of research questions open up. As one of our contributors observed – 'it's not a research gap, it's a research crevasse'. There are also a lot of funding opportunities for academic research that adopts a gender perspective. Some of our contributors did not have a background in feminist research before this project. They were experts in a particular field of international law and we asked them to broaden their research by adopting a

feminist lens. As a result, many of them have received competitive grant funding to bring a gender perspective to a developing area of international law.

One of the difficulties of doing feminist research in any field is that the researcher often finds themselves outside of mainstream conversations. This can be very difficult, especially for early career researchers. However, there are strong networks and a sense of solidarity amongst feminist international law scholars. One of the aims of this project was to foster and build these relationships. Higher degree research students and early career researchers will certainly find supportive mentors if they reach out to any of the wonderful scholars who contributed to the *Research Handbook on Feminist Engagement with International Law*.

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Cite as: Isabel Lischewski, “It’s not a research gap, it’s a research crevasse!”, *Völkerrechtsblog*, 8 January 2020.

