

Chatting with Dianne Otto

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Welcome to another interview of the Völkerrechtsblog's symposium 'The Person behind the Academic'! Through this interview, we will try to get a glimpse of Prof. Dianne Otto's interests, sources of inspiration and habits.

Welcome Prof. Otto and thank you very much for accepting our invitation!

First, I would like to ask what it was that brought you to academia and what made you stay?

Please call me Di.

What brought me to enrolling in law in 1990, when I was already 38 years old, was frustration with the government's lack of response to many social justice issues. Until then I had worked mostly as a community development worker: with a women's refuge collective, two youth outreach projects, a psychiatric disability advocacy group and, eventually, as coordinator of the Youth Accommodation Coalition of Victoria. After the optimism of the 1970's women's, Aboriginal and gay liberation movements in Australia, the 1980s saw the ascendancy of neo-liberal models of government. By the end of the 1980s, the holy grail of government funding for non-governmental organisations (NGOs) were concepts like economic efficiency and performance indicators, which completely devalued any agenda of community-based social change. Australian governments retreated from valuing local community participation in government policymaking and introduced, instead, bureaucratic control and technocratic forms of measurement.

So, I decided to study law thinking that it might provide some better tools for social justice advocacy. It was not really until the classes on international law and international human rights law that I found something I could really relate to – where it was acknowledged that law and politics were intermingled (rather than law being 'neutral' and 'objective') and where NGOs could play an important (though largely unrecognised) role in helping shape the development of the law. After completing my law degree, I worked for Amnesty International Australia for a year, but felt this was not really using my new legal knowledge. So, following encouragement from a good friend, I applied for a job at Melbourne Law School, where I had graduated a year earlier. Luckily for me, this was 1994 and the last year that new faculty members without a PhD were hired.

Academia turned out to be the perfect place to be engaged with international law/international human rights law in Australia – so far away from the main United Nations (UN) centres in Europe and the United States (US). To begin with, teaching provided me the opportunity to encourage students' understanding of social injustices and the way that international law contributes to maintaining and legitimating hierarchies of all kinds – between states, between peoples, between

differently situated groups and individuals, as well as between humans and non-human life – while at the same time providing at least an aspirational foundation that offered tools with which to challenge injustice.

From the vantage point of a university law school, I was also able to build a network of scholars from around the world who had similar concerns. I had the good fortune of being accepted at Columbia University in New York to undertake an LLM and JSD (doctorate), which I managed to juggle with my teaching and other research commitments. Spending time in the US opened lots of opportunities to meet other critical international lawyers – feminists, postcolonial and critical race scholars, and those involved in the emerging indigenous and SOGI activism. It also allowed me to engage with many mainstream legal scholars, and experience some of the meetings of the Security Council and other UN bodies at UN headquarters in New York.

In the following years, these networks continued to grow, and I was able to contribute to the development of critical knowledge, through conferences, research workshops and seminars in many parts of the world, as well as through my scholarly writing. I also found ways to apply this critical thinking by contributing to complaints made to international human rights bodies, drafting General Comments for human rights treaty bodies, and working with NGOs to write parallel reports. I realised, when I attended the 4th World Conference on Women in Beijing in 1995, that I could combine my research and activism. This led to involvement in ‘people’s tribunals’ in Phnom Penh and Sarajevo which sought to apply international (mostly criminal) law differently and/or to create new law that was more responsive to people’s lived realities, as well as involvement with many human rights NGOs.

For all these reasons, I stayed. And although I formally retired at the end of 2016, I hold the honorary position of Professorial Fellow at Melbourne Law School, and continue to teach, mentor, visit, undertake research, write as an academic/activist and answer questionnaires like this.

If you were not an academic, what would you be?

It would be a toss-up between a gardener and an architect. Either way, or combined, I would love the opportunity to attend to issues of social justice in the context of our physical surroundings, by creating structures and spaces that enhance human dignity and interconnectedness, and honour the beauty of nature and of non-human lives without ‘domestication’ or exploitation.

Your work on feminist engagement with international law has been rightly praised many times throughout the years. May I ask what it was that raised your interest in feminist engagement with international law in the first place?

I grew up during the 1950s and 60s in suburban Adelaide. I had two brothers, as well as a sister. It was not difficult to see that my brothers were treated differently to me. I was expected to wash the dishes after dinner, and they were expected to do odd jobs at my father’s family timber mill – out in the world. I would have given anything to swap places. It was such a relief to learn about feminism and I got involved in the women’s liberation movement when I was a student at Adelaide

University 1971-73. I felt, for the first time, able to really be myself. I helped establish the first women's studies course at the university and squatted, along with others, in a disused dwelling slated for demolition for road-widening, to set up the first women's refuge for women and children fleeing domestic violence.

So, to cut to the chase, as law student, I was eager to discover feminist analyses of the law and wrote many of my research essays from a feminist perspective. I was delighted to discover that feminist approaches to international law had (belatedly) started to arrive in the early 1990s. Hilary Charlesworth was one of my teachers in law school, so this was itself an inspiration – and an invitation to also engage in this burgeoning field. Being a feminist in the context of international law allowed me to think, and be challenged, in a global context, whereas being a feminist in the context of community development work had kept me very locally focussed on crises of the everyday. I have tried to ensure that my scholarly work is informed by my earlier experience of quotidian practises of marginalisation and disadvantage.

Perhaps most importantly, my feminist analysis of international law comes from my particular feminist orientation(s) which I would variously describe as sex-positive, mildly socialist, postcolonial and, more recently, queer and even more recently, thanks to younger colleagues, tending towards the posthuman.

It seems that, however 'in vogue' they may be, alternative approaches to international law are still criticized among more 'conservative' academic circles. Any idea why that is the case?

It is because alternative approaches threaten the orthodoxies that conservatives are invested in and destabilise the *status quo* in which they enjoy power and influence.

Have you ever felt unease while trying to fit in academic circles or while having to work with unlike-minded academics? How have you dealt with such issues?

Yes, for many years I felt inadequate. To some extent I thought this was because I had entered academia quite late in my working life and needed to 'catch up' so that my level of knowledge was kind of commensurate with my age. I was also often ill at ease because of my sexuality. It was not easy to engage in small talk when heterosexuality was assumed and, at a deeper level, I also carried historical shame with me which made it hard to 'come out' when I was unsure of what the response would be. Now, from more of a distance, I think my unease was less about me and much more a reflection of the heteronormative masculinist culture of the profession and its elite/upper middle-class constituency who were used to assuming power.

I dealt with this unease by trying to reassure myself of my worth and the importance of what I had to say. I found this reassurance in my connections with like-minded scholars and students, and in my personal friendships and relationships. I also made sure to attend conferences that were organised around critical themes, which served as a terrific antidote to mainstream international law conferences. I must admit though to a degree of institutional capture because each time I got promoted, I also felt more confident in academic circles of all variety. In addition, as my work

became more avowedly queer and was embraced by other scholars, my unease mostly dissolved.

Which are three books that you would recommend doctrinal legal researchers to read? To which extent have these books changed your perception of international law?

The feminist treatise that greatly influenced my thinking in law was Carol Smart's *Feminism and the Power of Law* (1989). Although Smart was not a legal scholar, and her focus was not international law, this book gave me invaluable insights into the powerful role (international) law plays in shaping our everyday lives, and I still recommend it to everyone.

Another book that has had an enduring influence on my thinking is *Selected Subaltern Studies* (1988) edited by Ranajit Guha and Gayatri Chakravorty Spivak. As contributors struggled in their efforts to recover the unrecorded histories of the colonised and give voice to subaltern lives and communities in South Asia, they taught me humility in the face of incommensurable difference and an eagerness to acknowledge there is much that I (and the law) can never know, making 'legal justice' always incomplete and often violent.

I am not going to nominate a third book because, as I look at my bookshelves, there are just so many that have played an important role in helping me to understand the histories and politics of international law, its power to normalise hierarchies and camouflage exploitations, and the many efforts, both past and present, to change this.

What is your favourite place to read and write? What is always near you when you read and write?

My favourite *research* reading and writing spot is at my desk where I can really concentrate and focus on what I am doing. My partner makes fun of me by knocking on the door and, pretending she is a student, asks politely whether 'la professoressa' minds being interrupted. This is so adorable that I snap out of my self-absorption and attend more or less graciously to whatever it is she wants.

I value silence when I am reading and writing, so this is the constant that you could say is 'always near me' – as well as my cup of coffee. The other constant is a desk piled high with books and papers, spilling onto the floor as I move through them and arrange them into different piles that I hope will make it easy for me to find them again. I know this is an arrangement that marks my age, and since attaching two additional screens to my computer, I am learning the ease of working with electronic rather than hard copy resources, and the piles of books and papers are slowly diminishing.

Are you a morning person or a night person?

Afternoon is my best time I think.

Coffee or tea?

Always coffee – espresso long and black.

Ideally, whom would you want to have coffee with next Monday?

Ideally, Karen Knop, dear friend and international law colleague, who passed away suddenly earlier this year.

I am sorry for your loss.

Have you ever had to make a ‘sacrifice’ for your work? Do you regret it?

I have made many sacrifices: of time with lovers and friends, and of energy for holidays and relaxation. I have no regrets at all about this, though I am trying to make up for some of my absences and neglect now that I have formally retired.

Which was the most recent concert that you attended? Which type of music do you enjoy the most?

I cannot remember the last concert I went to, though perhaps it was Bette Midler many years ago. My real passion is gardening.

What is an energy and inspiration booster, at times when you have none?

Apart from coffee, having a good sleep or walking my dog.

What are you working on currently? What may we anticipate in the near future?

I am currently working on a chapter entitled ‘The Third World and the Quest for Peace’, which will be included in a handbook/reader on *Third World Approaches to International Law* (TWAIL), edited by Tony Anghie, Michael Fakhri, Vasuki Nesiah, Karin Mickelson and B.S.Chimni. The handbook will be published by Edward Elgar and the hope is that it will encourage more teachers of international law to include TWAIL approaches in their course materials and foster, amongst students, increased curiosity and attention to TWAIL issues.

I have also just finished the first draft of a collaborative contribution to the *Queer Judgments Project* edited by Maria Moscati, Nuno Ferreira, and Senthoran Raj. The idea is to re-write a judgment that has considered SOGIESC issues, utilising mainstream legal methods to show how the judgment could have resulted in a queerer outcome. With colleagues Odette Mazel and Claerwen O’Hara, we rewrote the Australian High Court case of *Norrie*, which decided in 2014 that the NSW Registrar of Births Deaths and Marriages could register Norrie’s legal sex as something other than ‘male’ or ‘female’. Although this outcome was rightly celebrated, we wanted to show how limited the effects of the judgment were and how the High Court could/should have produced a more far-reaching ruling. The collection will be published by Counterpress, in 2024.

The themes sound very interesting. I look forward to getting my hands on the books once they are published!

Thank you very much Di for participating in our symposium and for having taken the time to respond to our questions!

