

Roger Williams University Law Review

Volume 12 | Issue 1

Article 4

Fall 2006

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Recommended Citation

Saloom, Rachel (2006) "A Feminist Inquiry Into International Law and International Relations," *Roger Williams University Law Review*: Vol. 12: Iss. 1, Article 4.

Available at: http://docs.rwu.edu/rwu_LR/vol12/iss1/4

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A Feminist Inquiry Into International Law and International Relations

Rachel Saloom*

I. INTRODUCTION

A monolithic theory of gender and international law and international relations does not exist. Discussing the interconnection between international law and international relations is an important endeavor for feminist scholarship. Gender and feminist scholars posit various critiques of the international system. This Article will examine the different feminist critiques of international law and international relations. Additionally, this Article will scrutinize the attempts to apply the “gender lens” to the sphere of international law and relations.¹ This Article will also argue that feminist theory has great potential for transforming the international system. Part II describes feminism and the various feminist frameworks through which one may view international law and international relations. Part III sets forth the key variables of analysis in international law and international relations. The core concepts of the present system are discussed in detail including the state, realist theory, and security. Part IV of this Article explores the application of the feminist framework, including the difficulties and challenges of

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1. “Gender lens” is a term used widely in feminist literature. *See, e.g.*, SANDRA L. BEM, *THE LENSES OF GENDER: TRANSFORMING THE DEBATE ON SEXUAL INEQUALITY* 2 (1993); V. SPIKE PETERSON & ANNE S. RUNYAN, *GLOBAL GENDER ISSUES* 1-2, 17-44 (1993); JILL STEANS, *GENDER AND INTERNATIONAL RELATIONS* 4-6 (1998).

applying feminist theories to international law and international relations. Part V concludes that a pragmatic feminist approach is the most effective, and feminist legal scholars should continue to develop strategies for change.

II. FEMINISM

There are multiple definitions of feminism and feminist perspectives. Deborah Rhode, a distinguished feminist legal scholar, explains that:

What distinguishes feminist critical theories from other analysis is both the focus on gender equality and the conviction that it cannot be obtained under existing ideological and institutional structures. This theoretical approach partly overlaps, and frequently draws upon other critical approaches, including [critical legal studies] and critical race scholarship. At the most general level, these traditions share a common goal: to challenge existing distributions of power.²

Focusing on gender as a category of analysis is a feminist project. Gender is not a biological term; instead, the term refers to the set of material and ideological relations that exist between men and women.³ Both gender studies and feminist approaches are concerned with the identities of women and men.⁴ Just as there is no single type of feminism, there is also no unified body of literature about gender and international law and relations. Some argue that the diversification within feminism is not a

2. Deborah L. Rhode, *Feminist Critical Theories*, 42 *STAN. L. REV.* 617, 619 (1990). See generally ROSEMARIE TONG, *FEMINIST THOUGHT: A COMPREHENSIVE INTRODUCTION* (1989) (exploring the numerous schools of feminist thought). For other sources on feminist theory and feminism see JUDITH EVANS, *FEMINIST THEORY TODAY: AN INTRODUCTION TO SECOND-WAVE FEMINISM* (1995) (discussing feminist thought from early liberal feminism through postmodern feminism); MARY EVANS, *INTRODUCING CONTEMPORARY FEMINIST THOUGHT* (1997) (outlining the developments in feminist thought since the 1970s); IMELDA WHELEHAN, *MODERN FEMINIST THOUGHT: FROM THE SECOND WAVE TO "POST-FEMINISM"* (1995) (detailing changes in feminist ideology from the second wave through the 1990s).

3. STEANS, *supra* note 1, at 10.

4. JOHN HOFFMAN, *GENDER AND SOVEREIGNTY: FEMINISM, THE STATE AND INTERNATIONAL RELATIONS* 32 (2001).

hindering factor to ultimately achieving feminist goals.⁵ Even though there are many different forms of feminism, the goal of the feminist enterprise is largely to dismantle patriarchy.⁶ While there is some consensus regarding gender international law and international relations theories, there are also some pertinent divisions between different schools of feminist thought. Even though feminism is subdivided and categorized in many ways, categories for analyzing gender and international law and relations are useful.

Generally, liberal feminists believe working within institutions is the best way to effectuate change.⁷ They believe that women should strive to achieve equality with men and have equal access to opportunities.⁸ Individual autonomy is an important concept to liberal feminists.⁹ Liberal feminism is focused on reform as opposed to a total eradication of the system.¹⁰ In the context of international law and international relations, liberal feminists believe that the system itself can and should be changed. However, they do not call for a total rejection of the system.

In stark contrast to liberal feminism, radical feminists strongly argue that reform of the system is ineffectual.¹¹ Radical feminism focuses more on women as a group, not on women as individuals.¹² The power imbalance between men and women is a central theme of radical feminist thought.¹³ According to radical feminists, women are dominated and controlled by men.¹⁴

5. *Id.* at 50.

6. *Id.*

7. In the United States, the National Organization for Women (NOW) is the prototypical liberal feminist organization.

8. See generally BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (1997) (exploring the underlying issues in traditional gender roles that have impeded equality for women); NAOMI WOLF, *THE BEAUTY MYTH: HOW IMAGES OF BEAUTY ARE USED AGAINST WOMEN* (1992) (examining the counterproductive effects of the Western standard of beauty on women's lives).

9. Patricia A. Cain, *Feminism and the Limits of Equality*, 24 GA. L. REV. 803, 829 (1990).

10. STEANS, *supra* note 1, at 17.

11. *Id.* at 20.

12. Cain, *supra* note 9, at 832.

13. *Id.*

14. ANDREA DWORKIN, *INTERCOURSE* 63-64 (1987). For more of Dworkin's famous works, see ANDREA DWORKIN, *LETTERS FROM A WAR ZONE* (1993).

Cultural feminists, on the other hand, believe that men and women are inherently different.¹⁵ Moreover, cultural feminists think that feminine characteristics should be highly valued.¹⁶ The most well-known cultural feminist is Carol Gilligan who authored the pioneering book *In a Different Voice*.¹⁷ Cultural feminists argue that the "category 'woman' has not been so much misdefined by men, as it has been ignored and undervalued. Yes, women are nurturing. Yes, women value personal relationships. These attributes are to be valued."¹⁸

Postmodern feminism is a strand of feminist thought that does not adhere to the category of woman as a mode of analysis.¹⁹ Postmodern feminists reject the notion of a stable gender identity that is "fixed or essential."²⁰ They criticize discursive practices that they see as hegemonic and that reinscribe power hierarchies.²¹ Moreover, postmodern feminists do not search for a grand theory or a unified truth.²² The plethora of differing feminist thought is welcomed by postmodernist feminists because they criticize a homogeneous notion of feminism.²³

Finally, critical feminist theorists seek to keep some

(discussing pornography, free speech, violence against women, sex and related topics and their relationship to female inequality); ANDREA DWORKIN, *WOMAN HATING* (1974) (analyzing the interaction of fairy tales and literary pornography with societal ideas of gender). See also CATHERINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* (1987) (exposing the inequalities of the law as a failure to view gender as a system of social hierarchy); CATHERINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (1989); MARY DALY, *GYN/ECOLOGY: THE METAETHICS OF RADICAL FEMINISM* (1990); KATE MILLET, *SEXUAL POLITICS* (2000) (analyzing the depth of the patriarchal domination as reflected in our culture).

15. Cain, *supra* note 9, at 835-36.

16. *Id.* at 836.

17. CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (1982).

18. Cain, *supra* note 9, at 836.

19. JUDITH BUTLER, *GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY* 6 (1990). For more information on postmodern feminist thought see JUDITH BUTLER, *BODIES THAT MATTER: ON THE DISCURSIVE LIMITS OF "SEX"* (1993) (critically analyzing the social construct of sex); MARY JOE FRUG, *POSTMODERN LEGAL FEMINISM* (1992) (exploring the interrelationship of law and gender); *FEMINISM/POSTMODERNISM* (Linda J. Nicholson ed., 1990) (analyzing critical issues confronting feminism in relation to postmodernism).

20. STEANS, *supra* note 1, at 27.

21. *Id.* at 28.

22. *Id.* at 25.

23. *Id.* at 26.

semblance to the category of woman intact while at the same time realizing the shortfalls of using those categories.²⁴ Critical feminist theorists often argue that Western feminism is oppressive.²⁵ These feminists recognize the importance of other variables, especially race and class, in feminist analysis.²⁶ Critical feminists use gender identity as only a starting point for political movements. Viewing gender in both social and political terms, allows critical feminists to analyze gender relations and the larger social and institutional contexts.²⁷

A. Key Variables of Analysis in International Law and International Relations

1. Problematising the State

While there are additional categories of feminist thought, most gender theorists fall into one of these categories elucidated. It is problematic to speak of one unifying feminism; however,

24. *Id.* at 29.

25. See generally CHANDRA TALPADE MOHANTY, *FEMINISM WITHOUT BORDERS: DECOLONIZING THEORY, PRACTICING SOLIDARITY* (2003); GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER (Adrien Wing ed., 2000) (discussing feminist issues from the perspective of international women of color); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990). Within critical feminism there are also different schools of feminism such as Black feminism, Arab or Islamic feminism, and Latino feminism. On Black feminism, see generally STANLIE JAMES, *THEORIZING BLACK FEMINISMS: THE VISIONARY PRAGMATISM OF BLACK WOMEN* (Stanlie M. James & Abena P. A. Busia eds., 1993); BELL HOOKS, *AIN'T I A WOMAN: BLACK WOMEN AND FEMINISM* (12th prtg. 1992); *THE BLACK FEMINIST READER* (Joy James & T. Deanen Sharpley-Whiting eds., 2000); Linda Burnham, *The Wellspring of Black Feminist Theory*, 28 S.U. L. Rev. 265 (2001). On Arab and Islamic feminism, see generally MIRIAM COOKE, *WOMEN CLAIM ISLAM: CREATING ISLAMIC FEMINISM THROUGH LITERATURE* (2001); *FOOD FOR OUR GRANDMOTHERS: WRITINGS BY ARAB-AMERICAN AND ARAB-CANADIAN FEMINISTS* (Joanna Kadi ed., 1994); EVELYN SHAKIR, *BINT ARAB: ARAB AND ARAB-AMERICAN WOMEN IN THE UNITED STATES* (1997); *ARAB WOMEN BETWEEN DEFIANCE AND RESTRAINT* (Suha Sabbagh ed., 1996). On Latina or Chicana feminism, see generally CHICANA FEMINIST THOUGHT: THE BASIC HISTORICAL WRITINGS (Alma M. Garcia ed., 1997); *LATIN AMERICAN WOMEN'S WRITINGS: FEMINIST READINGS IN THEORY AND CRISIS* (Anny B. Jones & Catherine Davies eds., 1996); *CHICANA FEMINISMS: A CRITICAL READER* (Gabriela F. Arredondo et al. eds., 2003); *GENDER'S PLACE: FEMINIST ANTHOLOGIES OF LATIN AMERICA* (Rosario Montoya et al. eds., 2002).

26. Rhode, *supra* note 2, at 624.

27. STEANS, *supra* note 1, at 32.

there are some commonalities and useful points of intersection to discuss. The starting point of many feminist criticisms²⁸ is the state. Gender theorists criticize the state as the primary actor in international law and international relations for a myriad of reasons. The state is understood as a masculinist actor.²⁹ Jill Steans posits that the “identity” of the state itself is masculine.³⁰ When international law and international relations theorists imagine the state as an actor, this actor is identified as male. Feminists criticize the personification of the state as male.³¹ Besides this abstract notion about the identity of the state, most feminists believe that the state’s actions and inactions are gendered.³²

The impact of state action has different effects on men and women.³³ Because of unequal social relations, women and men have different relationships to the state.³⁴ For instance, one can generalize that men are not as dependent on the state as women.³⁵ Women are more dependent on the state because of the economic and social disparities that exist between men and women.³⁶ J. Ann Tickner argues that since the formation of the modern state, international relations has been gendered.³⁷ She argues that international relations conflates that which is human with that which is actually masculine.³⁸ She posits that international relations is based largely upon the experiences and ideas of men.³⁹ Many gender theorists point out the male-

28. I use the term feminist criticism from this point on loosely. Most gender theorists would consider their work to be “feminist” although they may claim to be aligned with a certain type of feminism.

29. STEANS, *supra* note 1, at 46.

30. *Id.* at 48.

31. *Id.* at 57.

32. JAN J. PETTMAN, *WORLDING WOMEN: A FEMINIST INTERNATIONAL POLITICS* 9 (1996).

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.* at 13.

37. J. ANN TICKNER, *GENDER IN INTERNATIONAL RELATIONS: FEMINIST PERSPECTIVES ON ACHIEVING GLOBAL SECURITY* 5 (1992).

38. *Id.*

39. *Id.* at 5-6. For more information on feminist international relations theory see generally CHRISTINE SYLVESTER, *FEMINIST INTERNATIONAL RELATIONS: AN UNFINISHED JOURNEY* (2002) (exploring historical feminist promotion of the use of gender relationships in the study of international

dominated discipline of international law and international relations as a starting point for their criticisms.⁴⁰ Gender theorists also examine the realm of international law and politics, noting the disparity that exists between the number of men and women that are involved in world politics.⁴¹

Other scholars believe that patriarchy is manifested through state action. According to Eisenstein, the state inscribes the dichotomy between the public and private.⁴² This dichotomy perpetuates the marginalization of women. The state operates in the public sphere and does not interfere in the private realm and the lives of women. Peterson argues that “[t]he state constitutes itself as the realm of political action and promotes a definition of politics that narrowly construes power relations.”⁴³ Gender theorists argue that the public/private dichotomy acts as a veil for domestic violence. The state can justify non-interference into the lives of women and men, because the state’s role is political and not personal. Feminists seek to break down the dichotomy that exists between the public and private spheres that the state upholds. The slogan, “the personal is the political” is one of the foundations of many types of feminism.⁴⁴

The public/private dichotomy is also problematic in international human rights law.⁴⁵ Hilary Charlesworth, a leading

relations); GENDERING THE INTERNATIONAL (Louiza Odysseos & Hakan Seckinelgin eds., 2002) (examining international relations outside the traditional state-centered framework); GENDER AND INTERNATIONAL RELATIONS (Rebecca Grant & Kathleen Newland eds., 1991); Sarah Brown, *Feminism, International Theory, and International Relations of Gender Inequality*, 17 MILLENNIUM: J. INT’L STUD. 461 (1988) (arguing for a greater application of critical social theory in feminist international relations).

40. PETTMAN, *supra* note 32, at vii.

41. TICKNER, *supra* note 37, at 1.

42. ZILLAH EISENSTEIN, *THE RADICAL FUTURE OF LIBERAL FEMINISM* 25, 26 (1981).

43. V. Spike Peterson, *Security and Sovereign States*, in *GENDERED STATES: FEMINIST (RE)VISIONS OF INTERNATIONAL RELATIONS*, 45 (V. Spike Peterson ed., 1992).

44. This slogan has been popular among the various feminist movements that have emerged since the 1960s. See Joan B. Landes, *Introduction*, in *FEMINISM: THE PUBLIC AND THE PRIVATE* 1, 16 n.1 (Joan B. Landes ed., 1998).

45. For more on international human rights and feminism see *HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES* (Rebecca J. Cook ed., 1994); *JUST ADVOCACY? WOMEN’S HUMAN RIGHTS, TRANSNATIONAL FEMINISMS, AND THE POLITICS OF REPRESENTATION* (Wendy S. Hesford & Wendy Kozol eds., 2005); *WOMEN, GENDER, AND HUMAN RIGHTS: A GLOBAL*

feminist international law scholar, argues that the:

[P]ublic/private distinction in international human rights law is not a neutral or objective qualification. Its consequences are gendered because in all societies men dominate the public sphere of politics and government and women are associated with the private sphere of home and family. Its effect is to blot out the experiences of many women and to silence their voices in international law.⁴⁶

Thus, the public/private distinction is prevalent in both international law and international relations.⁴⁷

2. Realism

The criticism of the state by gender scholars is inextricably linked to the overwhelming criticisms of realist thought in international law and international relations. Susan Ship argues that “[r]ealism constitutes the predominant and hegemonic tradition in international relations theory.”⁴⁸ The tradition of

PERSPECTIVE (Marjorie Agosin ed., 2001); Celina Romany, *Women as Aliens: A Feminist Critique of the Public/Private Distinction in International Human Rights Law*, 6 HARV. HUM. RTS. J. 87 (1993); Barbara Stark, *International Human Rights Law, Feminist Jurisprudence, and Nietzsche's "Eternal Return": Turning the Wheel*, 19 HARV. WOMEN'S L.J. 169 (1996).

46. Hilary Charlesworth, *Feminist Methods in International Law*, 93 AM. J. INT'L L. 379, 383 (1999). See also Donna Sullivan, *The Public/Private Distinction in International Human Rights Law*, in WOMEN'S RIGHTS, HUMAN RIGHTS: INTERNATIONAL FEMINIST PERSPECTIVES 126 (Julie Peters & Andrea Wolper eds., 1995); Berta Esperanza Hernandez-Truyol, *Women's Rights as Human Rights - Rules, Realities, and the Role of Culture: A Formula for Reform*, 21 BROOKLYN J. INT'L L. 605, 608-09 (1996).

47. For discussions related to the public/private dichotomy in feminist theory, see generally CHALLENGING THE PUBLIC/PRIVATE DIVIDE: FEMINISM, LAW AND PUBLIC POLICY (Susan B. Boyd ed., 1997); JEAN BETHKE ELSHTAIN, PUBLIC MAN, PRIVATE WOMAN: WOMEN IN SOCIAL AND POLITICAL THOUGHT (1981); FEMINISM: THE PUBLIC AND THE PRIVATE (Joan B. Landes ed., 1998); GOING PUBLIC: FEMINISM AND THE SHIFTING BOUNDARIES OF THE PRIVATE SPHERE (Joan W. Scott & Debra Keates eds., 2004); WOMEN'S RIGHTS: THE PUBLIC/PRIVATE DICHOTOMY (Jurate Motiejunaite ed., 2005).

48. Susan Ship, *And What About Gender? Feminism and International Relations Theory's Third Debate*, in BEYOND POSITIVISM: CRITICAL REFLECTIONS ON INTERNATIONAL RELATIONS, 138 (Claire T. Sjolander & Wayne S. Cox eds., 1994). For criticisms of realism from other perspectives in critical international relations literature, see generally JIM GEORGE, DISCOURSES OF GLOBAL POLITICS: A CRITICAL (RE)INTRODUCTION TO

realism in international relations cannot be denied. Furthermore, Ship argues that the realist conception of human nature denies the possibility of understanding the social constructions that exist because realism operates under preconceived notions and categorizations. Ship criticizes realism's partial view of the world, asserting that "[s]uch a view of human nature, rather than being universal, is more closely associated with the characteristic behavior of white, Western, bourgeois men and attendant conceptions of masculinity."⁴⁹ Gender theorists contend that realism forecloses any space for understanding how gender operates in the international system.

Generally, gender theorists do not argue that realism accurately encapsulates a holistic male vision, but that realism reflects a certain masculinist way of understanding the world. Feminists are troubled by the notion that realism represents the entire human experience, because they feel that it more correctly displays a masculinist experience.⁵⁰ Certain characteristics are divided into male and female categories.

Characteristics like power, independence, logic, control, self-interest, and autonomy are normally considered masculine qualities. Emotion, care, connectedness, idealism, and sacrifice are traditionally considered feminine qualities.⁵¹ In international law, the discursive practices also set up these binary categories. "International legal discourse rests on a series of distinctions; for example, objective/subjective, legal/political, logic/emotion, order/anarchy, mind/body, culture/nature, action/passivity, public/private, protector/protected, independence/dependence."⁵²

Because realism sets up a rigid dichotomy that favors the masculine qualities, the feminine qualities are devalued. It is important to understand that most gender scholars do *not* contend

INTERNATIONAL RELATIONS (1994); EMIN FUAT KEYMAN, *GLOBALIZATION, STATE, IDENTITY/DIFFERENCE: TOWARD A CRITICAL SOCIAL THEORY OF INTERNATIONAL RELATIONS* (1997); *THE RETURN OF CULTURE AND IDENTITY IN IR THEORY* (Yosef Lapid & Friedrich Kratochwil eds., 1996); CYNTHIA WEBER, *INTERNATIONAL RELATIONS THEORY: A CRITICAL INTRODUCTION* (2001).

49. Ship, *supra* note 48, at 139.

50. STEANS, *supra* note 1, at 54.

51. *Id.* at 11; TICKNER, *supra* note 37, at 8. See generally Genevieve Lloyd, *The Man of Reason: 'Male' and 'Female', in WESTERN PHILOSOPHY* (1984) (exploring the history of the assignment of male gender to reason).

52. Charlesworth, *supra* note 46, at 382.

that men and women naturally have these characteristics. Such an understanding would be an example of rigid biological essentialism that gender theorists largely reject. Thus, the terms "masculine" and "feminine" are preferred over the terms "men" and "women." Steans argues that "[t]he image of the autonomous state is juxtapositioned against images of a disorderly international state of nature which is often identified metaphorically with the female."⁵³ Thus, realism's reliance on binary categorizations is highly problematic for feminists. These binary categorizations privilege the masculine over the feminine, the mind over the body, the self over the other, culture over nature, and the national over the international.⁵⁴

According to gender theorists, realism remains absolutely silent on the question of dismantling power hierarchies. Ship states that "the realist concept of the state renders invisible the unequal gender relations resulting from the virtually exclusive male monopoly over state power."⁵⁵ According to realist theory both in international law and international relations, the state is always the actor. The "gendered and sexed nature of the basic concepts of international law; for example, 'states,' 'security,' 'order' and 'conflict'"⁵⁶ all raise important issues for understanding how gender operates in the international arena. The privileging of state power disables the ability to effectively problematize the state. Feminists argue that using the state as a starting point forecloses the possibility of analyzing non-state actor approaches to international relations.

There is a plethora of literature criticizing international relations as masculinist. Smith states that:

I believe masculinity is deeply entrenched in the ways in which we think about [international relations], because the subject is virtually always male. I do not mean the obvious reference to "him" or "he" but the rather more

53. STEANS, *supra* note 1, at 57.

54. *Id.*

55. Ship, *supra* note 48, at 140. See generally V. Spike Peterson & Anne Sisson Runyan, *The Radical Future of Realism: Feminist Subversions of IR Theory*, 16 ALTERNATIVES 67 (1991).

56. Charlesworth, *supra* note 46, at 381. See also Hilary Charlesworth, Christine Chinkin & Shelley Wright, *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613, 627 (1991).

radical thought that the methodologies and epistemologies of [international relations] are always based on so-called male attributes.⁵⁷

Furthermore, Smith believes that the discipline of international relations is trapped in a masculinist framework, which thereby makes theorizing about gender highly problematic. Because international relations is focused on what are universally considered male attributes, the feminine is devalued.⁵⁸

Cynthia Enloe posits that women are excluded from the international realm. Yet, when women are let in, it is because they have learned to play the masculinized role. Enloe points out that “[w]hen a woman is let in by the men who control the political elite it usually is precisely because that woman has learned the lessons of masculinized political behaviour well enough not to threaten male political privilege.”⁵⁹ Co-optation is a legitimate concern of many gender scholars. Gender theorists find themselves in a precarious position in relation to gender roles and essentialism. On one hand, they reject the notion that men are aggressive and women are peaceful because those ideas are biologically essentialist. On the other hand, gender theorists must acknowledge that gender roles do exist. They address this by arguing that those roles are socially constructed.

Feminists are also hesitant because they do not want to privilege the masculine over the feminine. At the same time they do not want to lock women into prescribed feminine roles. Peterson and Runyan argue that women are largely invisible in the international political arena. They posit that when women appear in the international sphere they are either playing the male role, like Margaret Thatcher, or are the quintessential victim in need of male protection.⁶⁰

57. Steve Smith, “Unacceptable Conclusions” and the “Man” Question: *Masculinity, Gender, and International Relations*, in *THE “MAN” QUESTION IN INTERNATIONAL RELATIONS* 67 (Marysia Zalewski & Jane L. Parpart eds., 1999).

58. *Id.*

59. CYNTHIA ENLOE, *BANANAS, BEACHES, AND BASES: MAKING FEMINIST SENSE OF INTERNATIONAL POLITICS* 6-7 (1989); *see also* CYNTHIA ENLOE, *DOES KHAKI BECOME YOU? THE MILITARISATION OF WOMEN’S LIVES* (1983). For a more radical critique, *see* BETTY A. REARDON, *SEXISM AND THE WAR SYSTEM* (1985).

60. PETERSON & RUNYAN, *supra* note 1, at 98.

3. *Security*

Security is one issue where there is much overlap between the theorization of gender in international law and international relations. Gender theorists criticize the preoccupation of international law and international relations with the “cult of power” and military concerns; Ship argues that this preoccupation is “the most fundamental androcentric bias in international relations scholarship.”⁶¹ The masculinist culture of the military is manifested in many different ways. Sexual metaphors are common in the use of military jargon. For example, a well-known security intellectual under the Carter Administration stated that “under Jimmy Carter the United States is spreading its legs for the Soviet Union.”⁶² Carol Cohn, a theorizer on the role of gendered military discourse, describes the language used in a defense professional’s lecture as follows:

[L]ecturers were filled with discussion of vertical erector launchers, thrust-to-weight ratios, soft lay downs, deep penetration, and the comparative advantages of protracted versus spasm attacks - or what one military adviser to the National Security Council has called “releasing 70 to 80 percent of our megatonnage in one orgasmic whump.” There was serious concern about the need to harden our missiles, and the need to “face it, the Russians are a little harder than we are.”⁶³

The language employed by defense intellectuals and military strategists is loaded with sexual connotations. By using this language, feminists argue that women are oppressed and

61. Ship, *supra* note 48, at 133; see generally JEAN BETHKE ELSHTAIN, *WOMEN AND WAR* (1995); JEAN BETHKE ELSHTAIN, *WOMEN, MILITARISM, AND WAR: ESSAYS IN HISTORY, POLITICS, AND SOCIAL THEORY* (Jean Bethke Elshtain & Shelia Tobias eds., 1990); Ann Scales, *Soft on Defense: The Failure to Confront Militarism*, 20 *BERKELEY J. GENDER L. & JUST.* 369 (2005).

62. Carol Cohn, *Wars, Wimps, and Women: Talking Gender and Thinking War*, in *GENDERING WAR TALK* 236, 244 n.13 (Miriam Cooke & Angela Wollacott eds., 1993) (quoting Carol Cohn, unattributed interview, in Cambridge, Mass. (July 20, 1991)).

63. Carol Cohn, *Sex and Death in the Rational World of Defense Intellectuals*, 12 *SIGNS* 687, 693 (1987) (quoting General William Odom, C³I and Telecommunications at the Policy Level (Spring, 1980) (incidental paper, Seminar on C³I: Command, Control, Communications and Intelligence) (on file with Harvard University, Center for Information Policy Research)).

objectified. Men exert their power over women through sexual acts, and they equate these acts with the violent acts of the military. Gender critics of the military argue that the military envisions its enemy as women. At once, women play the role of both the conqueror and the conquered. Enloe examines the connection between masculinity and the military:

Militaries are composed of males as a result of quite self-conscious political policies, suggesting that state officials, themselves primarily male, create an explicit link between the presumed properties of maleness and the institutional needs of the military as an organization . . . yet, as with the elite males who serve as officers, they too are bound together by threads of male camaraderie.⁶⁴

Feminists argue that the military has a distinctly masculine identity that marginalizes anything feminine.⁶⁵ They argue that camaraderie is an essential theme of the military and the war experience. The camaraderie that forms, however, is an exclusive homosocial camaraderie that is masculinist in nature. The masculinism that is prevalent in military culture locks out the feminine and women.

Closely linked to the masculinist nature of the military is the way in which sexuality is embodied in military culture. "Within traditional military culture, women are cast largely as the sexual adversary or target, while men are cast largely as promiscuous sexual hunters."⁶⁶ Feminists posit that this dichotomy of the hunter versus the hunted allows for sexual harassment and

64. Cynthia Enloe, *Feminists Thinking About War, Militarism, and Peace*, in *ANALYZING GENDER: A HANDBOOK OF SOCIAL SCIENCE RESEARCH* 531 (Beth B. Hess & Myra Marx Ferree eds., 1987).

65. Not all feminists agree about the role of women in the military. Liberal feminists generally support women's inclusion in the military, while cultural or radical feminists usually criticize women's participation in the military. All feminists criticize sexual harassment and rape that occurs in the military. For various viewpoints on the participation of women in the military, see generally Diane H. Mazur, *A Call to Arms*, 22 *HARV. WOMEN'S L.J.* 39 (1999); Blythe Leszkay, *Feminism on the Front Lines*, 14 *HASTINGS WOMEN'S L.J.* 133 (2003).

66. Madeline Morris, *By Force of Arms: Rape, War, and Military Culture*, 45 *DUKE L.J.* 651, 710 (1996); see also Kenneth L. Karst, *The Pursuit of Manhood and the Desegregation of the Armed Forces*, 38 *UCLA L. REV.* 499 (1991).

oppression of women in the military.⁶⁷ Military women are not seen as equal to men because of the tactics of the masculinist military subculture that teaches sexual domination even at the basic level.⁶⁸ Feminists argue that military women are still seen as sexual targets while men are the sexual consumers.⁶⁹

These feminist criticisms of the military are intertwined with feminist criticisms of international law and international relations. Gender theorists believe that the fixation of international law and international relations theorists on military concerns privileges certain types of security over others. Military security is the central area of focus, rather than food security or the ability to feel secure from oppression in one's country. Most security-based theories of international law and international relations are gender blind. Specifically, gender is not taken into account when theorizing about security or about international law or international affairs in general. Whitworth argues that "[t]he construction of assumptions around gender is produced as much by what is not said as what is said . . . such strategies, and the invisibility which results, can be seen to reproduce unequal relations between women and men."⁷⁰ The gender invisibility that exists in theorization is highly problematic for those who want to examine the role that the gender variable plays in the international arena.

B. *Application of the Feminist Framework*

The general arguments forwarded by gender theorists must be examined for their applicability to the international system. While these theories have tremendous potential to bring about change, gender theorists are not always welcome in the realm of international law and international relations. Their criticisms are often met with skepticism and sometimes scorn.⁷¹ "[D]oorkeepers"

67. Morris, *supra* note 66, at 713.

68. *Id.*

69. *Id.*

70. SANDRA WHITWORTH, FEMINISM AND INTERNATIONAL RELATIONS: TOWARDS A POLITICAL ECONOMY OF GENDER IN INTERSTATE AND NON-GOVERNMENTAL INSTITUTIONS 75 (1994).

71. It is important to note that other types of critical international relations theories are also not readily accepted in the discipline of international relations.

determine what theories are deemed acceptable.⁷² When feminist theorists attempt to question the root cause of patriarchal power and problematize the state and other institutions, the doorkeepers quickly lock them out of the discipline.⁷³ Gender theorists' research is often times called into question and labeled as "illegitimate" or "peripheral." In the international law realm, women only make up a small part of those who write articles on international law and who hold international law faculty positions.⁷⁴ Moreover, women traditionally have not occupied high power positions in the United Nations, North Atlantic Treaty Organization (NATO), and other international organizations.⁷⁵

Some of the tenets of gender and international law and international relations theories, however, are not clearly defined. Many feminist criticisms are abstract observations that cannot easily be understood. For instance, the concept of the state as a masculinist actor must be further examined. Many times the state is actually feminized and referred to as "she" or "her." Feminists criticize this notion as well, because this feminine categorization assumes the nation is like a woman in need of male protection. Notably, however, this all too common depiction in international relations calls into question the masculinist character or identity of the state.

The criticisms of realism also deserve further reflection. Gender theorists contend that realism represents only a partial picture of the world, arguing that realism marginalizes the feminine and favors the masculine. Realism's preoccupation with power politics, independence, and control are not necessarily tantamount with privileging men over women. If gender theorists are correct in their assumption that realism devalues the feminine and therefore oppresses women, then gender theorists must adhere to the idea that the "feminine" is synonymous with "woman." They must also assume that women want to be valued for supposed feminine values and not human values. Power, control, and independence may have traditionally been understood as male characteristics, but envisioning them as human

72. Ronald Bleicker, *Forget IR Theory*, 22 ALTERNATIVES 78 (1997).

73. *Id.*

74. Rosa Ehrenreich Brooks, *Feminism and International Law: An Opportunity for Transformation*, 14 YALE J.L. & FEMINISM 345 (2002).

75. *Id.*

characteristics that everyone can possess should also be considered.

Some theorists believe no gender bias exists in international relations. Alastair Murray criticizes feminist scholars of international relations and argues that they have strained to create a bias that does not exist.⁷⁶ He argues that some gender scholars create their own fictitious world of international relations.⁷⁷ Murray contends that realism accurately encapsulates human nature and is not necessarily androcentric or profoundly masculinist. He also attacks feminist alternatives to realism because he believes that they paint cooperation as "female" and conflict as "male."⁷⁸ In this way, feminists replicate the binary gender categories they seek to criticize. Murray states that "[r]ealism's distinctive contribution thus lies in its attempt to drive a path between the two, a path which, in the process, suggests the basis on which some form of synthesis between rationalism and reflectivism might be achieved."⁷⁹ He argues that realism cannot be abandoned in favor of some feminist or other critical theoretical alternative.

Murray is not alone in his defense of the realist paradigm of international relations. Barry Buzan provides arguments in support of a realist interpretation of international relations. He argues that realism can be a powerful starting point for understanding international relations and for formulating more inclusive theories.⁸⁰ He posits that realism has proven to be both historically and contemporarily useful in understanding international relations.⁸¹ Buzan applauds realism, stating that:

No matter what the structure, or how differentiated the units, power politics, the logic of survival, and the dynamics of (in)security do seem to be universally relevant to international relations. At any period of history it is very hard to escape from the fact that the major powers do play the central role in defining

76. ALASTAIR MURRAY, *RECONSTRUCTING REALISM* 191 (1997).

77. *Id.*

78. *Id.* at 193.

79. *Id.* at 195.

80. Barry Buzan, *The Timeless Wisdom of Realism?*, in *INTERNATIONAL THEORY: POSITIVISM AND BEYOND* 63 (1996).

81. *Id.* at 47-50.

international political and economic order.⁸²

Buzan admits however that realism is not as relevant as it may have once been, although the adherence to power politics is still highly imbedded in the international system.⁸³ He also believes that realism must be used as a foundation for both the theory and practice of international relations.⁸⁴ He posits that new possibilities can emerge that go beyond power politics, but that using realism as a springboard is necessary to even be able to envision those alternatives.⁸⁵

Other theorists also warn about dismissing realism as a key theory in international relations. Stefano Guzzini argues that one must first understand realism in order to comprehend international relations. Guzzini claims that realism cannot be disregarded without having a concrete understanding of what realism has to offer to international relations. He states that “[r]ealism is a still necessary hermeneutical bridge to the understanding of world politics.”⁸⁶ Guzzini concedes that realism has weaknesses, but he does not believe that a total critique of realism is viable or preferable. Dismantling realism is not the vehicle by which to gain new insights into international politics.⁸⁷

Other theorists take issue with those gender scholars who view the state as an inherently problematic actor. Mona Harrington believes that that state can be used to achieve feminist goals. While Harrington does not view the state as entirely unproblematic, she advocates that, with some reforms, the state is a powerful agent of change.⁸⁸ Accordingly, she does not believe a wholesale rejection of the state is preferable.

82. *Id.* at 60.

83. *Id.* at 60-61.

84. *Id.* at 62-63.

85. *Id.*

86. STEFANO GUZZINI, REALISM IN INTERNATIONAL RELATIONS AND INTERNATIONAL POLITICAL ECONOMY: THE CONTINUING STORY OF A DEATH FORETOLD 235 (1998).

87. *Id.*

88. Mona Harrington, *What Exactly is Wrong with the Liberal State as an Agent of Change?*, in GENDERED STATES 68 (V. Spike Peterson ed., 1992). In general, liberal feminists believe that working within the state and reforming the state is the best option. See generally The National Organization for Women, www.now.org and the Feminist Majority Foundation, www.feminist.org.

John Hoffman also argues that engagement with the state is desirable to total critique of the state.⁸⁹ He posits that even though the state is a patriarchal institution, one who develops a theory to oppose the state may not necessarily be successful in dismantling patriarchy.⁹⁰ These authors conclude that working within the institution of the state has the power to ultimately transform the state.

There is not much consensus between the gender theorists and those who adhere to current approaches to international law and international relations. The biggest obstacle for gender theorists is the application of their theories. It would be valuable to determine how international relations or international law would operate if gender were taken into account. Gender theorists themselves have trouble formulating ways to apply their theories. Most scholars believe that the “add women and stir” approach generally fails.⁹¹ The notion that “bringing in” more women to the areas of international law and international relations can transform existing practices has not been met with much optimism.⁹² Theorists argue that adding women into existing frameworks fails to address the larger androcentric biases that exist. Many theorists criticize this approach, supporting their criticisms with allegations that the issues that gender scholars and practitioners want to address cannot be neatly incorporated in the current framework. Smith argues that:

The issues raised by feminism not only do not fit with the discipline, they disrupt the entire edifice of community and society upon which [international relations] and the other social sciences are built. Their foundations are so embedded in gendered identities, subjectivities, and therefore reified structures of common sense that they simply cannot be amended to take account of gender.⁹³

Hooper also concurs with Smith’s conclusions. She posits that “grafting the gender variable” onto a highly masculinized

89. HOFFMAN, *supra* note 4, at 129.

90. *Id.*

91. STEANS, *supra* note 1, at 161.

92. *Id.*

93. Smith, *supra* note 57, at 60.

framework is doomed for failure.⁹⁴ She believes that adding gender to a checklist will not change the power dynamic that exists in international law and international relations.⁹⁵ In the same manner, public international law is often preoccupied with issues of conflict, state sovereignty and use of force.⁹⁶ When gender is discussed in international law, it is usually relegated to the human rights law sphere.⁹⁷

If the consensus of feminist theorists is that more radical approaches are necessary to change the gender bias that exists, then theorists must formulate other alternatives to make the change in gender bias a feasible option. However, if the proponents of the status quo are even partially correct, then the feminist criticisms become even more difficult to implement. The question then becomes whether it is even desirable to wholly reject state-centrism as a masculinist androcentric paradigm.

One must formulate a middle ground that accounts for gender criticisms, yet also recognizes that current frameworks will not magically dissolve. However, such a formulation runs contrary to many of the gender theorist's complaints. Namely, gender theorists do not want gender to be merely added into international law and international relations. Instead, there must be a starting point from which to work. Gender theorists are likely correct that current international law and international relations in theory and practice is gender biased. However, those same theorists supporting some form of realism also have persuasive arguments. If neither side in the debate is willing to compromise, this means that the status quo theories will remain in place.

Because patriarchy is embedded within society, it is no surprise that the theory and practice of both international law and international relations is also patriarchal.⁹⁸ Total critique, however, presents no method by which to challenge current hegemonic practices. Feminist scholars have yet to provide a coherent way in which total critique can be applied to change the nature of international law and international relations. Some

94. Charolette Hooper, *Masculinities, IR and the "Gender Variable"*, 25 *REV. OF INT'L STUD.* 475 (1999).

95. *Id.* at 475-76.

96. Charlesworth, *supra* note 46, at 614.

97. Hernandez-Truyol, *supra* note 46, at 611.

98. See HOFFMAN, *supra* note 4, at 129.

feminist scholars are optimistic for the possibility of changing the way the current system is structured. For example, Whitworth believes that “[s]ites of resistance are always available to those who oppose the status quo.”⁹⁹ Enloe suggests that since the world of international politics has been made it can also be remade.¹⁰⁰ She posits that every time a woman speaks out about how the government controls her, new theories are being made.¹⁰¹

All of these theorists highlight the manner in which gender criticisms can destabilize traditional theories. They provide no mechanism, however, for the actual implementation of their theories into practice. While in the abstract, resistance to hegemonic paradigms seems like a promising concept, gender theorists have made no attempt to make their resistance culminate in meaningful change. The notion of *rethinking* traditional approaches to international law and international relations does not go far enough in prescribing an alternative theoretical basis for understanding the international arena. Enloe’s plea for women to speak out about international politics does not go nearly far enough in explaining how those acts could have the potential to actually change the practice of international relations. Either women are already speaking out now, and their voices alone are not an effective mechanism to challenge the system, or women are not even speaking out about world politics currently. Obviously it is absurd to assume that women remain silent about world politics. If that is the case, then one must question women’s ability to speak up, challenge, and change the system.

Tickner forwards the idea that until women occupy half of the positions in foreign and military policy-making, nothing will change.¹⁰² She contends that mediators and care-givers must be valued just as greatly as presidents and warriors.¹⁰³ Tickner concludes with the notion that none of this is possible in the current international relations framework, and that as long as gender hierarchies are in place that oppress women the

99. WHITWORTH, *supra* note 70, at 159.

100. ENLOE, *supra* note 59, at 17.

101. *Id.* at 201.

102. TICKNER, *supra* note 37, at 141.

103. *Id.*

problematic international relations traditions will continue.¹⁰⁴

Tickner's last point that deserves further reflection is the notion that international law and international relations will not become free from gender bias as long as we live in a gendered world. This is not to say that small steps are ineffective, but rather that international law and international relations are merely a small part of the larger systemic problem of unequal gender relations. While it is desirable that more women occupy foreign and military policy making positions, this "desire" does not necessarily transform the way international law and international relations work. To allege that this is the case assumes that women have an essential character that can transform the system. This of course is contrary to the very arguments that most gender theorists forward, because it would mean that women have some unique "feminine" perspective.

What is needed then is a release from the sole preoccupation on women and men. The state's masculinist nature that gender theorists critique affects everyone in society. Moving beyond the "add and stir" approach is quite difficult, but there must be a starting point from which gender theorists can work.¹⁰⁵ If everything is problematized, paralysis will inevitably occur. Working within the current framework is truly the only option to bring about change. Lofty abstract criticisms will do nothing to change the practices of international law and international relations. Pragmatic feminist criticisms of international law and international relations, however, should be further developed.

Even advocates of realist thought will admit that realism is neither the most accurate nor the only way to view the world.¹⁰⁶ The changing dynamics of world politics make formulating new ways of understanding international relations quite pertinent. Keeping some semblance of realism in tact, while at the same time opening up space for theorizing about other possibilities, is necessary. Critics are quick to note that realism cannot be easily abandoned without some sort of alternative framework. Casting aside realism now, even given the concerns of gender scholars, is not the most promising option. Wayman and Diehl note that

104. *Id.* at 141-42.

105. STEANS, *supra* note 1, at 161.

106. GUZZINI, *supra* note 86, at 235.

“[t]he abandonment of realism leaves a void, which in the short to medium term is at least as much of a dead end as would be the result of following realism.”¹⁰⁷ New possibilities can be envisioned while still adhering to some of the realist ideologies. Wayman and Diehl describe realism as a detour and not a definitive road map.¹⁰⁸ Thus, theorists must admit that realism is *not* the only way or the correct way to view international law and international relations, but it cannot be totally abandoned.

Even given all of the criticisms of feminist theories, there must be space, however, for feminist theorization. A pragmatic approach should not dismiss the benefits of theorizing. Discussions and debates on feminism and international law and relations are extremely important.

Yet even where feminist discourses lack the social power to realize their versions of knowledge in institutional practices, they can offer the discursive space from which the individual can resist dominant subject positions. . . . Resistance to the dominant at the level of the individual subject is the first stage in the production of alternative forms of knowledge, or, where such alternatives already exist, of winning individuals over to these discourses and gradually increasing their social power.¹⁰⁹

Therefore, feminist theorizing is a meaningful first step in the right direction to bring about change and sites of resistance. A pragmatic feminist approach would then take this theorizing to the next level to bring about real change.

CONCLUSION

Feminist theorization about international law and international relations is still underrepresented in the literature. While there are many difficulties in applying the feminist framework, the theories have great potential to transform the landscape of international law and international relations. Recognizing the overlap between the criticisms is an important

107. FRANK WAYMAN & PAUL DIEHL, *RECONSTRUCTING REALPOLITIK* 263 (1994).

108. *Id.*

109. CHRIS WEEDON, *FEMINIST PRACTICE & POSTSTRUCTURALIST THEORY* 107-08 (2d ed. 1997).

endeavor as international law and international relations do not operate in a vacuum. While realism is far from the perfect theory, it can be used in the short term as a “coping vocabulary” until more appropriate theories are formulated.¹¹⁰ Trying to create a grand theory that encapsulates the entire system is difficult. Gender scholars can and should continue to theorize about non-state actor approaches to international law and international relations. Their visions elucidate the unequal power relations that exist on a world scale. Feminist theories also elucidate the preoccupation with certain defined categories of analysis such as the state, sovereignty and security. Putting gender theories into practice is quite difficult, but the formulations of new frameworks and modes of analysis are promising. Working on new strategies to deal with the problems presented by the current system should be an important priority for the feminist legal scholar.

110. MARK NEUFELD, *THE RESTRUCTURING OF INTERNATIONAL RELATIONS THEORY* 51 (1995).