

History, Theory and Doctrine in IL
– *Towards an Asian IL (Asian Perspectives)*

‘Gender and International Law’

Women and International Law

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Guidelines I was given for comments

1. **Why** is gender important to the teaching of international law?

- Women have been notoriously excluded from histories of international law
- There are so many aspects of international law which engage with the predicament and status of women, either explicitly or implicitly.

2. **How** can gender be incorporated into the teaching of international law?

+ Can there be an 'Asian perspective' on this issue?

WHY?

What is the story we tell, with half a history?

What is the theory, that ignores parts of reality?

- From my 'Think Piece' for TRILA

HOW?

Learning and Teaching (+ policy-making +activism?)

KEEPING IN MIND –

the creation, development and acknowledgement of Non-Western and specifically Asian scholarship and contribution to international law

Outline of My Comments

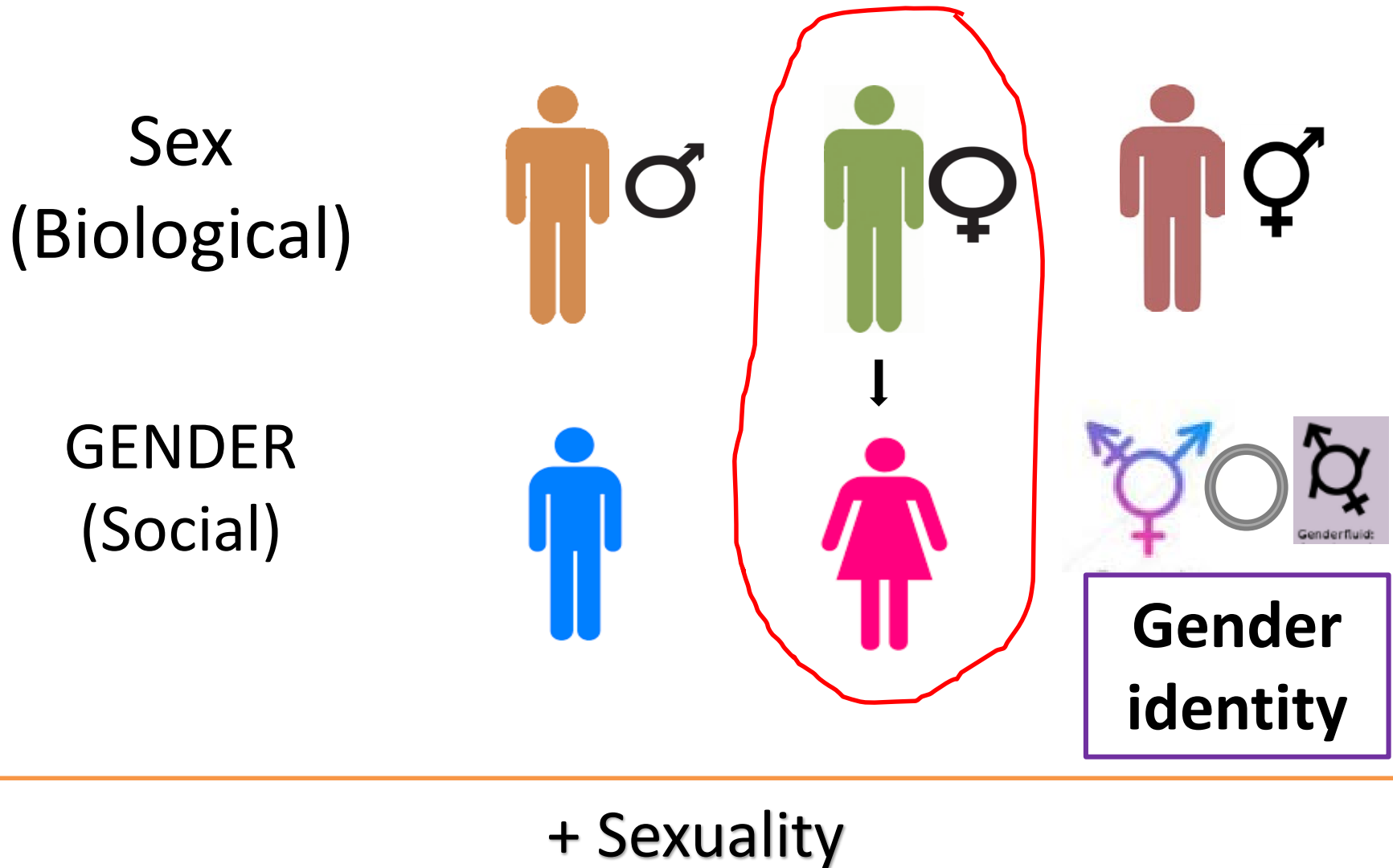
- Language and Power – Discourse
- Women & ‘Gender perspectives’
- Silence/Voices/Stories
- Theory – feminism
- Teaching Goals & Tools
- Progression - Regression
- Multiplicity/Plurality – Chaos-Clarity
- Intersectionality
- Understanding: Power - Empire
- Feminist/TWAIL approaches – commonalities
- ‘Asian perspectives’ – wings or cage?

Language and Power – Discourse

'...discourse is not simply that which translates struggles or systems of domination, but the thing for which and by which there is struggle; discourse is the power which is to be seized.'

- Foucault, M., in Michael Shapiro Ed., Language and Politics, NYU Press, 1984, p110.

‘Gender’ Perspectives? “Women and International Law”?





John Stuart Mill *and Harriet Taylor Mill*

"I deny that any one knows or can know, the nature of the two sexes, as long as they have only been seen in their present relation to one another. **Until conditions of equality exist, no one can possibly assess the natural differences between women and men, distorted as they have been.** What is natural to the two sexes can only be found out by allowing both to develop and use their faculties freely."

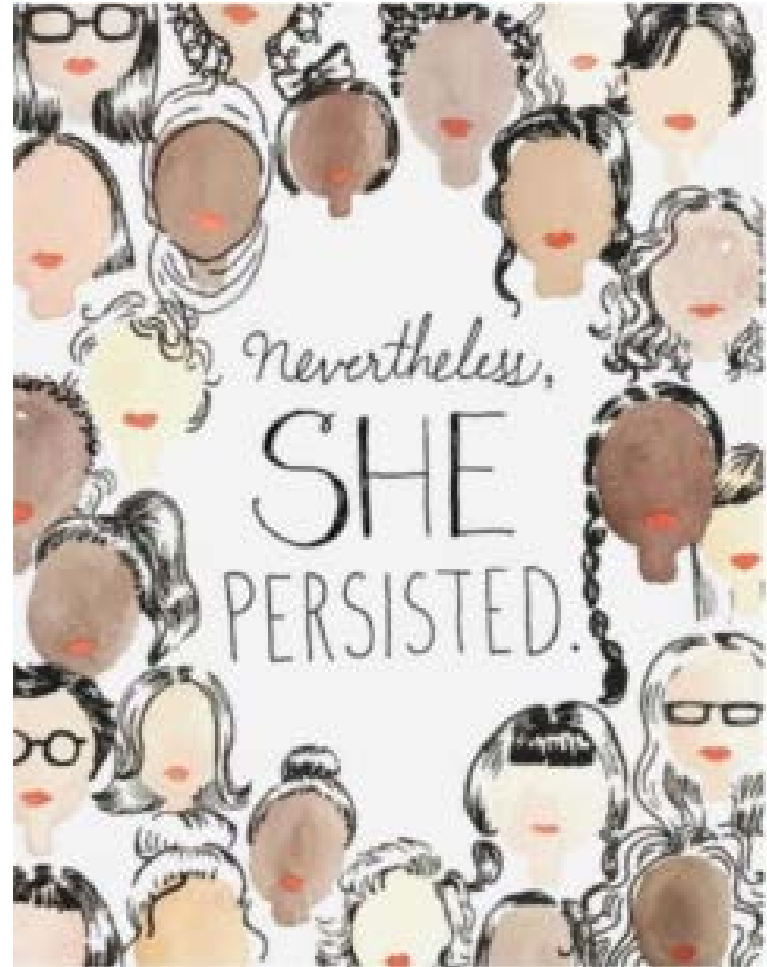
- *On the Subjection of Women*, Chapter I
John Stuart Mill, 1869.



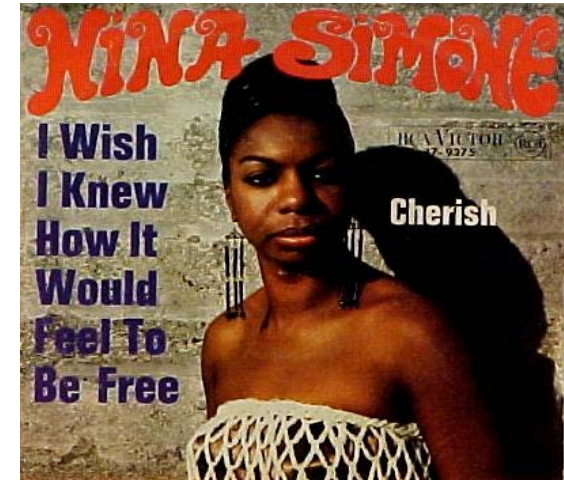
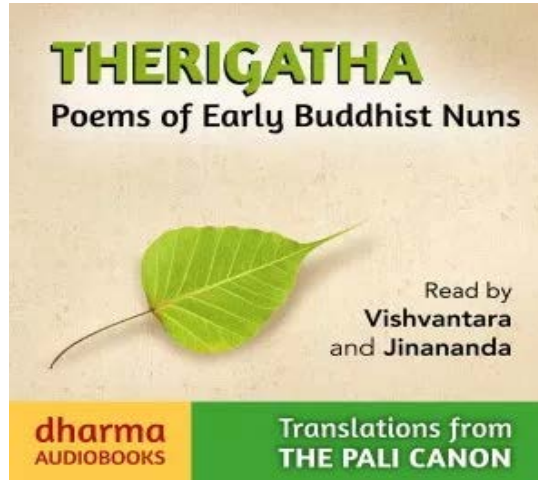
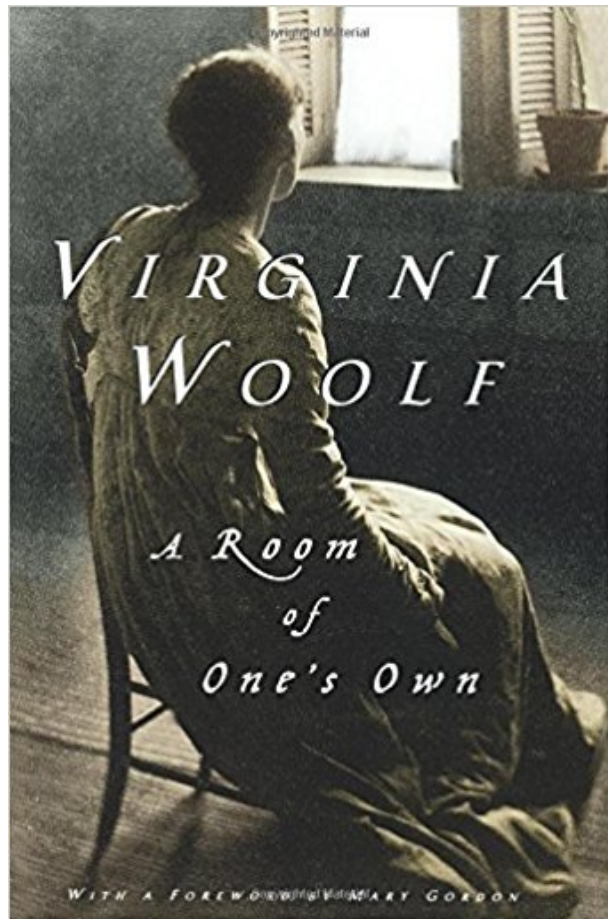
Women

(learning and teaching about,)

- Status
- Predicament
- Exclusion
- Silences
- Voices
- Being heard
- Language
- Rights & Protections
- Law
- International Law
- Action
- Change



Silenced – Speaking out – Learning → Art, Music and Lit Teaching Tools



Silence → Academic Voices

To Do =

Searching out

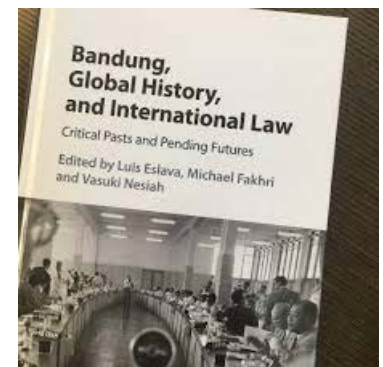
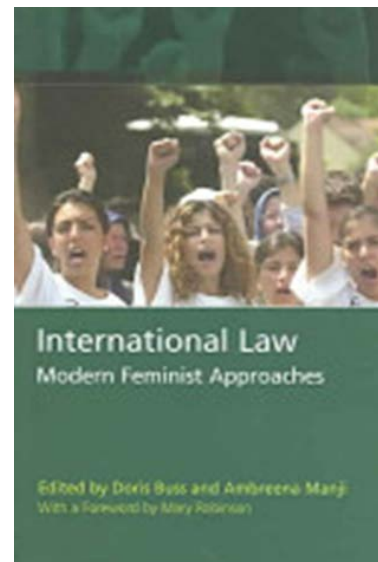
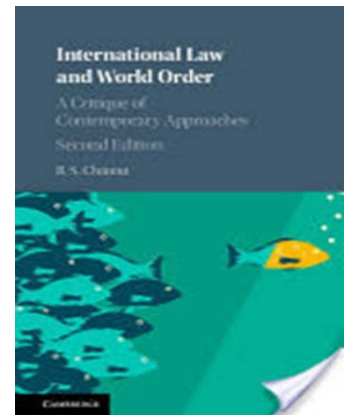
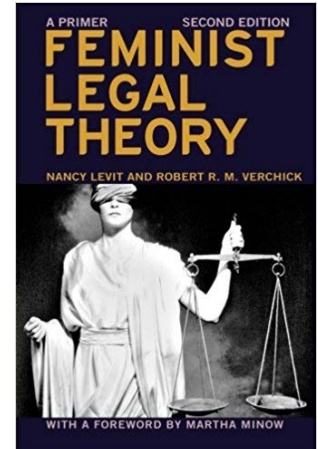
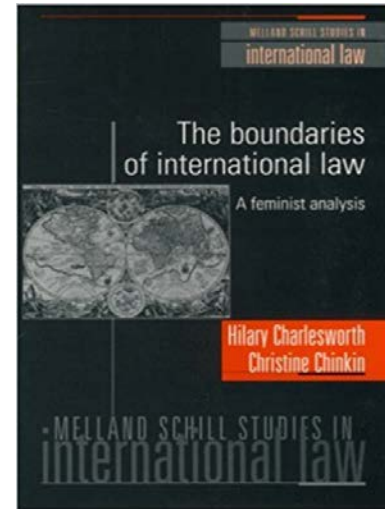
- facts
- perspectives,
- experiences of women

(what is)

and discussing

- existing literature and
- what could be said about

What is & What ought to be





‘Women’ – exclusion, status, etc →

***What is the theoretical basis for discussing
‘what is’ and ‘what ought to be’? –***

- ✓ Identifying and applying this basis.
- ✓ Including TWAIL also?

Understanding

**Patriarchy - Misogyny - Feminism
+ masculinity studies +TWAIL**

Feminist approaches and analysis

teaching and learning

- The need for a basic understanding of feminist theory/-ies and feminist legal theory ✓
- Identifying key authors/texts.
- Collecting recommended readings on feminist approaches to international law.
- Deciding on teaching methods and assessment.
- Research and writing – both as teachers and learners - and mentoring.

Identifying and Developing University resources, Centers, databases, web resources.

- University of Minnesota, Human rights Library – **Women’s Human Rights, Links:**
<http://hrlibrary.umn.edu/links/women.html>
- University of Chicago - **Women in International Law: Research Resources**
<https://www2.lib.uchicago.edu/~llou/women.html>

Using Web Resources and Social Media *effectively* for teaching and learning



'DIAL DOWN THE FEMINISM'

COMPLICIT IN MY OWN
DEHUMANISATION



RAGING FEMINIST



AlexBertulisFernande

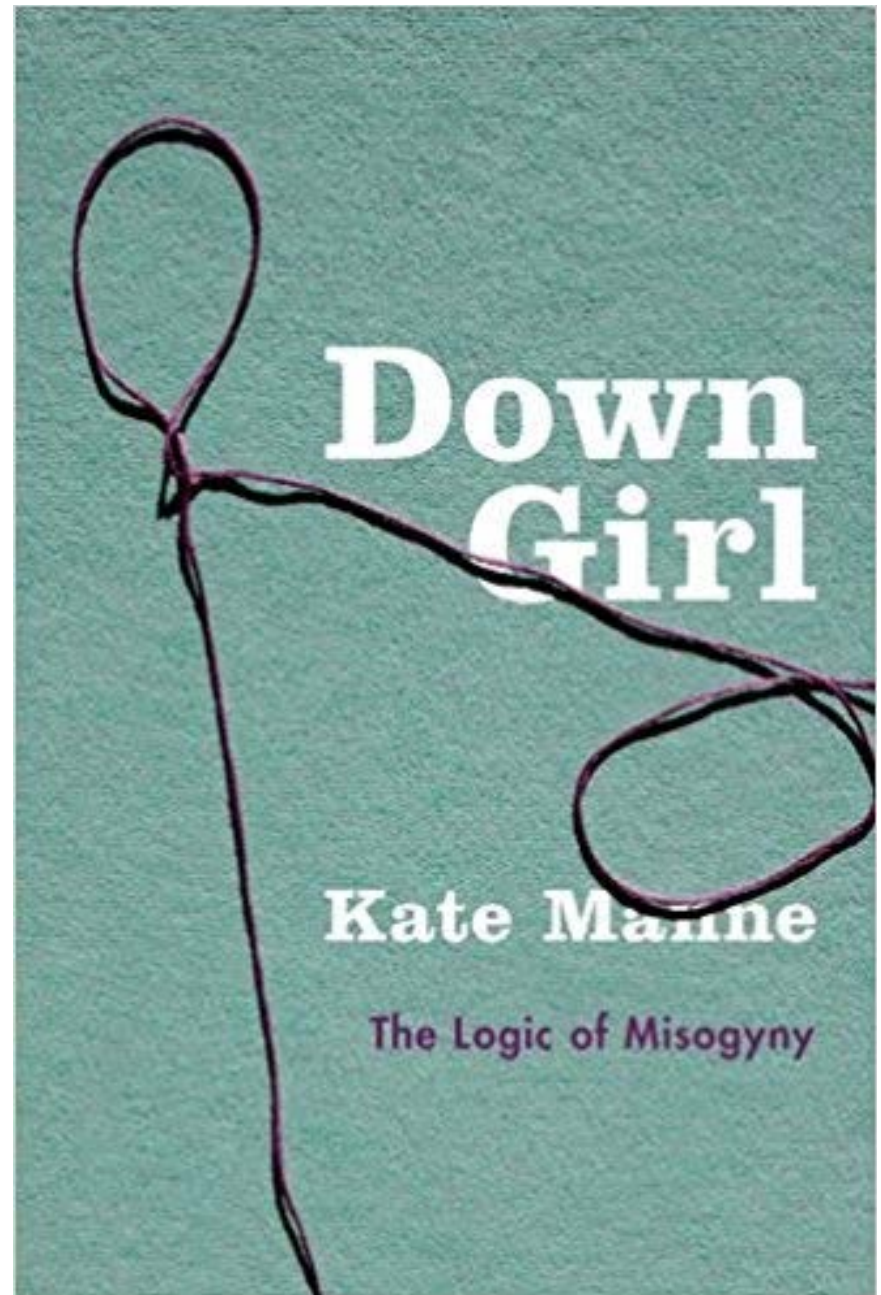
@alexbertanades



Last week one of my art teachers suggested I 'dial down the feminism.' Today I showed him my newest piece:

2:17 PM - Feb 7, 2018

♡ 349K 💬 96.7K people are talking about this



The 'F' Word & Feminism Re-branded



www.theguardian.com

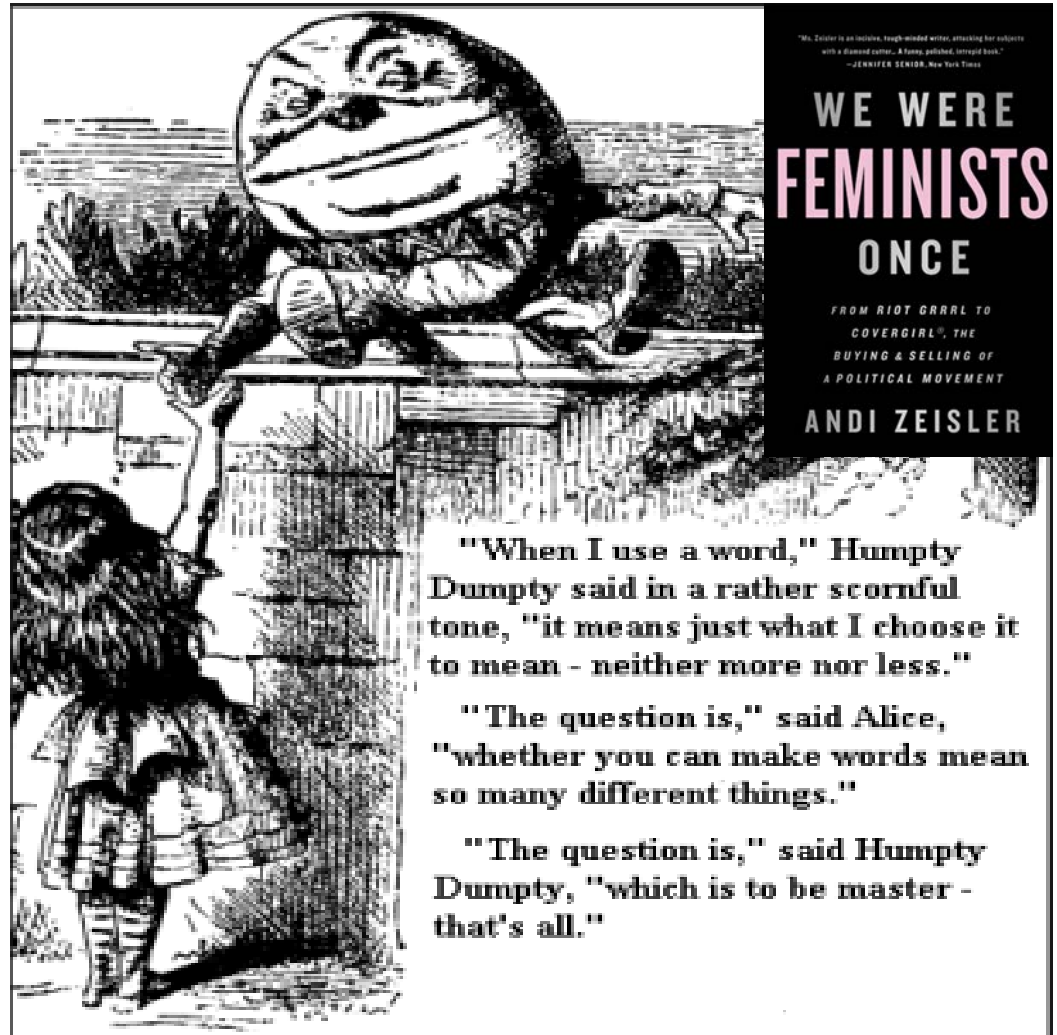
'Corporate feminism' oppresses women. Here's how | Opinion | The Guardian



Multiplicity of meanings for 'Woman'

Plurality of 'Feminism's'

- *Radical,*
- *Socialist,*
- *Independent /State*
- *Post-Colonial,*
- *3rd World,*
- *Liberal,*
- *Neo-liberal*
- *Corporate*



"When I use a word," Humpty Dumpty said in a rather scornful tone, "it means just what I choose it to mean - neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master - that's all."



Feminism and Empire?

A complex relationship

“All feminists are students in one way or another. We have to study the world in order to transform it.” ...

“We need to understand how feminism was historically used, and is thus usable, as an imperial project, ... We still witness all around us how feminism is narrated as an imperial project.”

- *Sara Ahmed: Notes from a Feminist Killjoy*
by Nishta J. Mehra

<https://www.guernicamag.com/sara-ahmed-the-personal-is-institutional/>

“Intersectionality”

Term introduced in:
Kimberle Crenshaw,
*"Demarginalizing the
Intersection of Race and Sex:
A Black Feminist Critique of
Antidiscrimination Doctrine,
Feminist Theory and
Antiracist Politics,"*
University of Chicago Legal
Forum: Vol. 1989: Iss. 1,
Article 8.



“Intersectionality is a lens through which you can see where **power** comes and collides, where it interlocks and intersects.”*

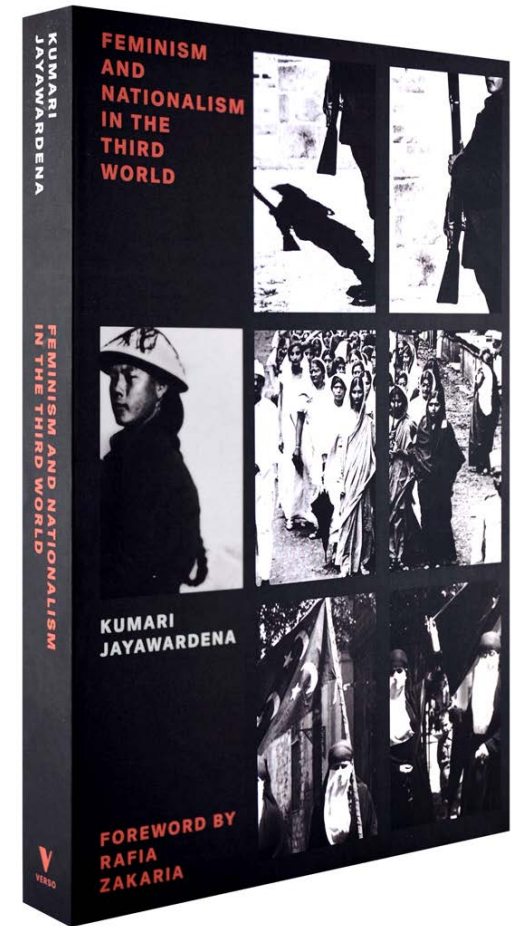
'Feminism + Third World Perspectives,

Kumari Jayawardena



Feminism and Nationalism in the Third World 1-24 (Zed Books Ltd, 1986), **republished, as one of Verso's feminist classics, 2017.**

"A founding text of transnational feminism".





Kumari Jayawardene on Feminism in the 3rd World

- Crenshaw cites her - “ Jayawardena states that feminism in the Third World has been “accepted” only within the central struggle against international domination. Women's social and political status has improved most when advancement is necessary to the broader struggle against imperialism.”
- Jayawardene herself in a 2017 interview said that her book was concerned with 2 things:
 1. To “challenge the prevalent idea that feminist ideology was a Western import, an argument that conservative sections in the non-western world used to suppress and delegitimize women’s struggles”
 2. To “challenge the Left from within for its apparent indifference to the women’s question”.

Being Seen and Heard

Gayatri Chakravorty
Spivak,

Can the subaltern speak?
(1988)



See further –

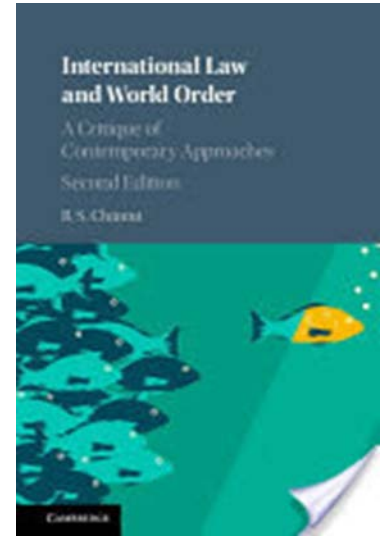
Rosalind Morris Ed., ***Can the Subaltern Speak?: Reflections on the History of an Idea***, Columbia University Press (2010)

“Between patriarchy and imperialism, subject-constitution and object-formation, **the figure of the woman disappears**, not into a pristine nothingness, but into a violent shuttling which is **the displaced figuration of the ‘third-world woman’ caught between tradition and modernization.**”

TWAIL and Feminism

Commonalities

- Both are “bodies of theory about power”, systems of hierarchy, privileging interests of some over disadvantaged ‘others’. **(Theory)**
- Both aim to “better understand how hierarchical systems of power reproduce themselves, and thus to find ways to contest and transform them” **(Goals)**
- “In the field of international law, both feminists and TWAILers are deeply committed to understanding more about **how law serves elite interests, in the hope that we will come to a more effective understanding of laws’ emancipatory potential and how we might assist its realization.**



Dianne Otto, *The Gastronomics of TWAILS Feminist flavourings: Some Lunch Time Offerings*, 9 (2007) International Community Law review, pp345-352 at pp347-348.

Asian Perspectives – Cage or Wings?

Cultural relativism? Asian Values?

- The importance of social cohesion and community values – the good and the bad of this view – the use of ‘traditional values’ to maintain oppression, **especially the oppression of women. [cage?]**
- I think our responsibility is to identify, learn and teach the both negative and positive cultural aspects of our societies and to be culturally sensitive—*but not culturally relative* [wings?]

Harriet Taylor Mill,

The Enfranchisement of Women, 1851

ENFRANCHISEMENT OF WOMEN:

BY MRS. JOHN STUART MILL.

REPRINTED FROM THE

"WESTMINSTER AND FOREIGN QUARTERLY REVIEW,"

FOR JULY, 1851.

PRINCIPAL DEMANDS IN THE ESSAY:

Education in primary, High school, University, medical, legal and theological institutions

Partnership in the labours, gains, risks and remunerations of productive industry

A coequal share in the formation and administration of laws – municipal, state and national – through legislative assemblies, courts and executive offices.

Women are half of humanity

Have we included or excluded or just not sufficiently thought about women and feminism in our learning and teaching of international law history, theory and doctrine?

Can Asian perspectives contribute to greater social and legal dignity and respect for women?

Lets Keep Learning!