

## A Roundtable Conversation

Abdelkarim, Shaimaa; Ghadery, Farnush; Sen, Rohini; holzer, lena

DOI:

[10.1080/13200968.2023.2213055](https://doi.org/10.1080/13200968.2023.2213055)

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*Document Version*

Publisher's PDF, also known as Version of record

*Citation for published version (Harvard):*

Abdelkarim, S, Ghadery, F, Sen, R & holzer, L 2023, 'A Roundtable Conversation: Feminist Collaborative Ethos in International Law', *Australian Feminist Law Journal*, vol. 49, no. 1, pp. 123-139.  
<https://doi.org/10.1080/13200968.2023.2213055>

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# Australian Feminist Law Journal

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/rfem20>

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To cite this article: Shaimaa Abdelkarim, Farnush Ghadery, Rohini Sen & Lena Holzer (2023): A Roundtable Conversation: Feminist Collaborative Ethos in International Law, Australian Feminist Law Journal, DOI: [10.1080/13200968.2023.2213055](https://doi.org/10.1080/13200968.2023.2213055)

To link to this article: <https://doi.org/10.1080/13200968.2023.2213055>



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## A Roundtable Conversation: Feminist Collaborative Ethos in International Law

Shaimaa Abdelkarim <sup>a</sup>, Farnush Ghadery <sup>b</sup>, Rohini Sen <sup>c,d</sup> and Lena Holzer<sup>e</sup>

<sup>a</sup>School of Law, University of Birmingham, Birmingham, UK; <sup>b</sup>School of Law and Social Sciences, London South Bank University, London, UK; <sup>c</sup>Jindal Global Law School, O.P Jindal Global University, Sonapat, India; <sup>d</sup>School of Law, University of Warwick, Warwick, UK; <sup>e</sup>Goldsmiths, University of London, London, UK

### ABSTRACT


This roundtable discussion focuses on the collective commitment and the praxis of a feminist collaborative ethos in international law to imagine and centre alternative futures in the field. This discussion took place as part of the virtual workshop ‘International Law Dis/Oriented: Queer Legacies, and Queer Futures Workshop’ from which this special issue emerged. In this transcript of the roundtable, Shaimaa Abdelkarim, Farnush Ghadery, and Rohini Sen discuss with Lena Holzer how turning to feminist collectivity – focused on care, collaboration, and solidarity – can help to disrupt and push against gendered, racialised, and colonial power structures embedded in academic spaces. They examine their intertwined positionalities along with various pedagogical and methodological approaches to determine the functions of critical feminist and queer thoughts in international law. Inculcating a praxis of feminist collaborative ethos in the scholarship and teaching of international law, they hope to present a challenge to the artificial individualisation of the profession and its increasing neoliberalisation.

**KEYWORDS** Feminist collaborative ethos; queer and feminist collective; TWAIL feminisms; critical pedagogy and praxis

This is an edited transcription of a roundtable discussion that took place between the four authors of this piece in the context of the workshop ‘International Law Dis/Oriented: Queer Legacies, and Queer Futures Workshop’ in October 2021.

### Lena Holzer (chair):

Thank you for participating in this roundtable conversation on the praxis of a feminist collaborative ethos in international law.<sup>1</sup> Let me begin by explaining

**CONTACT** Shaimaa Abdelkarim  s.abdelkarim@bham.ac.uk

<sup>1</sup>This abridged version of the roundtable discussion has been edited for publication purposes. Due to lack of space, the audience Q&A session has been supplanted with a summary on the trajectory of the Feminist TWAIL Collective that answers to the audience’s questions.

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how this conversation came about as part of the workshop 'International Law Dis/Oriented: Queer Legacies, and Queer Futures Workshop' (thereafter: Virtual Queer Workshop), which led to the emergence of this special issue. During the organisation of the workshop, I came across your article 'Collaborative Praxis: Unbinding Neoliberal Tethers of Academia' published in the *Feminista Journal* in 2021.<sup>2</sup> In this article, you explained your efforts to write collectively as 'a practice of resistance through connecting struggles, while working against homogeneity and naturalised racial and gendering modalities of relating to each other.'<sup>3</sup> You spoke of feminist ethos as a 'lived conduct' that encapsulates an 'everyday praxis of relationship making and care through emotional labour'.<sup>4</sup> I was impressed by your clear articulation of the neoliberal conditions that avert collectivity in legal academia by institutionalising individualistic conceptions of scholarship as well as racialised and gendered hierarchies. The piece resonated with the conversations that we, as organisers of the Virtual Queer Workshop and later guest editors of this special issue, have had in our own efforts to 'queering' the scripts of international law academia. For example, our discussions have often centred around the dilemmas that we face as early career researchers who want to actively practice a politics of care in our interactions with each other, workshop participants and contributors of this special issue, while experiencing the productivist expectations by the current neoliberal academia.

The present roundtable discussion is an opportunity to learn more about your thinking and praxis of subverting gendered, racialised, and colonial hierarchies in international legal scholarship and beyond through various pedagogical and methodological approaches. The question of how positionality affects orientations and disorientations in the space of international law will be at the forefront of this conversation. This will further provide an opportunity to discuss the processes through which you have started to reflect together on a feminist collaborative ethos in international law and your future endeavours in this regard. These conversations and reflections will contribute to the conference as well as the following special issue's aim to present various ways to spark and centre 'queerer' futures of international law, which break with established structures of inequality, while grappling with the remanence of the discipline's unequal origins, such as colonialism and heteropatriarchy.<sup>5</sup>

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<sup>2</sup>Farnush Ghadery, Shaimaa Abdelkarim and Rohini Sen, 'Collaborative Praxis: Unbinding Neoliberal Tethers of Academia' (2021) *Feminista Journal* <<https://feministajournal.com/collaborative-praxis-unbinding-neoliberal-tethers-of-academia/>> accessed 1 March 2023.

<sup>3</sup>ibid.

<sup>4</sup>ibid.

<sup>5</sup>Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge University Press 2005); Dianne Otto, 'International Human Rights Law: Towards Rethinking Sex/Gender Dualism' in Vanessa Munro and Margaret Davies (eds), *The Ashgate Research Companion to Feminist Legal Theory* (Routledge 2013).

**To begin our conversation, I am interested in how your Collective came about and what has changed for you since its inception?**

**Shaimaa Abdelkarim:**

Farnush, Rohini and I were in conversation together and brainstorming about launching – what is now called – the Feminist TWAIL Collective when I was approached by one of the editors in *Feminista Journal* to write a piece on feminism and TWAIL.<sup>6</sup> We thought that it was a great opportunity to start thinking of situating critical feminism in and beyond the broader neoliberal academic world. We were not restricted by a genre of writing, as the *Feminista* platform attracts a non-specialised audience. Our Collective really emerged from the organic conversations we were having on the intersections and diverse aspects of our work, as well as discussions on and analysis of our positionality within academic institutions as ‘outsider(s)-within’ the teaching and research processes.

The main thing that changed for me as a result of being part of this Collective is having the space to practise critical feminist ethos and be grounded in praxis. Critical and black feminist literature has always been methodologically rich in terms of analysing the impact of race, class, and gender on the research process.<sup>7</sup> It also showcases how theory and practice are not separate realms. For example, conversations and storytelling in black and queer feminist methodologies have been instrumental in highlighting marginalised experiences. As methodologies, they enable ‘the transformation of silence into language and action’.<sup>8</sup> For me, our organic conversations form a critical feminist methodology that highlights our narrative and experiences and provides us the opportunity to articulate and account for them in the

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<sup>6</sup>Third World Approaches to International Law (TWAIL) can be understood as: (1) a network of scholars and researchers who ground their work in the context of the Third World; (2) a methodology that highlights historical approaches to the understanding of the role of law; and (3) a political commitment to anticolonial struggles in their multiple forms. Luis Eslava, ‘TWAIL Coordinates’ (*Critical Legal Thinking Blog*, 2 April 2019) <https://criticallegalthinking.com/2019/04/02/twail-coordinates/> accessed 3 May 2023; Makau Mutua and Antony Anghie, ‘“What Is TWAIL?” Proceedings of the Annual Meeting’ (2000) 94 *American Society of International Law* 31; James Gathii, ‘The Agenda of Third World Approaches to International Law (TWAIL)’, in J. Dunoff & M. Pollack sds, *International Legal Theory: Foundations and Frontiers* (Cambridge University Press 2022) 153; B.S. Chimni ‘Third World Approaches to International Law: A Manifesto’ (2006) *International Community Law Review* 3.

<sup>7</sup>For shifting narratives through storytelling and centring black women’s experiences see: Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment* (Routledge 2000) 34. For an intersectional and interconnect mode of analysis see: Kimberlee Crenshaw, ‘Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics?’ (1989) *The University of Chicago Legal Forum* 139; Surya Nayak, *Race, Gender and The Activism of Black Feminist Theory: Working with Audre Lorde* (Routledge 2015). For a method on colonial archives as ‘confronting futures’, see Anne L Stoler, *Along the Archival Grain Epistemic Anxieties and Colonial Common Sense* (Princeton University Press 2008). For use of literary sources to unearth the space that black women occupy, see Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (Macmillan 2008). For queer self-reflexive methodologies, see Kath Browne and Catherine J. Nash, eds. *Queer Methods and Methodologies: Intersecting Queer Theories and Social Science Research* (Routledge 2010) 1-23.

<sup>8</sup>Audre Lorde, *Sister Outsider: Essays and Speeches* (The Crossing Press 1984) 40-44.

international legal research community. Having these organic conversations teaches us the importance of space-making practices and the benefit of giving time and energy to flow and resonate and letting go of the desire to solidify everything in a research output. Such conversations shift the episteme in which we enter the international legal field.<sup>9</sup> Speaking to each other arises from the desire to reconnect with and acknowledge the recurring experiences we have that are often invalidated in the production of international legal knowledge.

### **Rohini Sen:**

The three of us met at a TWAIL conference. We then got together to do an edition of the Critical Approaches to International Law (CAIL) conference and started working and writing collectively. There is a strong tradition of collectives and collective authorship in feminist histories.<sup>10</sup> Writing the article for the *Feminista Journal* together was a way to carry forward the comradeship that we had formed and it allowed us to produce something together as three feminists who have diverse experiences in academia and inhabit different locations. In the course of writing the paper, we came up with the idea of forming our own Feminist TWAIL Collective to better articulate things we experience and engage with, and as a way of practising solidarity and forming community.

What has changed for me since we formed the Collective is that I do not see myself as an individual working alongside other individuals in academia where the academe becomes an 'individualistic representation of the space'.<sup>11</sup> One of the things that we talk about as a Collective is the institutional demand of individual labour in academia. While academia is an extended community, the scholar is constantly foregrounded as a single unit of research and teaching, and the ecosystem around them that influences their work is often ignored. But as a Collective, we envision everything as part of a community. Now, it is easier for me to lean on others, and I am less anxious about having to do everything by myself; I think more in terms of working collaboratively. This allows me to broaden my imagination about

<sup>9</sup>Jewel Amoah, 'Narrative: The Road to Black Feminist Theory' (1997) 12 *Berkeley Women's Law Journal* 84; Ann Genovese, *Feminist Jurisography: Law, History, Writing* (Routledge 2022).

<sup>10</sup>Janice Doane and Devon Hodges, 'Writing from the Trenches: Women's Work and Collaborative Writing' (1995) 14(1) *Tulsa Studies in Women's Literature* 51; Mounia El Kotni, Lydia Z. Dixon, and Veronica Miranda, 'Co-authorship as Feminist Writing and Practice,' (2020) *Member Voices*, <<https://culanth.org/fieldsights/series/co-authorship-as-feminist-writing-and-practice-1>> accessed 1 March 2023. For instance, the South Asian Womxn's Creative Collective (SAWCC) showcases cutting-edge work by South Asian women that deals with issues of gender and cultural representation. Created in 1997, they present the creative work of South Asian womxn in multiple disciplines through salons, talks, workshops, readings, screenings, performances, and exhibitions; The statement of the Combahee River Collective (1977) <[https://americanstudies.yale.edu/sites/default/files/files/Keyword%20Coalition\\_Readings.pdf](https://americanstudies.yale.edu/sites/default/files/files/Keyword%20Coalition_Readings.pdf)> accessed 1 March 2023; Matrix, *Making Space Women and the Man Made Environment* (Pluto Press Limited 1984); Sara Ruddick and Pamela Daniels (eds), *Working It out: 23 Women Writers, Artists, Scientists, and Scholars Talk about Their Lives and Work* (Pantheon Books 1977); Richa Nagar, *Muddying the Waters* (University of Illinois Press 2014).

<sup>11</sup>Oishik Sircar, *Violent Modernities: Cultural Lives of Law in New India* (Oxford University Press 2021) 210-253.

my work and gives me impetus to think of changing the landscape of academia to the extent possible. Collaborative praxis can create room for different kinds of people doing different types of work and moves us beyond having to aspire to one single version of what constitutes academic success.

I can give you a recent example about some of the academic expectations that create exclusions. We were looking into potential grants, but the eligibility criteria often excluded people who have a tenured position whilst being enrolled in a PhD programme. These systemic limitations reflect the expectation that your PhD must happen at a certain time in your academic career and that there is a linear trajectory to follow OR that a PhD is mandatory to assess academic potential. The imagination of who is a scholar and what scholarship is remains, in this context, quite limited. In addition to these challenges, there is the persistent question of academia being gendered. We talk about these things in the Collective and imagine as well as actualise ways of subverting them.

**Farnush Ghadery:**

Unfortunately, academia, and with it the site of the university, has been unable to escape neoliberalisation.<sup>12</sup> We know that the phenomenon of 'neoliberalisation' is no longer limited to the economic sphere but that its free-market mentality has been extended to more areas of life, from politics to society. Indeed, as Wendy Brown observes, neoliberalism has become its own 'political rationality', which means that it has been disseminating its ideology to a wider array of institutions,<sup>13</sup> including those in higher education.

We see in our environments that academic institutions are increasingly run like businesses. In this context, not only has the role of academics changed but issues of social justice have also taken a backseat. I am unable to go through all the different ways in which neoliberalism has affected our work at the university as scholars and educators in the limited time we have, but it includes the individualisation of academia, as referred to by Rohini, the diminishing of radical critique (including feminist critique),<sup>14</sup> and the transformation of scholarship into mass production.<sup>15</sup> Higher education policies

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<sup>12</sup>Jamie Peck and Adam Tickell, 'Neoliberalizing Space' (2002) *Antipode* 380, 380.

<sup>13</sup>Wendy Brown, 'Neoliberalism and the end of liberal democracy' in Wendy Brown (ed), *Edgework: Critical Essays on Knowledge and Politics* (Princeton University Press 2003) 38.

<sup>14</sup>See for example Chandra Talpade Mohanty who notes '[i]f all experience is merely individual, and the social is always collapsed into the personal, feminist critique and radical theory appear irrelevant— unless they confront these discursive shifts.', in Chandra Talpade Mohanty, 'Transnational Feminist Crossings: On Neoliberalism and Radical Critique' (2013) 38(4) *Signs: Journal of Women in Culture and Society* 967, 971. Davies and Bansel similarly observe, '[t]he single most important feature of neoliberal is that it systematically dismantles the will to critique, this potentially shifting the very nature of what a university is and the ways in which academics understand their work.' See Bronwyn Davies and Peter Bansel, 'Governmentality and Academic Work' (2010) 26 *Journal of Curriculum Theorizing* 5, 5.

<sup>15</sup>Rosalind Gill, 'Breaking the Silence: The Hidden Injuries of Neo-Liberal Academia' in Róisín Flood and Rosalind Gill (eds), *Secrecy and Silence in the Research Process: Feminist Reflections* (Routledge 2009)

have been changing in line with tenets of neoliberal governance with education turning into a means to an end in the name of employability and economic reproduction. This move away from the nurturing of academic knowledge for the public good to a form of commodity to further economic profit, has had far reaching consequences for the modern university and society as a whole.<sup>16</sup>

So, what does this growing presence of neoliberalism mean for feminist academics, when we find that it is increasingly infiltrating our place of practice and theory? One way to resist and push back, in our minds, is to embrace feminist collectivity as academic practice. In the article in *Feminista*, we explain how we believe that a return to feminist collectivity, including in the form of collaborative writing, can serve as a form of resistance to this infiltration of neoliberal discourse and rationality in academia. Collective feminist action stands in direct opposition to neoliberal rationality and can illustrate the contentious role of academics in an increasingly commodified environment. Feminist collaborations offer a space for solidarity and self-reflection. Collective academic practice is a response to the antagonistic professional environment created by the proliferation of neoliberal rationality in our institutions.

#### **Shaimaa:**

That collaborative praxis also offers us a way of positioning ourselves in our own terms. Another thing that we are talking about and acting on, is how we are racialised in academic spaces. We have the shared experience of being seen, not as serious scholars, but as *those* people (either TWAIL / feminist / abolitionist ...) working on *certain* locations. Our scholarship does not get integrated into broader knowledge processes but remains within the localities that we belong to. It is not necessarily a bad thing that we situate our knowledge within the legitimate space that vernacularisation of human rights scholarship now has,<sup>17</sup> but vernacularisation comes with its own epistemological limitations with regards to the centre/periphery knowledge dichotomy. Following up on Rohini's comments, it is not just that we need to be productive and 'visible' in the academic space, but we are required to publish in a certain narrative that is deemed more accessible within a universalist understanding of legal knowledge. That is, we have to situate our

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243; Zeena Feldman and Marisol Sandoval, 'Metric Power and the Academic Self: Neoliberalism, Knowledge and Resistance in the British University' (2018) 16 tripleC 214.

<sup>16</sup>See for example Maïa Pal, 'Employability as Exploitability: A Marxist Critical Pedagogy' in Harris and Acaroğlu (eds) *Thinking Beyond Neoliberalism. Political Philosophy and Public Purpose* (Palgrave Macmillan 2022).

<sup>17</sup>Sumi Madhok, *On Vernacular Rights Cultures: The Politics of Origins, Human Rights and Gendered Struggles for Justice* (Cambridge University Press 2022); Miriam Bak McKenna, 'Feminism in translation: Reframing human rights law through transnational Islamic feminist networks' in Rebecca Gould and Kayvan Tahmasebian (eds) *The Routledge Handbook of Translation and Activism* (Routledge 2020) 317-332. Dianne Otto (ed), *Gender Issues and Human Rights* (Edward Elgar Publishing 2013).



work within the canon that essentially marginalises our experiences, placing them at the periphery. What gets dismissed is that our experiences have their own world-making potential.

In that sense, positionality has to be a methodological question. Queer methodologies and critical feminist ones are all about shifting hierarchical terrains to create new relations.<sup>18</sup> For example, Jessica Fields highlights participatory action research and acknowledging feelings and experiences of intimacy as a queer methodological commitment to better analyse the impact of incarceration that essentially denies collective belonging.<sup>19</sup> For Fields, such analysis serves 'as a call for community members to enter the process of knowledge production and for researchers to participate in embodied curiosity.'<sup>20</sup> For me, asking 'how will I situate the potential of my world-views, my experiences and political commitments in relation to others?' in my work, puts me in conversation with others. It also dictates the boundaries of that conversation to fan off pathological hierarchies (i.e. centre/periphery; criminal/law-abiding) while remaining in a messy, curious and collective space.

**Lena:**

**What are the methodological approaches that you use in your work to think about and conceptualise the intersections between gender and race in academia, both as scholars immersed in the field of international law and as researchers of international law?**

**Shaimaa:**

We deal with different but connected legal spheres and as such we depart methodologically to respond to the social and political urgencies that we address in our research. I work on the interaction between human rights practices and political resistance. My PhD was on the 2011 Egyptian uprising, which occurred while I was still studying for my undergraduate legal degree in Cairo. This meant that I never had a 'convincing' doctrinal indoctrination because the uprising affected my learning experience. I felt like I was living in a chasm between the legal technicalities expressed in the lecture rooms and the actuality of the uprising. So, even then, I was searching for a critical language to give voice to what I was experiencing during that political phase in Egypt. I found that language during my Master's degree through Frantz Fanon's work, and TWAIL scholarship. Fanon's work (contextualised in TWAIL) gave me the motifs that enabled me to name and analyse the messiness that I felt in my Egyptian identity and the collective societal fear of another colonial (western) threat if we fell into legal disorder after the uprising.

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<sup>18</sup>Dianne Otto, 'Rethinking 'peace' in international law and politics from a queer feminist perspective' (2020) *Feminist Review* 19; Jessica Fields, 'The Racialized Erotics of Participatory Research: A Queer Feminist Understanding' (2016) 44 *Women's Studies Quarterly* 31.

<sup>19</sup>Fields (n 18).

<sup>20</sup>*ibid* 32.

In my research, my methodology follows a psycho-social analysis to address the complexities within a postcolonial subjectivity when it interacts with the liberal form of agency in human rights. The postcolonial subject is often conceived of as incapable of political resistance, but it is also directed through the use of liberal tools like human rights advocacy, activism or performative utterances of rights.<sup>21</sup> My main premise is that the concept of resistance in human rights discourse does not have any contextual tools that can actually help us address the conditions that necessitate political resistance. My research addresses the basis for action in moments of resistance and how the actual limitations of identification in the human rights field – be gender and race – impact the basis of action.<sup>22</sup> In order to do this, I use psychoanalysis as a discourse on resistance. When transposed to the political realm, psychoanalysis addresses the limitations of the terrain of struggle.<sup>23</sup> Psychoanalysis gives me the tools to access the interiority of the postcolonial subject as a singular entity and as a part of the social collective in order to examine the sources of dissatisfaction that drive resistance.

Answering your question, my work examines the intersection between race and gender when the formerly colonised subject is recognised as part of the 'human order'. It is through queer and black feminist scholars that I came to understand how to read the shortcomings of both the psycho-social and the humanist realm. By reading Fanon's work (with all its limitations and potential) in relation to black feminist thought, I understood the interrelated nature of gendering and racialising practices in the conceivment of the resistant subject in the humanist realm. While in human rights, race and gender appear as naturalised modes of identification, Fanon gives us a language that allows us to denaturalise the function of race, and gender on a 'sociogenic' level.<sup>24</sup> Sociogeny addresses the naturalisation of race within social relations, but Fanon only takes seriously racial pathologies that impede the subject from identifying its sources of dissatisfaction. As such, the subject becomes incapable of resisting or acting on behalf of their dissatisfaction. In Fanon's *Black Skin, White Mask*, the pathologies of the racialised and the gendered subject are reduced to craving to be 'whitened'.<sup>25</sup> The experiences of the racialised and gendered subject are marginalised in nationalist and anti-colonial discourses. This speaks to the

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<sup>21</sup>Costas Douzinas, *The Radical Philosophy of Rights* (Routledge 2016); Michael Ignatieff, *The Rights Revolution* (House of Anansi Press 2009); Kathryn McNeilly, *Human Rights and Radical Social Transformation: Futurity, Alterity, Power* (Routledge 2018); Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge University Press 2003).

<sup>22</sup>Shaimaa Abdelkarim, 'Subaltern subjectivity and embodiment in human rights practices' (2022) 10(2) *London Review of International Law* 243.

<sup>23</sup>Howard Caygill, *On Resistance: A Philosophy of Defiance* (Bloomsbury 2013).

<sup>24</sup>Frantz Fanon, *Black Skin, White Mask* (first published 1952, Pluto Press, 2008).

<sup>25</sup>See the case of Mayotte Capécia in Fanon, *Ibid.* Michelle V. Rowley, 'Whose Time Is It? Gender and Humanism in Contemporary Caribbean Feminist Advocacy' (2010) 14(1) *Small Axe* 1.

contemporary position of Egyptian feminist movements that still have to navigate the respectability metric and nationalist discourse to legitimise their daily practices, or they risk anti-nationalist charges and being western-driven. So, they are stuck in that imminent fear of re/colonisation. To overcome the constraints of feminist work, I work through the actuality of the arena of struggle that Egyptian feminists navigate, when their resistance is conceived as impossible.

### **Rohini:**

I spend most of my time thinking about different ways of teaching and pedagogy so this will be a long answer! I started teaching a course called *'Many Faces of International Law. Critiques and Limits'*<sup>26</sup> about six years ago. Teaching that course has been transformative for me. It gave me a lot of conceptual and methodological frameworks, including 'strategies'<sup>27</sup> to engage with various critical approaches and, taking a break from them.<sup>28</sup> The affective life of teaching and research are very important here.<sup>29</sup> Bearing that in mind, I have found the following 'strategies' very helpful both in the classroom and for research. The first is sitting with the feeling of engaging with the text, including the discomfort that arises from the possibility of imagining something else as law.<sup>30</sup> For instance, I ask my students to document a particular feeling that they have around a text and then to come back to it. Often, these feelings are rooted in underlying assumptions about law, legal education, legal academia, categories, functions, and critique. Resisting that particular emotion in the moment helps to create frameworks that allow me and my students to receive these critiques as well as to reject them after careful consideration. The second is to explore sensorial understanding of critique<sup>31</sup> by bringing something into sight, by focusing on their sounds and aesthetics. An exercise I use to bring something to sight is to ask students to imagine what international law *looks* like. This serves as a two-fold queering device in which it: a) reveals international law's white masculine images and b) engenders an imaginary project of envisioning how law could potentially look. Bringing a certain visual quality of (and to) law into the foreground

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<sup>26</sup>Course Manual available on request.

<sup>27</sup>I use the term strategies here as was used by Oishik Sircar at the 'Virtual Queer Workshop: International Law Dis/Oriented: Queer Legacies, and Queer Futures', Graduate Institute Geneva (September 2021).

<sup>28</sup>Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism* (Princeton University Press 2006).

<sup>29</sup>Raewyn Connell, *Teachers Work*, (Routledge 1985); Sharmila Rege, 'Education as 'Trutiya Ratna': Towards Phule-Ambedkarite Feminist Pedagogical Practice' (2010) 44/45 *Economic and Political Weekly* 88; Amia Srinivasan, 'Talking to my Students About Porn' in *The Right to Sex* (Bloomsbury 2021).

<sup>30</sup>Eve Kosofsky Sedgwick, 'Paranoid Reading and Reparative Reading Or, You Are So Paranoid You Think This Essay Is About You' in Michèle Aina Barale, Jonathan Goldberg and Michael Moon (eds), *Touching Feeling: Affect, Pedagogy, Performativity* (Duke University Press 2003) 123-152; Maria do Mar Pereira, 'Uncomfortable Classrooms: Rethinking the Role of Student Discomfort in Feminist Teaching' (2012) 19(1) *European Journal of Women's Studies* 128.

<sup>31</sup>C. Rigg, 'Somatic learning: Bringing the body into critical reflection' (2018) 49(2) *Management Learning* 150; Kamil Zeidler, *Aesthetics of Law* (Gdańsk University Press 2020).

allows us to have a better understanding of our relation to what it is that we are seeing.<sup>32</sup>

Third is the nature of language and sound in teaching and research on international law. For some in India, English is our first language and most of our legal education is conducted in it. International law, of course, is an exemplar of English language hegemony. My mother-tongue is Bengali which uses gender neutral third person pronouns, among other things. As a scholar of international law, I often make an interesting semantic journey travelling from gender neutrality to a language that is heavily gendered. Lately, I have been scattering untranslated Bengali words throughout my lectures and texts to let my readers/ students do their own translation, transcription, and interpretative work.<sup>33</sup> This allows us to engage with the possibilities of different meanings and imaginations of same/similar words and subsequently, new epistemologies. In doing the work of translating themselves, I ask my colleagues, readers, and students to meet me halfway and share my epistemic labour as a woman of colour. Seeing this sort of emotional labour being enacted (or rejected) both in learning and teaching has been interesting.<sup>34</sup>

This brings me to something that my PhD supervisor Maria do Mar Pereira calls 'the political economy of theory'.<sup>35</sup> When you asked the question about different approaches and methods we use, I found myself thinking that I am not loyal to methods. However, I am keenly disposed towards certain approaches more than others. I am making a distinction between methods and approaches here where the latter is both a disposition and a research technique. And we work around many such approaches – taking what works best for a situation and temporarily breaking away from others in that moment as well as traversing between them in a fluid manner. In 2020/2021, the Asser Institute conducted a *Lecture and Workshop Series: Method, methodology and critique in international law*.<sup>36</sup> The series made me realise that our training notwithstanding, the borders between disciplines are quite porous and sometimes, the best place to think about law is far away from it; in other disciplines and practices. Since then, I find myself moving towards cosmology, science, different traditions of humanities, and then

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<sup>32</sup>Rohini Sen, 'A queer reading of international law and its anxieties' (2021) 3 GNLU Law and Society Review 33.

<sup>33</sup>Susan Sontag, *Against Interpretation, and Other Essays* (Straus & Giroux 1966).

<sup>34</sup>Saba Mahmood makes a similar narrative-interpretative demand of her readers in her staggeringly profound book: Saba Mahmood, *Politics of Piety: Islamic Revival and the Feminist Subject* (Princeton University Press 2011).

<sup>35</sup>This is a term Maria do Mar Pereira uses as part of her course - Producing Feminist Research - to indicate how we can apply different theoretical frameworks rather than parking our project in a singular notion of theory.

<sup>36</sup>Asser Institute, *Lecture and Workshop series: Method, methodology and critique in international law*, <https://www.asser.nl/education-events/lecture-series/lecture-and-workshop-series-method-methodology-and-critique-in-international-law/> accessed 1 March 2023.

bringing them back to international law in ways that are law adjacent. It is a form of queering the subject; apropos Oishik Sircar's presentation in the Virtual Queer Workshop where he articulated queering as reading supposedly canonical texts differently, the process of queering could also be reading something completely different to our disciplines to better understand the discipline itself.

Let me share two examples of work that does this. The first is a story of the Bengali feminist Rokeya Sakhawat Hossain. She was an educator and political activist whose work is typically understood to be in the realm of education and fiction. One of her stories, called 'Sultana's Dream',<sup>37</sup> is a utopian fiction about a kingdom in which women inhabit all public spaces and imprison the men indoors. It is an extremely lucid feminist fantasy which, in the context of a critical legal studies classroom, provides the opportunity for us to imagine laws differently and to interrogate them through feminist literary utopia. The second is a foreword by Gayatri Spivak to a play written by Mahasweta Devi, a Bengali feminist Marxist activist.<sup>38</sup> This foreword is an analysis of the relationship between first world and third world scholars and subjects through the material circumstances of the play. The play itself is a fiery account of feminist rebellion. I use this foreword when teaching a course on international law to critique not just the discipline but also its interlocutors. There are many such illustrations from other disciplines as well.

### **Farnush:**

My approach to research and pedagogy is to widen the forms of knowledge, discourse, and practice that we engage with, when we teach/research/work in the realm of international law and its intersections with feminist theory. My thinking about these issues started when I began my PhD. In its original conception, my project was an analysis of how the Women, Peace and Security agenda of the United Nations was implemented in Afghanistan post-2001. However, the more I engaged with the international legal feminist praxis employed as part of this framework, the more abstract questions I had as to the way this 'feminist' work was undertaken. I particularly began to see the limited epistemologies that were at play in the realm of feminist praxis in international law. It is well documented that international law, including international human rights law, is rooted in Western liberalism.<sup>39</sup> This hegemonic position of Western liberalism in international law has also affected feminist practice in this field.<sup>40</sup> One of the consequences is the

<sup>37</sup>Rokeya Sakhawat Hossain, 'Sultana's Dream' (1905) *The Indian Ladies' Magazine*.

<sup>38</sup>Gayatri Chakravorty Spivak, "'Draupadi" by Mahasweta Devi' (1981) 8(2) *Critical Inquiry* 381.

<sup>39</sup>See for example Anghie (n 5); Ratna Kapur, *Gender, Alterity and Human Rights - Freedom in a Fishbowl* (Elgar Publishing 2018); Makau Mutua, 'The Ideology of Human Rights' (1996) 36 *Virginia Journal of International Law* 589.

<sup>40</sup>See for example Cyra Akila Choudhury, 'Governance Feminism's Imperial Misadventure: Progress, International Law, and the Security of Afghan Women' in Huma Ahmed-Ghosh (ed), *Contesting Feminisms - Gender and Islam in Asia* (SUNY Press 2015); Inderpal Grewal, "'Women's Rights as Human Rights': Feminist

marginalisation of epistemic communities that are situated outside the liberal paradigm. In Afghanistan, this epistemic marginalisation was reflected in the reluctance of international actors to engage with context-specific forms of women's rights promotion. The example I focus on is the use of Islamic feminist strategies by Afghan civil society actors in their advocacy. Islamic feminism has grown as a form of scholarship and practice, especially since the 1990s,<sup>41</sup> but has mostly been ignored in mainstream feminism. In Afghanistan (as in a number of other Muslim majority contexts), it proved to be one of the most promising ways of promoting women's rights, particularly in the rural regions of the country.<sup>42</sup>

These initial findings led me to take a step back from the context of Afghanistan and contemplate a broader question: *How can we engage in cross-border feminist research and practice in international law that resists and counters the Western liberal hegemony of these fields and is informed by epistemic alterity?* In my work, both in terms of research and teaching, I attempt to offer ways to resist, disrupt, and counter the liberal paradigm by contextualising feminist legal praxis. This idea of contextualisation (which is rooted in feminist scholarship)<sup>43</sup> aims to facilitate a greater engagement with epistemologies and epistemic communities that are situated outside the liberal paradigm, whilst at the same time being acutely aware of the global power relations that continue to create patriarchal, colonial, and racialised hierarchies in international law.

Crucially, my work means that I owe what Sumi Madhok calls a 'feminist debt.'<sup>44</sup> My research is focused on the acknowledgment of alternative forms of knowledge and their articulation through epistemic communities. Recognising the hegemony of Western liberal thought in mainstream feminism and international law, I critique and re-envisage the current constitution of feminist praxis in international law by drawing attention to the existence and contribution of non-hegemonic epistemologies as well as marginalised epistemic communities, thereby, incurring my feminist debt. Madhok defines this feminist debt as 'an acknowledgement of the possibility of

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Practices, Global Feminism, and Human Rights Regimes in Transnationality' (1999) 3 *Citizenship Studies* 337; Kapur (n 39); Vasuki Nesiah, 'Toward a Feminist Internationality: A Critique of U.S. Feminist Legal Scholarship' (1993) 16 *Harvard Women's Law Journal* 189.

<sup>41</sup>See for example Ziba Mir-Hosseini, 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism' (2006) 32 *Critical Inquiry* 629; Margot Badran, 'Islamic Feminism: What's in a Name?' (2002) 569 *Al-Ahram Weekly Online* <<http://weekly.ahram.org.eg/Archive/2002/569/cu1.htm>> accessed 9 January 2018.

<sup>42</sup>For an overview of this see: Farnush Ghadery, 'Contextualization as a (Feminist) Method for Transnational Legal Practice' in Peer Zumbansen (ed), *Oxford Handbook of Transnational Law* (Oxford University Press 2021).

<sup>43</sup>See for example Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' (1984) 12(3)-13(1) *boundary* 2 333; Floya Anthias and Nira Yuval-Davis, 'Contextualizing Feminism: Gender, Ethnic and Class Divisions' (1983) 15 *Feminist Review* 62.

<sup>44</sup>Sumi Madhok, 'A Critical Reflexive Politics of Location, "Feminist Debt" and Thinking from the Global South' (2020) 27 *European Journal of Women's Studies* 394.

doing particular research in the first instance.<sup>45</sup> She also makes clear that this feminist debt cannot be repaid but instead we ought to acknowledge our responsibility in widening the possibility of alternative knowledge forms.<sup>46</sup> So, I acknowledge that it is because of the existence of non-hegemonic knowledge forms and the resistance and struggles of marginalised epistemic communities that I am able to engage in this research in the first place.

I just want to say a few words here about the importance of allowing our research insights to influence our teaching and pedagogy. No matter whether this concerns the teaching of feminist legal theory or more 'traditional' modules. What I have found is that students are really interested in learning about different epistemic communities and alternative knowledge forms, discourses, and practices, which might be completely new to them. In most cases, there is a genuine desire to expand their epistemic bases and think critically about issues they might have taken for granted or presupposed in relation to the operation and nature of the law. This is another reason why we come together in this collective in order to contemplate how we can expand our pedagogical approaches and bring these ideas to our students. This interest and desire to move beyond their familiar environments and comfort zones is evident in many of my students. So, even though the higher education sector is increasingly pushing students towards commercial employability, many still crave to, at least, learn about, if not engage with, social justice issues.

**Lena:**

Before moving on to the next question, I wanted to comment on Rohini's point about shifting between different research approaches and disciplines as a way to escape hegemonic epistemologies. In my research, I usually rely on a multitude of concepts and theories, and each one of those does something for me and allows me to highlight different shades of inequality. However, working with this fluidity, and with a multiplicity of methods and concepts pushes the boundaries of conventional research, and I have been told several times to stick to one method. The conventional approach treats methods like a 'straightening device'<sup>47</sup> against queerness and messiness, but that is exactly what I am interested in. Through the use of diverse methodological approaches, I want to reveal the entangled messiness between and within different forces, such as politics and law, gender and race, colonialism and capitalism.

**Farnush mentioned earlier her students' interest in and appetite for learning about alternative methodologies and epistemologies that speak to them and their every-day realities, do others feel the same?**

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<sup>45</sup>ibid 396.

<sup>46</sup>ibid.

<sup>47</sup>Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Duke University Press 2006) 563.

**And what reaction have you had from other scholars, such as feminist scholars, to your *Feminista* article? Do you think that there is space and interest for non-hegemonic research approaches in our current academic setting?**

**Shaimaa:**

I try to think beyond the politics of demand and supply. I personally had a serious struggle when I was taught mainstream liberal feminist scholarship in my undergraduate and masters degree. I could not relate to any of liberal feminist scholars – the scholars' urgencies were different from mine. Until I read the work of Saba Mahmood and Lila Abu-Lughod,<sup>48</sup> I could not situate myself in feminist thought. Similarly, our students know when something is not speaking to them. They come with political, social and economic urgencies and they want us to address them.

Following Farnush's point on the link between pedagogical and research insights, our students tell me that they are affected by our enthusiasm for our research. I teach what I am personally interested in, and I cannot imagine teaching law by the textbook; not because I am not capable of it but because it does not speak to my experiences and my political commitments. I run the decolonising legal concepts module for first year undergraduate students, and my department made a pedagogical decision to introduce that module early in the student's legal education in order to inoculate decolonial and feminist approaches as an essential way of thinking through law and contemporary societal relations, not as an afterthought.

**Farnush:**

To answer your other question regarding our *Feminista* article, one of my colleagues from London South Bank University, who does not work on international law or feminist theory but is instead a housing and welfare lawyer working in our legal advice clinic, seemed to really appreciate it. He explained that the article had resonated with him, as the idea of collective work is at the heart of their approach in the legal advice clinic as well as his work with different law centres. He noted that, at the clinic, they form a collective with the students, where they are constantly producing documents in the name of social justice, but never attempt to homogenise or individualise their work. Working in a housing and welfare clinic in South London is very demanding, so doing it together, as a collective, helps them to be there for each other – colleagues and students alike. My colleague sharing his insights with me was very special and a testament to the importance of collective and collaborative work.

Regarding your question about our pedagogical approaches, and to return to what Rohini mentioned earlier, I also try to make use of a wider array of disciplines and practices in my teaching of law. For example, in my classes

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<sup>48</sup>Mahmood (n 34); Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Harvard University Press 2013).



we draw on literature, poetry, and even music to allow students to better grasp the social reality of the (legal) issues we study. In my experience, these different forms, such as music, literature, performances, and so on, have the potential to transform theoretical knowledge into more tangible forms that students are already familiar with and often appreciate.<sup>49</sup> We need to be aware of the exclusionary and elitist character of both law and academia, including their tendency to be shaped by and developed in ivory towers far removed from reality. By merging legal knowledge and scholarship with music, art, literature and other non-legal forms and practices, 'the law' becomes more accessible and real (and exciting!) to students. The blurring of lines between 'theory' and 'practice' is also important from a decolonial feminist standpoint. Particularly Global South feminists have long argued that the rigid hierarchical distinction between theory and practice/activism is a testament to the coloniality of knowledge production and needs to be resisted.<sup>50</sup>

I also recognise how difficult a task this can be, particularly for early career researchers. In my experience, efforts to go beyond 'the law' in scholarship or teaching are met with scepticism and hesitancy. One question that I must have heard tons of times, when presenting my work, is: 'Where is the law?' or 'What does this have to do with the law?' There remains an assumption within traditional/mainstream legal pedagogy and scholarship that the letter of the law ought to be at the centre of our teaching or research. Resisting these obstacles and limitations can be a difficult task, and one that we think may be at least alleviated if working collaboratively or as part of a collective.

### **Rohini:**

There is definitely more reception of these conversations and there seems to be a new academic paradigm where these forms and dialogues are possible. At the same time, information and the way we receive it is changing. The internet has greatly altered knowledge dissemination; earlier, we went and found things to read, now things come at/to us. This process has substantive pedagogical impact on such conversations both inside and outside the classroom; and we are right in the middle of experiencing it and thinking through it. That helps the overall idea of critically receiving information, thinking

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<sup>49</sup>For an example of how Ghadery connects these different forms of discourses and practices in their work, see Farnush Ghadery, 'Beyond International Human Rights Discourse – Music and Song in Contextualised Struggles for Gender Equality' (2022) 13(1) *Transnational Legal Theory Journal* 31.

<sup>50</sup>Joseli Maria Silva, Marcio Jose Ornat and Liz Mason-Deese, 'Feminist Geographies in Latin America: Epistemological Challenges and the Decoloniality of Knowledge' (2020) 19 *Journal of Latin American Geography* 269, 273–274. On coloniality in knowledge production, see further Shaimaa Abdelkarim, Kanad Baghchi, Farnush Ghadery, Jay Ramasubramanyam, and Rohini Sen, 'A Self-Reflexive Rebellion: Of Universality and False Empowerment of the Global South' (*Opinio juris*, 1 March 2022) <<http://opiniojuris.org/2022/03/17/a-self-reflexive-rebellion-of-universality-and-false-empowerment-of-the-global-south/>> accessed 1 March 2023.

about what critique is and the ways that it can be performed. Hopefully, in the near future, both the good and bad of such critical modalities will be revealed to us. However, I fear that deep work and long form reading, two important tools for critical thinking, are somewhat endangered in this process. This is also why we see a proliferation of smaller forms of writing, blog posts and so on, which are being better received and utilised, especially by students in a particular age group. There are definitely growing tensions and conflicts in traditional academia, where academia currently is, and where academia could potentially be going.

Having said that, I must say that teaching and learning inhabit different temporalities.<sup>51</sup> My experience in a private institution in India has been very different from that in a public institution in India, which again is vastly different from an institution in the UK. When I say different temporalities, I mean different in terms of learning imaginations, resources, and of where people want to go with critical thinking. And all of these are happening within the overarching context of massive political changes across the world. If you bring everything together, there is more openness to critique which seems to be correlated to crisis.<sup>52</sup>

**Lena:**

We have arrived at the end of our conversation. Thanks, Farnush, Rohini, and Shaimaa for sharing your reflections on the praxis of a feminist collaborative ethos. In the roundtable, you have highlighted how the feminist collective allows you to push back against the neoliberalisation of academic knowledge and education, opening up space for collaboratively constructing academia in a less gendered and racialised manner. This embraces plurality in scholarships and resists monolithic and hegemonic understandings of the law. As Farnush suggests, practicing a feminist collaborative ethos means to blur the divide between theory and practice which relies on colonialities and hierarchies in knowledge production. Teaching and researching counter-hegemonic approaches to international law, therefore, become entangled, as reflected in Rohini's account. Teaching international law through sensorial, emotive and translation techniques can open new ways of knowing international law, she notes. Similarly, Shaimaa points out that working collaboratively has also provided you with a tool to position yourself on your 'own terms' as scholars, resisting the gendering and racialisation that ensues when you enter the hegemonic spaces of international law. In this regard, the praxis of a feminist collaborative ethos has allowed you to reorient yourself in the discipline of international law while simultaneously pluralising the orientations of international law as well.

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<sup>51</sup>Rohini has studied, worked and continues to study/work across the UK and India.

<sup>52</sup>Hannah Arendt, 'The Crisis in Education' (first published in 1954), in *Between Past and Future* (Penguin 2006); Gayatri Spivak, *Outside in the Teaching Machine* (Routledge 1993)

Your approaches and methods of practicing feminist collectivity in international law academia foster our objective to spark 'queerer' futures of international law through this special issue. The story of Farnush's colleague, who draws on collective work in his legal housing clinic, shows that a collaborative ethos is indeed a powerful element of many social justice projects. These also include 'queer and feminist coalitional work', which Dianne Otto describes as necessary to 'present a united challenge to dualistic gender (and sexuality) hierarchies that, supported by international law, help to normalise and maintain an international order that is deeply unjust.'<sup>53</sup> I see your praxis as a tool for feminist, queer, anti-racist, and anti-imperial coalitions in international law by drawing on the power of collaboration, plurality, and heterogeneity. Through dialogues with each other, with other participants in the Virtual Queer Workshop, and with the readers of this piece, this roundtable hopefully engaged in such feminist collaborative ethos through the practice of 'relationship-making'.<sup>54</sup>

## Disclosure Statement

No potential conflict of interest was reported by the author(s).

## Notes on contributors

Since the roundtable, Rohini, Shaimaa, and Farnush have founded the Feminist TWAIL Collective; a collective for academics working on critical feminist approaches to TWAIL (Third World Approaches to International Law) specifically and international law broadly. The aim of the Collective is not only to connect these scholars in order to encourage research collaborations but also to create a space of comradeship and support to navigate life in academia. The Collective particularly seeks to support graduates and early career researchers who have just embarked on their journeys in academia by highlighting their research, connecting them to more established colleagues, and creating a space for exchange and collaboration. If you wish to get involved with the Feminist TWAIL Collective, please get in touch by emailing: [criticalfeminismworkshop@gmail.com](mailto:criticalfeminismworkshop@gmail.com).

## ORCID

Shaimaa Abdelkarim  <http://orcid.org/0000-0002-7617-087X>

Farnush Ghadery  <http://orcid.org/0000-0003-4756-5511>

Rohini Sen  <http://orcid.org/0000-0002-8782-2474>

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<sup>53</sup>Dianne Otto, 'Queering Gender [Identity] in International Law' (2015) 33 *Nordic Journal of Human Rights* 299, 318.

<sup>54</sup>Ghadery et al (n 2).