

## MORE THAN A “DECORATIVE FRILL”: MEANINGFUL ENGAGEMENT WITH FEMINISM IN INTERNATIONAL LAW

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As two of the editors of the OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW, one of our primary motivations for pursuing this project was and is to provoke scholarly engagement around women and girls, gender, feminism, and international law.<sup>1</sup> Despite some progress in the practice and study of international law with a feminist lens, there remains a concerning absence of both scholarship and praxis involving women, gender, and feminism, in much of international law and its institutions. We take our title from Hilary Charlesworth, who has called feminist scholarship a “decorative frill” on the edge of the scholarship.<sup>2</sup> To quote her more fully,

Feminist international legal scholarship typically presents itself as in conversation with the mainstream of international law . . . . This conversation is, however, almost completely one-sided; a monologue rather than a dialogue. It is very hard to find any response from the mainstream to feminist questions and critiques; feminist scholarship is an optional extra, a decorative frill on the edge of the discipline. Some critical and progressive scholars use the occasional footnote to feminist scholarship to signal that they have kept up with their reading, but feminist ideas are almost never treated seriously; they are not acknowledged, debated, or refuted.<sup>3</sup>

This assessment of the relationship between feminism and international law is supported empirically. In 2019, Sue Harris Rimmer and Kate Ogg, two Australian feminist scholars, demonstrated that

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1. We are grateful to our co-editors, J. Jarpa Dawuni and Hélène Ruiz Fabri, for their collaboration and camaraderie on the OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW. A special thank you to Profs. Meg deGuzman and Ben Heath for organizing this symposium; we are very grateful for the opportunity to engage a new group of scholars around the topics in the book. Thanks to the authors of the articles in this symposium and the chapters they discussed for joining us in Philadelphia for a lively conversation. Many thanks to the editors of TICLJ, especially the Editor-in-Chief, Bertilio Correa, for their excellent work on this symposium issue.

2. Hilary Charlesworth, *The Women Question in International Law*, 1(1) ASIAN J. INT’L L. 33, 35 (2011).

3. Charlesworth, *supra* 1.

scholarship involving women, gender and feminism accounted for only 2.3% of international law journal articles in the 2000s and even less between 2010 and 2016.<sup>4</sup> Of this scholarship, almost 60% involved human rights, and 10% involved international criminal law.<sup>5</sup>

In our edited volume, Mark Pollack's chapter discusses the extent to which scholarship that engages feminist theory is in the "mainstream" or on the margins of both international law and international relations.<sup>6</sup> In their responses to his chapter that are published in this symposium issue, Nina Reiners and David Zaring encourage us to think further about what "mainstream" really means and what steps we can take to ensure that this scholarship and associated praxis are *mainstreamed*, as well as to broaden our lenses about what constitutes "feminist" scholarship in the first place.<sup>7</sup> Mark's chapter and Nina and David's thoughtful responses exemplify exactly the kind of engagement and critical thinking we were hoping this volume would inspire—and which we see in all the responses to the chapters included in this symposium issue of the Temple International and Comparative Law Journal.

This serious engagement with feminism is particularly important at a moment when there is substantial pushback and backlash against gender, women and girls' rights, LGBTQIA+ people and feminist and queer approaches. We see, within various states' domestic and foreign policies, and on the agendas of NGOs operating throughout the world, attempts to erase important concepts like intersectionality and gender, and even entire categories of people, like intersex and trans people, under the guise of "anti-gender ideology." The United States' recent actions are particularly discomfiting, as it has, for many years, been an important voice on the world stage in support of the human rights of women and girls, in all their diversity, and of LGBTQIA+ persons. As we met to engage with the articles in this symposium issue in January 2025, President Donald Trump issued an executive order entitled "Defending women from gender ideology extremism," requiring the enforcement of a two-gender binary and prohibiting federal funding of "gender ideology," among other problematic mandates.<sup>8</sup>

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4. See RESEARCH HANDBOOK ON FEMINIST ENGAGEMENT WITH INTERNATIONAL LAW 9–12 (Sue Harris Rimmer & Kate Ogg eds., 2019).

5. *Id.*

6. Mark Pollack, *Feminism and the Mainstream in International Law and International Relations*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, Nienke Grossman, Jaya Ramji-Nogales, & Hélène Ruiz-Fabri eds., 2025).

7. Nina Reiners, *There's no Mainstream without Feminism*, 39 TEMPLE INT'L & COMP. L. J. 27 (2025); David Zaring, *Insiders and Outsiders in Feminism, International Law, and International Relations*, 39 TEMPLE INT'L & COMP. L. J. 37 (2025).

8. *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, THE WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government>.

In the same vein, the United States withdrew from the Organization of American States' LGBTI Core Group, which works to "enhance dialogue, cooperation, and the sharing of best practices at regional and multilateral levels" according to a joint statement issued by its founding members in 2016,<sup>9</sup> and the US either limited or stopped reporting on gender-based violence and persecution of LGBTQIA+ people in State Department reports on human rights across the world.<sup>10</sup> A proposed reorganization of the State Department by Secretary Marco Rubio in May 2025, suggested eliminating the Office of Global Women's Issues, as well as cutting eighty percent of the staff of the Bureau of Democracy, Human Rights and Labor.<sup>10</sup> Books like the OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW, which aim to understand the potential and limits of international law and institutions to protect and promote the human rights of women and girls, in all their diversity, and to eliminate gender-based discrimination, are all the more important at this moment.

In addition to increasing engagement—producing more knowledge and critical analysis of issues involving women and international law—one of our central goals with the volume was to expand the range of international legal issues subject to a sustained feminist analysis.<sup>11</sup> We chose to foreground global critical race feminism as a central point of reference for the entire volume, and are honored that Adrien Wing agreed to write a chapter that leads the book in that direction.<sup>12</sup>

Beyond the introductory chapters, the OXFORD HANDBOOK OF

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9. Michael K. Lavers, *US withdraws from OAS LGTBI Core Group*, WASHINGTON BLADE (March 11, 2025), <https://www.washingtonblade.com/2025/03/11/us-withdraws-from-oas-lgbtqi-core-group>.

10. Adam Taylor, *"Rubio Recasts long-held beliefs with cuts to U.S. human rights reports,"* WASHINGTON POST (August 12, 2015), <https://www.washingtonpost.com/national-security/2025/08/12/rubio-human-rights-reports/>; Jessica Stern, Suzanne B. Goldberg & Reggie Greer, *"State Department's new human rights reports are silent. We refuse to be"* WASHINGTON BLADE (August, 18, 2025), <https://www.washingtonblade.com/2025/08/18/state-departments-new-human-rights-reports-are-silent-we-refuse-to-be/>.

10. Farnoush Amiri et al., *State Department notifies Congress of reorganization plan with bigger cuts to programs and staff*, LOS ANGELES TIMES (May 29, 2025 1:37 PM), <https://www.latimes.com/world-nation/story/2025-05-29/state-department-notifies-congress-of-reorganization-plan-with-bigger-cuts-to-programs-and-staff>; Robbie Gramer, *Rubio outlines plans to drastically cut human rights offices in State*, POLITICO (May 29, 2025), <https://www.politico.com/news/2025/05/29/rubio-human-rights-state-00374606>.

11. J. Jarpa Dawuni et al., *Why Women and International Law?*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

12. Adrien Wing, *The Woman in International Law: Centering Global Critical Race Feminism*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

WOMEN AND INTERNATIONAL LAW is divided into three sections. In the book's first section, authors examine women's participation in and exclusion from international law's institutions; in other words, these chapters provide the praxis dimension. In the second section, authors examine substantive areas of international law, both well-trod ground such as international human rights law and international criminal law, as well as areas not commonly examined through a feminist lens, such as artificial intelligence, space law, law of the sea, international investment law, and international trade law. The final section of the book examines the relationship between feminist and other theoretical approaches to international law and provides the focus of this symposium issue.

One of our early ideas for this section was to ask "mainstream" scholars of international law to engage with feminist theory. Though in the end we did not pursue that path, we are hopeful that the edited volume and this symposium will provoke other international legal scholars to engage with feminist approaches in a meaningful way. For example, we were delighted by Haley Anderson's article drawing connections between Hobbes' commitment to materialism and particularity and the traditions of feminist internationalist critiques of liberal theory offered in Vasuki Nesiah's chapter.<sup>13</sup> Moreover, we are gratified to see the level of engagement in this symposium, such as Randle DeFalco's and Lesley Wexler's articles that engage with Edoardo Stoppioni's chapter on queer theory to offer new dimensions to and insights around international criminal law and international humanitarian law.<sup>14</sup>

As is true of the authors who contributed to our edited volume and this symposium issue, the editors are quite aware of international law and institutions' limitations, and we understand the project of an edited volume on women and international law to be a fraught enterprise. One of the first challenges was identifying potential authors and aiming to locate and achieve diversity in all forms. We are very grateful for the range of voices, backgrounds, and experiences in the final volume. Of course, we are cognizant of the book's shortcomings on this front, and we see the edited volume as one more step in continuing efforts to widen the circle of voices engaging with these important topics.

Substantively, we identified three central challenges in compiling the edited volume; our goal was to engage with these tensions and provoke

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13. Haley S. Anderson, *Hobbes and the Liberal Tradition in International Law*, 39 TEMPLE INT'L & COMP. L.J. 89 (2025); Vasuki Nesiah, "Re-Enchanting the World": Feminist Critiques of Liberal Theories of International Law, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025)

14. Randle C. DeFalco, *Queer Atrocity Law*, 39 TEMPLE INT'L & COMP. L.J. 45 (2025); Lesley Wexler, *Queering International Law: Making Room for Rebel Governance and Non-State Armed Groups*, 39 TEMPLE INT'L & COMP. L.J. 63 (2025); Edoardo Stoppioni, *Queer Approaches*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

conversations around them, rather than seeking to answer them. Phrased as questions, these concerns are (1) who are the women; (2) why the category “women;” and (3) why international law?

The first query that we engaged with critically is who are the women we are studying. “Women” is an enormously vast group, and one that we intentionally defined broadly—yet nonetheless risks reproducing hierarchies. Our goal was to foreground intersectionality and minimize the “silencing of difference,” yet we recognize our own positionality and the imperfections that necessarily arise in our approach.<sup>15</sup>

The second vexing issue concerns the implications of using “women” as a category. Many feminist theorists long ago relinquished this label because of the ways in which it flattens its subject. These challenges include the risk of playing into the liberal dichotomies that Vasuki Nesiah describes in her contribution to the edited volume, as well as the heteronormativity and essentialism that Edoardo Stoppioni critiques in his chapter.<sup>16</sup> As Meghan Morris describes the work of Adrien Wing, in her contribution to this symposium, our goal was to “grapple with this tension rather than subsuming it,” prompting debates about essentialism, meanings of the words “women,” “gender,” and “feminist approaches,” recognizing different gender identities and challenging the binary, while exploring the possibility of retaining the category of “women.”<sup>17</sup> To put it a different way, we can challenge these words and concepts and think about their implications and impacts, while still acknowledging that womanhood is a locus of shared oppression, and the word “woman” can be used to advocate for change. In her chapter, Adrien Wing describes this approach as “strategic essentializing,” locating political value in connections while remaining vigilant and working to demarginalize, all the while recognizing intersectionality.<sup>18</sup>

Finally, we sought to foreground the challenging questions around the costs and benefits of relying on international law’s institutions, norms, and discourse as a locus for emancipatory change for women. We

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15. Diane Otto, *Rethinking the “Universality” of Human Rights Law*, 29 COLUMBIA HUM. R. L. REV. 1, 3 (1997).

16. Vasuki Nesiah, “Re-Enchanting the World”: Feminist Critiques of Liberal Theories of International Law, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025); Edoardo Stoppioni, *Queer Approaches*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

17. Meghan L. Morris, *Partial Perspective, Objectivity, and International Law*, 39 TEMPLE INT'L & COMP. L.J. 21 (2025); Adrien Wing, *The Woman in International Law: Centering Global Critical Race Feminism*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

18. Adrien Wing, *The Woman in International Law: Centering Global Critical Race Feminism*, in OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

began from Audre Lorde's skepticism of our ability to "dismantle the master's house with the master's tools."<sup>19</sup> Feminists have long critiqued international law and institutions for failing to address effectively, or even at all, the lived experiences of many of the world's women, and replicating many of the same hidden biases and gendered hierarchies found domestically.<sup>20</sup> The law and its institutions impose unique constraints on feminist agendas because they are inherently conservative of the status quo, and working within them can legitimate a flawed system. Moreover, international law's norms, institutions, and scholarly approaches' claims to neutrality, universality, and linear progress are suspect. TWAIL scholars argue that these norms, institutions, and approaches are built on, reflect, and promote primarily western and colonialist values and interests.<sup>21</sup> Others, like Anne Orford, argue that participating in international law only helps to strengthen imperialist agendas, especially when it does not consider the exploitation of women from the Global South.<sup>22</sup> Finally, because international law's institutions are usually dominated by Western and Northern men, scholars like Christine Chinkin, Hilary Charlesworth, and Shelley Wright have asked whether we should call international law "men's law."<sup>23</sup>

Yet, at the same time, as José Alvarez points out in his essay for this symposium, despite these flaws, international institutions like CEDAW have "transformative potential."<sup>24</sup> Frédéric Mégret's chapter in the edited volume, as described by Steven Arrigg Koh in this symposium, presents

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19. Audre Lorde, *The Master's Tools Will Never Dismantle the Master's House*, in THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR 98 (Cherry Moraga & Gloria Anzaldúa eds., 1981).

20. Hilary Charlesworth & Christine Chinkin, THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST ANALYSIS 22, 48 (2000); Karen Engle et al., *Feminist Approaches to International Law*, in INTERNATIONAL LEGAL THEORY: FOUNDATIONS AND FRONTIERS 174, 189 (Jeff Dunoff & Mark Pollack eds., 2022); Chandra Talpade Mohanty, *Introduction: Cartographies of Struggle: Third World Women and the Politics of Feminism*, in FEMINISM WITHOUT BORDERS: DECOLONIZING THEORY, PRACTICING SOLIDARITY 55–56 (2003); Diane Otto, *The Exile of Inclusion: Reflections on Gender Issues in International Law Over the Last Decade*, 10 MELBOURNE J. INT'L L. 11, 18 (2009); Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in MARXISM AND THE INTERPRETATION OF CULTURE (Cary Nelson & Lawrence Grossberg eds., 1988); Immi Tallgren, PORTRAITS OF WOMEN IN INTERNATIONAL LAW: NEW NAMES AND FORGOTTEN FACES? (2023); Adrien K. Wing, *The Woman in International Law: Centering Global Critical Race Feminism*, in THE OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

21. Vasuki Nesiah, *The Ground Beneath Her Feet: "Third World" Feminisms*, 4 J. INT'L WOMEN'S STUDS. 30 (2003); J. Jarpa Dawuni, *Feminizing Third World Approaches to International Law: A New Agenda for TWAIL*, in THE OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025).

22. Anne Orford, *Feminism, Imperialism, and the Mission of International Law*, 71 NORDIC J. INT'L L. 275, 292 (2002).

23. Hilary Charlesworth et al., *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613 (2011).

24. José E. Alvarez, *What is to be done?*, 39 TEMPLE INT'L & COMP. L.J. 75 (2025).

feminist praxis as embodied sociocultural challenge.<sup>25</sup> Through the volume, we sought to recognize legitimate critiques and tensions inherent in international law, while also identifying ways we might put the law and its institutions to work in service of women and girls. Despite the many shortcomings of international law, it remains worthwhile and necessary to ask how international law and institutions might be able to transform women's lives and how feminist and queer approaches might be able to transform international law and institutions. This is of course a tricky balance to strike, and we are grateful to the authors who contributed chapters to our edited volume and to the TICLJ symposium for engaging robustly with the challenges of international law as a locus of emancipation for women and girls while illuminating potential paths for gender justice.

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25. Frédéric Mégret, *A Look Back at the Women's Hague Peace Conference: What Contribution to International Law Today?*, in THE OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, et al. eds., 2025); Steven A. Koh, *Challenging the Law*, 39 TEMPLE INT'L & COMP. L.J. 151 (2025).