

PARTIAL PERSPECTIVE, OBJECTIVITY, AND INTERNATIONAL LAW

*Meghan L. Morris**

Adrien Wing's framing chapter in *THE OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW* outlines Global Critical Race Feminism (GCRF) as an approach to international law that has something for everyone. I have written this comment on the chapter in that spirit—as someone who does not have expertise in GCRF, but finds much to learn from its contributions to thinking about international law. Wing offers us a nuanced consideration of what those contributions might mean for international law, particularly its methods and its ethics. This comment surfaces some of the critical elements of Wing's analysis, considering its implications for how we think and write about international law.

In her chapter, Wing urges international law scholars to think about race and gender together, and to avoid parochialism, insisting we must think globally. Wing details the historical genesis of these central tenets of GCRF, as an expansion of different intellectual movements that developed in the wake of critical legal studies. Wing narrates this intellectual history in tandem with the social history that shaped and was shaped by these movements, including the U.S. civil rights movement, the expansion of feminist movements, participation of women of color in the academy, the #MeToo movement, and efforts to pass anti-CRT statutes.

As we face rising nationalism, war, debates around immigration, a global expansion of authoritarianism, and a burning planet, race and gender continue to feature in the articulation of both the nature and impact of these problems and their potential solutions. In this sense, race and gender are central not only to the global political conjuncture of the present, but also its roots and its futures.

And yet social movements organized around race and gender (as objects either of alarm or of emancipation) do not operate in the same

* Associate Professor, Temple University Beasley School of Law. I am grateful to the organizers of the *Temple International and Comparative Law Journal's* 2025 symposium, Ben Heath and Meg deGuzman, for the invitation to participate in the symposium, and to symposium participants for the generative conversations and feedback provided at the event. Thanks also to the editors of the *Oxford Handbook on Women and International Law*, J. Jarpa Dawuni, Nienke Grossman, Jaya Ramji-Nogales, and Hélène Ruiz Fabri, and to the chapter authors, particularly Adrien Wing. I thank the editors at the *Temple International and Comparative Law Journal* for their thoughtful editorial work. All errors are my own.

way everywhere or everywhen. This is where Wing's notes on methods become critically important. In emphasizing the importance of narrative, perspective taking, and "looking to the bottom," Wing implies that a certain form of grounded empiricism is necessary in order to effectively incorporate GCRF into international law scholarship and take advantage of the ways GCRF can help explore tensions on the ground between things like custom and Western constitutionalism. Wing warns readers, however, that this challenges the universalizing approach that the development of international law frequently requires. Wing's chapter invites us to grapple with this tension rather than subsuming it, drawing on the tools of GCRF to perform the kind of grounded inquiry that can inform better and more nuanced international legal regimes.

The examination of the relationship between GCRF and objectivity is at the heart of this analysis of methods and ethics. Wing suggests that the tools of GCRF—such as anti-essentialism, intersectionality, and narrative—are not simply narrow analytical contributions that are productive at international law's margins, but in fact can contribute to work in international law more broadly. This is a critical contribution that implicitly pushes against other approaches to empiricism and CRT. Kevin Lee, for example, suggests that empirical methods and CRT are "conflicting epistemologies," due to an opposition that Lee poses between CRT's focus on narrative (which he describes as "subjective knowledge") and empiricism, which he identifies as "objective analysis."¹

In contrast, Wing's analysis posits no such epistemological conflict, suggesting instead that the tools of GCRF that are drawn from CRT, such as narrative methods, do not in fact live entirely in the realm of the subjective or the marginal. Her analysis instead aligns with other feminist epistemologies that reject sharp divides between subjective and objective knowledge. Feminist science studies scholar Donna Haraway, for example, famously argued that "situated knowledges" were partial perspectives that could provide a kind of objective vision.² Rather than opposing subjectivity and objectivity, Haraway called for "politics and epistemologies of location, positioning, and situating, where partiality and not universality is the condition of being heard to make rational knowledge claims."³

Wing's analysis offers an openness to the kind of analytical path from partial perspective to objective vision that Haraway outlines. In insisting not only that the norms of what Audre Lorde called the "master's house" are not neutral or objective, but also that GCRF is for

1. Kevin P. Lee, *Minding the Gap: An Introduction to Empirical Critical Race Scholarship and Complexity Science (with Resources on Agent-Based Modeling)*, 4 N.C. CIVL. RTS. L. REV. 261 (2023).

2. DONNA HARAWAY, *SIMIANS, CYBORGS, AND WOMEN: THE REINVENTION OF NATURE* (1991).

3. *Id.* at 195.

everyone, Wing carves out methodological space for bringing the tools of GCRF to bear on questions of international law.⁴ In doing so, she implicitly rejects the notion that this methodological approach creates the kinds of epistemological tensions that concern Lee.

This carving out of methodological space is simultaneously an ethical proposal. Wing invites international law scholars to use the tools of GCRF not only because GCRF tools help expand knowledge and understanding of international law, but also because taking them up implies respect for others and their contributions as well as an ethical recommitment to service. This approach resonates with Black feminist scholar Jennifer Christine Nash's work on intersectionality, in which she invites Black feminists to shift away from a "proprietary relationship with intersectionality" toward new forms of alliance that reject a defensive posture and open up the transformative potentialities of Black feminist theory in the world.⁵ Like Wing, Nash takes up the legacy of Patricia Williams' work on rights and Kimberlé Crenshaw's on intersectionality to ground this approach, reading Williams and Crenshaw to call for a vision of Black feminist legal scholarship that centers interdependence as ethical practice.⁶ She argues that intersectionality is an analytic that encourages "forms of relationality and accountability that jettison logics of contract and property" and rejects legal "conceptions of neutrality and uniformity as performance of justice."⁷

As a property scholar, reading Wing's insistence that GCRF is for everyone alongside Nash's call to reject proprietary relationships to intersectionality as an analytic makes me wonder if the path to the open, generous, interdependent posture they both call for might in fact require not jettisoning property logics wholesale, but instead drawing from theories of property that reject notions of property as exclusion. There is a longstanding conversation within property scholarship about whether the core of property is exclusion over a clearly defined thing, or whether in fact property is and has always been a "bundle of sticks" comprising relationships between people with respect to things and attachments that are not only about exclusion, but also about

4. AUDRE LORDE, THE MASTER'S TOOLS WILL NEVER DISMANTLE THE MASTER'S HOUSE (1983).

5. JENNIFER CHRISTINE NASH, BLACK FEMINISM REIMAGINED: AFTER INTERSECTIONALITY (2019).

6. *Id.* at 126 (citing PATRICIA J. WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS (1992) and Kimberlé 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 1 (1989)).

7. NASH, *supra* note 6, at 129. This call to reject property logics is common in other feminist scholarship as well. Judith Butler and Athena Athanasiou's analysis of dispossession, for example, argues for an understanding of dispossession that rejects counterclaims to possession and to property. JUDITH BUTLER & ATHENA ATHANASIOU, DISPOSSESSION: THE PERFORMATIVE IN THE POLITICAL (2013).

interdependence and relationality.⁸ The latter view understands property as being not only about asserting exclusive rights, but also about negotiating access and use to things—I would include here analytics—to which there is very rarely one exclusive claim. If the aim is to build an ethical practice that recognizes the significant contributions of those who built GCRF tools and theories over time, and simultaneously invites everyone to use them, it seems to me that this might require a nuanced approach to what kinds of claims can be made by whom, rather than a wholesale rejection of property as an analytical mode.

So, what does Wing's analysis mean for how we think and write about international law? To me, her analysis suggests that partial perspective is required to build the kind of objective vision that is central to people's arguments about international law. Building that partial perspective into objective vision requires, in turn, a certain form of empiricism as well as an ethical posture that is attuned to inclusion both of diverse experiences of the world and positionalities, such that GCRF can be for everyone.

It seems to me that even the basic structure of international law offers points of entry for this kind of analysis. How does one even begin to think about things like custom, divergent interpretations of specific rights and freedoms, or enforcement problems without an attentiveness to grounded local perspectives on political, social, and legal conditions? At that point, incorporating the GCRF tools that Wing suggests becomes a matter not of a dramatic methodological shift but rather of orientation—toward narrative and “the bottom,” while building anti-essentialism and demarginalization into international law practice and praxis. The more challenging task may be grappling with the cracks this exposes not in the assertion of international law's objectivity, but rather its aspirations to universality.

Empirical attention to partial perspective of the kind Wing suggests may also reveal the instabilities of the temporality of progress that is embedded in liberal legal theories of international law. Imagined arcs of historical time that chart clear paths of progress through international law toward justice—or “perpetual peace” in Kantian terms—might run up against perspectives that articulate temporalities not of linear progress, but of cyclical, stagnation, retrogression, or simply time feeling “out of joint.”⁹ Historian Reinhart Koselleck once noted that

8. For an account of the former view, see, e.g., Henry E. Smith, *Property as the Law of Things*, 125 HARV. L. REV. 1691 (2012) and Henry E. Smith, *The Thing About Exclusion*, 3 BRIGHAM-KANNER PROP. RTS. CONF. J. 95 (2014). For accounts of the latter view, see, e.g., GREGORY S. ALEXANDER, *COMMODITY & PROPRIETY: COMPETING VISIONS OF PROPERTY IN AMERICAN LEGAL THOUGHT 1776-1970* (1997); Anna di Robilant, *Property: A Bundle of Sticks or a Tree?*, 66 VAND. L. REV. 869 (2013); Joseph William Singer, *Property as the Law of Democracy*, 63 DUKE L.J. 1287 (2014); and Gregory S. Alexander, *Governance Property*, 160 U. PA. L. REV. 1853 (2012).

9. IMMANUEL KANT, *PERPETUAL PEACE: A PHILOSOPHICAL ESSAY* (1917[1795]).

Kant's theory relied on the idea of acceleration of progress in such a way that "hope evades experience."¹⁰ Wing, in a way, asks us to do the opposite—not in the sense of abandoning hope, but rather in attending to diverse experiences of the world in our analysis of international law, as both a methodological and ethical imperative. I think that Wing, in asserting that GCRF has something for everyone, has confidence we are up to the challenge.

Anthropologist David Scott uses ethnography of the failure of the Grenada Revolution to articulate a sense of time being "out of joint" after the loss of the horizon of revolution in the Caribbean. DAVID SCOTT, *OMENS OF ADVERSITY: TRAGEDY, TIME, MEMORY, JUSTICE* (2014).

10. REINHART KOSELLECK, *FUTURES PAST: ON THE SEMANTICS OF HISTORICAL TIME* 270 (2004).