

INSIDERS AND OUTSIDERS IN FEMINISM, INTERNATIONAL LAW, AND INTERNATIONAL RELATIONS

David Zaring*

I want to use Mark Pollack's examination of the complex and often ambivalent relationship between feminist theory and the "mainstream" parts of the disciplines of international relations and international law ("IR/IL") to broaden the population of those involved in the inquiry.¹

Pollack argues that feminists engage with these disciplines through either an outsider or insider approach. Outsiders criticize mainstreamers from a distance, while insiders seek to integrate feminist perspectives into the existing frameworks of international law.² As Pollack has put it, "to a large extent, feminist theorists have taken an *outside* and *critical* approach to the mainstream," but some "go beyond criticizing domestic governments and international organizations for supporting and replicating patriarchy, seeking to influence such bodies in the hopes of redirecting the machineries of domestic government and international governance in the cause of sexual equality."

I apply his paradigm to the work of an international law scholar who has played both an outsider and insider role in international law and international relations and has been keenly interested in the roles that are given to women inside international institutions and outside of them, without being thought of as a feminist legal scholar, though she codes as a feminist, Anne-Marie Slaughter.³

* Elizabeth F. Putzel Professor, the Wharton School. Thanks to comments from Mark Pollack, Anne-Marie Slaughter, and participants in the Temple International and Comparative Law Symposium on Feminism and International Law held on January 31, 2025, and to Marta Zapata Escondrillas and Rachel Shoemaker for research assistance.

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

2. To be sure, Pollack also identifies feminist scholars who would resist the dichotomy. He identifies, a third strand of IR feminism, associated with Laura Sjoberg and her colleagues, that challenges engagement with mainstream IR and resists acceptance of theoretical assumptions that exclude feminist scholarship. See, e.g., Laura Sjoberg, et al., *Reevaluating Gender and IR Scholarship: Moving beyond Reiter's Dichotomies toward Effective Synergies*, 62 J. *Conflict Resolution* 848, 850 (2018).

3. Some disclosures: I served as Anne-Marie Slaughter's research assistant in law school and owe a lot of my legal career to her assistance. I also admit that the paradigm applies imperfectly. Slaughter's "outside" era as a scholar came while she was employed at three prestigious universities and served as the President of the American Society of

Generally, Pollack's insider/outsider paradigm has the potential to help us understand the choices for a variety of new entrants into old discipline. He is interested in feminists, but you can see outsiders and in insiders among conservative, identitarian, and critical legal groups who engage with international law.

As he observes, feminists adopting an insider strategy have achieved the most success within new doctrinal areas of the disciplines, which stands to reason. International law traditionally did not consider individuals, let alone individual women—it was the law that applied to state-to-state relations. As Slaughter herself has put it,

The Westphalian formulation of relations between states assumes that states are unitary political entities—described either as black boxes or billiard balls. Indeed, the famous principle of *cuius principio, ejus religio* that is supposed to have permitted an end to the Thirty Years War essentially announces that what sovereign governments did within their own borders was of no concern to their neighbors. States were the subjects of international law; international law regulated only political and economic relations between states, not within them.⁴

International relations realists also treated states as black boxes, that acted predictably regardless of the way the state was governed, who governed it, and what sort of values those governors espoused.⁵ In particular, states reliably cared about survival in an anarchic world, and acted predictably to that end. “International anarchy makes it a dog-eat-dog world in which states must behave like pit bulls to survive, or at least convince others that they will so behave if challenged,” as Richard Ned Lebow put it.⁶

Newer areas of international law, however, did care about individuals. A simple textualist unpacking of “human rights,” a post-World War II development in IR/IL, suggests that nonstate actors, humans, enjoy legal endowments—rights. International criminal law is also designed to look inside the state and discipline individuals who act inconsistently with the Treaty of Rome; it is also new, and most bilateral investment treaties afford certain legal rights to investors and companies. In such areas, and in the Women, Peace, and Security agenda, feminist

International Law. Nor did she decide insiderism was not for her after leaving government—she joined the New America Foundation as chief executive officer. Moreover, her work on women and greedy jobs, although rooted in her time as an international law and international relations practitioner at the State Department, was based on her experience more than on her legal analysis.

4. Anne-Marie Slaughter, *Rogue Regimes and the Individualization of International Law*, 36 NEW ENG. L. REV. 815, 816 (2002).

5. Eunbin Oh, *Realism and Power Transition Theory: Different Branches of the Power Tree*, E-INT'L RELS. (Feb. 3, 2018), <https://www.e-ir.info/2018/02/03/realism-and-power-transition-theory-different-branches-of-the-power-tree>.

6. Richard Ned Lebow, *Ethics and Interests*, 96 AM. SOC'Y INT'L L. PROC. 75, 75 (2002).

perspectives have been more influential, as Pollack explains.⁷

Efforts have been made to ensure that women are better represented in international organizations and that rights-oriented institutions take feminist concerns seriously. Nonetheless, here, as Pollack observes, feminists have identified room for improvement. As he puts it,

critical scholars point out that even the apparent “success stories”—such international human rights, criminal law, and security—have been characterized by at best a partial, and problematic, uptake of gender issues by mainstream international legal institutions, which have effectively filtered feminist claims, accepting those that could be framed as compatible with mainstream legal frameworks while neglecting or rejecting others.⁸

Outsider critics, on the other hand, highlight the shortcomings of international legal institutions, which often fail to deliver the kind of care and protections for vulnerable women that are extended to other disadvantaged populations. In this view, “[t]he structures of international lawmaking and the content of the rules of international law privilege men; if women’s interests are acknowledged at all, they are marginalized.”⁹

Pollack’s review of the literature and his dichotomy of intellectual approaches adopted by feminist IR/IL scholars offers much to admire. His essay introduces the reader to a literature, while devising a paradigm that helps to make sense of it. I aim to modestly complicate his contribution by examining the work of an international relations and international law scholar who, while rarely counted as a feminist academic, has shown a keen interest in how women engage with power in international diplomacy and other high-pressure roles, as well as the personal and professional costs of doing so. Slaughter has adopted both insider and outsider approaches in her engagement with international institutions: She has pursued diplomacy as a high-ranking State Department official and has also criticized positions like hers as all but untenable for women with families. The idea is not to undermine Pollack’s useful paradigm, but rather to suggest that in some cases the insider and the outsider can take on the other role over time, which mildly complexifies the insider-outsider dynamic, but also means it can handle unconventional feminist scholars.

Slaughter’s contributions to international law and international relations have been broad and influential. She is well cited for her work

7. Pollack, *supra* note 1.

8. *Id.*

9. Hilary Charlesworth et al., *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613 (1991).

on the success of international courts,¹⁰ transnational judicial dialogue,¹¹ and on the democratic deficit in international institutions, and what to do about it.¹²

In this essay, however, I focus on two different intellectual contributions by Slaughter in particular: her application of liberal international relations theory to international legal institutions that was her first big academic contribution to the space,¹³ and her network theory of international governance that I consider to be the second major paradigm she developed.¹⁴ Both can perhaps be characterized as outsider critiques of old international law and international relations paradigms; the idea is not to engage with existing structures in the disciplines, but to critique them.

These theories challenge the old, black box model of international law and international relations in a way that is at least somewhat compatible with the work of some of the feminist scholars highlighted by Pollack. Hilary Charlesworth, for example, also wanted to look inside the state: “We ask the mainstream to consider women’s lives when applying or developing the law; we critique the assumptions of international legal principles; and we argue for an expanded referential universe.”¹⁵ Robert Keohane also argued that researching the effects of the international system on women was a promising development in international relations scholarship.¹⁶

Slaughter emphasized that more informal, cooperative, and substrate arrangements that fall outside classical accounts of international law are important contributors to international governance, despite being ignored by legal and political science scholars wedded to the state-as-black-box paradigm.

In her book, *A New World Order*, Slaughter argued that global governance was increasingly being carried out by networks of government officials, non-governmental organizations, and international

10. Laurence R. Helfer & Anne-Marie Slaughter, *Why States Create International Tribunals*, 93 CAL. L. REV. 3 (2005), <https://slaughter.scholar.princeton.edu/sites/g/files/toruqf4716/files/slaughter/files/intltribunals.pdf>.

11. Congyan Cai & Yifei Wang, *Transnational Judicial Dialogue in the Rise of China: How the Chinese Judiciary Enhances the Belt and Road Initiative*, 20 ASIA PAC. L. REV. 149 (2022).

12. ANNE-MARIE SLAUGHTER, *A NEW WORLD ORDER* 368 (Princeton Univ. Press 2004).

13. Anne-Marie Slaughter et al., *International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship*, 92 AM. J. INT'L L. 367 (1998).

14. Anne-Marie Slaughter, *Everyday Global Governance*, 132 DAEDALUS, no. 1, 2003, at 83.

15. Hilary Charlesworth, *Talking to Ourselves? Feminist Scholarship in International Law*, in FEMINIST PERSPECTIVES ON CONTEMPORARY INTERNATIONAL LAW 17 (Sari Kuovo & Zoe Pearson eds., 2011).

16. Robert O. Keohane, *International Relations Theory: Contributions of a Feminist Standpoint*, 18 MILLENNIUM, no. 2, 1989, at 245–253.

institutions.¹⁷ She suggested that these networks facilitate cooperation and address global challenges in some cases more effectively than traditional state-centric models, which emphasize diplomacy and military strength.

Slaughter views regulators as a set of new diplomats, emphasizing their role in shaping global governance. As she explains, “Regulatory networks span a wide range from informal bilateral and multilateral networks to more institutionalized transgovernmental regulatory organizations such as the Basel Committee and International Organization of Securities Commissions (the “IOSCO”).¹⁸ These networks, she argued, are more adaptable and responsive to changing global conditions than hierarchical international organizations due to their flexibility and decentralized nature. However, their operations often occur outside the bounds of traditional democratic oversight, raising important questions about their legitimacy and accountability.

Judges, too, contribute to what Slaughter terms judicial globalization, as they “are forming their own organizations and are actively developing principles that allow them to cooperate better in transnational litigation”¹⁹ Such judicial networks are crucial for fostering the consistent application of international law across jurisdictions.

Similarly, legislators, while remaining accountable to their domestic constituencies, have increasingly begun sharing information with one another on matters of common interest.²⁰ This exchange reflects a growing recognition of the interconnected challenges that require collaboration across national borders.

There is some tension between liberalism and networks. Jose Alvarez argues that while Slaughter argues for a distinction between liberal and non-liberal states, she fails to mention how this applies in transnational networks.²¹ He argues that overly optimistic assessments of regulation may “shrink the domain of international law in misdirected, probably counterproductive, pursuit of the “liberal peace.”²² He has suggested that her view is somewhat inconsistent on whether all liberal states truly act similarly and whether non-liberal states always act differently.²³

Neither liberal international relations theory nor network theory

17. ANNE-MARIE SLAUGHTER, *A NEW WORLD ORDER* 14 (Princeton Univ. Press 2004).

18. *Id.*

19. *See id.*

20. Anne-Marie Slaughter, *The Accountability of Government Networks*, 8 INDIANA J. GLOB. LEGAL STUDS. 347 (2001).

21. Jose Alvarez, *Do Liberal States Behave Better? A Critique of Slaughter’s Liberal Theory*, 12 EUR. J. INT’L L. 183, 211–23, 238–46 (2001).

22. *See id.* at 183.

23. *See id.* at 183–90.

appears to engage directly with feminist concerns, but both have some indirect relationships with feminist legal theory. Networks, in Slaughter's account, are informal but effective collaborations between state officials, often with domestic remits unrelated to foreign policy, who recognize that globalization requires coordination with counterparts in other countries. Like feminists, Slaughter looks inside the state to understand how IR/IL makes its impact.

This new sort of governance is susceptible, as are all forms of governance, to feminist critique. Slaughter, in her article *Agencies on the Loose? Holding Government Networks Accountable*, acknowledged the critique that transgovernmental networks could inadequately address a number of problems, including gender disparities.²⁴

Slaughter's liberal international relations theory complements her network approach, emphasizing the role of domestic political structures, societal interests, and transnational interactions in shaping state behavior. This perspective contrasts with international relations realism, which often disregards the importance of international law and reduces state behavior to survival strategies in an anarchic world. Slaughter, by unpacking the internal politics of states, argues that domestic institutions can drive international agendas that extend beyond mere survival.

She argues that liberal democracies, with their emphasis on transparency, accountability, and the rule of law, are uniquely positioned to influence the development of international norms and institutions.²⁵ Slaughter's scholarship integrates international relations theory with legal analysis, challenging traditional realist perspectives that view states as unitary actors driven solely by power and survival.²⁶

In her theory of liberal international relations, Slaughter emphasizes the importance of domestic political structures and societal interests in shaping state behavior. Unlike realists, Slaughter unpacked the state to highlight the influence of internal institutions and actors. Implicitly, I think it is fair to say that liberal international relations has room for consideration of the role of women in society, and Slaughter would say that liberal states treat women differently than do illiberal states.

Is this the work of a feminist scholar? It is perhaps unsurprising that Pollack does not cite her in his chapter. Neither network governance nor liberal international relations theory directly address the implications for women. Both do emphasize, as feminist interventions into international

24. Anne-Marie Slaughter, *Agencies on the Loose? Holding Government Networks Accountable*, in TRANSATLANTIC REGULATORY COOPERATION: LEGAL PROBLEMS AND POLITICAL PROSPECTS 524–25 (George A. Bermann, et al. eds., 2001) (emphasizing the importance of transparency and participation to ensure these networks are held accountable).

25. Anne-Marie Slaughter et al., *International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship*, 92 AM. J. INT'L L. 367 (1998).

26. *See id.* at 378.

law and international relations have emphasized, that there is more to global governance than state actors, however. Moreover, Slaughter has demonstrated a longstanding concern for how women participate in international and other institutions.

She is perhaps most famous for her work on the challenges women face in balancing a demanding career, or “greedy job,” with a fulfilling home life.²⁷ In her book *Unfinished Business*, Slaughter built upon her very widely read *Atlantic* article that argued that the issue of work-life balance is too often framed as a “women’s problem.”²⁸ She warned that this framing places the responsibility for finding and implementing solutions solely on women. Instead, she advocates for work-life balance as a societal issue, observing that, “It’s up to all of us, women and men alike, to make the next big push toward equality between men and women.”²⁹ She has called for the home to be viewed as a shared domain, just as the workplace has become.

Moreover, she has occasionally characterized this work as influenced by feminism. In her 2017 article, *A Response: Short Takes—Provocations on Public Feminism*, she discussed the role of feminism in shaping societal norms and policies and argued that we should “be challenging our own notions of masculinity and interrogating the way we—as mothers, wives and partners, sisters, and bosses—confine men in the same narrow gender roles women have struggled so long to escape.”³⁰

In some ways, Slaughter’s career reflects the typology Pollack identifies for feminist international law and international relations scholarship. After her outside work critiquing the old paradigms of IR/IL as a scholar, she engaged with the foreign policy establishment, accepting a high-ranking position in the State Department, while maintaining her home in Princeton, New Jersey, and commuting to Washington, D.C.³¹ Ultimately, Slaughter concluded that the trade-offs between a high-stakes job and raising a family were real. She later adopted more of an outsider stance with her critique of work-life balance,

27. The greedy job account is usually associated with the work of the Nobel Prize winning economist Claudia Goldin. See, e.g., Goldin, Claudia, *A Grand Gender Convergence: Its Last Chapter*, 104 AM. ECON. REV. 1091 (2014).

28. Anne-Marie Slaughter, *Why Women Still Can’t Have It All*, ATLANTIC, July/Aug. 2012, at 84, <https://www.theatlantic.com/magazine/archive/2012/07/why-women-still-cant-have-it-all/309020>.

29. ANNE-MARIE SLAUGHTER, *UNFINISHED BUSINESS: WOMEN, MEN, WORK, FAMILY* (Random House Trade Paperbacks 2015).

30. Anne-Marie Slaughter, *Why Family Is a Foreign-Policy Issue, Too*, FOREIGN POL’Y (Nov. 26, 2012, 2:10 AM), <https://foreignpolicy.com/2012/11/26/why-family-is-a-foreign-policy-issue>; see also Anne-Marie Slaughter, *A Response*, SIGNS: SHORT TAKES, <http://signsjournal.org/unfinished-business/#slaughter> (last visited May 26, 2025).

31. Anne-Marie Slaughter, *From Mother to Daughter: On Having It All*, NPR (May 9, 2013, 3:29 AM), <https://www.npr.org/2013/05/09/180623444/from-mother-to-daughter-on-having-it-all>.

challenging societal structures rather than seeking change from within the establishment.

Nonetheless, she does not appear in Pollack's chapter, or on any lists of feminist scholars that I know of. She does not appear to view international law or international relations as something that systematically oppresses, and she cannot be thought of as a critical legal scholar—her work does not trash international law or international relations but tries to more accurately describe how it works. Her “unpacking” of the state, however, is precisely the sort of thing that feminist legal scholars do.

Perhaps there is some room for including mainstream theorists like Slaughter in an intellectual movement focused on the concerns of women. But Slaughter's project—understanding how states really act and govern—is different from a work less interested in the way that international law and international relations work, and more interested in the consequences of their work product for a particular population.

One final question that feminist scholars often ask is one of cooption. Was Slaughter's work, which could have been a platform on which more explicitly feminist scholars could have built, curtailed when she moved out of academia and into the State Department, followed by the leadership of the New America Foundation?

The concern about cooption may underestimate the broader influence that Slaughter's transition to roles outside academia has had on advancing concerns about women in practice. While her move to the State Department and leadership of the New America Foundation might have shifted her platform, these roles allowed her to inject her into real-world policymaking and organizational leadership, reaching audiences and stakeholders beyond the confines of academic discourse. By engaging directly with these institutions, Slaughter may have amplified the impact of her counter-realist ideas, paving the way for scholars and practitioners to build on her contributions in new, practical, and interdisciplinary contexts.

Pollack's engagement/critique paradigm for feminist legal scholars works well when applied to Slaughter's own work. But perhaps that reflects the broader applicability of the paradigm to the ivory tower more generally. IR/IL scholars enjoy, unusually for academics, the ability to engage with the real-world institutions of international interaction. That context makes the question whether to engage in pure critique or messy engagement one that applies to everyone, not just feminists.