



The Boundaries of International Law: A Feminist Analysis

Hilary Charlesworth

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The authors' aim is to deconstruct international law, to investigate the ways in which international law has brushed aside the injustices of women's situations around the world, and to 'redraw the boundaries' of international law so that it responds to these injustices.

In mounting their assault, the authors have drawn upon their depth of knowledge of international law and of feminist legal theory and their commitment to equity and justice. By exposing the elements of international law to the clear light of feminist analysis, the authors show that it suffers from defects parallel to those of domestic legal systems. Although in classical theory the subjects of international law (and those most vitally concerned in its content) are states, rather than individuals, international law, as any system of law, is the creation of human beings and its ultimate impact is on individual behavior. Whatever theory is preferred, whether international law is seen as a manifestation of the universal values of natural law or as derived from state practice, whether it is considered as a neutral set of rules impartially applied or as a process of decision-making, international law is influenced by choices between competing values and by policy considerations. Like all legal systems it is based on values and assumptions about how people should live together in society and how organized communities should relate to each other.

A recurrent theme in this study is that of the absence of women from the processes of international law, starting with the organs of the state, and extending to the make up of international organizations, international courts and tribunals. It is within the power of states to change this; they have international obligations to promote equality of participation. But state action has not gone much further than their many exhortations to each other to take action on this issue. As a consequence, at least until the arrival of scholars like the present authors, women have been denied the opportunity to contribute to the shaping of international law, its goals and its priorities,

The strength of this work is that the authors have used their knowledge of international law to throw new light on its underlying theories and to stimulate new ways of thinking about its traditional concepts. This feminist analysis of international law is an important contribution to the process of change and to the redressing of past wrongs. If it provokes debate and even dissension, its purpose will be well served.



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