

## SYMPOSIUM ON J. BENTON HEATH, “MAKING SENSE OF SECURITY”

### FILTERS AND FRAGMENTS: MAKING FEMINIST SENSE OF SECURITY

*Gina Heathcote\**

In this essay, I analyze how feminist work on security is read and understood, where it is located, and the relationship between feminist scholarship and conceptions of security pluralism. I pick up J. Benton Heath’s argument that “pluralist security” is a good tool to address widened security agendas and to decolonize international law.<sup>1</sup> I also develop Heath’s account of “widened security”—which he associates with feminist security studies and with the women, peace, and security agenda—to argue that making feminist sense of widened security requires distinguishing between which feminist knowledge is incorporated into international law and the larger corpus of feminist work.<sup>2</sup> I use feminist analysis as a tool for examining, and responding to, the structural inequalities within law, starting with gender, but expanding to intersectional<sup>3</sup> and postcolonial feminist insight.<sup>4</sup> This approach facilitates the deployment of gender as co-constituted through adjunct vectors of inequality, including, but not limited to, race, sexuality, ableism, or class, as well as the legacies of empire.<sup>5</sup>

Drawing on feminist writing on international law, I identify the reduction, or filtering, of feminist analyses of security before examining how fragmentation within international law undermines feminist attention to the interlocking of race and gender, as well as other forms of intersectional power and privilege. I argue for feminist security beyond this filtered version of feminist praxis. To make this claim, I consider the work of Sylvia Tamale and her account of how legal pluralism animates feminist legal accounts that are committed to decolonial knowledge production.<sup>6</sup> I approach legal pluralism as an opening to different forms of law and the destructive legacy of legal transplants during colonialism that curtail understandings of, among other things, gender and sexuality. From this vantage point, the interplay between widened and pluralist security lenses lies in the capacity for not just the object of security to be enlarged (be it gender security, health security, or climate security) but for a reconceptualization and transformation of security that is fostered via an unfiltered reading of feminism, legal pluralism, and decolonizing methods. I draw on Tamale’s account of legal pluralism and Afro-feminism to demonstrate how an unsettling of methods, theoretical frames, and knowledge itself are central to making feminist sense of security. The domain of security studies has already seen important expansion through feminist security studies that works

\* *Professor of Gender Studies and International Law, SOAS University of London, United Kingdom.*

<sup>1</sup> J. Benton Heath, *Making Sense of Security*, 116 AJIL 289 (2022).

<sup>2</sup> See also Gina Heathcote, *Protesting the Preamble: Normative Pronouncements and Feminist Jurisprudence in the Security Council*, in [TALKING INTERNATIONAL LAW: LEGAL ARGUMENTATION OUTSIDE THE COURTROOM](#) (Ian Johnstone & Steven Ratner eds., 2021).

<sup>3</sup> JENNIFER C. NASH, *BLACK FEMINISM REIMAGINED: AFTER INTERSECTIONALITY* (2019).

<sup>4</sup> RATNA KAPUR, *EROTIC JUSTICE: LAW AND THE NEW POLITICS OF POSTCOLONIALISM* (2005).

<sup>5</sup> Gina Heathcote & Paola Zichi, *Feminist Methodologies*, in [HANDBOOK OF RESEARCH METHODS IN INTERNATIONAL LAW](#) 458 (Rossana Deplano & Nicholas Tsagourias eds., 2021).

<sup>6</sup> SYLVIA TAMALE, [DECOLONIZATION AND AFRO-FEMINISM](#) (2021).

in conversation with these larger fields of feminist scholarship on international law, including critical race feminisms, postcolonial feminism, and queer feminisms. I argue for recognition of this interplay within widened security agendas.

In the following section, I examine how contemporary feminist debates on international legal security interlock and interject into Heath's model of widened security. I draw attention to feminist accounts of non-nuclear proliferation and the link between women, peace, and security, and the Treaty on the Prohibition on Nuclear Weapons.<sup>7</sup> This interplay between different sites of expertise within a widened security agenda is too often overlooked and filtered out of the methodologies behind the messages on demilitarization. Furthermore, I argue that a conceptualization of security pluralism without an account of legal pluralism significantly limits the means through which security might be widened. In the final, concluding, section I focus on pluralist security while extending this to trace the work of African feminist scholar Sylvia Tamale and her account of a decolonized, pluralist legal order that identifies the types of praxis, beyond critique, that address some of the filters and fragments I highlight.

### *Filters*

Decolonial,<sup>8</sup> pluralist,<sup>9</sup> and intersectional<sup>10</sup> feminist methods challenge the narrowness of militarized security and offer significant blueprints beyond militarized (or realist) security paradigms.<sup>11</sup> Likewise, widened security approaches more generally “seek to expand security into new realms and de-center the role of military affairs,”<sup>12</sup> and thus include feminist security studies, alongside human security, global health security, and women, peace, and security approaches. These approaches generally turn to the state (or arguably the international system) to mobilize their vision of widened security, but, as Heath describes, they ultimately risk militarization as a solution, even as security is argued to be wider than military security threats.

Drawing decolonizing, pluralist, and intersectional feminist approaches into this space demonstrates the number of knowledge filters that are enacted around feminist security and international legal knowledge—these filters ultimately produce a reductive view of feminism within institutional outputs. A first filter sits in the space between feminist security studies and feminist scholarship on international law and collective security.<sup>13</sup> Feminist security studies exists in dialogue within a larger series of feminist frames and methodologies, speaking to and with international legal approaches. Within feminist security studies quite diverse voices emerge.<sup>14</sup> I want to think what widened security, within international law, looks like when a wider drawing in of work on gender by international lawyers writing on feminist methodologies is interwoven into feminist security studies. Beyond human security,

<sup>7</sup> Dieter Fleck, *The Treaty on the Prohibition of Nuclear Weapons: Challenges for International Law and Security*, in [NUCLEAR NON-PROLIFERATION IN INTERNATIONAL LAW – VOL. IV](#) (Jonathan Black-Branch & Dieter Fleck eds., 2019).

<sup>8</sup> [KAPUR](#), *supra* note 4.

<sup>9</sup> [TAMALE](#), *supra* note 6.

<sup>10</sup> GINA HEATHCOTE, [FEMINIST DIALOGUES ON INTERNATIONAL LAW: SUCCESSES, TENSIONS, FUTURES](#) (2019).

<sup>11</sup> [TAMALE](#), *supra* note 6.

<sup>12</sup> [Heath](#), *supra* note 1, 318.

<sup>13</sup> See GINA HEATHCOTE, [THE LAW ON THE USE OF FORCE: A FEMINIST ANALYSIS](#) (2012); Emily Jones, *A Posthuman-Xenofeminist Analysis of the Discourse on Autonomous Weapons Systems and Other Killing Machines*, 44 AUSTRALIAN FEMINIST L.J. 93 (2018); Faye Bird, *ISIL in Iraq: A Critical Analysis of the UN Security Council's Gendered Personification of (Non)States*, 11 LAWS 5 (2022).

<sup>14</sup> See, e.g., Akanksha Mehta & Annicka T.R. Wibben, *Feminist Narrative Approaches to Security*, in [ROUTLEDGE HANDBOOK OF GENDER AND SECURITY](#) 48 (Caron E. Gentry, Laura J. Shepherd & Laura Sjoberg eds., 2018); Lauren Wilcox, *Drones, Swarms and Becoming-Insect: Feminist Utopias and Posthuman Politics*, 116 FEM. REV. 25 (2017).

this incorporates health security and climate security and the notion of everyday security.<sup>15</sup> In this register, widened security, as feminists (and others) have articulated, becomes embedded in methodologies for both doing and knowing differently, transforming the way institutions do things, to work toward avoiding the collapse back into militarism as a solution to complex security problems.

An example of how feminist security becomes filtered on arrival within the institutions of collective security is in the collapsing of the term “gender” into “women.” The collapse is achieved in part through an assumption that gender knowledge operates in isolation from other sites of disadvantage, rather than interlocked and intersecting with other discourses of power and privilege. For example, in the UN Security Council, resolutions on women, peace, and security, very limited understanding of women’s diverse experiences is incorporated, with the term “women” assumed to include and accommodate all women’s experiences.<sup>16</sup> This point is key to understanding the space between institutional accommodation of debates and interventions drawn from widened security approaches, such as feminist theories, and the understanding of core concepts and knowledge outside of the institutional frame. Heath alerts us to a distinction between the naming of a wider security threat and methodologies for doing security differently, crucially beyond militarism and toward pluralist security.<sup>17</sup> Naming and seeing this filtering of feminist, or any “outsider” knowledge, is crucial to understanding how power and authority manifest in security discourse, action, and law. However, shifting from identifying the ways in which feminist knowledge is filtered into a thin version of itself in institutional outputs toward ways of knowing and doing differently are rarely given extended attention within mainstream international law.

Furthermore, an additional filter exists in the marking of a distinction between feminist approaches and other adjunct approaches to security, for example, the work on anti-militarism and non-nuclear proliferation. The entry into force of the Treaty on the Prohibition of Nuclear Weapons in 2021 provides an example. The crossover civil society dialogues between feminist and anti-nuclear campaigners, one that traces back through the histories of peace camps and the peace resolutions, as well as the anti-military stance of a significant number of feminist approaches, is regularly filtered out of (non-feminist) scholarship. This filtering prevents the naming and recognizing of the tremendous achievement of the civil society experts and the sixty states parties whose ratifications have brought the treaty to life. Furthermore, the commitment to plural voices in the drafting of the Treaty on the Prohibition of Nuclear Weapons, such that those that were directly harmed by nuclear weapons were given prominence in the process, has distinct methodological affinities with feminist knowledge.<sup>18</sup> This is security from below, speaking to power, and exposing the interplay between diverse security approaches, under the umbrella of widening security but with attention beyond a narrow understanding of threats to security. Moreover, the Treaty on the Prohibition of Nuclear Weapons complicates our understanding of security as emerging through the work of states, representing as it does the culmination of the work of external actors committed to ways of doing and knowing differently, that is pluralist security in action.

From a feminist perspective, identifying the filters that institutional, or state, outputs apply to widening security paradigms is central to shifting away from the simple equation of “gender-equals-women,” toward simultaneously addressing the adjunct power structures of race, sexuality, ableism, and class in line with intersectional approaches to gender. Feminist scholarship identifies the longer history of a single axis lens, such as gender, being co-opted

<sup>15</sup> Hilary Charlesworth, *International Law: a Discipline of Crisis*, 65 MOD. L. REV. 377 (2002).

<sup>16</sup> Gina Heathcote, *Security Council Resolution 2242 on Women, Peace and Security: Progressive Gains or Dangerous Development?*, 32 GLOB. SOC. 374 (2018).

<sup>17</sup> Heath, *supra* note 1, at 320.

<sup>18</sup> Tilman Ruff, *Negotiating the UN Treaty on the Prohibition of Nuclear Weapons and the Role of ICAN*, 30 GLOB. CHANGE, PEACE & SECURITY 233 (2018).

into colonial projects and regulatory regimes via the tools of legal transplants that is filtered out of the message that is picked up within institutional security discourses. To address this filtering attention to the knowledge paradigms that inform expectations about security, expertise, and outcomes is required from mainstream scholars and international institutions alike. Below, after examining how feminist knowledge is fragmented across spaces of expertise, I draw on Sylvia Tamale's account of legal pluralism as an example of how knowledge paradigms, decolonized law, and practice might be articulated in the context of widened security.

### *Fragments*

Heath outlines the function, and risks, of a turn to emergency powers as the focus of security agendas (which he terms discursive security). Before addressing the need for an alternative security frame if “the security interest of the colonized, marginalized, racialized, and subaltern are to be taken seriously on their own terms,”<sup>19</sup> I want to engage emergency powers and collective security, their entanglement, and the larger international legal discourses on fragmentation (or diversification).<sup>20</sup> Heath identifies human rights frameworks as constructing a paradigmatic example of attempts to both preserve the status quo and provide spaces for exceptional action. Heath's work describes emergency powers as a site of widening security that disrupts the status quo while appearing to provide temporary measures only. These shifting frames of security arguably benefit from the rise of the sub-disciplines of international law and the resulting fragmentation within international law. Thus, while realist security sits within debates on the laws of war and the use of force, widened security becomes a niche field of experts on women, peace, and security, climate security, health security, or even maritime security, while discursive security identifies emergency powers, human rights, and counterterrorism laws as the locus of inquiry. All exist simultaneously yet meet and work independently. As Heath describes, these specialized fields of international law offer their answers to complex security problems within a defined domain and, in many cases, reproduce the status quo without significant interplay across the different approaches, sub-disciplines, and their adjunct institutions. Even within the UN Security Council, work on women, peace, and security is developed outside of the work of mainstream international lawyers.<sup>21</sup>

Feminist methodologies demonstrate how a shift to pluralist security must either circumvent or risk the consequences of fragmentation (or diversification) within international law. The women, peace, and security resolutions produced by the UN Security Council serve as a good example. Despite the wider methodologies and epistemologies, complex activist networks, vibrant histories, and alternative knowledge frames, feminist knowledge on international law and on security, from the local to the global, is filtered into a form amenable to the institution—in this case, the Security Council. As such, for mainstream international legal epistemologies to open toward the knowledge of everyday insecurity or intersectional gender there is a need to move beyond the reproduction of specific forms of law that enact a very narrow frame for outcomes.<sup>22</sup> The experience of moving into the institutional collective security space via women, peace, and security has fragmented women and feminist knowledge while eradicating the radical potential of a different way of knowing security through a feminist lens.

<sup>19</sup> Heath, *supra* note 1, at 324.

<sup>20</sup> Anne Peters, *The Refinement of International Law: From Fragmentation to Regime Interaction and Politicization*, 15 INT'L J. CONST. L. 671 (2017).

<sup>21</sup> CHRISTINE CHINKIN, *WOMEN, PEACE AND SECURITY AND INTERNATIONAL LAW* (2022).

<sup>22</sup> Heathcote, *supra* note 2.

*Decolonized African Feminism and Legal Pluralism*

Feminist international law scholars, such as Ratna Kapur,<sup>23</sup> Diane Otto,<sup>24</sup> and Irene Watson,<sup>25</sup> have done important work to address the filtering and fragmenting of feminist knowledge within international institutions. I draw in the legal pluralism of Sylvia Tamale in this short intervention because she describes the interlocking theorization of decolonized law and legal pluralism. It is important to acknowledge that Tamale's work sits in conversation with adjunct feminist writings on legal pluralism and decolonizing approaches, each of which might also be deployed to further develop the analysis presented here.<sup>26</sup>

In identifying the ongoing thread of decolonizing work within contemporary feminist scholarship on international law, I argue that the widened security approach that Heath associates with feminist security studies and women, peace, and security—as well as other voices vying for space within collective security discourse—has to be differentiated in terms of what is received in the international and the larger corpus of work, knowledge, and knowing that emerges within feminist scholarship on international law. For example, Tamale's important account of legal pluralism identifies the centrality of African feminisms to a decolonizing agenda. In identifying the frames of knowledge and power to be drawn toward another way of knowing each other in the domain of the international, Tamale writes: “The empire of postmodern capitalism is spreading like wildfire, not by force of arms but through manipulating our desires and sucking us into its monoculture.”<sup>27</sup> Tamale asks what it would take to center African knowledge, Afro-feminisms, and a commitment to decolonizing law in our future projects: “The continent needs to employ anti-colonial, anti-capitalist, anti-racist and feminist approaches to successfully challenge the existing world order.”<sup>28</sup> I want to close with Tamale's words, which drive us to ask how we understand the world and how we are complicit and intertwined in a very narrow way of knowing, through her calling for an anti-imperialist, anti-patriarchal, and anti-militarist Africa.

Identifying a pan-African agenda for security pluralism strikes me as deeply unsettling to an international legal security apparatus that has produced an Anglo-European knowledge frame so all-encompassing that to stand in Africa, to start on the continent, to encompass the diversity and vibrancy of knowledge and not subsume that into the neo-liberal economic and security order feels fragmented, unmoored, unknown. That unsettling seems a place to begin, evidencing an openness to the type of security pluralism Heath foregrounds in “Making Sense of Security.” Pluralist security might benefit from just such uncertainty and doing away with the strictures of militarized modes of security. For feminist approaches, this is important to an ongoing normative transformation within security institutions that, despite the risks of co-optation, has already resulted in legal and material change. Tamale's work offers a further opportunity to move from a widening of the characterization of threats to security toward a corresponding means for enriching and enlarging responses to those threats. In Tamale's words, which she applies to a decolonized pan-African agenda, but which equally inform a model of pluralist security, “the feminist principles of inclusivity, community, dialogue, social equity and accountability” offers a means to “rearticulate and reinstitute the disrupted.”<sup>29</sup>

<sup>23</sup> KAPUR, *supra* note 4.

<sup>24</sup> Dianne Otto, *Beyond Legal Justice: Some Personal Reflections on People's Tribunals, Listening and Responsibility*, 5 LONDON REV. INT'L L. 225 (2017).

<sup>25</sup> IRENE WATSON, *ABORIGINAL PEOPLES, COLONIALISM AND INTERNATIONAL LAW: RAW LAW* (2015).

<sup>26</sup> TAMALE, *supra* note 6.

<sup>27</sup> *Id.* at 386.

<sup>28</sup> *Id.* at 385.

<sup>29</sup> *Id.* at 375.