

Three Feminist Critiques of Varying Feminist Capitulations to Crisis-Hegemony

Reflections on Otto, Mertus and Grahn-Farley

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THE SEEMINGLY INTRACTABLE pull between the Scylla of 'resistance' and the Charybdis of 'compliance' and the agonistic dilemmas presented by the complexity and difficulty of positioning feminism in relation to them both is well-traced in these chapters by Dianne Otto, Julie Mertus and Maria Grahn-Farley. While a range of themes emerges from reflection on these nuanced and thoughtful chapters, at the heart of each, in different ways, the colonisation of certain emancipatory feminist projects and agendas by the crisis-driven post 9/11 international legal discourse emerges as a central concern, along with a set of related sub-themes: the traction (and inequality) of hegemonic and counter-hegemonic thought-worlds and actions; the pernicious effects of decontextualisation (either the transcendence or the 'emptying out' of context (including, worryingly, lived experience of violation)); the fragile potency of ground-level viewpoint, action and perspective; the false totality of the security-hegemon; its liquid propagandism, and related concerns circling around co-opted feminist responses.

These themes emerge from three rather different reflections. In brief, for Otto, the dangers presented to feminism by the post-9/11 'language of crisis' forms the heart of a critical reading of the colonisation and auto-colonisation of feminism in the context of a hegemonic and all-consuming juridification of life driven by a discourse of 'emergency'. Reflection upon that post-9/11 discursive hegemony, in Mertus's chapter, takes the form

For Mertus, women's rights and feminist advocacy NGOs face reductive patterns of 'framing' in which the 'security' agenda simply excises much of importance and in which the NGO landscape is littered with new sets of impediments to progress in the form of enhanced scrutiny, burdensome restrictions and intrusive regulation. The colonisation, discursively and bureaucratically, of NGO advocacy emerges with troubling clarity from her analysis—lending 'on the ground' credibility to Otto's analysis of crisis-hegemony but suggesting the sense in which 'un-crisis' thinking faces a range of highly complex and obdurate impediments.

Reprising the 1990s' role of NGOs as critical advocates pressing their international political agenda upon states and in the process implicitly emphasising the dispersal of sites of power, Mertus notes that the event of 9/11 produced a political landscape dominated by 'security matters'. Advocacy NGOs found themselves confronted by 'an obstacle course to meaningful participation by non-state actors' with 'new rules of the road', 'blind spots' and 'speed bumps'. Outlining some of these, Mertus suggests that hegemonic power is gained precisely by the possession of a privileged position within the existing rules and institutions of international law, and is served up, even under the Obama administration, as American hegemony, 'albeit with a twist'. The new Obama-style 'partnership model' of hegemony, moreover, renders sources of hegemonic power even more elusive. Steering a path between resistance and compliance requires taking these complexities into account, recalling that at the NGO level, crisis-hegemony has meant that various security-oriented NGOs have taken the centre ground while other NGOs have reconstituted themselves within the security frame. In this process, feminist insistence upon complexity and multiple truths is abandoned while the challenges facing feminist and women's rights NGOs remain as perplexing and intransigent as ever—an insight thoroughly confirmed by Grahn-Farley's chapter.

For Grahn-Farley, the crisis-colonisation dynamic reaches into the depths of the academy, threatening academic freedom and reducing 'agency' to a 'negotiation between resistance and compliance' best exemplified by Halley's production of a theoretical agency for women and children to 'consent to rape' and her critique of the criminalisation of war rape.¹

Halley's thesis employs a colonisation of material fact (and of the embodied suffering of those testifying on their own behalf in a war-crime trial) through the construction of a radically decontextualised reading of an international legal case² in the service of producing a theory of decontextualised agency. This amounts to a strategy reflecting a troubling coalition between

¹ J Halley, P Koiswaran, H Shamir, C Thomas, 'From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism' (2006) 29 *Harvard Journal of Law and Gender* 335.

² *Kunarac et al* (IT-96-23 & 23/1) Foča, ICTY-TPIY.

of a consideration of the dominance of the post-9/11 security agenda and its ideological co-option of feminist and human rights non-governmental organisation (NGO) agendas, while Grahn-Farley addresses a particularly revealing and problematic convergence between hegemonic security-driven agendas and a decontextualised 'feminist' notion of agency as constructed by Halley, representing a troubling convergence between 'agency theory' (per Halley) and Bush-era type 'justifications' for torture.

Otto's chapter addresses the normative expansion of 'crisis governance' implicated in the authorisation of a hegemonic legal order and reflecting a juridical expansionism that has marginalised space for political contestation. Both the exploitation of feminist ideas by those promoting a permanent state of crisis and the concomitant invocation of the language of crisis by feminists, for Otto, heightens the need for feminists to engage in political resistance to the limitations of crisis thinking and to confront a new politics of the every day—a politics now supported by 'a crisis-driven sanctification of aggressive masculinity and domesticated womanhood'. One of the greatest dangers identified by Otto (and by Grahn-Farley's critique of Halley) is the emptying out of context—the sense in which broader analyses situating international problems within the wider context of structural inequality and injustice are partially or wholly excluded by crisis discourse.

For Otto, then, it is vital to resist international law's colonisation of politics (life itself) and to contest the logic of crisis-thought (as well as to prevent the appropriation of opportunity by the dominant actors within crisis governance). A particular problem identified by Otto is the highly selective harnessing of feminist ideas to crisis-management agendas. For her this suggests the importance of maintaining a clear distinction between feminist ideas and the vocabulary of crisis governance. To this end, Otto argues that we should focus on the power of local, while maintaining a continuing commitment to feminist critique of the mainstream crisis-driven agenda. We need to move, as Otto puts it, towards 'un-crisis' thinking, and for her, creative solutions to international problems require ongoing feminist engagement with the sites of international law, but also a commitment to the idea that life and politics overflow the boundaries of legal change: 'Un-crisis thinking requires supporting the activism of women outside the mainstream institutions of law and politics as well as carving out spaces on the inside'.

However, various instances of institutional and non-institutional internalisation of the security agenda seem simultaneously to emphasise both the importance and the potential fragility of Otto's point. 'Un-crisis' thinking depends, in the final analysis upon genuine resistance to the ideology of panic, upon resistance to the internalisation of insecurity. This may be difficult to achieve, as implied by the chapters by Mertus and Grahn-Farley respectively.

a variant of thinking presenting itself as 'feminist' and the neo-Conservative 'Bush doctrine'. The brutal reinvention of rape in this theoretical reconstruction represents a complete reversal of traditional readings of sexual violation. As Grahn-Farley puts it, '[i]n Halley's view, the criminalization of rape as torture took something away from the Bosnian women kept in the control of Serbian soldiers, namely, their ability to choose to have sex with their male guards'. This reversal of meanings is achieved, arguably, precisely by the emptying out of lived context and a radical decontextualisation: unlike the general approach of agency and power-related theories (which contextualise agency in relation to local power) Halley employs agency as a decontextualised organising principle.

Noting that the tension between resistance and compliance deepens in times of terror and anxiety because the consequences of arguments are augmented by the pressures, Grahn-Farley argues that we too easily overlook the influence of terror and anxiety on the 'neutral' interpreter. We forget that feminist interpretation itself may struggle in the space between resistance and compliance. Halley's reduction of agency to a technique through which the individual can accept oppression by institutions produces a 'politics of inevitability' which, rather than reflecting the one being interpreted, reveals the position of the interpreter. Halley's theory produces the paradox of an anti-feminist 'liquid feminism', a feminism constituted by a methodological shift towards acts, no matter how contingent upon oppression, as constituting a form of self expression in the construction of an agency denuded of structural context. This, Grahn-Farley argues, directly and problematically mirrors the shift towards decontextualised state expressions of terror and anxiety.

Taken together these chapters expose the production of a nested series of decontextualisations, closures, co-options and reconstitutions that ill-serve emancipatory feminist agendas. What, then, can we propose in response? The chapters suggest, either implicitly or explicitly, the central importance of recapturing an emphasis upon context, and perhaps of interrogating what 'context' means and is to include. Additionally, a related but distinguishable critical theme also presents itself—typical of feminism's traditional strategies—in the form of a focus on the material, the concrete, the day-to-day lived-realities of embodied, context-located lives and an endorsement of the critical potency of grass-roots, bottom-up trajectories of engagement. This focus on local context, local emplacement, local energies is, however, accompanied by a vivid sense of the need for continuing critical feminist focus upon the structural inequalities of the life-world, and ongoing, if ambivalent, engagement with the notionally 'global' sites of production of international legal norms and discourse.