

Emily Jones. ***Feminist Theory and International Law: Posthuman Perspectives***. London: Routledge, 2023. Pp. 204. US\$36.00. ISBN: 9781032426907.

In the summer of 2023, the Greta Gerwig movie *Barbie* became a cultural phenomenon before it was even released. What is more, immediately after its release, conservative lawmakers in the USA, as well as many other people, became furious about it. Why? For a start, the movie takes the audience to Barbie Land, where ‘all problems of feminism and equal rights have been solved’. Unfortunately, Barbie Land turns out to be a fantasy world, while, in Real World, patriarchal social structures still dominate. In her fascinating book, Emily Jones looks into one of those social structures – international law – through the lens of post-human, feminist, gender and queer studies. Her premise is the idea that international law is not post-human despite its formal focus on the non-human subject. Even though the concept of the state in international law can be considered non-human, it is established by the (hu)man to promote certain interests – interests that are often those of a male elite with power, the interests of Real World’s Kens.

Deepening inequities, the ongoing climate crisis and armed conflicts and wars around the world are strongly bound up with feminist issues. However, Jones claims in her book that most international legal scholars still consider feminist approaches trivial. She challenges those views that mischaracterize the feminist approach as mere ‘niche’. Ambitiously, Jones suggests that feminist theory can be used to analyse all areas of international law. A single monograph, though prominent, cannot examine the entirety of international law and is not intended to. With her groundbreaking research approach, Jones takes on a wide range of fields and questions in her analyses – from technologies of warfare to the legal subjectivity of nature. She argues that post-human feminism provides tools that can be used, first, to examine international law in alternative ways and, second, to develop new regulatory applications and proposals that better meet the challenges of the present. Those arguments represent the focal objectives of the book, aiming to connect theory and practice in an experimental way.

The book is divided into an introduction followed by six chapters. Jones begins with a discussion of feminist approaches to international law and by defining post-human feminism. She follows the leading post-human feminist theorist Rosi Braidotti in introducing three key strands of contemporary post-human thought. In Chapter 1, as the basis for further analysis of the later chapters, Jones provides a background for the anthropocentrism and exclusionary humanism that underlie international law and the concept of the state. The post-human feminist approach seeks to dismantle those exclusive anthropocentric hierarchies between human and non-humans. By emphasizing, for instance, Indigenous knowledge or data feminism, it seems to have the promising potential to offer a broad interpretation of injustice, complexity and failings in human–non-human interconnections regardless of whether the non-human is represented by, for example, artificial intelligence (AI) or a living organism. During the subsequent chapters, Jones convincingly demonstrates this potential to be true.

The four chapters that follow focus on case studies centred on two topical themes. In Chapters 2 and 3, the book deals with the problems of lethal autonomous weapons

systems (LAWS) and the regulation of military technologies. Chapters 4 and 5 address the challenges of international environmental law and the rights of nature. Jones' firm intention is to apply post-human feminism in examples that, according to her, are not usually studied with feminist approaches within international law. The book succeeds in covering examples that are not widely explored in feminist scholarship and international law. Yet the cases studied are not entirely unique in this regard. In the field of (international) environmental law, in particular, some feminist research has been conducted on the similar examples that Jones discusses, as will be addressed below. However, what is original and fresh is Jones' approach, which draws from existing feminist trends and creates something innovative from them, demonstrating how they can be applied to the complex issues and deficiencies of international law.

In the case of LAWS, AI and warfare have been covered in recent years in feminist studies – for instance, in international relations by Lauren Wilcox – as noted by Jones as well. However, the perspective from international law seems to have remained marginal until now. By looking towards alternative regulatory solutions for LAWS and other emerging military technologies, Jones' work fills the research gap. She argues that current international law discussion of LAWS is based on problematic human-centred assumptions that generate false binaries between human and machine as well as between understandings of autonomy and automation (at 84). The latter dichotomy, according to Jones, should be replaced with a continuum in the examination of weapons systems in current use; autonomous features should not be defined as distinct from automated ones, just as their risks should not be either.

Jones also offers intriguing insights on how far anti-militarist-orientated feminist politics can engage with debates on the regulation that justifies and delegates life and death decisions to AI and machines in the first place. Since militarism is one of the central state-run power structures, it cannot escape the feminist critique of power. Jones, however, discusses whether feminism can still engage with, or even assist in, the development of military technologies. For instance, what if AI had an intersectional feminist ethics or the ability to refuse participation in warfare? In pondering those questions, Jones combines the perspective of post-human feminism with not only intersectional feminism but also xeno-feminism and data feminism. It is therefore worth noting that feminist theories are not formed in separate voids but are inherently overlapping. While Jones has named the approach she uses primarily as post-human feminism, others might categorize it differently. At some points, Jones straightforwardly lumps under post-human feminism elements that might also describe approaches such as intersectional feminism, black feminism or ecofeminism. Of course, it is difficult, and, to some extent, unnecessary, to categorize feminist research within one specific feminist school of thought. Instead, it is essential to acknowledge the traditions and scholars, as well as the critics, behind the theories being used as well as the fact that they are overlapping and interactive with each other.

As for international environmental law and the rights of nature, at least the branch of ecofeminism<sup>1</sup> has previously addressed environmental and climate issues.<sup>2</sup> However, Jones discusses ecofeminist approaches only very briefly (at 121–123), emphasizing a critique of ecofeminism that it sacralizes and spiritualizes essentialist ideas about nature. This critique is not unfounded, as it is undoubtedly true that ecofeminism as a tradition from the 1970s to the 1990s has become largely theoretically outdated in this regard.<sup>3</sup> However, the ecofeminist research practised today, rooted in the challenges, oppressions and injustices of the 2020s climate emergency-ridden world, may have much in common with the post-human feminist approach that Jones applies. For example, compared to post-human feminism, critically orientated ecofeminism also allows for a broad interpretation of oppressive power structures and hierarchies exercised and maintained by humans in relation to intergenerational and environmental justice in post-human time and space.<sup>4</sup>

Notwithstanding this minor critique, Jones' analysis of the weaknesses of international environmental law hits the mark. Jones argues that international environmental law maintains subject/object dichotomies between human and non-human while prioritizing human interests over others, and that post-human feminism can be used as a theoretical tool to dismantle such legal structures that harm nature by failing to produce adequate regulatory solutions to stop biodiversity loss and environmental degradation. This is again very similar to the critique that ecofeminist thinkers have advanced about structural dualisms between nature and human culture that perpetuate the oppression of the environment.<sup>5</sup>

Jones' post-human feminist approach to international environmental law is supplemented by critical environmental law theory. According to Andreas Philippopoulos-Mihalopoulos, one of the theorists of critical environmental law, the methodological endeavour of the theory involves a few challenges. It requires radical interdisciplinarity, adequate knowledge and openness to concepts and practices such as post-humanism. Furthermore, to form novel ways of examining the environmental regulation and its shortcomings from a non-anthropocentric point of view, any critical environmental research ought to be conducted from a perspective that questions traditional

<sup>1</sup> Ecofeminism, an environmentally orientated feminist theory, demonstrates environmental and intersectional discourses in which the hierarchical subjugation relationship between human and nature is similar to inequality and oppression based on, for example, gender, race, class, sexuality and physical abilities. As an introduction, see, e.g., Gaard, 'Living Interconnections with Animals and Nature', in G. Gaard (ed.), *Ecofeminism: Women, Animals, Nature* (1993) 1.

<sup>2</sup> See, e.g., Morrow, 'Ecofeminism and the Environment: International Law and Climate Change', in M. Davies and V.E. Munro (eds), *The Ashgate Research Companion to Feminist Legal Theory* (2016) 432; 'Ecofeminist Approaches to the Construction of Knowledge and Coalition Building: Offering a Way Forward for International Environmental Law and Policy', in A. Philippopoulos-Mihalopoulos and V. Brooks (eds), *Research Methods in Environmental Law: A Handbook* (2017) 289.

<sup>3</sup> See, e.g., J. Oksala, *Feminism, Capitalism, and Ecology* (2023).

<sup>4</sup> See, e.g., G. Gaard, *Critical Ecofeminism* (2017).

<sup>5</sup> Donna Haraway and Val Plumwood have considered such dualisms and distinctions as a key to the ecological failings of Western culture. See, e.g., Gaard, *supra* note 4, at xxiv–xxv; D. Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (1991); N.H. Kessler, *Ontology and Closeness in Human-Nature Relationships* (2018), at 10; V. Plumwood, *Feminism and the Mastery of Nature* (1993).

distinctions – for instance, those between human and non-human.<sup>6</sup> Thanks to her experimental approach, Jones meets those challenges commendably. Moreover, as Jones discusses the rights of nature, the book also contributes to the ongoing debate on whether human rights should be broadened to include non-human species, and the legal subjectivity of nature comprehensively acknowledged, in order to help solve the climate crisis and protect non-human species from its consequences.

In the final analysis of Chapter 6, Jones reflects on the challenges of applying post-human feminism to international law. The power of the law to exclude and include has been one of the central targets of the feminist critique of law. Throughout the book, Jones shows how there is still room for the same critique. For instance, the ongoing debate about LAWS largely excludes the voices of the people who are most likely to be exposed to their far-reaching and long-term social and environmental effects. Similarly, while threatening key dimensions of lives and livelihoods, the climate crisis creates the greatest inequities for children, young people, women, Indigenous peoples, refugees, future generations, ecosystems, animals and other species that international environmental law does not yet adequately recognize. In both examples, the habitat of those most affected people and non-humans lies primarily in the global South.

Today's feminist theories and theorists benefit from the earlier findings of feminist traditions. As Jones mentions in the book, she has also taken influences and inspiration from xeno-feminism, data feminism and Indigenous knowledge, to name but a few (at 85). Whereas traditional dogmatic legal reasoning tends to create categories and closed systems while systematizing the structures of law, all of the combined approaches presented in this book have a common ethos of challenging power, dismantling and rethinking damaging power structures and, in the field of legal studies, developing alternative jurisprudence and law. It is this compelling synthesis that is the theoretical strength of the book, although it sometimes appears to the reader as structurally fragmented. Thankfully, the chapter conclusions manage to keep the wider picture coherent.

In any case, although the idea of applying feminist theory to international law may not be entirely new, it is still not widely applied, and the book therefore makes a fruitful and fresh contribution to international legal theory by offering welcome critiques and arguments to contemporary regulatory debates from the perspective of post-human feminism. By combining various theoretical and analytical tools and approaches, as well as bridging more established theories (for example, intersectionality) with newer trends (for example, data feminism), Jones excels in creating something exceptional that extends beyond dominant theories and offers an alternative way to approach fundamental and pressing legal-political questions. She accomplishes this convincingly by first presenting a comprehensive synthesis of the diverse feminist tradition upon which she builds and then constructing something novel and distinct of her own. Furthermore, the book succeeds in crossing not only the interfaces between the

<sup>6</sup> Philippopoulos-Mihalopoulos, 'Critical Environmental Law as Method in the Anthropocene', in A. Philippopoulos-Mihalopoulos and V. Brooks (eds), *Research Methods in Environmental Law: A Handbook* (2017) 131.

feminist schools but also the boundaries between the disciplines. Jones' monograph does not only offer new ideas to the field of jurisprudence and legal theory, but her study also constitutes a post-human research approach and valid methodological tool, regardless of what field of social sciences it is applied to.

To conclude, *Feminist Theory and International Law* has the merit, first, of combining post-human feminism with international legal theory and beyond, probably for the very first time on such a large scale, and, second, of applying it to extremely topical issues that require a new kind of critical thinking to solve. Regardless of whether we are in Barbie Land or in Real World, paraphrasing the anthropologist David Graeber, we can each imagine a different world, just as we can reimagine international law and legal futures, according to Jones.<sup>7</sup>

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Tommaso Soave. ***The Everyday Makers of International Law: From Great Halls to Back Rooms***. Cambridge: Cambridge University Press, 2022. Pp. xxv, 342. £95.00. ISBN: 9781009248013.

This book comes with much advance praise and even more advance warning. The flap copy promises 'unique insights into the inner workings of international courts and tribunals'. The preface (somewhat less grandiosely) sets out the book's central aim: '[T]o show that, beneath the smooth surface of the law, international judicial processes bubble with socio-professional struggles, clashing worldviews, unpredictable contingencies and occasional humour' (at ix). And while most lawyers are likely aware that 'the smooth surface of the law' occasionally hides darker truths, the author, Tommaso Soave, asks readers to brace themselves for an unusual story and, more so, for an unusual way of storytelling or, in his own words, a 'radical departure from canon'; a 'genre-bending take' that combines 'academic analysis' with 'plausible fiction'; and a fair amount of 'undisciplined writing' (at ix–xi). And so, suitably warned and perhaps intrigued, readers embark on a journey that leads them 'under the smooth surface' and into the machine room of international justice or, in the words of the subtitle: 'From Great Halls to Back Rooms'. It is an unusual journey but a rewarding one.

<sup>7</sup> In *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy*, David Graeber writes: 'The ultimate, hidden truth of the world, is that it is something that we make, and could just as easily make differently.' D. Graeber, *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy* (2015).